

Right to Work (R2W)

Guidance

This process must be followed:

Who requires a R2W check?

1. ALL staff employed to work with TEFAT must have a R2W check (this does not include agency staff if they are employed by the agency). This includes staff who are transferred to TEFAT following conversion.
2. If you employ agency staff onto your payroll you must carry out a R2W check
3. All checks must be carried out before employment starts. Those in List B (time limited) will need follow-up checks in line with the Home Office Employers Guidance

What documents are required as proof?

4. Only those documents listed on the Home Office checklist are acceptable (<https://www.gov.uk/government/publications/right-to-work-checklist>)
5. Use the Home Office checklist as the top sheet for all R2W checks
6. All documents to be used to verify R2W must be genuine, original, unchanged and photos carefully checked against the individual with the individual present. Check:
 - a. the dates for the applicant's right to work in the UK haven't expired
 - b. photos are the same across all documents and look like the applicant
 - c. dates of birth are the same across all documents
 - d. the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work)
 - e. if 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree
7. Documents must be copied (these must be clear and legible) signed, dated and verified by the person delegated this function

You must copy and retain:

- **Passports** – any page with the document expiry date, the holders nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question (the front cover **does not** need to be copied)
- **All other documents** – the document in full, including both sides of a Biometric Residence Permit and a Residence Card (biometric format)

8. Each document must be verified with the date that the check was carried out. This date may be written on the document copy as follows: **'the date on which this right to work check was made: [insert date]**
9. R2W documents must be kept separate from DBS documents even if the same document has been used (this is because R2W documents must not be destroyed)

If the job applicant can't show their documents

You must ask the Home Office to check your employee or potential employee's [immigration employment status](#) if one of the following applies:

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office
- they have an Application Registration Card
- they have a Certificate of Application that is less than 6 months' old

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

Extra Information if the Employee is a Student

If the person you are employing is a student who has limited permission to work during term-time, 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. This evidence can be a printout from the education provider's website (as long as you have checked the website to ensure the link is genuine); a copy of a letter or email addressed to the student from their education provider confirming term time dates for their course or a letter addressed to TEFAT from the education provider confirming the term time dates for the course.

Record keeping

1. R2W documentation must be kept securely for not less than two years after the employment has come to an end
2. Ensure that R2W are easily located in the personnel files
3. Keep a note of those staff with a restriction and keep this under review – remind them 3 months before expiry date
4. Ensure that the EPM portal is kept completely up to date – either 'no restriction' if documents are from Home Office checklist (List A) or 'Valid documentation in place' if from List B
5. Notify the TEFAT HR team if you employ a member of staff with a work restriction in order that the TEFAT central register can be updated

Queries

General queries to EPM. Specific queries to TEFAT HR team. Also use the Home Office helpline.

Home Office: Sponsorship, Employer and Education helpline

Telephone: 0300 123 4699

Monday to Thursday, 9am to 5pm

Friday, 9am to 4:30pm