UKVI Immigration Regulations: Prevention of illegal working

UK immigration law requires employers of non-EEA staff to register and obtain a sponsor licence which in turn enables the employer to issue certificates of sponsorship in support of visa applications for overseas nationals. The University is a registered UKVI licence holder and, as such, is responsible for preventing illegal migrants working at the University. This responsibility is governed by the Immigration, Asylum and Nationality Act 2006 which came into force on 29 February 2008.

Before commencing employment

To comply with the terms of our UKVI licence, we are required to be satisfied of the right to work in the UK of employees prior to any employment being undertaken. By conducting the following checks on all employees we will fulfil our responsibilities as a licence holder:

1. Before commencement of employment, the individual will be required to provide one of the original documents in List A or two of the original documents specified in List B (detailed in appendix 1)
2. We will check the following information when presented with these original documents:
   - Photographs are consistent with the appearance of the individual.
   - Dates of birth are consistent with the application forms and that they correspond with the individual’s appearance.
   - The expiry dates of the documents and/or the limited leave to enter or remain in the UK will remain valid throughout the course of the employment.
   - The UK Government endorsements to ensure that they allow the individual to work in the UK
   - As far as can be determined the documents are genuine and have not been tampered with.
3. In accordance with regulations, the right to work check must be completed prior to starting work and any individual who is unable to provide sufficient documentation will be prohibited from commencing in post until the relevant documentation has been provided and verified.
4. We will keep a copy of the documents provided for the duration of the individual’s employment and 2 years after their employment has ceased. For passports the front cover of the passport along with the personal details page and any page with a UK Government endorsement or stamp will be retained. These documents shall be retained within the individual’s personal file held centrally in the Human Resources Office.

Ongoing checks

In accordance with UKVI sponsor license obligations, we complete an annual check of all current visa holders of which includes a passport check and relevant data check (personal details, eg address).

To ensure that individuals who are working in the UK on a UKVI Immigration document have the appropriate documentation and leave to remain in the UK at all times, the HR office will record the immigration document number and expiry date within the HR database. This will enable regular reports to be run to identify individuals whose documentation is due to expire. Where the relevant visa is identified as being due to expire the relevant HR Adviser will contact the member of staff to arrange to meet with them to discuss whether an extension to their visa is required and thereafter guide them through the appropriate procedure and paperwork.

On occasion an individual may not be able to provide copies of their immigration document as their documents are with the UKVI applying for a new visa for example. In these circumstances the individual should be asked to supply a copy of the acknowledgement letter they have received from the UKVI confirming that they are processing their visa. Arrangements should be made to check with the individual at regular intervals to see if they have received their visa. In these circumstances an individual is permitted to continue to work.
Employees’ contact details

We are required to demonstrate that up to date contact details for all our migrant employees are held and easily accessible. In this connection, we are required to hold historical address and contact details for all migrant employees.

It is an explicit contractual requirement of all employees to inform their Line Manager or their HR Adviser of any change to their contact details.

Developments are ongoing to enable a self-service mechanism for staff to update their personal records with any changes to their home addresses and telephone numbers. Until such a process is available staffs are reminded of the importance of updating these details through their local HR office.

Advertising of posts

We follow the Codes of Practices released by UKVI in relation to recruitment practices. The UKVI regulations require every vacancy for which the qualification required to undertake the post is at RQF level 6 or above to be advertised in the Job Centre for a minimum period (as stipulated in the most recent Code of Practice) in addition to the standard advertising media. Information on the requirements of advertising a vacancy is available from the HR Office.

We keep records of all applicants (both EEA and non-EEA nationals) for posts in which the successful applicant requires a Certificate of Sponsorship. These records will be retained for the duration of the employment of the overseas national and will also include the reasons underpinning the recruitment decision which was taken.

Professional accreditation

For individuals who are employed within posts which require evidence of Professional Accreditation e.g. General Medical Council, General Dental Council, General Teaching Council, we are required to demonstrate that a record is kept of an individual’s accreditation and that checks to ensure ongoing registration are carried out on an annual basis. The HR Section will continue to check the accreditation of affected staff at the time of their appointment and record their registration number and expiry dates on the Northgate database.

Management of Staff Attendance

The regulations require us to monitor the attendance of those who require a Certificate of Sponsorship to work in the UK. We are required to notify the UKVI of instances where individuals fail to report for their first day at work, or have a period of 10 days or more unauthorised absence. Therefore, we must be able to identify the attendance of any of our staff on any given working day.

To assist with this, the following principles will apply in relation to staff attendance:

- Where Outlook calendaring facilities are provided, it is expected that staff will maintain their diary for the purposes of recording work commitments.
- All members of staff are required to advise their Line Manager or Head of School as appropriate of any absence (planned or unplanned) from work.
- For those members of staff who do not require access to IT facilities to carry out their role, all unexpected absences from work must be reported to their Line Manager as soon as possible on the first day of absence.
- All members of staff are required to report all absences from work due to illness in line with the procedures contained within the University’s Sickness Absence Policy.

October 2017
LIST A and B – acceptable documents

If individuals have a **permanent right to work** in the UK they should provide a document or combination of documents from List A.

If individuals have a **temporary right to work** in the UK they must provide a document or combination of documents from either List B Group 1 or List B Group 2.

**List A**
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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents or adoptive parents, **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 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.

**List B**

**Group 1** – Documents where time-limited permission lasts until the expiry date of leave
1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **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.
**Group 2 - documents where time-limited permission lasts for 6 months**

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old** together with a **Positive Verification Notice** from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

**DOCUMENTS REQUIRED BY STUDENTS WITH TIME LIMITED PERMISSION UNDERTAKING WORK**

Evidence of the student’s academic institution’s term time dates in one of the following formats:

(i) A printout from their institution’s website or other material published setting out the term time dates for their course; or

(ii) A copy of a letter or email addressed to either the student or the recruiter from their institution confirming the term time dates for their course.

If the student is at the end of their course, they must also provide written evidence that they have completed all the academic requirements of the course (i.e. submitted the dissertation, attended the viva and completed corrections or taken the resit exams) and that there is no further work outstanding.

**DOCUMENTS REQUIRED BY CROATIAN NATIONALS**

Unless exempt, Croatian nationals are required to have a work authorisation document (permission to work in the UK) before they start work. Please contact your HR Partner should you have any queries regarding this.

**Documents which are not acceptable**

- a Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK;
- a temporary National Insurance Number beginning with TN, or any number which ends with the letters from E to Z inclusive;
- a permanent National Insurance number when presented in isolation;
- a driving licence issued by the Driver and Vehicle Licensing Agency;
- a bill issued by a financial institution or a utility company;
- a passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;
- a short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder’s parents;
- a licence provided by the Security Industry Authority;
- a document check by the Criminal Records Bureau;
- a card or certificate issued by the Inland Revenue under the Construction Industry Scheme.