How to Copy and Check Passports and Eligibility Documents

1. Background........................................Page 2
2. Why do we need to do checks....................Page 2
3. How do we conduct checks .......................Page 3
1. Background

This guide outlines how to verify and copy Right to Work documents for workers who are new to the University.

Right to work checks are only to be carried out by those who are University staff and have read and understood this training and guidance document.

2. Why do you need to do checks?

As an employer, we have a duty to prevent illegal working. We should conduct document checks to make it harder for people with no right to work in the UK to unlawfully obtain or stay in employment, and to make it easier for you to ensure that you only employ people who have permission to do the work in question.

It is illegal to employ someone aged 16 or over subject to immigration control and who is not allowed to undertake the work in question.

If you carry out document checks as set out in this guide, we will have a statutory excuse against liability for a civil penalty. This means that if it is found that we have employed someone who does not have the right to work, but have correctly conducted document checks as required, we will not receive a civil penalty for that illegal worker.

We could face a large financial penalty known as a civil penalty of up to £20,000 for each illegal worker.

If you know that you are employing someone who is not allowed to carry out the work in question, you will not have a statutory excuse, regardless of whether you have conducted document checks.

You will commit a criminal offence under section 21 of the 2006 Act, as amended by section 35 of the Immigration Act 2016, if you know or have reasonable cause to believe that you are employing an illegal worker. You may face up to 5 years’ imprisonment and/or an unlimited fine.

If you are liable for a civil penalty, it could also affect our ability to sponsor migrants who come to the UK in the future, including those you wish to work for you under Tiers 2 or 5 of the Points Based System.
3. How do you conduct checks?

There are three basic steps to conducting a right to work check.

Remember three keywords:

**Obtain**
Obtain original versions of one or more acceptable documents

**Check**
Check the document's validity in the presence of the holder

**Copy**
Make and retain a clear copy, and record the date the check was made.

**Step 1 – Obtain**

You must obtain **original** documents from either List A or List B of acceptable documents at Annex A.

Check must be conducted **BEFORE** the worker starts employment. If this is done the same day then they must report to you or to HR first thing in the morning before they undertake any work related duties.

Ideally, the Check should be taken originally at interview stage to ensure that we have the Right to Work check before they commence work.
Tier 4 (Student Workers) – you should obtain the details of their holiday/term dates and check they are eligible to work the number of hours during these times. Further guidance can be found at https://www2.le.ac.uk/offices/sas2/visas-and-immigration/employment

**Step 2 - Check**

You must **check** that they are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.

You must check:

1. Photographs and dates of birth are consistent across documents and with the person’s appearance in order to detect impersonation.

2. Expiry dates for permission to be in the UK have not passed.

3. 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).

4. The documents are genuine, have not been tampered with and belong to the holder; and the reasons for any difference in names across documents (e.g. original marriage certificate, divorce decree absolute, deed poll). These supporting documents should also be photocopied and a copy retained.

**Step 3 - Copy**

You must make a **clear copy** of each document in a format which cannot later be altered, and this needs to be verified with the statement:

‘**I certify this is a true and unaltered copy of the original, the date on which this right to work check was made:**’

- With your signature
- Name written in bold
- And date the check was verified.

You must send this copy to Human Resources, recruitment team so that it can be stored on the file in line with UKVI regulations.

You must copy and retain:

1. **Passports**: any page with the photograph, document expiry date, the holder’s nationality, date of birth, signature.
If relevant - Leave expiry date, biometric details, entry stamp to the UK and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question (the front cover no longer has to be copied).

2. All other documents: the document in full, including both sides of a Biometric Residence Permit and a Residence Card (biometric format).
You must retain copies securely for not less than two years after the employment has come to an end.