Online Right to Work Checks

Guidance for departments/institutions
Contents
Who can access the online right to work check service? ............................................................... 2
As a departmental administrator/recruiter, how do I use the online service? ............................ 2
Examples of status checks by visa type .......................................................................................... 3
EU Settled Status ............................................................................................................................. 4
EU Pre-Settled Status ...................................................................................................................... 5
Skilled Worker Visa/Tier 5 GAE visa .............................................................................................. 6
Indefinite Leave to Remain .............................................................................................................. 7
Tier 4/Student visas ......................................................................................................................... 8
Other visa types ............................................................................................................................... 9
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. Employee raises a share code online: https://www.gov.uk/prove-right-to-work
3. 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.
4. 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.
5. The Department can check their status via [https://www.gov.uk/view-right-to-work](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).

6. On the online form - for the question ‘What is your company name’, enter: ‘University of Cambridge’.

7. 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.

8. Where there is a ‘start date’ on their status, please ensure that the check is being conducted **after** this date.

9. 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.

10. 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’)

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**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.

**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.

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**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.

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**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’)

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
**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.**
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)

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.

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.

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.
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:

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:

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.

Conditions
They cannot:
- play or coach professional sports
This condition is a standard requirement 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 2 December 2023

Details of check
- Company name
- Date of check