

Have you checked that the person you are planning to recruit is entitled to work in the United Kingdom?

Why do I need to bother?

Since 1997 we have been required to check that people we propose to recruit are entitled to work in the United Kingdom. However Section 8 of the Asylum and Immigration Act 1996 changed with effect from 1st May 2004, and was again updated in February 2008 with the Immigration, Asylum and Nationality Act 2006 meaning we now have to seek additional documentation.

It is a criminal offence to employ someone who has no right to work in the UK, or no right to do the work we may be planning to offer them. From February 2008, the Council can be fined up to £10,000 for every person recruited without sufficient checks being made. The Immigration, Asylum and Nationality Act 2006 also introduces an additional criminal offence for knowingly employing an illegal worker. The penalty is up to 12 months imprisonment.

As a check to ensure that Adur and Worthing Council's do not flout these requirements you must now supply a copy of the documentary evidence you collect for every potential employee and sign and date the copy to show that you have seen the original. ***'New starters' should not be offered work and cannot be processed for HR purposes without this evidence.***

What evidence do I need to collect?

From February 2008 you must ***check and copy*** either one original document from those specified in **list A** (which establishes that the person has right to work in the UK) or two original documents from those specified in **list B** (which indicates that the person has restrictions on their entitlement to be in the UK and ***must be checked every 12 months from the first day of employment***). Just checking the document will not be regarded as acceptable. When you copy the document the Home Office recommends that you copy all the pages which give the potential employee's personal details plus the front cover.

Be sure to see the original document (i.e. photocopies are not acceptable) and satisfy yourself that the document relates to the individual who is supplying it to you. If, for example, you think that the original document has been tampered with (e.g. information has been changed or a date of birth is not consistent with the appearance of the potential employee) ask for additional proof.

If the person is unable to supply the required documentation from the list on the reverse of this sheet, but is able to supply alternative documentation, please contact Human Resources who will contact the Home Office to ascertain whether this documentation may be regarded as acceptable.

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Remember, you need one original document from those specified in list A or two original documents from those specified in list B.

List A	Tick when seen, copied and signed
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 British citizen of the UK and Colonies having the right of abode in the UK, or a national of the EEA or Switzerland	
A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the BIA to a national of an EEA country or Switzerland, or a permanent residence card so issued to a family member of such a national	
A Biometric Immigration Document issued by the BIA 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	
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, or has no time limit on their stay in the UK	
An Immigration Status Document issued by the Home Office or the BIA to the holder with an endorsement indicating 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*	
A full birth, or adoption, certificate issued in the UK, Channel Islands, Isle of Man or Ireland, which includes the name(s) of at least one of the holder's parents, or adoptive parents*	
A certificate of registration or naturalisation as a British citizen*	
A letter issued by the Home Office or the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK*	

* Note that the last four categories of document in list A are only acceptable when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer (e.g. P45, P60, National Insurance Card)

List B	Tick when seen, copied and signed
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 in question, provided that it does not require the issue of a work permit	
A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question	
A work permit or other approval to take employment issued by the Home Office or the BIA when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question, or letter issued by the Home Office or the BIA to the holder or the employer or prospective employer confirming the same	
A certificate of application issued by the Home Office or the BIA to or for a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old when produced in combination with evidence of verification by the BIA Employer Checking Service	
A residence card or document issued by the Home Office or the BIA to a family member of a national of an EEA country or Switzerland	
A Application Registration Card issued by the Home Office or the BIA stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the Border and Immigration Agency Employer Checking Service	
An Immigration Status Document issued to the holder, or a letter to the holder or the employer or prospective employer, by the Home Office or the BIA, which indicates that the person named in it can stay in the UK, and is allowed to do the type of work in question, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer (e.g. P45, P60, National Insurance Card)	

Reference to documents issued by the Home Office also include documents issued by the former Immigration and Nationality Directorate (IND) and Work Permits (UK)