

### Summary of changes - August 2014

In May and July 2014 UK Visas and Immigration (UKVI) introduced changes to the right to work checks employers are required to carry out.

In light of the recent changes, this document has been updated as follows:

Section	Description
<b>Civil penalties</b>	UKVI can now impose up to £20,000 per illegal worker.
<b>Step 1 – Obtain</b>	Clarification has been added regarding when you may or may not accept expired documentation.
<b>Step 2 – Check</b>	The information we are required to check in order to verify a document has been updated.
<b>Step 3 – Copy</b>	UKVI no longer require the front cover of the passport to be copied.
<b>Acceptable documents for proving right to work</b>	Frequency of checks table has been added to help identify when additional or follow up checks are required.
<b>Validity of passport and travel documents</b>	Information has been added regarding <u>current</u> documentation. UK endorsements are no longer acceptable in an expired passport
<b>List A and List B</b>	There have been changes made to acceptable documents. List B now contains Group A and Group B. The introduction of 'current' in List B.
<b>Official Documents issued by a previous employer or Government Agency</b>	Confirmation that a payslip is not an acceptable document.
<b>Employing Students</b>	Section has been added detailing restrictions placed on students working, visa conditions and term dates.

The University is required, under UK immigration law, to check the eligibility of all staff to work in the UK. Serious breaches of the immigration rules may lead to the University losing its licence to employ migrant workers and sponsor overseas students. Civil penalties can also be imposed up to £20,000 per illegal worker.

The University will have a statutory excuse against liability to pay a civil penalty for employing an illegal migrant, and protect our ability to sponsor overseas staff and students if we check and copy certain **original** documents **before** someone starts working for us.

However, if we **know** that we are employing a person who is not allowed to work, then we **will not** have an excuse against payment of a civil penalty, **regardless of whether we have carried out any document checks**.

UK Visas and Immigration provides the following guidance on complying with the necessary document checks:

### Step 1 - Obtain

**You must obtain acceptable documents from List A or List B.**

**You must only accept original documents.**

**An expired passport of a UK national or a national of a European Economic Area country or Switzerland is acceptable.**

**Documents held by nationals outside of the EEA or Switzerland must be current.**

Details of the acceptable documents included in List A and List B are provided later in the guidance in the section on 'Acceptable documents for proving right to work'.

### Step 2 - Check

**You must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question.**

For each document given to you, you must check:

- photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
- expiry dates for permission to be in the UK have not passed;
- any work restrictions to determine if they are allowed to do the type of work on offer (for **students** who have limited permission to work during term-times, you **must** also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed);
- the documents are genuine, have not been tampered with and belong to the holder; and
- the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll). Supporting documents should also be photocopied and a copy retained.

### Step 3 - Copy

**You must make a clear copy of the document, in a format which cannot later be altered**

You must make a clear copy of the relevant page or pages of the document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:

- any page containing the holder's personal details. In particular, you should copy any page that provides details of nationality, their photograph, date of birth, signature, date of expiry or biometric details; **and**
- any page containing UK immigration endorsements showing that the holder has permission to be in the UK and has the right to carry out the work in question.

You must copy other documents in full; this includes **both sides of a Biometric Residence Permit**.

**UKVI no longer require the front page of the passport to be copied in order to establish and retain a statutory excuse.**

**You must sign and date every page of the documents you copy to show that you have seen the original(s) and send all pages to HR to record that the check has been carried out.**

#### **Suggested wording when certifying documents:**

I hereby certify that this is a true and correct copy of the original document.

Certified by .....

Print name .....

Day ..... Month ..... Year .....

There is an 'Employers Right to Work Checklist' available on the [UKVI Website](#) which you may also find useful to help you make sure that you have correctly carried out all the steps required of you in your duty to prevent illegal working and to get and then keep a statutory excuse.

#### **Acceptable documents for proving right to work**

The documents that are acceptable for proving someone has the right to work in the UK are split into two lists.

**List A** documents show that the holder is **not subject to immigration control, or has no restrictions on their stay**, so they have an **ongoing** right to work in the UK. If we correctly carry out checks when List A documents are given to us, then we will have an excuse against payment of a fine for the duration of that person's employment with us.

**List B** documents show that the holder **has been granted leave to enter or remain in the UK for a limited period of time and, or, has restrictions on their right to work**. If we correctly carry out checks when List B documents are given to us, then we will have a time-limited statutory excuse against payment of a fine. A follow up check will be required in order to retain the excuse.

**In all cases, the excuse must be established before the employment begins.**

To keep our excuse we must carry out follow-up checks if the employee is from outside the European Economic Area and Switzerland and have time-limited permissions to do the work in question.

If, when we recheck an employee's documents, they provide us with documents from List A, no further checks are necessary and we will keep our excuse for the remaining duration of the person's employment with us.

If at the time of the checks, a person has an outstanding application with UKVI or appeal to extend their leave in the UK, then Human Resources will need to request a Verification Notice from UKVI. The Service will confirm that the person has, or continues to have, the right to work here. This confirmation is required to keep an excuse against payment of a civil penalty for 6 months.

Document Type	Excuse Type	Frequency of Checks
List A	Continuous	Before employment starts only
List B - Group 1	Time-limited	Before employment starts and again when permission (as set out in the document checked) expires
List B – Group 2	Time-limited	Before employment starts and again after 6 months (as set out in the Positive Verification Notice),

### Validity of passports and travel documents

From 16 May 2014, the following documents must be current i.e. have not expired to provide an excuse:

- Biometric Residence Permits;
- Immigration Status Documents;
- Passports which are not held by a British Citizen (or a citizen of the UK and Colonies having a right of abode in the UK) or a national of a European Economic Area (EEA) country or Switzerland; and
- Residence Cards (including Accession Residence Cards and Derivative Residence Cards) issued to non EEA national who is a family member of a national of an EEA country or Switzerland.

**An Indefinite Leave to Remain stamp in an expired passport is not acceptable.**

**UK Immigration endorsements in expired passports are not acceptable.** Migrant workers are now required to transfer their visa to a new passport or apply for a Biometric Document.

### Employing Nationals from the European Economic Area

Nationals from the European Economic Area (EEA) countries and Switzerland are referred to in this guide as EEA nationals. They can enter the UK without any restrictions. You should not, however, employ an individual purely on the basis that they claim to be an EEA national. All EEA nationals can work in the UK without restrictions.

We require all staff, including EEA nationals, to produce an official document showing their nationality. This will usually be either a national passport or national identity card. Some EEA nationals may also have been issued with a registration certificate. This is a document issued by the Home Office to confirm that they are living here lawfully, either by exercising their Treaty rights or residing as the family member of another EEA national who is exercising Treaty rights. An EEA national can exercise a Treaty right as a worker, jobseeker, self-employed person, self-sufficient person, or as a student.

Some EEA nationals may also be able to produce a document certifying that they have a right of permanent residence in the UK. All of these documents are included in List A and will provide us with an excuse if checked and copied before the person starts working for us.

EEA nationals who can work without restriction

<ul style="list-style-type: none"> <li>• Austria</li> <li>• Belgium</li> <li>• Bulgaria</li> <li>• Cyprus</li> <li>• Czech Republic</li> <li>• Denmark</li> <li>• Estonia</li> <li>• Finland</li> <li>• France</li> <li>• Germany</li> </ul>	<ul style="list-style-type: none"> <li>• Greece</li> <li>• Hungary</li> <li>• Iceland</li> <li>• Ireland</li> <li>• Italy</li> <li>• Latvia</li> <li>• Liechtenstein</li> <li>• Lithuania</li> <li>• Luxembourg</li> <li>• Malta</li> </ul>	<ul style="list-style-type: none"> <li>• Netherlands</li> <li>• Norway</li> <li>• Poland</li> <li>• Portugal</li> <li>• Romania</li> <li>• Slovakia</li> <li>• Slovenia</li> <li>• Spain</li> <li>• Sweden</li> <li>• United Kingdom</li> </ul>
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Croatian Nationals

From 1 July 2013, as European Economic Area (EEA) nationals, Croatian nationals have been able to move and reside freely in any EU Member State, however, Croatian nationals who wish to work in the UK will need to **obtain authorisation to work** before starting any employment, unless they are exempt from doing so. Further guidance is available on the UK Border Agency website at: <http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/>

List A	
Acceptable documents to establish a continuous statutory excuse	
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 <b>current</b> 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 <b>current</b> 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 <b>current</b> 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, <b>together with</b> 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 <b>full</b> 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, <b>together with</b> 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, <b>together with</b> 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, <b>together with</b> 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 a time-limited statutory excuse lasts until the expiry date of leave	
1.	A <b>current</b> 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 <b>current</b> 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 <b>current</b> 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 <b>current</b> 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, <b>together with</b> 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 a time-limited statutory excuse 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 <b>less than 6 months old together with a Positive Verification Notice</b> 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, <b>together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
3.	A <b>Positive Verification Notice</b> 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.

### Official documents issued by a previous employer or Government agency

A P45, P60, National Insurance number card, or a letter from a Government agency are acceptable to demonstrate a person's National Insurance number. A Government agency can include for example HM Revenue and Customs (formerly the Inland Revenue), the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency.

**You should not accept a National Insurance number on its own in any format as this does not provide acceptable evidence of right to work in the UK. [A payslip is not an accepted document.](#)**

## Employing Students

We recognise that students fulfil a number of important roles within the University. However there are working restrictions placed on some international students, and there are considerations for the Home students to manage a work/study balance.

### Home Students (UK, EEA and Swiss Nationals)

Although there are no working restrictions placed on Home students by UKVI, we should ensure that studying remains their priority. To allow students time to engage fully in their studies, a maximum of 20 hours work per week is recommended during term time.

### Students who have limited right to work in the UK:

#### ▪ Additional Evidence

UKVI introduced the requirement to obtain evidence of a student's term and vacation dates as part of their right to work in the UK check. This will ensure we do not employ a student outside of their visa conditions.

Before employing a student who has a limited right to work in the UK we must obtain evidence of their academic term and vacation dates covering the duration of their studies in the UK for which they will be employed. You can obtain the dates for the entire duration of the course or, if this is not possible, obtain and copy them annually providing the information we hold is current at the time of the student's employment. We should request this evidence from the student.

UKVI consider acceptable evidence to be one of the following:

- **A printout from the student's education institution's website** or other material published by the institution setting out its timetable for the student's course of study, (you should check the website to confirm the link is genuine); or
- **A copy of a letter or email addressed to the student** from their education institution confirming term time dates for the student's course; or
- **A letter addressed to you as the employer** from the education institution confirming term time dates for the student's course.

#### ▪ Visa Conditions

International students are often able to work part-time during their studies in the UK and full-time during their vacations and any period of time between completing their studies and their permission to be in the UK expiring. Some international students have no right to work at all.

It is essential you verify how many hours a student is able to work and you do not offer work outside of their visa conditions. The number of hours permitted is usually stated on their visa sticker or biometric document.

#### ▪ Completing studies early

Students are given a short period of time to stay in the UK after their course ends, often referred to as 'wrap up period', and the person may work full time during this period. If the student completes their course early the Home Office will normally vary the student's permission so that the 'wrap up period' runs from the new course end date. If their permission to be in the UK has not been varied in this way but the person is found working beyond the wrap up period that would apply to their new course end date they will be in breach of their immigration conditions.

## Undergraduate Students

Unless otherwise stated on their visa, undergraduate students who are studying at degree level or above may work up to 20 hours per week during term time and full time during vacation.

### Undergraduate Term Dates to 2016

#### 2013/2014

<b>Autumn Term</b>	30 September 2013 - 20 December 2013
<b>Winter Vacation</b>	21 December 2013 – 19 January 2014
<b>Spring Term</b>	20 January 2014 -11 April 2014
<b>Spring Vacation</b>	12 April 2014 – 11 May 2014
<b>Summer Term</b>	12 May 2014 - 20 June 2014
<b>Summer Vacation</b>	21 June 2014 – 28 September 2014

#### 2014/2015

<b>Autumn Term</b>	29 September 2014 - 19 December 2014
<b>Winter Vacation</b>	20 December 2014 – 18 January 2015
<b>Spring Term</b>	19 January 2015 - 10 April 2015
<b>Spring Vacation</b>	11 April 2015 – 10 May 2015
<b>Summer Term</b>	11 May 2015 - 19 June 2015
<b>Summer Vacation</b>	20 June 2015 – 27 September 2015

#### 2015/2016

<b>Autumn Term</b>	28 September 2015 - 18 December 2015
<b>Winter Vacation</b>	19 December 2015 – 17 January 2016
<b>Spring Term</b>	18 January 2016 - 8 April 2016
<b>Spring Vacation</b>	9 April 2016 – 8 May 2016
<b>Summer Term</b>	9 May 2016 - 17 June 2016
<b>Summer Vacation</b>	20 June 2016 – 25 September 2016

#### Undergraduate students must not:

- be self-employed
- be employed as a professional sportsperson including as a sports coach
- be employed as an entertainer
- take a permanent full-time job
- work as a doctor or dentist in training, unless you are on the foundation programme.



**Postgraduate Students**

Unless otherwise stated on their visa, postgraduate students may work up to 20 hours per week during term time and full time during vacation. Postgraduate courses have varying term and vacation dates and do not follow the standard University terms. The following term dates have been identified by the University:

**Postgraduate Taught Programme Term Dates 2014 - 2015**

<b>Welcome Week</b>	22 September 2014 – 26 September 2014
<b>Autumn Term</b>	29 September 2014 - 19 December 2014
<b>Spring Term</b>	19 January 2015 -10 April 2015
<b>Summer Term</b>	11 May 2015 – 20 September 2015

**Postgraduate Research Programme Term Dates 2014 - 2015**

Our expectations for postgraduate research students are that they study throughout the whole year, working for at least 35 hours per week and take vacations (normally 6 weeks over the year) as agreed with their supervisor. There is only one term; the dates of the term coincide with the academic year, 22 September 2014 – 20 September 2015.

**Programmes with Non Standard study periods**

There may be some programmes where the expected study periods do not coincide with the term dates set out above. In these cases term dates will be notified separately.

**Postgraduate students must not:**

- be self-employed
- be employed as a professional sportsperson including as a sports coach
- be employed as an entertainer
- take a permanent full-time job
- work as a doctor or dentist in training, unless you are on the foundation programme
- work full time if their course of study is deemed to have no vacation time
- undertake a work placement unless it is in their course syllabus / programme specification