

## IMMIGRATION – GUIDANCE INFORMATION FOR EMPLOYING STAFF 2015-2018

### 1. Introduction:

The Government has implemented the provisions in the Immigration, Asylum and Nationality Act 2006 to help tackle illegal migrant working and a Points Based System is currently in place.

The key elements of the system are:

- five tiers under which a migrant can apply to enter/remain in the United Kingdom
- awarding points to ensure that only those with the attributes required by the UK are able to come to the UK
- sponsorship where those who benefit most from immigration – employers – take responsibility to ensure that those they recruit have the intention and ability to fulfil the conditions of their visa.

The UK Border Agency considers applications for permission to enter or stay in the UK, citizenship and asylum. The measures put in place by the UK Border Agency include:

- a system of civil penalties for employers who employ illegal migrant workers (the maximum civil penalty per illegal worker will be £10,000)
- a criminal offence for employers who knowingly employ illegal migrant workers – this offence will carry a maximum two-year prison sentence and/or an unlimited fine

The Charity is required to ensure that each successful applicant for a post is legally entitled to work here and is not subject to any immigration control which would prevent them doing so. An employer is guilty of a criminal offence if someone is employed without permission to work in the UK. Migrant workers must be eligible to work in the UK.

All European Economic Area (EEA) and Swiss Nationals are free to enter and live in the United Kingdom without the need to apply for permission but some EEA nationals do not automatically have the right to work here: further detailed information and guidance can be obtained from the Home Office Gov.UK website: <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

### 2. Recruitment:

2.1 Employers have a duty to check and copy required documentation and any checks that are made should be carried out in a non-discriminatory manner – all job applicants are treated in the same way at each stage of the recruitment process.

The Charity requires that all staff provide evidence of their Right to Work in the UK before commencing employment. Under normal circumstances original documentation should be presented to the Chief Executive Officer at interview stage.

For those who started work at Age UK Portsmouth after 29 February 2008 and have limited leave to enter or remain in the United Kingdom they will be required to repeat document checks throughout the period of their employment (at least once a year).

A copy of the original documentation will be placed on the successful individual's Personal file. (Copies of unsuccessful applicants will be shredded to comply with the Data Protection Act 2002). A copy of any follow up checks will also be placed on file.

2.2 A photocopy will be taken of the relevant page, or pages of any documentation. All copies of documents should be kept securely. For identity cards, passports and travel documents, a copy should be taken of the following information:

- the document's outside front cover
- any page containing the holder's personal details including nationality, his or her photograph, date of birth and/or signature
- any biometric details
- the date of expiry
- any relevant UK immigration endorsements

Other documents should be copied in their entirety.

If the potential employee provides two documents which have different names, a further document will be required to explain the reason for this. The further document could be a marriage certificate, a divorce decree, or a deed poll document.

2.3 With regards to the references to the provision of a National Insurance number in Lists A and B; the National Insurance number can only be used for this purpose when presented in combination with one of the specified documents. All references to the documents issued by the Home Office in Lists A and B also include documents issued by the former Immigration and Nationality Directorate (IND) and Work Permits (UK).

2.4 The UK Border Agency has provided two lists, **List A** and **List B** (as detailed in the tables below) of approved documentation. Any one of the documents, or a combination of documents detailed are acceptable if reasonable steps are taken to check the validity of the original document and that the person presenting the document is the rightful holder.

**Documentation from List A**, verification established for the duration of the employment - no further checks will be required.

**Documentation from List B**, each time that a document or combination of documents from List B is provided; the date on which the original document check is carried out must be noted.

A follow-up check is required at least once every 12 months after the initial check. Again, this will involve asking the employee to produce a valid original document, or documents either from List A, or from List B and copying it for HR records.

If a document, (or documents), from List A is subsequently presented and reasonable steps are taken to check the validity of the document or documents, then no further checks will be required for the duration of the employment.

### 2.5 List A:

**Any of the documents or specified combination of documents, described in List A demonstrates that the holder is entitled to work in the UK.**

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the Right of abode in the United Kingdom.
2. 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 national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the Border and Immigration Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card or document issued by the Home Office or the Border and Immigration Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.

6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.

### **COMBINATION DOCUMENTS**

7. An Immigration Status Document issued by the Home Office or the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, **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. ie. P60, P45.

8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **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.

9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **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.

10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **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.

11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **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.

12. A certificate of registration or naturalisation as a British citizen, **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.

13. A letter issued by the Home Office or the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **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.

#### **2.6 List B:**

**Any of the documents, or specified combination of documents, in List B, can demonstrate that a person is entitled to work in the UK for a limited period.**

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question in combination with evidence of verification by the Border and Immigration Agency Employer Checking Service.

2. A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question in combination with evidence of verification by the Border and Immigration Agency Employer Checking Service.

3. A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland in combination with evidence of verification by the Border and Immigration Agency Employer Checking Service.

#### **3. Further Information:**

The UK Visa and Immigration Gov.UK website is at: <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

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