

THE TWO ACADEMY

Preventing Illegal Working Portfolio: Introduction Workbook

Course Workbook



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Introduction

Welcome!

This is the course companion workbook for our course: Introduction to Preventing Illegal Working.

Download and save this workbook before filling 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.

In this course we will teach you about checking an individual's right to work in the UK. After learning everything we have to share with you, you will need to take action in order to ensure your processes and procedures support sponsor compliance. This workbook can then become your reference point; 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 Be Stuck

If you have difficulty with any element of the course, or in becoming a sponsor, please do let us know. You can contact us by via email: info@twolimited.co.uk or telephone: 01293 889691.

Disclaimer

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

Course Notes

Where to Start	
Why RTW Checks Are Necessary	
How to Conduct a RTW Check	

What Documents Can I Accept	
Online Checks	
IDSPs	
IDSPs & The Statutory Excuse	
Follow Up Checks	

More Complicated Situations	
Changes Due to Brexit	
Change Due to COVID	
Additional Notes	

Reference Material

Visa Categories & Work Restrictions

Visa category	Work Restrictions	Notes
Settled Status (EUSS)	None	Now closed to new applicants
Pre-Settled Status (EUSS)	None	Now closed to new applicants
Innovator Founder	Supplementary employment permitted if skilled (at least RQF level 3)	Merged Innovator & Start Up visa routes (Start Up closure 13 July 2023)
Entrepreneur	Only work in own business	This category is now closed to new applications, but existing visa holders can continue until renewal
Global Talent	Can work for an employer or in own business	
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
Investor	Can work for an employer or in own business	
Skilled 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
Skilled Worker ICT/ Senior or Specialist 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
Student	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
Student internship / work placement	Full time work allowed if the placement is an integral part of the course - no further visa required	
Temporary Worker 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

Temporary Worker 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
Temporary Worker 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
Temporary Worker 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)
Temporary Worker 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
Temporary Worker Youth Mobility Scheme (YMS)	Any employment	Small scale self-employment only - rented premises with equipment worth £5000 or less and no employees
Temporary Worker Seasonal Worker	Employment only in job described on certificate of sponsorship	Secondary employment is NOT permitted
Spouse / Partner	No restrictions	
PBS dependent	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	

Sponsored Workers Record Keeping Checklist

If you are a licensed sponsor, you must keep the following on record either as paper or electronic copy:

Sponsor Licence	
All documents submitted as part of your application to become a sponsor.	
For Each Sponsored Worker	
Copy of current passport pages showing personal identity details, leave stamps or immigration status document including their period of leave to remain in UK. Must show entitlement to work for you.	
Copy of UK Biometric Card.	
Copy of National Insurance number (unless exempt from requiring one) e.g., wage slip, P45, P46 etc.	
Evidence of worker's date of entry into UK. <i>*See notes below</i>	
History of contact details (UK residential address, telephone no., mobile no. personal email). N.B. This must be kept up to date.	
Record of absence(s); either electronically or manually.	
Copy of contract of/for employment; clearly showing start & end dates, salary & job details, hours of work, as well as names & signatures of all parties involved (i.e., employer/employee).	
Detailed & specific job description, outlining duties & responsibilities of post & including skills, qualifications & experience required.	
Copies of any qualifications or documents to show skills & experience for job e.g., references. If a qualification is a stipulated requirement within the job description, a copy must be kept on file.	
Copies of any registration and/or professional accreditation documents.	
Copy of DBS check, where required for the role.	
Any other document specified in the sponsor guidance and relevant code of practice.	

**You now must check the worker entered the UK during the validity period of their visa. This is not applicable to those already within the UK with a valid visa - it is for entry into UK only. Points to note:*

- If they entered before the 'valid from' date on their visa, they do not have permission to work.
- In most cases, the date of entry will be evidenced via an ink stamp on the visa within the passport. You must therefore make & retain a copy of the stamp.
- Re. nationals of AUS, CAN, JPN, NZ, SNG, SKR, USA. Nationals of these countries are eligible to use automated e-passport gates to enter the UK. In such cases you must check the date of entry coincides with the entry clearance validity date via other evidence. e.g., ticket, boarding pass.
- In these circumstances, you must make a record of the date the worker entered the UK, but you do not need to retain the evidence. N.B. Consider your system requirements in order to keep a record of this date.

GLOSSARY

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.

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

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.

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

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>