

Q1. Why should I carry out document checks?

It is recommended that right to work document checks are carried out on preferred candidates, as this enables you to ensure that you only employ people who are legally allowed to work in the UK and will prevent payment of a civil penalty. It also provides evidence of an open and transparent recruitment process, and will ensure that our recruitment practices do not discriminate against individuals on racial grounds.

Q2. How may a British citizen show they are allowed to work in the UK?

A British citizen may demonstrate their right to work by providing either their UK passport as a single document, or a combination of the following documents from List A:

- A document issued by a Government Agency or previous employer containing their National Insurance number and name, such as a P45, P60, National Insurance number card or official letter and
- A full UK birth certificate; or
- A full UK adoption certificate; or
- A certificate of registration as a British citizen; or
- A certificate of naturalisation as a British citizen

Q3. What if a person I am looking to employ cannot provide evidence of their right to work?

It is the responsibility of the prospective employee to prove that they are allowed to do the job you are offering. You can withdraw

your offer of employment if they cannot prove their right to work in the UK within a reasonable timescale.

In certain circumstances, it may be possible to sponsor an individual. Contact the Recruitment Team for more information.

Q4. What if the person I am looking to employ produces two documents, but not from the specified combinations included in List A or List B?

An excuse against liability to pay a civil penalty will only be established if you are presented with one of the single acceptable documents or the specified combinations of acceptable documents set out in List A or List B.

Q5. What should I do if I have concerns about the documents presented to me?

If you have correctly followed the procedure and you are not satisfied that the person is the rightful holder of the documents they have produced, or that the documents are genuine, you can request other documentation from them. You can also seek guidance from the Recruitment Team.

Q6. Which groups in the UK are not subject to immigration control?

Those who are not subject to immigration control in the UK, and whom you can employ without restriction are:

- British citizens; and
- Commonwealth citizens with the right of abode; and
- Nationals from the Common Travel Area (CTA); and
- Nationals from European Economic Area (EEA)/European Union (EU) countries and Switzerland (except for EU2 nationals); and
- Family members of adult nationals from EEA/EU countries and Switzerland, providing the EEA/EU national is lawfully residing in the UK

You should not employ a person on the basis of their claim to belong to one of these groups, this will place us at risk of employing someone illegally if their claims are false. You should establish an excuse for all of the people you are looking to employ by correctly following the document check procedure.

Q7. What is the CTA?

Citizens of the UK, Channel Islands, the Isle of Man and Ireland are members of the Common Travel Area (CTA) and have no immigration controls placed upon them whilst living and working in the UK.

Citizens of these countries can be employed without restriction and may prove their eligibility to work by showing either their passport as a single document, which will state that the holder is a British citizen or an Irish citizen. Alternatively,

they can show a combination of documents as specified in List A

Q8. Many British citizens do not have a UK passport or a full birth certificate, so why is the short birth certificate not acceptable as a document?

The short birth certificate is a document that has proved vulnerable to forgery. An individual could enter fictitious details about their parents or attempt to work here illegally by making a false statement about themselves. These types of false representation can be prevented by the requirement for a full birth certificate.

In addition, a full birth certificate also gives useful background information which is absent from the short birth certificate, for example it provides the names of the individual's parents, where they were born, their occupation and address at the time of the individual's birth, and the place where the individual was born. This information may be used to confirm personal details if necessary.

Q9. Why can't I depend on a National Insurance number as a single document?

The purpose of the National Insurance (NI) number is primarily to monitor an individual's National Insurance contributions and credited contributions. The NI number is also used as a reference number for individuals within the social security system; it was neither intended, nor designed to be a tool for identifying or determining an individual's immigration status.

Not all NI number holders will be allowed to work in the UK. **An NI number alone in any format is not acceptable evidence of a person's right to work in the UK.** You must check acceptable

documents showing the NI number and the name of the holder **together with** one of the combinations specified in List A or List B

Q10. What if I check other documents which provide evidence of someone's identity?

Only checking the acceptable documents specified in List A or List B will establish an excuse against payment of a civil penalty. The following documents are not acceptable in proving right to work in the UK:

- Home Office Standard Acknowledgement Letter or Immigration Service Letter which states that an asylum seeker can work in the UK;
- Passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;
- Short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder's parents;
- National Insurance number when presented in isolation;
- Card or certificate issued by HM Revenue & Customs under the Construction Industry Scheme;
- Full or provisional driving licence issued by the DVLA;
- NI number beginning with TN, or any number which ends with the letters from E to Z inclusive;
- Licence provided by the Security Industry Authority;

- Document check by the Criminal Records Bureau;
- Bill issued by a financial institution, or a utility company

You may also see some passports which contain the word 'British' but which will not give an excuse against liability for a civil penalty unless it contains a relevant endorsement:

- British Visitor's passport
- Passport that describes the holder as:
 - British National (Overseas)
 - British Dependent Territories Citizen
 - British Overseas Territories citizen
 - British Overseas citizen
 - British subject
 - British protected person

Q11. Can an adopted person, who is a British citizen and who does not have a full birth certificate, prove their right to work in the UK with their adoption certificate?

Yes, when the full adoption certificate, which includes the names of one of the adopted parents, is given to you in combination with an acceptable, official document showing their properly documented National Insurance number.