

Immigration and preventing illegal working

The university's policy is that all offers of appointment are conditional upon eligibility to work in the UK.

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Definitions

Employee	In this guidance, this means any employee or worker employed by DMU on a contract of employment, service or apprenticeship to provide services personally. The contract may be oral or in writing.
Settled worker	Individuals who can be employed in the UK without special permission. See Individuals who can be employed in the UK without special permission .

1 Overview

- 1.1 Under the Immigration, Asylum and Nationality Act 2006 (as amended by the Immigration Act 2016), it is a criminal offence for DMU and/or any member of staff to knowingly employ a person who is disqualified from employment because of their immigration status. In addition, it is also a criminal offence for DMU and/or any member of staff to employ such a person in circumstances where they have a *reasonable cause to believe* that the individual is disqualified from employment because of their immigration status. Where such a person is employed without due diligence then De Montfort University (DMU) is also exposed to the risk of a civil penalty.
- 1.2 DMU is responsible for ensuring that all its potential employees are legally entitled to work in the UK **before** allowing them to start work.

2 Risks and penalties for hiring illegal employees

- 2.1 A strict penalty regime applies to employers who employ illegal workers.
- 2.2 There is no defence to the criminal offences of knowingly employing an illegal worker or employing them where the employer has a *reasonable cause to believe* that they are an illegal worker. An individual director or senior manager can be personally criminally liable if they know that a person is not entitled to work in the UK and consents to their illegal employment. The penalty is up to five years' imprisonment and/or an unlimited fine.
- 2.3 An employer who unintentionally employs a person illegally, without having carried out the [prescribed checks](#), will have civil liability - a fine of up to £20,000 per illegal employee.¹
- 2.4 A person commits the criminal offence of illegal working if they work when disqualified from doing so because of their immigration status and at the time they know or have reasonable cause to believe that they are disqualified from working by reason of their immigration status. The offence of illegal working is not limited to work carried out under a contract of employment and covers all types of work, including apprenticeships and self-employment. The offence of illegal working enables wages and other payments made to a worker to be seized as proceeds of crime.
- 2.5 In addition to civil and criminal penalties, a failure to comply with immigration rules creates a substantial reputational risk for DMU both within the UK and abroad as well as the potential loss of DMU's sponsor licence which allows

¹ The Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) (Amendment) Order 2014

DMU to sponsor non EEA students and employees. If DMU were to have its licence revoked it would have major adverse implications for DMU's ability to recruit staff and students from abroad and adverse consequences for current international staff and students working and studying at DMU. For this reason, a staff member who breaches the policy and procedures that the university has put in place to prevent illegal working may be subject to disciplinary action up to and including dismissal.

3 **Individuals who can be employed in the UK without special permission**

The following individuals may take up employment in the UK without special permission²:

- UK citizens or Commonwealth citizens with the right of abode in the UK
- spouses, civil partners and long-term unmarried partners of UK nationals, whatever their nationality, who have been granted visas confirming their status or who are granted [indefinite leave to remain in the UK](#)
- Swiss or [European Economic Area \(EEA\)](#) nationals (except citizens of [Croatia](#)) and their EEA family members, or non-EEA family members (of Swiss or EEA nationals) who have obtained an EEA family permit before coming to the UK or a residence card from within the UK ('family members' includes spouses or civil partners, dependent children or grandchildren under the age of 21 and parents or grandparents)
- spouses, civil partners, unmarried partners and dependants (ie dependent children under the age of 18) of people who have permission to work in the UK under Tier 2 of the [points-based system](#), or who hold a UK work permit that is still valid, provided that such dependants have been granted a visa confirming their status before coming to the UK
- people born in a Commonwealth country who have a grandparent born in the UK and who have been granted an ancestry visa before coming to the UK ([UK ancestry](#) category)
- people who have obtained visas under Tier 1 of the [points-based system](#) and their dependants who have been granted a visa confirming their status before coming to the UK
- subject to limitations on hours overseas students (other than [student](#))

² Please note that this is not an exhaustive list but covers the most common categories

[visitors](#)) granted visas permitting them to undertake a course of study at a UK institute of further education (with restrictions) (see also [Employees on student visas](#))

- dependants of overseas students who have been granted a visa of at least 12 months' duration confirming their status before coming to the UK, and
- anyone with [indefinite leave to remain in the UK](#).

4 **Checking eligibility to work in the UK**

4.1 Every person who has been offered employment with DMU will need to be checked to ensure they are eligible to work in the UK **before** they are allowed to start work. These checks should be carried out for all employees who have been given a conditional offer of employment to ensure individuals are not being unlawfully discriminated against because of their nationality at any stage of the recruitment and selection process. Checks are also required for employees transferring to DMU as part of a TUPE transfer, see [Following a TUPE transfer](#)).

4.2 If the individual fails to provide the necessary documentation to demonstrate that they have the right to work in the UK, **they must not be allowed to start work**. If an employee attends for work without these checks having been done **they must be sent home and must not be allowed to start work**, unless before they start work they are able to provide the necessary documentation. **If a manager allows an employee to start work without these checks having been done before they start work (not before they are paid for work done), they may be subject to disciplinary action up to and including dismissal.**

NB Non-EEA nationals applying for leave to enter the UK for over six months will be required to apply for a Biometrics Residence Permit (BRP) and then collect it within ten days of their arrival in the UK. The migrant worker will be issued a vignette (sticker) in their passport which will be valid for 30 days to enable them to travel to the UK. Following their arrival, they will have 10 days to collect their BRP from the Post Office branch detailed in their decision letter. The UKVI strongly encourages migrant workers to collect their BRP before they start work and DMU also encourages this practice. In some circumstances, if it is necessary for the migrant worker to start work prior to collecting their BRP, they will be able to evidence their right to work by producing the short validity vignette in their passport. However, as the vignette will expire 30 days from issue, the BRP will need to be checked, copied and retained as soon as collected and before the short validity vignette expires.

4.3 If it is evident from the documents that the individual's permission to work in the UK will expire in a few months, DMU should either take the necessary

steps in good time to extend or renew the permission (at least three months before – see [4.11](#)), or, having followed an appropriate process, cease employing the individual. Continued employment where permission to work has expired could be viewed as ‘knowing’ or having reasonable cause to believe that an employee is an illegal worker, for which there are criminal, as well as civil, penalties (see [above](#)). There are circumstances where an employee can continue working after their visa has expired – see 4.3.1. It is therefore important to ensure that all relevant facts are considered as part of any dismissal process and appropriate advice is sought where there is any uncertainty.

4.3.1 An employee can keep working after their visa expires if they produce certain documents to confirm that they made an application for a new or renewed visa in time (ie before visa expiry). The ‘statutory excuse’ (ie employer’s defence against illegal working) is extended for a maximum of 28 days beyond the expiry date where the employer is reasonably satisfied¹¹ that an employee has submitted an application or has an appeal or administrative review³ pending against a decision on an application. However, to benefit from this, DMU **must** make an [Employer Checking Service](#) (ECS) check within 28 days of visa expiry. If a Positive Verification Notice¹⁰ is received, the employer will have a statutory excuse for a further six months from the check. It is important that an employee provides evidence that they have submitted their application (eg proof of postage, and an acknowledgement letter from the Home Office or Home Office reference number if available etc.) either before or on the date of visa expiry. See - [Follow-up right to work checks](#).

4.4 There are three basic steps to conducting a right to work check:

- i. **Obtain original versions** of one or more of the [acceptable documents](#). (See 4.5 and 4.6).
- ii. **Check** the original documents in the presence of the employee⁴ to ensure that they are genuine, that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work offered. (See 4.7 and 4.8 and the guidance in [Verifying the documents](#)).
- iii. **Make copies** of the documents, retain the copies and a record of the date

³ Administrative reviews have replaced many rights of appeal where the applicant believes that the Home Office decision to refuse their application is incorrect. Any previous permission to work continues during the period an administrative review can be made and until it is determined (usually within 28 days) as long as an application for an administrative review is made within 14 days of the original decision.

⁴ The person must be present in person or via a live video link eg Skype. In both cases, the original documents must be physically present and inspected. An inspection of the document via a live video link or by checking a faxed or signed copy of the document is not sufficient.

on which the check is made. (See 4.8 and the [table](#) below).

A right to work [checklist](#) is available and should be completed in all cases to ensure compliance.

NB There are additional checks that need to be conducted for employees on student/Tier 4 visas. See [Employees on student/Tier 4 visas](#).

Acceptable documents

- 4.5 The Home Office produces two lists of acceptable documents: list A and list B. Before an employee can start work, they must produce one original document or a combination of documents from either list A or list B. List A documents show an ongoing right to work in the UK; list B documents show a right to work for a limited period. The acceptable documents and combinations of acceptable documents are shown at [Appendix 3 \(i\)](#) and [Appendix 3 \(ii\)](#).
- 4.5.1 If an employee presents a List B Group 2 document (eg Application Registration Card), DMU **must** carry out an [Employer Checking Service](#) (ECS) check. If a Positive Verification Notice¹⁰ is received, this will be valid for six months before a [follow up check](#) will need to be carried out.
- 4.5.2 If documents are not available because an immigration application is currently pending with the Home Office, a positive response from the [ECS](#) is required **before** an individual commences employment.
- 4.6 The documents produced must be **original** documents. Copies are not sufficient.
- 4.7 The individual must produce their documents for checking in person⁴. This is because it is important that the person checking the documents is able to confirm that they relate to the individual.
- 4.8 The person who sees the original documents must make a clear copy of each document in a format which cannot later be altered **and on each copy record the date on which the check was made**. The date may be written on the document copy as follows: “the date on which this right to work check was made [insert date]” or a digital record retained. The copies should be forwarded to HR with a note to confirm that they have seen **both** the original document and the person to whom it relates. A photocopy or scan of the relevant part of the document or documents should be taken in accordance with the following instructions:

Documentation	Copying/recording requirement	Contents of the document to be copied/recorded
Passport	<p>Photocopy or scan into a database in an unalterable format such as a jpeg or pdf document.</p> <p>The date that documents are checked and copies taken should be written on each document copy retained (see 4.4(iii) and 4.8 above).</p> <p>The date of expiry of any UK immigration endorsement should be recorded by HR [in the database] to ensure a follow-up check is made at the appropriate time. (See also 4.11)</p>	<p>Copy each and every page that contains any of the following:</p> <ul style="list-style-type: none"> • document expiry date • nationality • date of birth • signature • leave expiry date • biometric details and photograph • any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.
All other documents	<p>Photocopy or scan into a database in an unalterable format such as a jpeg or pdf document.</p> <p>The date that documents are checked and copies taken should be written on each document copy retained.</p>	Copy the document in full, including both sides of a Biometric Residence Permit and a Residence Card (biometric format).

Verifying the documents

4.9 The person checking the documents is expected to take reasonable steps to verify the authenticity of the documents produced.

4.10 For each document seen it is important to check that it appears genuine and valid, and relates to the individual. The following should be checked:

- Photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation.
- Expiry dates for permission to enter or stay in the UK have not passed.
- Any restrictions on whether the individual can work or on the type of work they are allowed to do are consistent with the work offered. (Additional checks are required for students who have limited permission to work during term-times – see [Employees on student visas](#)).
- Any name discrepancies are explained by another valid document eg a marriage certificate, divorce decree or deed poll. (Supporting documents should also be photocopied, dated and the copy retained).
- The documents are genuine, have not been tampered with and belong to the holder.

A right to work [checklist](#) is available and should be completed in all cases to ensure compliance with the above.

4.11 Where an employee has a time-limited right to work from List B, the university is required to conduct repeat document checks to retain a 'statutory excuse' (defence against a [civil penalty](#)). Generally, this will be when the employee's permission to be in the UK and undertake the work in question expires unless they produce a document from List B Group 2 which requires a repeat check after six months (as set out in the Positive Verification Notice¹⁰ from the Employer Checking Service), as evidenced by the document, or combination of documents, produced for the initial right to work check. DMU's practice is to engage with employees at least three months before their visa is due to expire to confirm the steps they are taking to renew their visa.

See the Home Office guidance on [Follow-up right to work checks](#) in Appendix 3.

Refer to the [Home Office guidance](#) for further guidance on checking documents.

Following a TUPE transfer

4.12 Employees who transfer to DMU as a result of a transfer by virtue of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will need to provide proof of their eligibility to work in the UK in accordance with these guidelines: [Checking eligibility to work in the UK](#). HR will ensure that these checks are made as soon as possible after the transfer and, at least within a period of 60 calendar days following the transfer (the 'grace period'). There is no

such grace period available for any follow-up checks where these are required under [4.11](#) above.

Retention of records

- 4.13 All copies of documents taken will be kept securely (electronically or in hardcopy) for the duration of the employee's employment with DMU and for two years afterwards.

NHS surcharge

- 4.14 Non-EEA nationals applying to work or study in the UK for over six months will be required to pay a fee (an NHS surcharge) in order to use the NHS whilst working or studying in the UK. Individuals will need to pay the NHS surcharge prior to submitting their visa application.

More details can be found on the gov.uk website at:

<https://www.gov.uk/healthcare-immigration-application/overview>

5 Points-based system

- 5.1 The points-based system (PBS) covers foreign nationals from outside the EEA and Switzerland who require permission to work in the UK. Under the PBS, non-EEA foreign nationals who want to work in the UK need to score a specified number of points under one of the five tiers (only four currently in use) in order to qualify. Applicants in tier 2 and some categories of tier 5 also need a certificate of sponsorship (CoS) from an approved sponsor (eg DMU).
- 5.2 Each of the four current tiers has different requirements: the number of points the foreign national needs and the way the points are awarded will depend on the tier they are applying under. The tiers are explained further in [Appendix 2: Points-based system](#).

6 Sponsorship

- 6.1 De Montfort University is an approved employer sponsor for tier 2 and tier 5 applications and has to comply with various duties in order to retain its sponsorship licence. These duties include record keeping, reporting duties (eg to the Home Office if the employee does not turn up for work), legal compliance, and co-operating with the Home Office.
- 6.2 All licensed employer sponsors are given an A or B rating. An employer's rating will be determined by a risk assessment conducted by the Home Office taking into account the employer's processes and HR practices as well as its

history of compliance with the immigration rules. De Montfort University is currently an 'A' rated employer sponsor.

Maintaining contact details

- 6.3 DMU is required to keep up-to-date personal contact details for all its sponsored workers including:
- home (residential) address in the UK and their contact details including mobile telephone number (and any changes);
 - next of kin contact names, telephone numbers and personal email addresses.

This includes robust systems to ensure changes to these details are captured as and when they occur and that historical data is preserved. See **Contact form** (available on the [intranet](#)).

Record keeping

- 6.4 DMU is also required to keep certain documents (paper copies or in an electronic format) relating to the employment of its sponsored workers for the duration of their sponsorship. In summary this generally includes:
- Keeping copies of the worker's immigration status document which shows their entitlement to work for DMU as their licensed sponsor.
 - Contact details and changes (including historical data) – see [Maintaining contact details](#).
 - Record of absences – see [Tracking, monitoring and reporting](#).
 - Pay slips and contracts of employment.
 - Copy of qualifications and/or required professional registration – see [Recruitment practices and professional accreditations](#).
 - Records of the [Resident Labour Market Test](#) conducted, and
 - Any other documents as specified by the Home Office.

Further detail is contained on the Home Office website: [Appendix D: guidance for sponsors on keeping documents](#).

Tracking, monitoring and reporting

- 6.5 DMU must report certain information on sponsored employees on the Home Office's online Sponsorship Management System (SMS), in most cases within 10 working days, namely:
- Failure to attend on the first day of work and any reason given for the

failure (eg a missed flight)

- If employment ends earlier than indicated on the CoS either through termination or resignation or an employee otherwise stops being sponsored. DMU must notify the Home Office of the name and address of the new employer (if known) together with the last known residential address, telephone number and personal email address (in the case of the latter only if known)
- Unexplained absences of ten consecutive working days or more
- If there are significant changes in an employee's circumstances, such as a change of job, location or salary (this does not include normal annual salary increases but will include changes in salary due to paid parental type leave or sick leave of one month or more)
- If DMU suspects an employee is breaching the conditions of their leave; and/or
- If there are any significant changes in the sponsor's circumstances (for example, it has changed address or was involved in a merger or demerger and TUPE or similar provisions are triggered)
- Details of any third party or intermediary, whether in the UK or abroad, that has provided assistance to DMU in the recruitment of migrant employees or students.

6.6 It is recommended that the employee uses their Outlook calendar (or similar) to note their daily activities, for example whether they are in lectures, carrying out research in another office or laboratory, working from home, in a meeting, out of the university on business or on annual leave. The employee should also ensure they notify DMU if they are intending to travel abroad either for work reasons or as a holiday so the university has a record of their whereabouts. The line manager (or PA if relevant) will need access to this calendar so they are able to confirm the employee's whereabouts if HR or the Home Office are unable to contact the employee direct.

6.7 DMU as sponsor also has a duty to report to the police any information suggesting the migrant may be engaged in terrorism or other criminal activity.

Recruitment practices and professional accreditations

6.8 DMU must ensure that the employee who is coming to work is legally entitled to do the job in question and that they have the appropriate registration or professional accreditation where this is legally required.

6.9 Where a vacancy was advertised, the university will also need to keep copies of the advert along with full details of the [resident labour market search](#).

Risks and penalties

- 6.10 DMU could have its licence downgraded or revoked entirely if it fails to meet its employer sponsor duties. The Home Office has the right to visit and inspect the premises of any employer who holds a sponsor licence at any time and it is therefore imperative that DMU has in place robust systems to manage its obligations on an ongoing basis.

Updates April 2017

Minimum salary thresholds

- 6.11 From 6 April 2017, the minimum salary rate which must be paid to 'experienced workers' within the Tier 2 (General) immigration category is £30,000 per annum (gross) or the appropriate rate for the job as stated in the Immigration Rules⁵, whichever is higher. There are limited exemptions to this as detailed in the Immigration Rules.
- 6.12 It should be noted that the minimum salary **does not** operate pro rata and is based on basic pay eg excluding overtime and other allowances or benefits.
- 6.13 The minimum salary threshold for 'new entrants' remains £20,800 per year or the appropriate rate for the job as stated in the Immigration Rules, whichever is higher.

Immigration Skills Charge

- 6.14 From 6 April 2017, DMU will need to pay the Immigration Skills Charge (ISC)⁶ where it sponsors a worker from outside the [EEA](#). The ISC will apply where DMU assigns a Certificate of Sponsorship (CoS) in the Tier 2 'General' route where the migrant worker is applying from:
- Outside the UK for a visa
 - Inside the UK to switch to this visa from another
 - Inside the UK to extend their existing visa.
- 6.15 The ISC does not apply where DMU is sponsoring:
- A non-EEA national who was sponsored in Tier 2 before 6 April 2017 and is applying from inside the UK to extend their Tier 2 stay with either the

⁵ See: *Immigration Rules Appendix J: codes of practice for skilled work - Appropriate salary rates*

⁶ The ISC was introduced by the Immigration Act 2016.

- same sponsor or a different sponsor
- A worker to do a specified PhD level occupation⁷
- A Tier 4 student visa holder in the UK switching to a Tier 2 (General) visa.

6.16 The ISC does not apply to the worker's family members ie their 'dependants'.

6.17 The ISC is £1000 per year (for medium or large sponsors) or £364 per year for small or charitable sponsors. It is payable upfront for the total period covered by the CoS. As an employer with charitable status, the lower charge of £364 will apply to DMU unless there is an exemption to the ISC eg for PhD level occupations.

Overseas criminal record certificate requirement

6.18 From April 2017, Tier 2 visa applicants coming to work in education, health and social care sectors (and their adult dependants) will be required to provide a criminal record certificate from each country they have lived in continuously or cumulatively (aged 18 or over) for 12 months in the ten years before making their application if they are being sponsored by one of the specified SOC codes listed in the Home Office guidance.

- 1181 - Health services and public health managers and directors
- 1184 - Social services managers and directors
- 2211 - Medical practitioners
- 2212 - Psychologists
- 2213 - Pharmacists
- 2214 - Ophthalmic opticians
- 2215 - Dental practitioners
- 2217 - Medical radiographers
- 2218 - Podiatrists
- 2219 - Health professionals not elsewhere classified
- 2221 – Physiotherapists
- 2222 - Occupational therapists
- 2223 - Speech and language therapists
- 2229 - Therapy professionals not elsewhere classified
- 2231 - Nurses
- 2232 - Midwives
- 2312 - Further education teaching professionals
- 2314 - Secondary education teaching professionals
- 2315 - Primary and nursery education teaching professionals
- 2316 - Special needs education teaching professionals
- 2317 - Senior professionals of educational establishments

⁷ See: *Immigration Rules Appendix J: codes of practice for skilled work - Table 1 - Occupations skilled to PhD-level*

- 2318 - Education advisers and school inspectors
- 2319 - Teaching and other educational professionals not elsewhere classified
- 2442 - Social workers
- 2443 - Probation officers
- 2449 - Welfare professionals not elsewhere classified.

Further guidance about the requirement can be found on the '***Criminal records check for overseas applicants***' page on the GOV.UK website.

7 Resident Labour Market Test

7.1 If DMU wishes to sponsor a foreign national under Tier 2 (general) to do a skilled job that is not on the national list of shortage occupations (or another exempt category), the resident labour market test (RLMT) must be satisfied to prove that there is no "suitable settled worker" who can do the job. A "suitable settled worker" means any settled worker who has the skills and experience that DMU is seeking. If there is more than one candidate with all the necessary skills and experience that DMU advertised for, where one is a settled worker and the other is a migrant, the settled worker must be appointed even if the migrant is more skilled or experienced. There is an exemption if the job falls within one of the following PhD SOC codes:

- 2111 - Chemical scientists
- 2112 – Biological scientists and biochemists
- 2113 - Physical scientists
- 2114 - Social and humanities scientists
- 2119 - Natural and social science professionals not elsewhere classified - for Tier 2 this includes researchers in research organisations other than universities
- 2150 - Research and development managers
- 2311 - Higher education teaching professionals.

If the job falls within one of these PhD SOC codes, the migrant can be appointed if they are the most suitable candidate.

There is also an exemption from the RLMT for supernumerary research positions where the applicant has been granted a scientific research Award or Fellowship.

7.2 The RLMT will entail DMU advertising the job externally for 28 calendar days (which can be in two stages of no less than seven calendar days per stage) using the permitted advertising methods. Unless an exemption applies*, all jobs must be advertised using two of the permitted methods. For DMU this will primarily be:

- mandatory advertising online through the Jobcentre Plus Universal Jobmatch service (or jobs.ac.uk for academic posts) and
- one other permitted method (eg DMU's website).

*If the salary in question is more than £72,500 (or it is a PhD level SOC code) then there is no need to advertise in Jobcentre Plus, however the advertisement must still be posted in another website eg job.ac.uk to meet the requirement for advertising using two of the permitted methods.

- 7.3 If a settled worker applies for the job but does not have the necessary qualifications, experience or skills then DMU may be able to demonstrate that it has complied with the RLMT in order to employ a foreign national under tier 2 of the PBS. However, the RLMT will not have been met if DMU did not specifically request these qualifications, experience or skills in the job advertisement. DMU would therefore need to re-advertise being clear about the requirements before it could show that the RLMT had been complied with.
- 7.4 In order for the RLMT to be satisfied, the job advert should include the following:
- Job title
 - Main duties and responsibilities of the role
 - Location
 - Salary package (or salary range)
 - Skills, qualifications and experience required
 - Closing date.
- 7.5 If DMU wishes to sponsor an employee under the PBS it is important that the advert reflects the role and salary (or salary range) they are appointed to otherwise the university will not be able to demonstrate that it has complied with the RLMT.
- 7.6 For each job advertised where it is necessary to demonstrate compliance with the RLMT, HR will create and retain in PDF format a 'compliance pack' which will include:
- Screenshots of the online advertisement including date/time posted online
 - All enquiries of interest and applications received in the medium received eg CVs
 - The names and number of people who applied
 - Names and number of applicants shortlisted for interview
 - Notes from the interviews conducted
 - For each EEA national, reasons why they have not been appointed
 - Evidence that the employee meets the appropriate skill level requirement

for the occupation ie NQF level 6 or above. Evidence will include copies of the job description, person specification and copies of any qualifications the employee holds eg degree certificate

- Evidence that the employee is being paid the appropriate rate in accordance with the Home Office code of practice applicable at the time. (As the codes of practice change the compliance pack will include a scan of the relevant information for that occupational classification ('SOC code') at the time of appointment).

For more information on the RLMT and exemptions, see the Home Office [Tiers 2 and 5: guidance for sponsors](#).

8 Issuing a Certificate of Sponsorship

If a Certificate of Sponsorship is issued, the employee will still need to obtain entry clearance or, if already in the UK, gain further leave to remain in the UK before they can commence employment.

See the Home Office Guidance: [Tiers 2 and 5: guidance for sponsors](#)

9 Employees on student/Tier 4 visas

- 9.1 In addition to complying with its employer sponsor obligations specified above, DMU needs to ensure that all employees employed on Tier 4 visas are working in accordance with the relevant restrictions placed on them in terms of the type of work and the hours of work they are permitted to do. This means that alongside the required checks outlined above: [Checking eligibility to work in the UK](#), DMU must obtain, copy and retain details of the student's academic term and vacation dates from the educational provider covering the duration of their period of study in the UK for which they will be employed. The evidence should be requested from the student. The evidence can be for the entire duration of the course or obtained annually from the student for the academic year. The following evidence is acceptable:

- i. a print out from the education institution website or material published by the institution setting out the timetable for the student's course of study (check the website to ensure the link is genuine); or
- ii. a copy of a letter or email addressed to the student or DMU as employer from the education institution confirming term time dates of the course.

- 9.2 Again, the consequences of breach of the visa for both the student and the university are severe ie potential revocation of visa/deportation, illegal working penalties for DMU and implications for its sponsor licence, and criminal penalties for both DMU and the student. See [Risks and penalties for hiring](#)



[illegal employees.](#)

20 hour a week limit on working hours during term time

- 9.3 It should be noted that not all students are permitted to work 20 hours a week during term time; some employees working on a Tier 4 visa are limited to working 10 hours a week during term time or they are not permitted to work at all depending on the course that they are studying and when their visa was approved. The current rules are outlined below.
- 9.4 For those who applied for a Tier 4 visa **before 4 July 2011**, the working hours limits during term time are:
- 20 hours a week if they are studying a course at or above UK degree level or a foundation degree course, and/or if they made their tier 4 (general) application on or before 2 March 2010; or
 - 10 hours a week if they are studying a course that is below UK degree level and is not a foundation degree course, and they made their tier 4 (general) application on or after 3 March 2010.
- 9.5 For those who applied for a tier 4 visa on or **after 4 July 2011 and before 3 August 2015**, the working hours limits during term time are:
- 20 hours a week if they are on a course at or above NQF 6/QCF 6/SCQF 9 at a UK higher education institution, or a short-term study abroad degree programme at an overseas higher education institution;
 - 10 hours a week if they are on a course below the above level at a UK higher education institution or on a course at any level at a publicly funded further education college;
 - Individuals on a Tier 4 visa are **not** permitted to work if they are on a course at any level with an education provider that is not a UK higher education institution or a publicly funded further education college (unless they are on a short-term study abroad degree programme at an overseas higher education institution).
- 9.6 For those who applied for a Tier 4 visa **on or after 3 August 2015**, the working hours limits during term time are:
- 20 hours a week if they are on a course at or above NQF5/QCF6/SCQF 9 at a UK higher education institution, or a short-term study abroad degree programme at an overseas higher education institution;
 - 10 hours a week if they are on a course below the above level at a UK higher education institution;
 - Individuals on a Tier 4 visa are **not** permitted to work if they are on a course at any level with an education provider that is not a UK higher education institution (except short-term study abroad degree

programmes at an overseas higher education institution), or a course at any level with a publicly funded further education college or a private provider.

- 9.7 There are different working hours rules for those on placements and for student union sabbatical officers.
- 9.8 However, in the majority of cases, DMU will be employing university students studying for a degree or higher qualification and the 20 hours a week working hours limit during term time will apply.
- 9.9 It should also be noted that, separate from immigration rules, DMU's [Student Regulations](#) impose a 15-hour working hours limit during term time. See Chapter 1, para. 3.9 and Chapter 15, para. 2.3.

Monitoring working hours for students

- 9.10 Employees on Tier 4 visas will be advised of the working hours limit in their offer of appointment letter and they will be required to declare, before starting work, whether they have any other employment that, in conjunction with their work for DMU, would mean they were working in excess of the working hours limit during term time. See the [Declaration of other employment form](#).
- 9.11 DMU staff members who are responsible for scheduling employees' working hours **must** ensure they are aware of who has a Tier 4 visa and the limits on their working hours during term time – taking into account any work the employee holds elsewhere, both within and outside the university. Students **must not** be scheduled to work hours that would breach the working hours limits prescribed either by their visa or by DMU's Student Regulations, whichever is the lower.
- 9.12 Timesheets for employees on student visas will not be processed where the hours worked are in excess of the relevant working hours limit.

Student visitors

- 9.13 Students with Student Visitor visas undertaking a short course of study in the UK are not allowed to undertake employment of any kind, paid or unpaid.

10 Visitors

- 10.1 Changes were made to the rules relating to 'business visitors' on 24 April 2015. The following four visitor routes replaced the previous 15 routes:

- i. **Visitor (standard)**: This consolidated nine previous visitor routes including general, business, entertainer, private medical treatment, prospective entrepreneur and visitors undertaking clinical attachments. This means that an individual can visit the UK for a short period (usually up to six months) and undertake certain permitted activities including attending business meetings and do some incidental study under the standard visitor route. They can also carry out 30 days' unpaid volunteering at a UK-registered charity without having to be sponsored.
- ii. **Visitor (to hold their marriage or civil partnership in the UK).**
- iii. **Visitor undertaking permitted paid engagements.**
- iv. **Visitor transiting the UK.**

10.2 Standard visitors from outside the EEA or Switzerland can visit the UK for a short period and undertake certain permitted activities including:

- attending meetings, conferences, seminars, interviews;
- giving a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser;
- negotiate and sign deals and contracts;
- attend trade fairs, for promotional work only, provided the visitor is not directly selling;
- carry out site visits and inspections;
- gather information for their employment overseas;
- be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

See Appendix 3 of the UKVI guidance for a list of permitted activities for all visitors: <https://www.gov.uk/government/publications/immigration-rules-appendix-v-visitor-rules>

10.3 Those intending to enter the UK as a visitor must be able to show that they:

- Will leave the UK at the end of their visit.
- Will not live in the UK for extended periods through frequent or successive visits, or make the UK their main home.
- Are genuinely seeking entry for a purpose that is permitted by the visitor routes.
- Will not undertake any prohibited activities.
- Have sufficient funds to cover all reasonable costs in relation to their visit without working or accessing public funds. This includes the cost of the return or onward journey, any costs relating to dependants, and the cost of planned activities such as private medical treatment.
- Will not receive salary from a UK source, except reasonable expenses to

- cover the costs of travel and subsistence.
 - Will not be involved in selling goods or services directly to members of the public.
 - Will not be replacing someone in the UK, including for a temporary leave period.
- 10.4 Those who come to the UK on this basis can remain in the UK for a limited period only (usually up to six months with the exception of [academic visitors](#) referred to below). **They are not permitted to take up employment, whether paid or unpaid** and are restricted in terms of the activities they may undertake. If necessary, they should be able to produce documentary evidence of the activities they intend to undertake in the UK and which demonstrates that they intend to abide by the Immigration Rules (see [Visit visa: guide to supporting documents](#)). Those who fail to satisfy an Immigration Officer that they are genuine visitors may breach the Immigration Rules. They risk being denied entry and being removed from the UK. Those who breach the Immigration Rules or are removed from the UK also face a mandatory ban from the UK for a period of up to ten years. UKVI has published guidance on what a standard visitor can do while in the UK (see [UKVI: Standard Visitor visa](#)).
- 10.5 Visitors can do up to 30 days' recreational, English language or academic study, provided it is not the main purpose of their visit and the study is not at an academy or a school maintained by a local authority. Recreational study is defined as leisure and holiday-type courses (with examples given of pottery and horse riding). Any other study (including study of the English language) can only take place at an institution that either holds a licence under Tier 4 of the points-based system or is accredited by a UKVI-approved body.
- 10.6 They must return home when their permission to stay expires; they cannot 'switch' to another immigration category.
- 10.7 Standard visitors need to be distinguished from those who enter the UK to take up employment under a Certificate of Sponsorship under Tiers 2 and 5, or who have permission to work in the UK by virtue of having Tier 1 status in accordance with the points-based system.
- 10.8 Standard visitors must also be distinguished from visitors undertaking permitted paid engagements. This is a visitor category for individuals who are allowed to undertake a "permitted paid engagement" in the UK for up to one month without the need for sponsorship under Tier 2 or 5. The individual must have a formal invitation to undertake a pre-arranged engagement in the UK that relates to their experience (or qualifications) and their full-time occupation in their home country. The following individuals may come to the UK as a visitor undertaking a permitted paid engagement:

- Visiting examiners and assessors who are highly qualified in their field of expertise, and invited by a UK higher education institution or UK-based arts or research organisation to examine students or participate in or chair selection panels as part of that institution or organisation's quality assurance processes.
- Visiting lecturers who are invited by a UK higher education institution or UK-based arts or research organisation to give a lecture or series of lectures in their field of expertise. This must not be in a formal teaching role.
- Overseas designated pilot examiners invited by an approved training organisation based in the UK to assess UK-based pilots to make sure they meet the national aviation regulatory requirements of other countries. The training organisation must be regulated by the UK Civil Aviation Authority for the purpose of providing training.
- Lawyers qualified in a particular area of law who have been invited by a client based in the UK or another country to provide advocacy for legal proceedings in the UK. The proceedings may be a court hearing, arbitration or other form of alternative dispute resolution.
- Arts, entertainment or sports professionals who have been invited by a UK-based arts or sports organisation or broadcaster to carry out an activity related to their profession in the arts, entertainment or sports. This may include fashion models coming to the UK to undertake a specific engagement, providing they do not intend to base themselves in the UK long-term.

- 10.9 Dependants may accompany visitors, but must satisfy the [Immigration Rules](#) in their own right and must not take up employment while in the UK.
- 10.10 Visa nationals must apply for a visa in advance of travel to the UK as a visitor. For information on whether nationals of a particular country need a visa, see [UKVI: Check if you need a UK visa](#).
- 10.11 Those who intend to visit the UK and are not visa nationals do not need to apply for a visa in advance of travel to the UK as a visitor. An Immigration Officer will determine whether to grant the non-visa national leave to enter when they arrive in the UK.

Academic visitors

- 10.12 Within HE, individuals applying to enter the UK under the visitor category will normally be academic visitors (now part of the [standard visitor](#) category).
- 10.13 Academic visitors can stay in the UK for up to 12 months and may take part in formal exchange arrangements, carry out research for their own purposes if they are on sabbatical from their home institution and, if they are an

eminent senior doctor or dentist, take part in research, teaching or clinical practice, provided this does not amount to filling a permanent teaching post.

- 10.14 A professor from an overseas academic institution accompanying students to the UK as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation. However this must not amount to filling a permanent teaching role for that institution.

Guidance is available from [UKVI](#).

Appendix 1: EEA nationals

With the exception of Croatian citizens, citizens of any country in the European Economic Area (EEA) are entitled to work in the UK without special permission. There has been no immediate change to the rights and status of EEA nationals following the EU Referendum on 23 June 2016. This policy will be updated to reflect any future changes in the law.

The EEA consists of the following countries:

Austria	Latvia
Belgium	Liechtenstein
Bulgaria	Lithuania
Croatia	Luxembourg
Cyprus	Malta
Czech Republic	Netherlands
Denmark	Norway
Estonia	Poland
Finland	Portugal
France	Romania
Germany	Slovakia
Greece	Slovenia
Hungary	Spain
Iceland	Sweden
Ireland	UK
Italy	

Croatian nationals

Croatian nationals who want to work in the UK must obtain authorisation prior to commencing employment. They require a certificate of sponsorship under tier 2 of the [points-based system](#). Croatian nationals must also apply for an accession worker card before they can commence employment.

Croatian nationals do not need to obtain prior authorisation to work in a self-employed capacity.

When a Croatian national has worked lawfully in the UK for 12 months, they are free to continue to work without restrictions.

Appendix 2: Points-based system

The points-based system consists of five tiers. These are:

<p><u>Tier 1</u></p>	<p>High-value migrants, for whom no job offer or sponsoring employer is required. This category is for exceptionally talented people in the fields of science, humanities, engineering, the arts, and digital technology who wish to work in the UK.</p> <p>Applicants will already be internationally recognised at the highest level as world leaders in their particular field.</p> <p>For all areas except digital technology, applicants may also qualify if they have already demonstrated exceptional promise and are likely to become world leaders in their particular area.</p> <p>Individuals who enter the UK under Tier 1 have open access to the job market and can also take self-employed work.</p>
<p><u>Tier 2</u></p>	<p>Skilled individuals with proven English language ability who have a job offer, to fill gaps in the UK labour force, for example nurses, teachers and engineers.</p> <p>Employers who are registered sponsors need to apply for a sponsorship certificate each time they want to hire a worker under Tier 2.</p>
<p>Tier 3</p>	<p>Low-skilled workers if they are needed to fill specific temporary labour shortages, for example construction workers for a specific project, or agricultural workers.</p> <p>Tier 3 is currently suspended because most low-skilled jobs are currently capable of being filled by EEA nationals.</p>
<p>Tier 4</p>	<p>For students.</p>
<p>Tier 5</p>	<p>Youth mobility and temporary workers, for example people on working holidays or musicians coming to Britain to perform in a series of concerts.</p>

Appendix 3 (i): List of acceptable documents (A)

List A contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK. If the university follows the prescribed [right to work checks](#) it will establish a continuous statutory excuse for the duration of that person's employment with the university.

All documents which contain an expiry date must be 'current' (except those showing that the holder is a British citizen, a citizen of the UK and Colonies having the right of abode, a national of an European Economic Area (EEA) country or Switzerland or their family members with permanent residence). Where a current residence card, permanent residence card, accession residence card or derivative residence card of a family member (including non EEA National family members) of an EEA National is inserted into the holder's national passport, there is no requirement for the passport to be current. A 'current' document means a document that has not expired.

An [employer's guide to acceptable right to work documents](#) is available on the Home Office website.

A right to work [checklist](#) is available and should be completed in all cases.

The individual must produce one of the following specified documents (or two documents in a specified combination).

List A	
1.	<p>A passport⁸ showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.</p> <p>A passport stating that the holder is a 'citizen of the United Kingdom and Colonies' will only be acceptable if it includes the words: '<i>holder has the right of abode in the United Kingdom.</i>'</p>
2.	<p>A passport⁸ or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.</p> <p>The majority of nationals from EEA countries and Switzerland are free to live and work in the UK. However, special controls on access to the UK labour market apply to Croatian nationals (from 1 July 2013).</p>

⁸ If you have to rely solely on an expired passport to show you that a person has the right to remain and work in the UK, then you must take particular care when examining photographs and comparing these with the current appearance of the person presenting them. Also, you should note the date of birth on the expired passport and satisfy yourself that this is consistent with the current appearance of the holder. See [Verifying the documents](#).

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

For nationals from EEA countries, this document consists of a blue permit carrying a photograph and personal details of the holder. Swiss nationals receive a similar document in the form of a pink residence permit. Examples are shown in the [employer's guide to acceptable right to work documents](#) available on the Home Office website.

4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

When nationals from EEA countries and Switzerland reside in the UK, their immediate family members from outside the EEA or Switzerland may gain the same rights to enter or remain, and work here freely. However, the EEA national in question must be lawfully residing in the UK for their family member to have and maintain these rights. **UPDATE:** From 6 April 2015, the UKVI started issuing new Residence Cards in biometric format closely resembling Biometric Residence Permits and stopped issuing old vignettes in passports or standalone documents which continue to be acceptable documents for right to work checks.

5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

You **must not accept an expired Biometric Residence Permit** as evidence of right to work. These documents have a maximum validity of 10 years for over 16 year olds, and 5 years for under 16s. You can find out more in the [employer's guide to acceptable right to work documents](#) available on the Home Office website - see the section on 'UK immigration documents, stamps and endorsements.'

6. A current⁹ passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

You can find out more in the [employer's guide to acceptable right to work documents](#) available on the Home Office website - see the section on 'UK immigration documents, stamps and endorsements.'

⁹ You may not accept an expired passport unless it is a UK passport or a passport issued by a member state of the European Economic Area. **Expired passports issued by any other country are not acceptable**, even if they purport to contain older immigration stamps conferring indefinite leave to enter or remain. This is to strengthen protection against the use of forged documents by illegal workers. You may accept a residence card (including a permanent residence card, accession residence card or derivative residence card) issued to a family member of an EEA National in an expired passport as long as the residence card itself is current and has not expired.

7. **A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**

A valid Immigration Status Document contains a UK Residence Permit endorsement (see the [employer's guide to acceptable right to work documents](#) available on the Home Office website - section on 'UK immigration documents, stamps and endorsements.'). It also has a section providing further details of the holder's status and personal details. You should note that these have been replaced by Biometric Residence Permits since 2012 and they will be issued within the UK to anyone from outside the EEA granted leave for more than six months. There will however still be Immigration Status Documents in circulation.

8. **A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**

You must only accept the original of a full UK birth or adoption certificate, which must include the names of the holder and at least one of their parents. In some cases, a full birth certificate will only provide details of one of the holder's parents, and this will also be acceptable. **Short birth certificates which do not have details of either of the holder's parents are not acceptable.**

9. **A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**

Nationals from the Channel Islands, the Isle of Man and Ireland (also known as the Common Travel Area) have no immigration restrictions placed on the type of employment they can take in the UK.

10. **A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**

You should check that the A4 certificates describe the holder as a British citizen as indicated in the [employer's guide to acceptable right to work documents](#) available on the Home Office website.

Appendix 3 (ii): List of acceptable documents (B)

List B contains the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK. If the university follows the [prescribed right to work checks](#), it will establish a time-limited statutory excuse. Follow-up checks will be required as set out in [4.11](#) and [below](#).

A 'current' document means a document that has not expired.

An [employer's guide to acceptable right to work documents](#) is available on the Home Office website.

A right to work [checklist](#) is available and should be completed in all cases.

The individual must produce one of the following specified documents (or two documents in a specified combination).

List B	
Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave	
<p>1. A current⁹ passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.</p>	<p>Nationals from outside the European Economic Area (the EEA) who are subject to immigration control and who have been given current leave to work in the UK will be able to prove this by producing a UK Government stamp or endorsement in their national passport. When the Home Office grant a person limited leave to enter or remain they may place restrictions on the type of work a person can do and/or the hours they can work, depending to their immigration status. You can find out more in the employer's guide to acceptable right to work documents available on the Home Office website - section on 'UK immigration documents, stamps and endorsements.'</p>
<p>2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.</p>	<p>The Biometric Residence Permit (BRP) is a residence permit which holds a migrant's biographic details (name, date and place of birth) and biometric information (facial image and fingerprints), and shows their immigration status and entitlements while they remain in the UK. BRPs issued to those with Limited Leave to Remain clearly show whether there are any work conditions or restrictions. You can find out more about Biometric Residence Permits on the Home Office website.</p>

3. **A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.**

Example images are shown in the [employer's guide to acceptable right to work documents](#) available on the Home Office website.

4. **A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**

The document contains a UK Residence Permit endorsement which clearly states what permission to remain in the UK the holder has, whether the individual is free to work in the UK and whether their right to work is subject to any conditions. Immigration Status Documents have been replaced by BRPs since 2012 and are issued within the UK to anyone from outside the EEA granted leave for more than six months. There will however still be Immigration Status Documents in circulation.

Group 2 – Documents where a time-limited statutory excuse lasts for six months

1. **A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than six months old together with a Positive Verification Notice¹⁰ from the Home Office Employer Checking Service.**

Family members of nationals from EEA countries and Switzerland may apply for residence documents, such as a residence card, which show right to work in the UK. Under European law, many are also allowed to work whilst these applications are under consideration and before residence documents have been issued by the Home Office. The Home Office will provide such applicants with an initial letter of acknowledgment. A Certificate of Application is only acceptable if:

- It is less than six months old, and
- a check has been carried out with the Employer Checking Service and a positive confirmation of the person's right to work has been received.

Further information is contained within the Home Office guidance: [An employer's guide to acceptable right to work documents](#) – see section on 'Verifying right to work in the UK'.

¹⁰ A 'Positive Verification Notice' is official correspondence from the Home Office Employer Checking Service which confirms that a named person has permission to undertake the work in question.

2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice¹⁰** from the Home Office [Employer Checking Service](#).

You should be aware that some asylum seekers or failed asylum seekers may have restrictions on the type of work they can carry out and/or the amount of hours they can work. If an asylum seeker gives you an ARC stating that work is restricted then you should make sure that you do not employ them in breach of these restrictions as you may be liable for a [civil penalty](#). An ARC will only be acceptable if you carry out a check with the [Employer Checking Service](#) and receive positive confirmation of the person's right to work in response.

3. A Positive Verification Notice¹⁰ issued by the Home Office Employer Checking Service to the employer or prospective employer which indicates that the named person may stay in the UK and is permitted to do the work in question.

To send a verification request to the Employer Checking Service you should use the form available [via this link](#).

Follow-up right to work checks (Home office Guidance)

In order to retain a statutory excuse, follow-up right to work checks **must** be undertaken as follows:

Group 1 documents:

- If your employee is able to produce a current document in this list, you should make a follow-up check using this document. Your time-limited statutory excuse will continue for as long as your employee has permission to be in the UK and do the work in question, as evidenced by the document, or combination of documents, your employee produced for the right to work check.
- If however, at the point that permission expires, you are reasonably satisfied¹¹ that your employee has an outstanding application or appeal or administrative review pending against a Home Office decision to vary or extend their leave in the UK, your time-limited statutory excuse will continue from the expiry date of your employee's permission for a further period of up to 28 days. This is to enable you to verify whether the employee has permission to continue working for you.

¹¹ You can reasonably satisfy yourself by, for example, asking to see a Home Office acknowledgment letter or a Home Office or appeal tribunal reference number, and proof of date of postage. If the employee cannot provide this evidence, this does not necessarily mean that they have not made an application, appeal or administrative review.

- During this 28 day period you must contact the [Employer Checking Service](#) and receive a Positive Verification Notice¹⁰ confirming the employee continues to have the right to undertake the work in question.
- In the event that you receive a Positive Verification Notice your statutory excuse will last for a further six months from the date specified in your Notice. You will then need to make a further check upon its expiry.
- In the event that you receive a Negative Verification Notice¹², your statutory excuse will be terminated.

Group 2 documents:

- If your prospective employee or employee holds one of the documents in Group 2, or is unable to present an acceptable document because they have an outstanding application with the Home Office or an appeal or an administrative review in respect of their leave, you must contact the [Employer Checking Service](#) and receive a Positive Verification Notice¹⁰. Your time-limited statutory excuse will last for six months from the date specified in the Positive Verification Notice. You will then need to make a further check upon its expiry.
- A summary of the follow-up check requirements is below:

Document Type	Excuse Type	Frequency of Checks
List A	Continuous	Before employment starts only
List B - Group 1	Time-limited	Before employment starts and again when permission (as set out in the document checked) expires
List B – Group 2	Time-limited	Before employment starts and again after six months (as set out in the Positive Verification Notice).

For more information, refer to the Home Office Guidance: [An employer's guide to right to work checks](#).

¹² A 'Negative Verification Notice' is official correspondence from the Home Office Employer Checking Service which confirms that a named person does not have permission to undertake the work in question.

Appendix 4 – Managers’ responsibilities

- Ensuring compliance with the university’s procedures in respect of the employment of migrant workers.
- Ensuring that potential employees are legally entitled to work in the UK before allowing them to start work, checking, verifying, copying and recording the required documents in accordance with the university’s prescribed guidelines. (See section 4 of the Immigration and Preventing Illegal Working guidelines.)
- Informing HR of certain information eg failure to attend on first day at work, unexplained absences, significant changes to role/employment, etc. (See para. 6.5 of the Immigration and Preventing Illegal Working guidelines.)
- Tracking and monitoring the whereabouts of migrant workers in order to be able to comply with the reporting requirements of 6.5 of the Immigration and Preventing Illegal Working guidelines at all times and gaining access to the migrant worker’s Outlook or other electronic shared calendar. (See para. 6.6 of the Immigration and Preventing Illegal Working guidelines.)
- Ensuring that students on Tier 4 visas are not scheduled to work in excess of the working hours limit during term time. (See section 9 of the Immigration and Preventing Illegal Working guidelines.)

Appendix 5 – Migrant workers’ responsibilities

- Notifying the university when they intend to travel abroad whether for work or during annual leave. (See para. 6.6 of the Immigration and Preventing Illegal Working guidelines.)
- Ensuring they comply with the terms of their visa and any restrictions placed on their ability to work in the UK, including any restrictions placed on maximum working hours for students on Tier 4 visas.
- Ensuring that they keep their manager informed of their whereabouts and daily activities so the university is able to fulfil its employer sponsor duties at all times. (See para. 6.6 of the Immigration and Preventing Illegal Working guidelines.)
- Informing HR of any changes to their contact or next of kin details. (See para. 6.3 of the Immigration and Preventing Illegal Working guidelines and **Contact form** available on the [intranet](#)).



Appendix 6: Indefinite leave to remain in the UK

The university may offer financial assistance to employees who are seeking indefinite leave to remain in the UK.

Please contact the HR services team for more information about eligibility for assistance and the process.

See also the Home Office website [How to apply for settlement from inside the UK](#).