**Right to Work Checks**

Under the Immigration, Asylum and Nationality Act 2006, it is a criminal offence to employ a person knowingly who does not have permission to undertake work in the UK. It is also a civil offence to do so negligently and employers may be liable for a fine.

To avoid the risk of potential claims for discrimination on grounds of race, employers should ask the same questions of all applicants to prove their entitlement to work in the UK.

If candidates are simply rejected on the basis that they do not currently have the right to work in the UK, and the employer does not make any proper enquiry as to whether or not the applicant is likely to obtain that right, this could lead to a claim of indirect discrimination.

Ask to see the original document, check the validity of the document and finally make a copy of the document and record the date the check was made. Retain the copy securely for the duration of the employee employment.

To check the validity of a document, you need to check that:

* the documents are genuine, original and unchanged and belong to the person who has given them to you
* the dates haven’t expired
* photos look like the applicant
* dates of birth are the same across all documents
* if 2 documents give different names, the applicant has supporting documents showing why they’re different, e.g. a marriage certificate or divorce decree

**Below is a list of acceptable documents for manual right to work checks:**

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

8. A birth or adoption certificate issued in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

9. A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

10 A certificate of registration or naturalisation as a British citizen, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

**For more information visit**

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>