

## ELIGIBILITY TO WORK IN THE UK POLICY

### THE LAW

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (known as the 2006 Act). These rules came into force on 29 February 2008. They replaced the previous rules under section 8 of the Asylum and Immigration Act 1996 (known as the 1996 Act).

An illegal worker is defined as someone who is:

- subject to immigration control; and
- aged over 16; and
- not allowed to carry out the work in question because either they have not been granted leave to enter or remain in the UK or because their leave to enter or remain in the UK:
  - is invalid,
  - has ceased to have effect (meaning it no longer applies) whether by reason of curtailment, revocation, cancellation, passage of time or otherwise, or
  - is subject to a condition preventing them from accepting the employment.

Under the 2006 Act, Deanston Cooper has a duty to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK. Document checks are performed on all temporary workers regardless of their entitlement to work in the UK.

### PROCEDURE FOR CHECKING ELIGIBILITY TO WORK IN THE UK

In order to perform these document checks, one of our Consultants will arrange to meet with you prior to the commencement of your first placement. During this meeting the Consultant will perform the required checks to verify the authenticity of the documents and then take copies for our records.

There are only certain documents that can confirm your right to work in the UK and these are broken down below into two lists: List A and List B.

Documents from List A provide an on going excuse and only require to be checked once. If a person has a time limit on their stay, then we will carry out repeat checks at least once every 12 months while working with us and until the document is due to expire. If a person has a restriction on the type of work they can do and, or, the amount of hours they can work, then we will work to ensure that these restrictions are not breached.

## WHAT DOCUMENTS ARE REQUIRED TO PROVE ELIGIBILITY TO WORK IN THE UK

### List A Documents

Any of the documents, or combination of documents, described in List A below show that the holder has an ongoing right to work in the UK.

1. A passport showing that 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. (Please note that a Certificate of Entitlement to the Right of Abode in the UK must be in a valid passport)
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of an EEA country or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office to a national of an EEA country or Switzerland.
4. A permanent residence card or document issued by the Home Office to a family member of a national from an EEA country or Switzerland.
5. A Biometric Residence Permit issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A passport or other travel document 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. (Please note that a Certificate of Entitlement to the Right of Abode in the UK must be in a valid passport)
7. An immigration Status Document issued by the Home Office, to the holder endorsed to indicate that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number.
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 together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number.
9. A birth or adoption certificate issued in the Channel island, the Isle of Man or Ireland together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number.
10. A certificate of registration or naturalisation as a British citizen together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number.
11. A letter issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number.

## List B Documents

Any of the documents or combination of documents in List B below show that a person is allowed to work in the UK for a limited period of time. Documents from this list will need to be verified every 12 months while working through Deanston Cooper up until it is due to expire.

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work on offer.
2. A Biometric Residence Permit issued by the Home Office to the holder which indicates that the person named in it can stay in the UK and is allowed to do the type of work on offer.
3. A residence card or document issued by the Home Office to a family member of a national of an EEA country or Switzerland.
4. A work permit or other approval to take employment issued by the Home Office together with either a passport or other travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the type of work on offer or a letter issued by the Home Office to the holder or to the employer confirming the same.
5. A Certificate of Application which is less than 6 months old issued by the Home Office to or for a family member of a national of a EEA country or Switzerland stating that the holder is allowed to take employment together with a positive verification letter from the Home Office's Employer Checking Service.
6. An Application Registration Card (ARC) issued by the Home office stating that the holder is 'Allowed to Work' or 'Employment Permitted' together with a positive verification letter from the Home Office's Employer Checking Service.
7. An Immigration Status Document issued by the Home Office to the holder with an endorsement that the person named on it can stay in the UK and is allowed to do the type of work on offer together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number.
8. A letter issued by the Home Office to the holder or to the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work on offer together with an official document from a previous employer or Government agency with the person's name and National Insurance number.

Should you require further assistance in ascertaining what documentation we can accept or if you have any questions surrounding this policy, please call the office on 0141 637 9544.

This policy is to be reviewed annually at management review meetings.



**Russell McCaig, Managing Director**

**Date: 1<sup>st</sup> March 2016**