Online Right to Work Checks

Guidance for departments/institutions

Contents

V.2, July 2022

This guidance document was produced by HR Compliance for departmental/institutional and College use only. This guidance is designed to assist with the online right to work checking process, which over time will gradually replace 'manual' right to work checks.

For general guidance on how to undertake a 'right to work' check, please see the HR webpages: https://www.hr.admin.cam.ac.uk/hr-services/visas-immigration/right-work-checks/completing-check

Who can access the online right to work check service?

'Digital Immigration Statuses', which can be checked online, are issued to:

- All **EU/EEA/Swiss nationals** where granted pre-settled or settled status (where resident in the UK before 31 December 2020); and

- All **EU/EEA/Swiss nationals** where granted a **'visa'** to work in the UK. This could be via the Global Talent, Skilled Worker, Tier 5 GAE routes etc (amongst others); and

- All **Non-EEA nationals** holding a Biometric Residence Permit (BRP) of any immigration status. They can access the service using their BRP number. **Note**: they cannot use their BRP to prove their right to work – they must use the online right to work checking service, using their BRP number.
    - **Note**: where a *new arrival* of non-EEA national has not yet collected their BRP from the Post Office, they will be unable to access the digital service until they collect their BRP.

British Citizens and Irish Citizens presenting a passport or birth certificate cannot use this online right to work checking service. They can only perform a manual right to work check, with the department/institution seeing their original documents (e.g. valid/expired passport **or** a British or Irish birth certificate and UK national insurance number).

As a departmental administrator/recruiter, how do I use the online service?

To undertake a right to work check using the online status service, please follow these steps:

1. **Please only undertake the check if the individual is physically present in the UK. You may need to verify this with the individual prior to commencing.**

2. **Note: for new arrivals in the UK, they can only access the online right to work check service once they have collected their Biometric Residence Permit (BRP) from the Post Office. An interim manual right to work check can be conducted on their valid 90 day entry vignette, but must be followed by an online check as soon as possible after collecting their BRP.**

3. Employee raises a share code online: https://www.gov.uk/prove-right-to-work

4. Employee provides the share code for the Department/Institution to check their status, alongside their date of birth. The code is valid for 90 days.

5. Check that the share code starts with the letter 'W' – if not, **it is not a valid share code for right to work purposes**. You must ask the individual to repeat, as per step 2 above.

6. The Department can check their status via https://www.gov.uk/view-right-to-work using the share code and the employee's date of birth. Please request a scanned copy of their passport at the same time (also needed for payroll purposes).

7. On the online form - for the question 'What is your company name', enter: 'University of Cambridge'.

8. You can then view the person's immigration status and picture online. Then at the **same time**, either perform a video call with the individual or see them in-person the online check is up on your screen. This step is obligatory.

9. Where there is a 'start date' on their status, please ensure that the check is being conducted after this date.

10. **Download the checklist provided**. Annotate with your name and/or signature. Best practice is to include the statement: "The date on which this right to work check was made [DATE and TIME]". Save as a PDF.

11. The checklist and copy of passport can then be uploaded into Web Recruitment as proof of right to work.

Examples of status checks by visa type

- The following pages provide visual examples of online RTW checks statuses for comparison with 'real life' versions.

- You will note that the online RTW checks **do not state the category of 'visa' that the individual holds**. However, there are various visual clues within the status which will help you determine the type of 'visa' they hold.

EU Settled Status

- Issued to EU citizens resident in the UK prior to 'Brexit';

- Confers unrestricted and unlimited right to work in the UK;

- No repeat check required for the duration of employment;

- Note the wording highlighted in yellow, which denotes that it is a status specifically issued under the UK/EU Withdrawal Agreement (and in this case, is 'settled status')
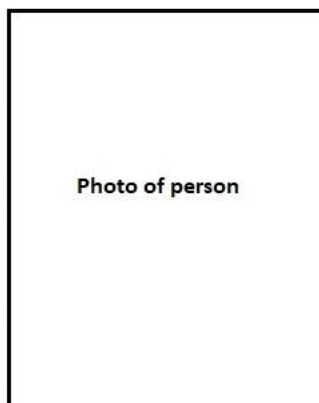
🏛 Home Office

Photo of person

NAME OF PERSON
They can work in the UK.

Details
They can work in any job. There is no limit on how long they can stay in the UK.

Legal basis of status
This leave is issued in accordance with the EU exit separation agreements.

For EU citizens, and the family members of EU citizens or of UK citizens, this is the Withdrawal Agreement. For EEA European Free Trade Association (EFTA) citizens, and the family members of EEA EFTA citizens, this is the EEA EFTA Separation Agreement. For Swiss citizens, and the family members of Swiss citizens, this is the Swiss Citizens' Rights Agreement.

If you employ this person

To avoid a penalty, you must:

☑ check this looks like the person you meet face to face

☑ keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

You don't need to do the check again.

Details of check

Company name
University of Cambridge

Date of check

Reference number

EU Pre-Settled Status

- Issued to EU citizens resident in the UK prior to 'Brexit';

- Confers unrestricted but time-limited right to work in the UK;

- Repeat check necessary at point of expiry (where check undertaken after 30 June 2021)

- Note the wording highlighted in yellow, which denotes that it is a status specifically issued under the UK/EU Withdrawal Agreement (and in this case, is 'pre-settled status')

Home Office

Photo of person
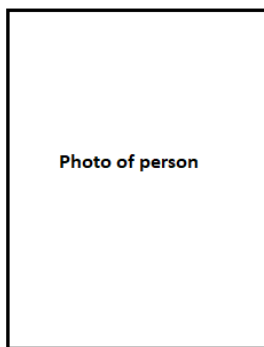
NAME OF PERSON
They can work in the UK until 20 December 2023.

Details
They can work in any job.

Legal basis of status
This leave is issued in accordance with the EU exit separation agreements.

For EU citizens, and the family members of EU citizens or of UK citizens, this is the Withdrawal Agreement. For EEA European Free Trade Association (EFTA) citizens, and the family members of EEA EFTA citizens, this is the EEA EFTA Separation Agreement. For Swiss citizens, and the family members of Swiss citizens, this is the Swiss Citizens' Rights Agreement.

If you employ this person

To avoid a penalty, you must:

☐ check this looks like the person you meet face to face

☐ keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

☐ do this check again when their status expires on 20 December 2023

Details of check

Company name

Date of check
15 June 2021

Reference number

Skilled Worker Visa/Tier 5 GAE visa

- These are 'Sponsored' visas, issued on the basis of a job offer or specific research/academic engagement at the University.

- Individual can only work for their sponsor in the role for which their Certificate of Sponsorship was assigned. Can also do supplementary employment.

- Repeat RTW check required at the point of visa expiry.

- Note the wording highlighted in yellow, which clearly denotes this is a sponsored visa as no other visas have these specific conditions attached to them. **However, it is not currently possible to differentiate between SWV and Tier 5 GAE using the digital checks, so please refer to HR Compliance for confirmation.**

Home Office

NAME OF PERSON

They have permission to work in the UK from 1 March 2021. They can work in the UK until 14 September 2021.

Details

On their current visa, they must work for their sponsor while they are in the UK.

They can also work part-time (up to 20 hours a week) in another job if it is one of the following:

- the same role as their current job
- on the shortage occupation list

Any part-time work must be outside the hours they work for their sponsor.

These conditions are the standard requirements for their visa.

If you employ this person

To avoid a penalty, you must:

- [✓] check this looks like the person you meet face to face

- [ ] keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

- [ ] do this check again when their permission to be in the UK expires on 14 September 2021

Read the employers' code of practice to find out more about right to work checks.

Details of check

Company name
University of Cambridge

Date of check

Reference number

Indefinite Leave to Remain

- Issued to non-EEA nationals and distinct from 'Settled Status';

- Confers unrestricted and unlimited right to work in the UK;

- No repeat check required for the duration of employment;

- Note the wording highlighted in yellow, which denotes that this is Indefinite Leave to Remain (ILR)

Home Office

NAME OF PERSON
They can work in the UK.

Details
They can work in any job. There is no limit on how long they can stay in the UK.

Photo of Person

If you employ this person

To avoid a penalty, you must:

☐ check this looks like the person you meet face to face

☐ keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

You don't need to do the check again.

Read the employers' code of practice to find out more about right to work checks.
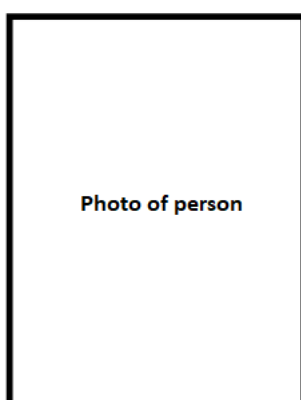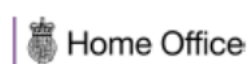
Details of check

Company name
University of Cambridge

Date of check

Reference number

Tier 4/Student visas

- Issued to non-UK nationals coming to the UK to study

- Temporary, and strict working restrictions apply:

    o During term time, no more than 20 hours work per week across all employers and jobs;
    o Full time in vacation periods;
    o No self-employment or work placements;
    o The University imposes even greater working conditions on its own students (regardless of nationality), details of which can be found here: https://www.cambridgestudents.cam.ac.uk/your-course/graduate-study/your-student-status/working-while-you-study

- Note the wording highlighted in yellow, which denotes that this is a Tier 4/Student visa.

| Home Office |

| Photo of person |

NAME OF PERSON
They have permission to work in the UK from 25 March 2021. They can work in the UK until 16 August 2023.

Details
They can work:
- up to 20 hours a week during term time
- full-time during the holidays

They must share proof of their term dates with their employer.

They can also work on a placement which is part of the course their student visa is based on. The work placement must be:
- a compulsory part of their course
- assessed as part of their course

Read more about volunteering, working for a student union and other types of work.

Conditions

They cannot:
- work as an entertainer
- work as a professional sportsperson or coach
- run a business or be self-employed - unless they have applied for a start-up visa

Other visa types

- There are many other visa categories which will also permit right to work at the University, including, but not limited to:

    - Global Talent visas
    - Points-based dependant visas
    - Family of Settled Person visas
    - Youth Mobility visas
    - British National Overseas (BNO) visas
    - Graduate visas

- Due to the digital status not denoting the type of visa that the individual holds, and given that all of the above listed visas confer near-unrestricted right to work in the UK, it is often impossible to discern the type of visa held by way of the digital status you are presented with.

- We have provided the following examples of the visas statuses listed above in their digital status format. **All of these can be accepted and the exact type of visa held does not need to be discerned.** Please note any specific conditions and the end date of the status.

Example 1:

Home Office

NAME OF PERSON
They have permission to work in the UK from 29 December 2020. They can work in the UK until 29 December 2025.

Details
They can work in any job.

Photo of person

If you employ this person

To avoid a penalty, you must:

☐ check this looks like the person you meet face to face

☐ keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

☐ do this check again when their permission to be in the UK expires on 29 December 2025

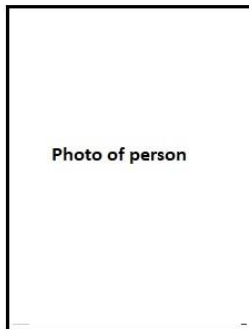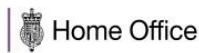Read the employers' code of practice to find out more about right to work checks.

Details of check

Company name
University of Cambridge

Date of check

Reference number

Example 2:

Home Office

NAME OF PERSON

They have permission to work in the UK from 2 June 2021. They can work in the UK until 2 December 2023.

Details

On their current visa, you can employ them to do any job except those listed in the conditions below.

Photo of person

Conditions

They cannot:

- play or coach professional sports

This condition is a standard requirement for their visa.

In this example, these are the only work conditions attached to this 'visa' type - all other work is permitted

If you employ this person

To avoid a penalty, you must:

☐ check this looks like the person you meet face to face

☐ keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

☐ do this check again when their permission to be in the UK expires on 2 December 2023

Details of check

Company name

Date of check