

# Right to Work in the UK

## Course Workbook



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# START HERE

## WELCOME!

This is the course companion workbook for our Introduction to the Right to Work in the UK course.

## HOW TO USE THIS WORKBOOK

Download and save this workbook before filing in your answers. It is editable - all you have to do is click inside the boxes or above the solid lines to type your answers. You can also print the workbook and complete it by hand if you prefer.

This is how it works. In this course we will teach you about who has the right to work in the UK, but information alone isn't enough - you need to take action, and you might want a reference source when putting your learning in to practice - that's what this workbook is for. Once downloaded and saved, it is yours to keep, print or save on your computer. Forever. Well, perhaps not forever, but for a while ...

The workbook is designed for you to use side by side with the learning. It follows the same structure as the course and has space for your notes; it contains useful tips and links to external websites and other useful reference material.

Don't worry - this workbook does not need to be handed in; it is not assessed and no-one else will see it (unless you want to share)

## DON'T BE STUCK

If you are having difficulty with any element, from technical issues to difficulty understanding the content or how it relates to your work, please let us know. You can contact us by phone or email:

Office Number - 01293 889691

[info@twolimited.co.uk](mailto:info@twolimited.co.uk)

## DISCLAIMER

Immigration rules and regulations do change. We make every effort to keep our material up to date, but can't guarantee this. Please always double check before taking action based on the information in this workbook and associated course.

# ABOUT THE COURSE

Complete this page for your learning record

Section	Notes
Course Title	Introduction to Right to Work in the UK
Dates of course	
Your Personal Objectives in taking this course  To form some objectives, finish this sentence: "By the end of this course, I will be able to ..."  Try to find 2 or 3 bullet points in answer	<i>Tip - where possible, avoid starting your bullet points with 'understand' - try to find a stronger descriptive word</i>

By applying the information in this course, you should be better able to check whether identity documents are genuine and in the hands of the rightful holder. Following the steps you are about to learn will help avoid identity fraud in your organisation.

## COURSE OUTLINE

Section	Notes
What is Right to Work?	
Why are Right to Work Checks Necessary?	
How to conduct a Right to Work Check	

Section	Notes
Follow-Up Checks	
More Complicated Situations	
What Documents Can I accept?	

Section	Notes
Space for Extra Notes	

## REFERENCE SECTION

### EUROPEAN COUNTRIES

United Kingdom!

### EU Countries

Austria; Belgium; Cyprus; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland (Republic); Italy; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Poland; Portugal; Slovakia; Slovenia; Spain; Sweden

### A2 Countries

Bulgaria and Romania

### From 1<sup>st</sup> July 2013

Croatia

### EEA Countries

Iceland; Norway; Liechtenstein

### Treated as an EEA Country

Switzerland

## VISA CATEGORIES AND WORK RESTRICTIONS

Visa category	Work Restrictions	Notes
Tier 1 Innovator	Only work in own business	
Tier 1 Start up	Primarily in own business but supplementary work to support the visa holder whilst business is starting up	
Tier 1 Entrepreneur	Only work in own business	This category is now closed to new applications but existing visa holders can continue until renewal
Tier 1 Global Talent	Can work for an employer or in own business	
Tier 1 Exceptional Talent	Can work for own business or as an employee	This category is now closed to new applications but existing visa holders can continue until renewal
Tier 1 Investor	Can work for an employer or in own business	
Tier 2 General	Employment only with sponsor and restricted to job described on certificate of sponsorship	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week
Tier 2 ICT	Employment only with sponsor and restricted to job described on certificate of sponsorship	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week
Tier 4	Student employment rules: p/t during term time; f/t in holiday periods. Visa specifies if 10 or 20 hours per week, or if no work is allowed	For full compliance, the employer must have confirmation that the student is enrolled and of term dates held on file
Tier 4 internship / work placement	Full time work allowed if the placement is an integral part of the course - no further visa required	
Tier 5 Creative and Sporting	Employment only with sponsor and restricted to job described on certificate of sponsorship	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week
Tier 5 Religious	Employment only with sponsor and restricted to job described on certificate of sponsorship	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week

Tier 5 Government Authorized Exchange	Employment organized by sponsor and restricted to job described on certificate of sponsorship (but job may be with a third party)	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week
Tier 5 International Agreement	Employment only with sponsor and restricted to job described on certificate of sponsorship	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week (NB some extra restrictions apply for second jobs)
Tier 5 Charity Worker	Employment only with sponsor and restricted to job described on certificate of sponsorship	Can take supplementary work in similar field outside of normal working hours and no more than 20 per week
Tier 5 Youth Mobility Scheme (YMS)	Any employment	Small scale self employment only - rented premises with equipment worth £5000 or less and no employees
Tier 5 Seasonal Worker	Employment only in job described on certificate of sponsorship	Secondary employment is NOT permitted
Spouse / Partner	No restrictions	
PBS dependant	No restrictions	
EEA family member	No restrictions	
Indefinite leave (to remain or enter)	No restrictions	
Asylum Seeker	Can only work if permitted - check the work proof carefully	Must use UKVI ECS to confirm right to work is still valid
Refugee	No restrictions	
Ancestry	No restrictions	
Visitor	Only permitted business activities	Cannot fill a vacancy
Fiancé(e) and proposed civil partner	Cannot work	

## RECORD KEEPING CHECKLIST

If you decide to audit your current employees, remember the rules have changed over the years - you need to know the correct rules for the time of employment. As long as the correct rules were applied at the time of recruitment, then you do not need to bring the record up to date. The table below is a checklist for auditing files of employees who started from 2008 onwards.

Checklist	On file?
<p>Which pages have been copied?            For a passport or travel document this should be:            –front cover (if the person started work before 15 May 2014)            –any page(s) containing the photograph, name, date of birth, biometric details, expiry date, nationality or signature, and            –if not a British or other European Economic Area (EEA) national, the page with the stamp confirming the holder's current UK immigration status and any conditions of stay.            All other documents should be copied in full, eg both sides of a Biometric Residence Permit (BRP).</p>	
<p>Is (or was) the document valid when the document was checked?</p>	
<p>Is the copy clearly dated (including the Home Office's recommended wording 'the date on which this right to work check was made is ...')</p>	
<p>Has the copy been signed (with a confirmation that they have had sight of the original document and the individual concerned, that they have checked that the date of birth and photograph in the documents correspond with the individual's appearance and that the documents appear to be genuine, not tampered with and belong to the individual)?</p>	
<p>If the name on the document is different to their current name, is there a dated copy on file of original supporting document(s) confirming the change of name (eg marriage certificate)?</p>	
<p>If the individual is a Tier 4 (General) student, and they were employed on or after 16 May 2014, is there one of the following acceptable pieces of evidence on file (signed and dated) confirming their academic and /or vacation dates            –printout from the website of the student's education institution            –letter or email from their education institution confirming term dates for the student's course, or            –letter from the education institution confirming term time dates for the student's course</p>	

#### SPONSORED MIGRANTS: MAINTAINING MIGRANT CONTACT DETAILS

Does the file contain all previous and current details of the employees:

- home address
- mobile telephone number, and
- home telephone number

#### SPONSORED MIGRANTS: MONITORING AND REPORTING MIGRANT ACTIVITY

- Does the file contain the following information:
  - start date
  - record of absences since commencement of employment in the UK
  - current work address
  - current salary and allowance details
  - all changes to salary and allowances since commencement of employment in the UK –original job description, and
  - any changes to duties and responsibilities since commencement of employment in the UK.
- If there has been a change to the work address, changes in salary beyond annual increments or bonuses, or any changes to duties and responsibilities including promotion, have these been notified to the Home Office or a change of employment application made under Tier 2?
- If the employee has been absent for more than 10 consecutive working days without the sponsor's permission, has that been reported to the Home Office?
- If the duration of the employee's contract has been shortened (or for an ex-employee their employment terminated early), has this been reported to the Home Office?
- Does the employment contract or any other document on file give the individual positive obligations to notify the employer of any changes in their circumstances including in relation to:
  - any change to their home address, mobile or landline numbers, and
  - their successfully obtaining another UK immigration status.

## PROFESSIONAL ACCREDITATIONS AND OTHER RECORD KEEPING

If the individual is a Tier 2 migrant, does the file contain copies of all documents required in Appendix D to the Tiers 2 and 5 of the Points-Based System Sponsor Guidance?

## GLOSSARY

**Entry Clearance (EC)** – When a visa application is made outside the UK before the applicant travels, this is called an entry clearance application. The applicant will receive a visa sticker in their passport before they are able to travel to the UK

**Leave to Remain (LTR)** – If you apply to extend a visa in the UK you are applying to extend your Leave to Remain.

**“In-time” visa application** – This is when the visa application is submitted online before visa expiry date

**CoS (Certificate of Sponsorship)** – this is an electronic document created by a sponsoring employer, which is required when making a Tier 2 or Tier 5 visa application. The CoS will state a unique reference number which is needed for the visa application form.

The CoS confirms the details of the job, the length of the certificate and whether the employer is certifying maintenance

**Restricted CoS** – a certificate of sponsorship typically issued to a new employee who is residing outside the UK. These certificates need to be requested from UKVI when needed

**Unrestricted CoS** – a certificate of sponsorship issued to an employee who needs a visa extension; is a high earner or who is coming to the UK on the Tier 2 ICT route. Employers request (or are allocated) a number of these certificates each year.

**ICT (Intra Company Transfer)** – A Tier 2 route allowing international businesses to move staff between their offices – the employer has to hold a Tier 2 ICT licence to use this route

**Visa Vignette** – this is a visa sticker in a passport and is received after making an entry clearance visa application (from outside the UK). They are valid for 30 days to enable the holder to enter the UK

**BRP (Biometric Residence Permit)** – this is a visa issued on a separate card. An applicant outside of the UK applies for entry clearance, they are granted a 30-day visa sticker in their passport to use to travel to the UK. They then collect the BRP (which contains the full length of their visa) after arriving in the UK. Applicants in the UK will get their new visa on a BRP

**IHS (Immigration Health Surcharge)** – The IHS payment is to cover the cost of most of NHS healthcare for the duration the person is in the UK.

**Maintenance** – this is the money the UKVI require a visa applicant to have to cover their living costs. Maintenance must be held for at least 90 days before the date the visa application is submitted. Employers can certify maintenance on the Certificate of Sponsorship which negates the need for the applicant to provide proof of funds.

**Main applicant** – the person applying for a visa.

**PBS dependant** – main applicant’s spouse, partner or children.

## USEFUL RESOURCES

UKVI right to work check guidance:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

UKVI RTW checklist:

<https://www.gov.uk/government/publications/right-to-work-checklist>

BRP checker:

<https://www.gov.uk/view-right-to-work>

Employer Checking Service (ECS):

<https://www.gov.uk/employee-immigration-employment-status>

PRADO:

<https://www.consilium.europa.eu/prado/en/search-by-document-country.html>

# LEARNING REVIEW

Complete this page for your learning record

Point	Notes
What were the key take away points from the course?	<i>Aim for 3 bullet points</i>
How will you implement the key learning points in your job?	<i>Aim for 3 bullet points</i>
Did the course meet your own personal learning objectives?	
If not, why not?	
What action are you going to take as a result of this course?	

# Congratulations

## You did it!

You have completed the workbook  
- don't forget to complete the course quiz  
and download your certificate

Well done from the team at The TWO Academy