

Right to Work Checks

A comprehensive guide for departments

Remote Training

April 2024



Staff
Immigration
Team

Staff Immigration Team

Microphone:

- Due to the number undertaking training, please mute or turn off your mic.

Questions:

- The training will be broken into sections, with a 'pause' at certain points for questions.
- You can type in questions in the chat panel or turn on your mic to ask

Staff Immigration Team

Website: <http://staffimmigration.admin.ox.ac.uk>

James Baker – Head of Staff Immigration

Tel: (2)89908

Email: james.baker@admin.ox.ac.uk

Tim Currie – Staff Immigration Officer

Tel: (2)89903

Email: tim.currie@admin.ox.ac.uk

Lisa Crook – Staff Immigration Officer

Email: lisa.crook@admin.ox.ac.uk

Staff Immigration Assistant

Email: sit-administration@admin.ox.ac.uk

Kim Proffitt – Administrative Assistant

(College Tier 4 Hours Monitoring)

Tel: (2)89894

Email: collegetier4@admin.ox.ac.uk

Staff Immigration Advisors:

**Medical Sciences / Humanities / GLAM / UAS /
Continuing Education**

Angelina Pelova

Tel: (2)89904

Email: angelina.pelova@admin.ox.ac.uk

Paul Deeble

Email: paul.deeble@tss.ox.ac.uk

MPLS / Social Sciences / Colleges

Lyn Davis

Tel (2)89927

Email: lyn.davis@admin.ox.ac.uk

Richard Birt

Tel (2)89912

Email: richard.birt@admin.ox.ac.uk

What we do

- Advise departments, colleges and visa holders on:
 - Global Talent, Skilled Worker and Tier 5 process and requirements
 - ILR and British citizenship
 - Right to Work checks
 - Visitor immigration requirements
- Process Skilled Worker and Tier 5 Certificate of Sponsorship applications and hold all data on these visa holders centrally.
- Manage complex cases and matters of non-compliance with external legal input where necessary.
- Support any EU/EEA Frontier worker applications and any staff applying late for the Pre-Settled/Settled status due to reasonable grounds.
- Provide regular training on Global Talent, Skilled Worker, Tier 5, right to work and visitors.
- Represent the collegiate University's comments and concerns with immigration policy to the Home Office.
- Provide assurance to the Audit and Scrutiny Committee on immigration and right to work compliance.

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Legislation and Policy

Legislation

Immigration, Asylum and Nationality Act 2006

- Right to work legislation came into effect on 27 January 1997
- Updated in February 2008
- Updated in May 2014
- Updated in July 2021
- Latest update to the Act – 5th April 2022

Purpose of the legislation

- Make it harder for people with no right to work in the UK to gain or keep employment
- Put the responsibility onto employers to prevent illegal working
- Make it easier for the Home Office to sanction employers who employ illegal workers
- Provide employers with a statutory excuse against sanction

Avoiding discrimination

- RTW checks apply to all nationalities
- Cannot make assumptions of a person's nationality on the basis of name, race, appearance etc.
- **Equality Act 2010**, employers are required to treat all job applicants equally. Home Office advises that a right to work check should be completed for **all** prospective employees, and at the **same stage** of the recruitment process
- The collegiate University risks sanction under the Equality Act if employees/ prospective employees are treated differently on the grounds of race

What is an illegal worker?

A person who is “subject to immigration control” (i.e. requires a visa to work in the UK) and:

- does not hold the necessary visa to work in the UK

Or

- is working in breach of their visa conditions (i.e. in a role in which their visa doesn't cover/ for more hours than their visa permits)

Remember, it the same **offence** to breach the conditions of a visa as it is to work with no immigration status in the UK.

Examples of non-compliance

- Dr A arrived for her first day of employment, but forgot to bring her right to work documents
- The department allowed her to commence work and her right to work was checked the following day

Consequence – no statutory excuse against illegal employment if the documents were later found to be fraudulent because the right to work check was not done before employment commenced.

What should the department have done?

- Sent Dr A home on her first day to get her right to work documents and not allowed her to commence work until a right to work check had been completed
- Consider undertaking right to work checks at interview stage

Examples of non-compliance

- Mr B undertook some casual work for four hours per week during term time. He has a Tier 4 (student) visa
- He is also working 20 hours per week for three colleges
- The department did not ask him to complete a 'Tier 4 Student Employment Declaration' and did not know about his other work

Consequence – illegal employment of a Tier 4 visa holder.

What should the department have done?

Asked Mr B to complete the 'Student Employment Declaration'. This would have identified that the work they were offering was in breach of his visa conditions, **exceeding** 20 hours per week, and for this reason they could not employ him.

Examples of non-compliance

- Mr C was employed as a kitchen porter as a casual worker in a college for 20 hours per week
- He held a Skilled Worker visa to work as a Research Assistant in a private research company

Consequence – Illegal employment of a Skilled Worker visa holder in breach of their visa conditions. Skilled Worker visa holders may only take additional work in job types which would be sponsorable under the Skilled Worker route, work as a kitchen porter is not sponsorable so is not permitted.

What should the college have done?

Checked, with advice from SIT if necessary, whether the work would normally be sponsorable under the Skilled Worker visa route, and as it isn't they should have explained to Mr C that his Skilled Worker visa does not permit this type of work to be undertaken as supplementary employment

Examples of non-compliance

- Mr D commenced employment on 6 January 2014 but a right to work check was not completed until March 2014
- The Home Office contact the University in 2017 to advise that according to their records Mr D does not have the right to work in the UK (they have the ability to cross reference information from NI contributions with visa status)
- It was found that Mr D had presented a fraudulent visa

Consequence – illegal employment of an individual with no right to work in the UK. No statutory excuse because a right to work check was not completed before work commenced.

What should the department have done?

Completed a right to work check before employment commenced. Had this been done, there would be no sanction against the University because the fraudulent document was not obvious.

Consequences of non-compliance

- On-the-spot fines of up to £60,000 for **each** illegal worker
- Up to 2 year prison sentence and/or an unlimited fine
- Financial and reputational loss

A breach from a single college or department (including those who do not have any Skilled Worker or Tier 5 sponsored visa holders) = potentially serious consequences for entire Collegiate University.

Sponsor licenses

The Collegiate University holds 'Premium Sponsor Status' with the Home Office and holds the following licenses

- Skilled Worker – non UK employees to fill skilled roles (approx. 890 visa holders)
- Student Visa (formally Tier 4) – students from overseas (4,988 students)
- Tier 5 – supernumerary researchers and academics coming to collaborate (approx. 190 current sponsored visa holders)

Failure to comply with Right to Work check requirements poses a serious risk to these licences:

- Licences withdrawn – all sponsored workers and students required to leave the University and UK
- Licences downgraded – may retain current visa holders but not sponsor new visa holders
- Prevent the recruitment of international talent (students and employees)

Questions?

Who needs a right to work check?

Who needs a RTW check?

Employees and casual workers

Right to Work check required	Right to Work check not required
Employees paid through payroll	Anybody working entirely overseas
Casual workers paid through payroll	Anybody employed continuously since before 27 January 1997
Tier 5 sponsored visa holders	Self-employed people
Anybody who receives a payslip	Agency workers
Anybody (over 16) on Work Experience	Workers supplied by the Temporary Staffing Service (RTW undertaken by TSS)
Unpaid workers	Volunteers
Examiners (in some circumstances)	
Out tutors arranged by department	

Unpaid worker Vs Volunteering

Volunteering activities;

- Not fulfilling a role normally undertaken by paid staff
- No obligation on the individual to attend at particular times or have set hours – engagement is informal
- No payment, only reimbursement for reasonable travel and meals expenses actually incurred

Consider:

What would happen if the individual didn't turn up for the engagement, would you have to find someone else to cover?

Answer Yes: Unpaid Worker - Undertake Right to Work check

Will the individual have defined hours, attend regular team meetings and receive extensive training?

Answer Yes: Unpaid Worker – Undertake Right to Work check

Who needs an immigration check?

Visitors – where the department has facilitated their entry into the UK

Immigration check required	Immigration check not required
People from overseas who require a visa/immigration stamp to enter as an Academic Visitor	Visitors from within the UK
People from overseas who require a visa/immigration stamp to enter as a Business Visitor (unless coming for one day or less)	Non-UK/Irish nationals who already have permission to be in the UK
People from overseas who require a visa/immigration stamp to enter as a Permitted Paid Engagement visitor	Business Visitors from overseas coming for one day or less

Immigration status check = check, copy, sign, date and retain copy of passport and visa/immigration stamp. Retain copies for duration of visit.

Terminology

List A and List B RTW

The Home Office split right to work checks into two types. Either List A or List B

List A:

- Permanent proof of right to work – no repeat checks required during employment
- British/Irish passport and Indefinite Leave to Remain (ILR) and Settled status visa holders

List B:

- Time limited right to work – a repeat check must be done for **ALL** List B's before the document expires if employment is expected to continue
- Work visa/ Biometric Residence Permit holders i.e. Global Talent, Skilled Worker, Tier 4, Student visa, Tier 5, dependant visa

See <https://www.gov.uk/government/publications/right-to-work-checklist/employers-right-to-work-checklist-accessible-version>

BRPs still issued to some but no longer accepted as proof of RTW

If new starter has a Home Office letter or email that states they will be issued a BRP and is unable to collect their BRP before commencing engagement:

- Can rely on the vignette as proof of right to work while waiting on BRP
- Advise individual to collect BRP within 10 days of arrival into the UK and BEFORE vignette expires
- BRP cannot be relied on as proof of right to work but they will need the BRP number to generate a 'share code' so you can carry out an online right to work check

Individuals with electronic immigration status, must provide a 'share code' and their date of birth for an employer check to be completed. Full details on [SIT website](#). Also require evidence of their arrival date to UK – e.g travel ticket, boarding pass.

Other terms

Permission to Enter/ Leave to Enter/ Entry Clearance	Home Office terms for individual granted entry to the UK , this will often have an end date specified
Permission to Stay / Leave to Remain	Individual granted an extension to their stay in the UK for a specific period of time
Settlement/ Indefinite Leave to Remain/ Permanent residency	Individual granted permission to remain in the UK without any time limit on their stay Permanent residency - EEA nationals and family members
Dependant	Partner or spouse (married/ civil partner/ cohabiting >2 years) or child of a visa holder, who are permitted to join or remain with the main visa holder
Naturalisation	Legal process of an individual obtaining British nationality

Questions?

How to complete a right to work check

RTW method

Need to ask individual what RTW they wish to present, then decide if this will be a manual check or an online check.

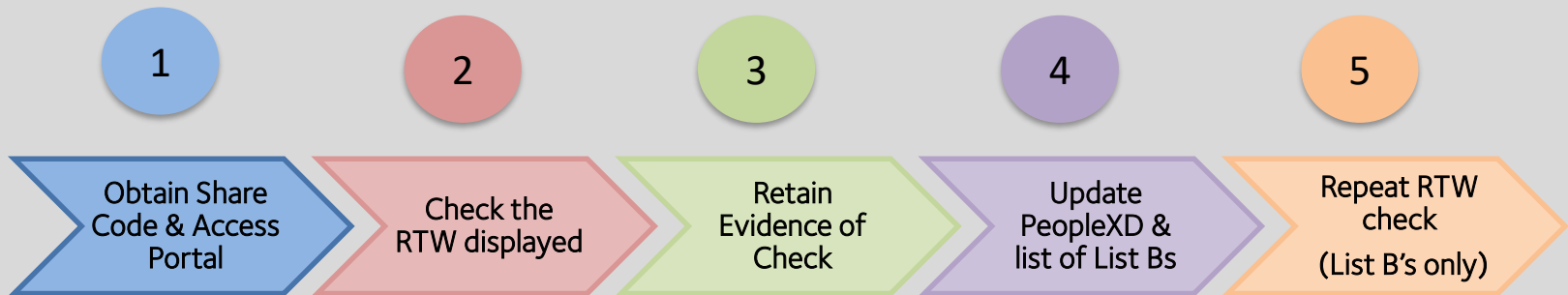
Use online RTW portal if:

- EU/EEA and Swiss with Settled status
- EU/EEA and Swiss with Pre-Settled status
- EU/EEA and Swiss with a UK visa (and not issued a BRP card)
- EU/EEA and Swiss with a Frontier Worker Permit
- BN(O) visa issued electronically (Hong Kong visa)
- Biometric Residence Permit (BRP) card (from 6th April 2022)

Copy and retain RTW documents if:

- British Passport
- Irish Passport or passport card
- Birth Certificates
- Visa vignettes in current passports
- Certificate of British nationality
- Positive Verification Notice (PVN's)
- Current Immigration Status Documents or ARC cards

Online RTW portal process



Step 1: Obtain the individuals 'share code' and 'date of birth'

The individual may provide the share code to you directly, or they may choose to send this to you via the service. If they choose to send it to you via the service, you will receive an email from:

right.to.work.service@notifications.service.gov.uk

The response time to this process is very fast – little or no waiting

Then access the online RTW portal via

[View a job applicant's right to work details - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Enter the share code and date of birth

GOV.UK View a job applicant's right to work

BETA This is a new service - your [feedback](#) will help us to improve it.


Right to work

Erika Mustermann

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.



Rotate 90°

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 Acme Ltd	Date of check 8 January 2018	Reference number WE-NDH5IDD-63

[Print page](#) [Download PDF](#)

[Finish and leave service](#)

Need help using this service? [Get help](#)

Online RTW check:
List A wording

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.

Step 2: Check the RTW

In the presence of the individual (in person or via live video link), you must check that the photograph on the online right to work check is of the individual presenting themselves for work.

If the details do not refer to the right to work ending, then individual is List A and no further checks required.

If the details specify a date when the right to work is ending, then individual is List B, and their details added to your 'List of List Bs'.

If the details specify any restrictions on the work (limit of hours worked or type of work allowed), the check will indicate this. If you are not sure on the restrictions, please talk to SIT.

Step 3: Retain Evidence of the Check

You must retain evidence of the online right to work check. For online checks, this should be the 'profile' page confirming the individual's right to work. This is the page that includes the individual's photo and date on which the check was conducted. You will have the option of printing the profile or saving it (select pdf option).

This should either be printed out and added to the individual's personnel file or saved electronically and stored with the individual's electronic personnel file.

These checks need to be retained for the length of employment plus two years.

After receiving the online RTW check – delete the share code and date of birth as information no longer needed.

Step 4: update People XD

- Completion is mandatory for all new employees, Tier 5's and casual workers (Data Services enter People XD details for Humanities)
- SIT runs monthly audits from People XD to ensure right to work information is complete. The Key Contact will be notified where significant omissions or errors are found.
- Ensure old right to work records on People XD are closed when adding new visa details.
- Keep up to date list of List B document holders, visa expiry dates and type of visa
- Have demonstrable system for ensuring list is always up to date – use People XD report to monitor right to work
- Use HRIS User Guides: <https://hrsistemas.admin.ox.ac.uk/files/righttowork-scenariofactsheetpdf> and <https://hrsistemas.admin.ox.ac.uk/files/how-toguide-userdefinedfieldspdf>

PeopleXD UDF

Right To Work

People Management > Employee Search > HELEN DATA (2341975) > Right To Work

Appointment: **NON-EMP AGENCY WORKER** Started

From Date: 01-Jun-2021 To Date: _____

Right to work type *	Visa issue date	Visa expiry date	RTW undertaken by *	Comments
List B Visa (Other)	31-May-2021	30-May-2022	Tony Test	Test

Right to work type * dropdown menu (left):

- List A Permanent
- List B Visa (Other)
- List B Visa (Sponsored)
- List B Visa (Student/Restricted Hours)
- N/A started pre 27/01/1997
- Working overseas - RTW not required

Right to work type * dropdown menu (right):

- List A Permanent
- List B Visa (Other)
- List B Visa (Sponsored)
- List B Visa (Student/Restricted Hours)
- N/A started pre 27/01/1997
- Working overseas - RTW not required

Note: Updating a name in RTW field on PeopleXD changes name in system

University – Changes in PeopleXD

The options for Right to Work Type have been simplified

List A Permanent	British and Irish Nationals, and individuals (EEA and international) with settlement/Settled status /Indefinite Leave to Remain (ILR).
Lisa B Visa (Student/Restricted Hours)	Tier 4/ Student visa holders who are restricted on the amount of hours they can work alongside their studies
Lisa B Visa (Sponsored)	Skilled Worker and Tier 5 (GAE) Sponsored Researchers. If applied but not received, include Positive Verification Response from Employer Checking Service for sponsored visa holders.
Lisa B Visa (Other)	All other visa types where the person has a time limited stay in the UK. For example (but not limited to) Global Talent, Dependant, Tier 5, Youth Mobility, Graduate Visa, and Pre-Settled status.
Working Overseas – RTW not required	Individual will undertake all of their employment outside of the UK.
N/A Started Pre 27/01/1997	Only for use in historical records

Other Fields

From Date	Date RTW was checked
To Date	When entering RTW information, must check if there is a previous RTW information. If so, enter the date the new RTW record was added in the old RTW. This closes the old RTW record down. If the old RTW record is identical to the new RTW record, no need to add the new record
Visa Issue Date	Enter if issue date listed on RTW record
Visa Expiry Date	Must be entered if RTW record List B. If List A, leave blank
RTW Undertaken by	Name of individual who undertook the RTW check
Comments	Other information if required

Step 5: repeat check (List B only)

Only required if extending contract beyond expiry date of visa

Applies to with 'List B' status

No repeat checks for those with List A status

Process:

- Identify those with List B status at least 3 months in advance of their visa expiring
- Maintain contact with a worker through the visa application process
- Undertake additional steps if the new visa is not obtained before their visa expires

Outcome:

- Ensures that a new visa is received/ worker is in the process of applying for a new visa before the existing visa expires
- Undertake right to work check on new visa
- Update list of List B's and PeopleXD

Step 5: repeat check (List B only)

3
months

before visa expires, contact worker to check they plan to extend their visa or apply for ILR.

Ask them to keep you updated.

Complete RTW check on new visa (if available) following steps 1-4, and update Core HR and list of List B's.

Approx
2 weeks

before visa expires, if worker has not received new visa:

- Seek and retain evidence application has been submitted: Home Office acknowledgement letter (if not available - proof of postage)
- If they have not submitted a visa application – remind them they must apply before their visa expires

Step 5: repeat check (List B only)

Visa
expires

If worker has not received new visa:

- Obtain Home Office acknowledgment letter, if this has not been received, request proof of postage
= extends permission to work for 28 days

If worker has made the application to the Home Office after their visa expired, they will not have the right to continue to work whilst the application is pending – contact SIT

21 days

after visa has expired, new visa still not received:

- Ensure you have copy of Home Office acknowledgement email – Case ID number will be required
- Submit request to the Employer Checking service to confirm pending application:

<https://www.gov.uk/government/publications/employer-checking-service-form-check-employees-right-to-work>

Step 5: repeat check (List B only)

28 days

after expiry of visa receive from the Employer Checking Service (ECS):

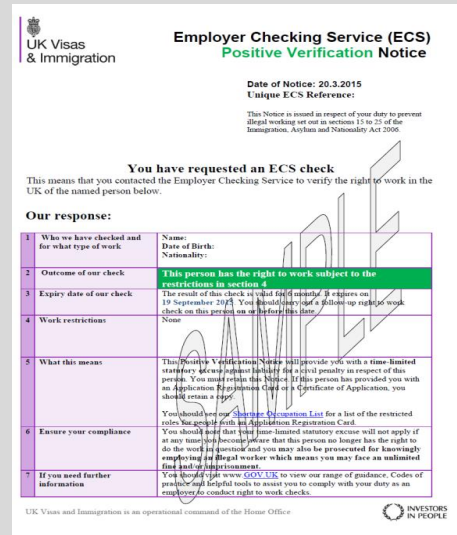
Positive verification – right to work will continue for six months whilst awaiting new visa.

Negative verification – **contact SIT immediately**

6 months

within 6 months of the positive ECS being obtained;

- Complete RTW check on **new** visa once received
- Update list of List B's with new information



UK Visas & Immigration

**Employer Checking Service (ECS)
Positive Verification Notice**

Date of Notice: 20.3.2015
Unique ECS Reference: [redacted]

This Notice is issued in respect of your duty to prevent illegal working set out in sections 12 to 23 of the Immigration, Asylum and Nationality Act 2006.

You have requested an ECS check
This means that you contacted the Employer Checking Service to verify the right to work in the UK of the named person below.

Our response:

1	Who we have checked and for what type of work	Name: Date of Birth: Nationality:
2	Outcome of our check	This person has the right to work subject to the restrictions in section 2
3	Expiry date of our check	The result of this check is valid until 19 September 2015. You should carry out a follow-up right to work check on this person on or before this date.
4	Work restrictions	None
5	What this means:	The Positive Verification Notice will provide you with a time-limited statutory defence against liability for a civil penalty in respect of this period. You must retain this Notice. If this person has provided you with an Application for a visa or a Certificate of Application, you should retain a copy. You should refer to Chapter 2 of the Immigration Rules for a list of the restricted roles. You should also refer to the Application for a visa or a Certificate of Application for a list of the restricted roles. You should also refer to the Immigration Rules for a list of the restricted roles. You should also refer to the Immigration Rules for a list of the restricted roles.
6	Ensure your compliance	You should note that the time-limited statutory defence will not apply if at any time you become aware that this person no longer has the right to do the work in question and you may also be prosecuted for knowingly employing an illegal worker which means you may face an unlimited fine and/or imprisonment.
7	If you need further information	You should refer to the UK Visas and Immigration website for more information. You should also refer to the Immigration Rules for a list of the restricted roles. You should also refer to the Immigration Rules for a list of the restricted roles.

UK Visas and Immigration is an operational command of the Home Office

INVESTORS IN PEOPLE

Step 5: repeat check (example)

Dr G's Tier 2 visa expires on **1 January 2022**

Action:

1. Contact Dr G approx. **1 October 2021**, she confirms she intends to apply for a visa extension in late November
2. In **early December** Dr G confirms she has submitted the visa application but has not received the outcome
3. Dr G provides Home Office acknowledgement letter dated **29 November 2021**. This is valid proof of right to work up to **28 January 2022**.
4. On/shortly before **21 January 2022**, contact Dr G to check whether she has received her new visa. She still hasn't
5. Complete the Employers Checking Services form on the Home Office website (no later than 21 January 2020) and await response
6. On **27 January** a Positive Verification Notice is received from the Home Office. This is valid as proof of right to work until **27 July 2022**
7. Keep in regular contact with Dr G to check if she has received her new visa.
8. On **4 February 2022** Dr G confirms she has received her new visa and brings it in for the department to do a right to work check
9. The department completes the check and updates list of List Bs

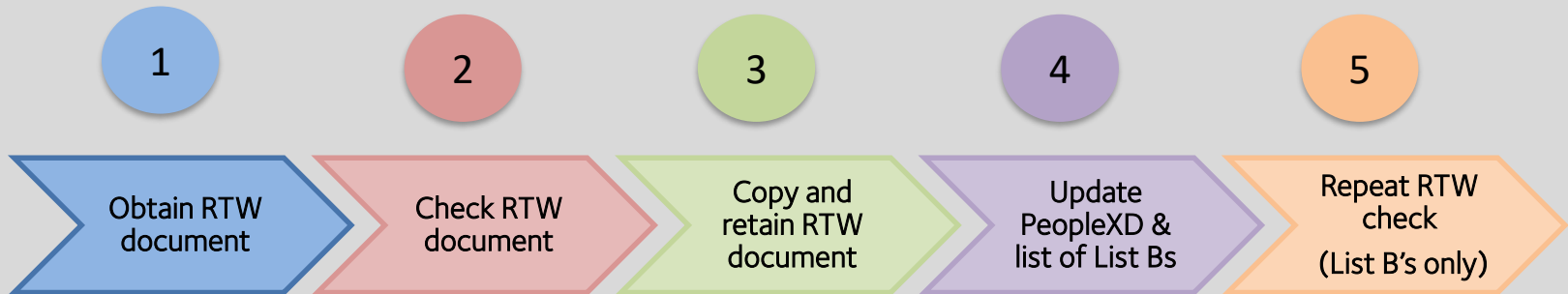
Questions?

BREAK

**The training will resume
in approx. 5 minutes**

Making a 'manual' RTW check

Right to work 'manual' process



Use the Right to Work Checklist to ensure you follow all of the required steps in full <https://hr.admin.ox.ac.uk/standard-compulsory-checks>

Step 1: obtain document(s)

- Undertake prior to employment commencing and complete correctly – you can't go back at a later date to rectify
- Only documents on List A or List B are acceptable
- Worker must present original document(s) in person – photocopies and electronic copies not acceptable
- Those who work remotely should have an initial visit to Oxford to present their right to work documents
- In exceptional circumstances, a right to work check can be conducted via Teams/video link BUT the worker must send their original documents (passport, visa etc.) to the department before the right to work check via video link is conducted. This is not recommended

Step 2: check document(s)

You are not expected to be an expert but should reject a document if it is “reasonably apparent” that it is not genuine/ does not belong to the holder:

Consider

- Photographs and DOB consistent across documents and inline with the appearance of the holder
- Has the document been tampered with;
 - Pages missing, or out of alignment
 - Substitution of photograph, personal details
- Does the print or paper quality look poor?



Step 2: check document(s)

Check:

- ✓ Visa in date and permits work in question
(Note Student (Tier 4) restrictions on hours, and Skilled Worker and Tier 5 restrictions on type of work)
- ✓ Passports must be **current** (in date & not cancelled) except:
 - For UK and EEA nationals
 - For those with an EEA Family Permits/ Residence Card
- ✓ Any difference in name – ask for further original documentation (i.e. marriage/civil partnership certificate, deed poll)

Not sure? Ask SIT

Step 3: copy and retain document(s)

- Passports – copy all pages with photo, expiry date, nationality, DOB, signature, visa, biometric details
- All other documents, including BRP – copy in full – both sides
- Ensure copies are clear – photograph and details are legible

Sign, print name and include this declaration to confirm originals seen:

“The date on which this right to work check was made [insert date]”

- Retain for duration of employment/engagement, plus two years after employment/engagement ends
- Data protection – copies must be held securely
- Keep copy of right to work documents attached to inside front cover of Personnel files so that documentation can be found easily during an audit

Step 4: update CoreHR/People XD

- Follow same process as with an 'online check'

Step 5: repeat check (List B only)

- Follow same process as with an 'online check'

Questions?

Right to Work documents for manual check

- List A (permanent)
- List B (time-limited)

List A document 1

British passport

- **NOTE** there are **6** different types of British nationality but the only British passport accepted by itself is where Nationality is listed as '**British Citizen**'
- **Other types** of British nationals (such as '*British National (Overseas)*', '*British Subject*', '*British Overseas Citizen*' etc. **do not have automatic rights to live and work in the UK** and will need a visa to work (List B)
- Some can be endorsed with entitlement to **Right of Abode** in the UK but this must be in a valid passport (List A)



- Other types rarely seen but do come up so be careful to read Nationality & **don't assume British passport = British citizenship** & if unsure or have any doubts contact SIT

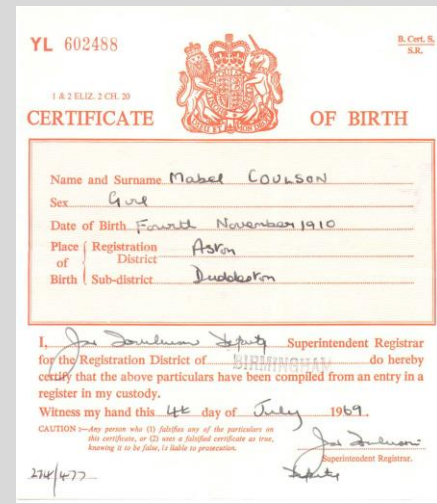
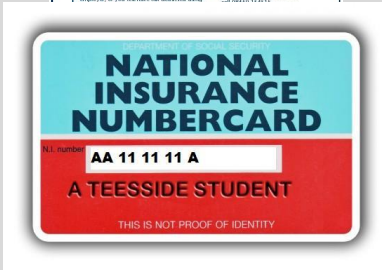
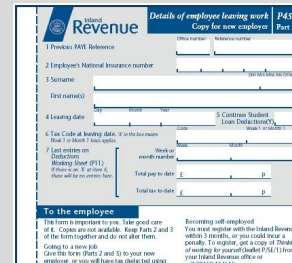
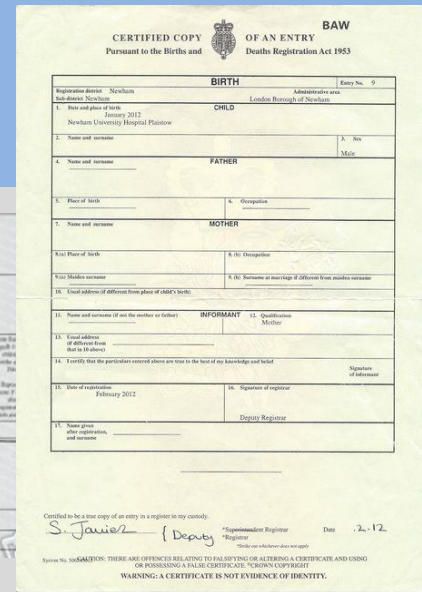
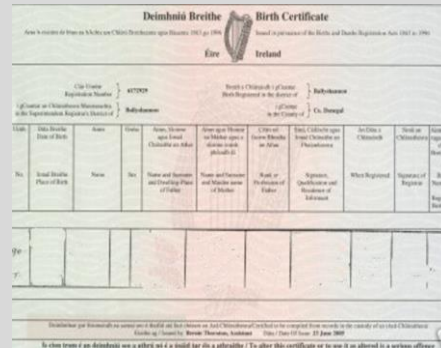
List A document 4

A birth or adoption certificate:

- issued in the UK, Channel Islands, the Isle of Man or Ireland

together with an official document giving the person's permanent National Insurance number and name

- Short birth certificates are valid for this purpose.
- Evidence of the National Insurance Number must be in the form of an official document (i.e. a National Insurance Card, letter from HMRC, P45 or P60)



List A document 5

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:

- A certificate of Registration is an A4 certificate describing the holder as a British Citizen
- Evidence of the National Insurance Number must be in the form of an official document (i.e. a National Insurance Card, letter from HMRC, P45 or P60.)



Inland Revenue Details of employee leaving work P45
Copy for new employer Part 2

1 Previous PAYE Reference: [redacted] Reference number

2 Employer's National Insurance number: [redacted]

3 Surname: [redacted] (Do not use maiden name)
First name(s): [redacted]

4 Leaving date: [redacted] 5 Continue: Student, Loan Defectors, CV, or other (see leaflet)

6 Tax Code at leaving date: [redacted] 7 Last entries on Working Sheet (P11): [redacted]

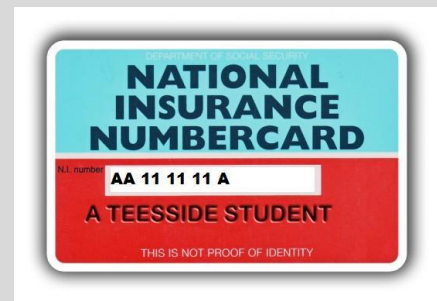
8 Total tax to date: £ [redacted] p [redacted]

To the employee
The forms in respect to you. Take good care of them. Copies are not available. Keep Parts 2 and 3 of the form together and do not alter them.
Going to a new job: Give this form (Parts 2 and 3) to your new employer, or you will have tax deducted using the emergency code and may pay too much tax. If you do not want your new employer to know the details on this form, send it to your Inland Revenue office immediately with a letter saying so and giving the name and address of your new employer. The Inland Revenue office can make special arrangements, but you may pay too much tax for a while as a result.
Going abroad: If you are going abroad or returning to a country outside the UK, ask for Revenue Tax form for those leaving the United Kingdom (Form P45) from any Inland Revenue office or Enquiry Centre.

To the new employer
Check this form, complete parts 1 to 17 in Part 3 and prepare a Deductees Working Sheet (Form P11). Follow the instructions in the Employer's Help Book. Day-to-day payroll, E17 for how to prepare a P11.

Not working and not claiming Inland Revenue Allowance
If you have paid tax and wish to claim a refund ask for Claim for income tax repayment (Form P50) from any Inland Revenue office or Enquiry Centre.

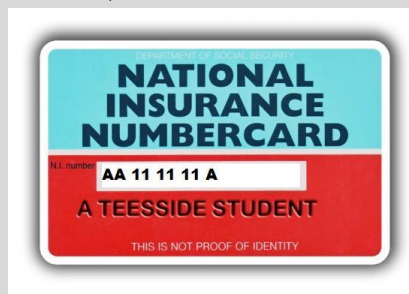
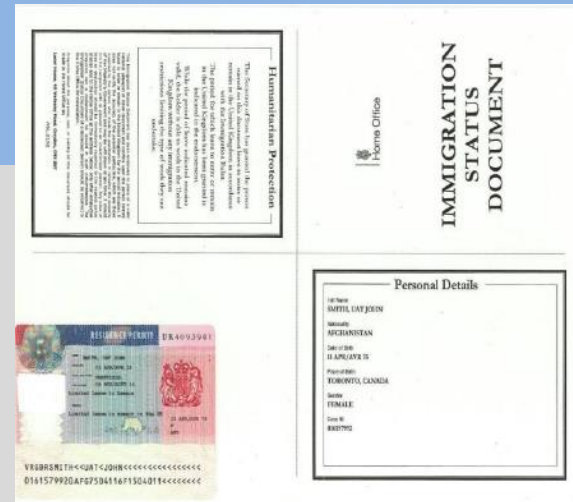
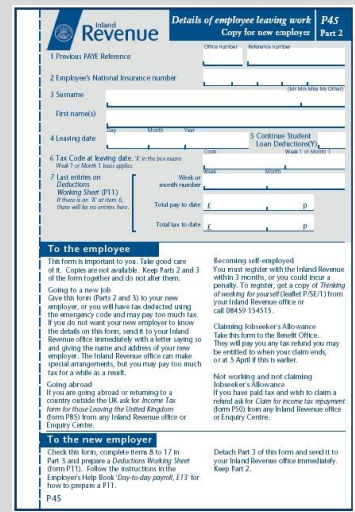
Details Part 3 of this form and send it to your Inland Revenue office immediately. Keep Part 2.



List A document 6

A current Immigration Status Document issued 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, 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:

- Rarely seen but still some in circulation
- Evidence of the National Insurance Number must be in the form of an official document (i.e. a National Insurance Card, letter from HMRC, P45 or P60.)

The image shows a HMRC P45 form, 'Details of employee leaving work'. The form is divided into several sections: 1. Previous PAYE Balance, 2. Employee's National Insurance number, 3. Surname, 4. Leaving date, 5. Contract type (Student), 6. Tax Code, 7. Tax credits, 8. Total tax to date, and 9. Total tax to date. The form also includes instructions for the employee and the new employer, and a section for claiming Jobseeker's Allowance. The form is dated 11/07/2017.

List A document 7

A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has been granted unlimited leave to enter or remain together with a Positive Verification Notice from the Home Office.

**EXPECTED TO BE VERY RARELY
ENCOUNTERED – PLEASE TALK TO
SIT**

UK Visas & Immigration

**Employer Checking Service (ECS)
Positive Verification Notice**

Date of Notice: 20.3.2015
Unique ECS Reference:

This Notice is issued in respect of your duty to prevent illegal working set out in sections 15 to 22 of the Immigration, Asylum and Nationality Act 2006.

You have requested an ECS check.
This means that you contacted the Employer Checking Service to verify the right to work in the UK of the named person below.

Our response:

1 Who we have checked and for what type of work	Name: Date of Birth: Nationality:
2 Outcome of our check	This person has the right to work subject to the restrictions in section 4
3 Expiry date of our check	The result of this check is valid for a period of 6 months. It expires on 19 September 2015. You should carry out a follow up right to work check on this person on or before this date.
4 Work restrictions	None
5 What this means	This Positive Verification Notice will provide you with a time limited statutory defence against liability for civil penalties in respect of this period. You must retain this Notice. If this person has provided you with an Application Registration Card or a Certificate of Application, you should retain a copy. You should see our Sharepoint Information List for a list of the restricted roles you might wish to apply for with an Application Registration Card.
6 Ensure your compliance	You should note that your time limited statutory excuse will not apply if at any time you become aware that this person no longer has the right to do the work in question and you may also be prosecuted for knowingly employing an illegal worker which means you may face an unlimited fine and imprisonment.
7 If you need further information	You should visit www.gov.uk to view our range of guidance. Codes of practice and helpful tools to assist you to comply with your duty as an employer to conduct right to work checks.

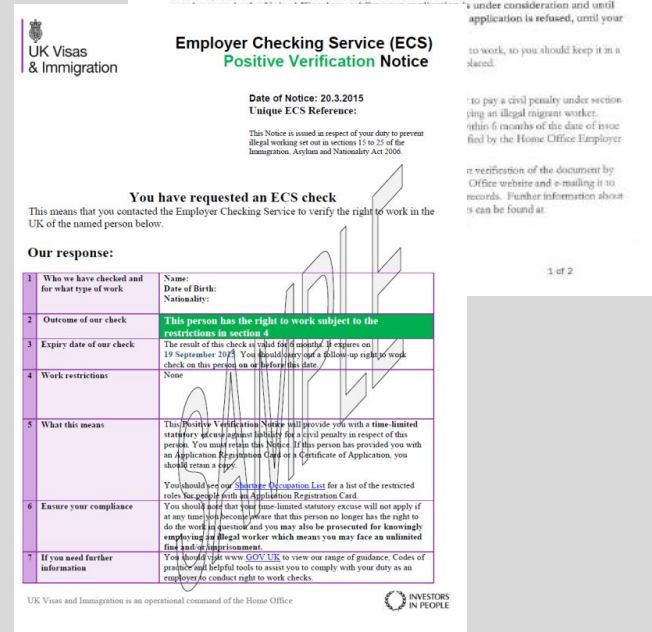
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List B document 2

A Certificate of Application issued to an EEA/Swiss national or family member stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office.

- EEA nationals or family member who have applied for Pre-Settled status before 1st July 2021 will still be able to work while the application is being considered.
- The Certificate of Application must be no more than six months old and must be verified by the Home Office 'Employers Checking Service' before the person can commence employment.
- Employers checking service
<https://www.gov.uk/government/publications/employer-checking-service-form-check-employees-right-to-work>



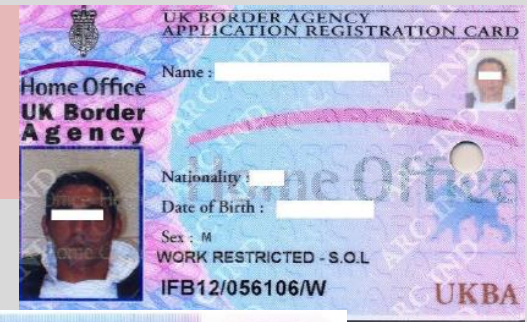
List B document 4

An Application Registration Card stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office:

- Issued to Asylum applicants
- The holder may have restrictions on the type of work they can do and/or the number of hours they can work
- The ARC must be verified by the ‘Employers Checking Service’ before the person can commence employment

<https://www.gov.uk/government/publications/employer-checking-service-form-check-employees-right-to-work>

BEFORE ENGAGEMENT –GET ADVICE FROM SIT



UK Visas & Immigration **Employer Checking Service (ECS) Positive Verification Notice**

Date of Notice: 20.3.2015
Unique ECS Reference:


This Notice is issued in respect of your duty to prevent illegal working set out in sections 10 to 12 of the Immigration, Asylum and Nationality Act 2004.

You have requested an ECS check

This means that you contacted the Employer Checking Service to verify the right to work in the UK of the named person below.

Our response:

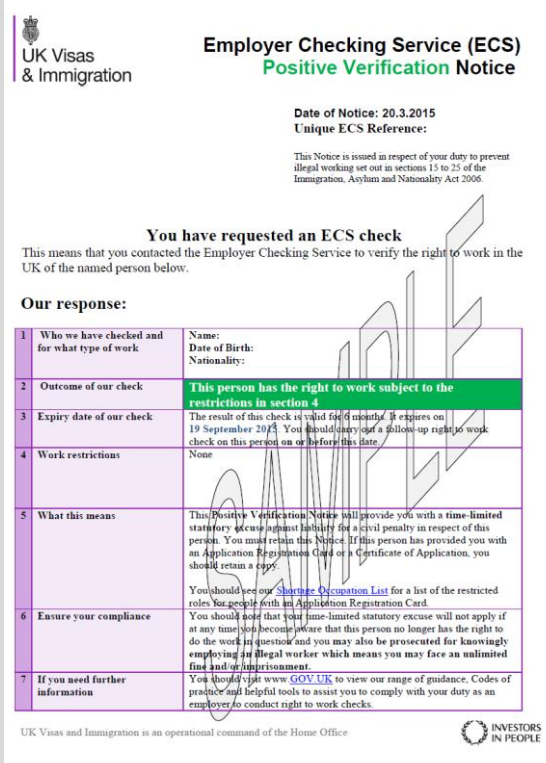
1 Who we have checked and for what type of work	Name: Date of Birth: Nationality:
2 Outcome of our check	This person has the right to work subject to the restrictions in section 4
3 Expiry date of our check	The result of this check is valid for a period of 90 days on 19 September 2015. You should carry out a follow up right to work check on this person on or before this date.
4 Work restrictions	None
5 What this means	This Positive Verification Notice will provide you with a time-limited statutory defence against liability for a civil penalty in respect of this person. You must retain this Notice. If this person has provided you with an Application Registration Card or a Certificate of Application, you should retain a copy.
6 Ensure your compliance	You should view our Employer Information List for a list of the restricted roles. See people with an Application Registration Card. You should also take the time-limited statutory defence will not apply if at any time you become aware that this person no longer has the right to do the work in question and you may also be prosecuted for knowingly employing an illegal worker which means you may face an unlimited fine and imprisonment.
7 If you need further information	You should visit www.gov.uk to view our range of guidance. Codes of practice and helpful tools to assist you to comply with your duty as an employer to conduct right to work checks.

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List B document 5

A Positive Verification Notice 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:

- Issued when an employer cannot re-check right to work of an existing worker because the person's passport and visa are with the Home Office in relation to an outstanding application or appeal
- Positive Verification Notice valid for six months
- Employers checking service
<https://www.gov.uk/government/publications/employer-checking-service-form-check-employees-right-to-work>



UK Visas & Immigration **Employer Checking Service (ECS)**
Positive Verification Notice


Date of Notice: 20.3.2015
Unique ECS Reference:

This Notice is issued in respect of your duty to prevent illegal working set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

You have requested an ECS check
This means that you contacted the Employer Checking Service to verify the right to work in the UK of the named person below.

Our response:

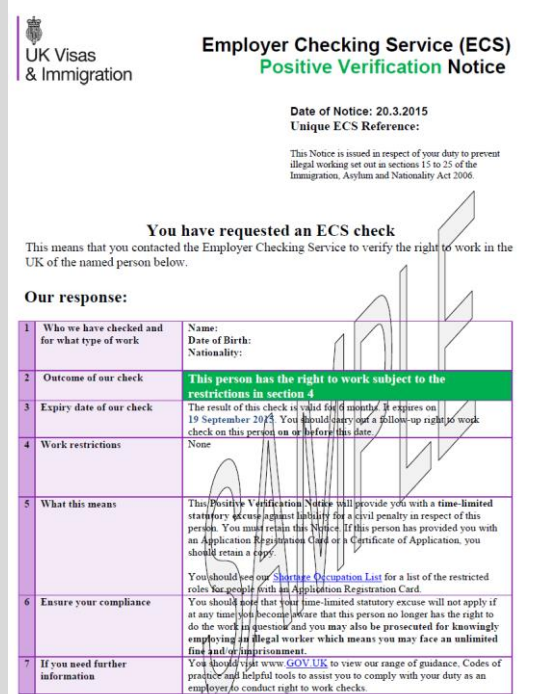
1 Who we have checked and for what type of work	Name: Date of Birth: Nationality:
2 Outcome of our check	This person has the right to work subject to the restrictions in section 4
3 Expiry date of our check	The result of this check is valid for 6 months. It expires on 19 September 2015. You should carry out a follow-up right to work check on this person on or before this date.
4 Work restrictions	None
5 What this means	This Positive Verification Notice will provide you with a time-limited statutory excuse against liability for a civil penalty in respect of this person. You must retain this Notice. If this person has provided you with an Application Registration Card or a Certificate of Application, you should retain a copy. You should see our Shortage Occupation List for a list of the restricted roles for people with an Application Registration Card.
6 Ensure your compliance	You should note that your time-limited statutory excuse will not apply if at any time you become aware that this person no longer has the right to do the work in question and you may also be prosecuted for knowingly employing an illegal worker which means you may face an unlimited fine and imprisonment.
7 If you need further information	You should visit www.GOV.UK to view our range of guidance, Codes of practice and helpful tools to assist you to comply with your duty as an employer to conduct right to work checks.

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List B document 6

Either a document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has been granted limited leave to enter OR has made an application to leave to enter or remain AND ALSO with a Positive Verification Notice from the Home Office.

**EXPECTED TO BE VERY RARELY
ENCOUNTERED – PLEASE TALK TO SIT**



UK Visas & Immigration

**Employer Checking Service (ECS)
Positive Verification Notice**

Date of Notice: 20.3.2015
Unique ECS Reference:

This Notice is issued in respect of your duty to prevent illegal working set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

You have requested an ECS check
This means that you contacted the Employer Checking Service to verify the right to work in the UK of the named person below.

Our response:

1 Who we have checked and for what type of work	Name: Date of Birth: Nationality:
2 Outcome of our check	This person has the right to work subject to the restrictions in section 4
3 Expiry date of our check	The result of this check is valid for 4 months. It expires on 19 September 2015. You should carry out a follow-up right to work check on this person on or before this date.
4 Work restrictions	None
5 What this means	This Positive Verification Notice will provide you with a time-limited statutory excuse against liability for a civil penalty in respect of this person. You must retain this Notice. If this person has provided you with an Application Registration Card or a Certificate of Application, you should retain a copy. You should see our Shortage Occupation List for a list of the restricted roles for people with an Application Registration Card. You should note that your time-limited statutory excuse will not apply if at any time you become aware that this person no longer has the right to do the work in question and you may also be prosecuted for knowingly employing an illegal worker which means you may face an unlimited fine and imprisonment.
6 Ensure your compliance	You should refer to GOV.UK to view our range of guidance, Codes of practice and helpful tools to assist you to comply with your duty as an employer to conduct right to work checks.
7 If you need further information	

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Validity of passports

- Expired British and Irish passports are acceptable
- All vignettes – paper visas – (including ILR, Global Talent, Skilled Worker, Tier 4/ Student) must be presented in a valid passport as proof of right to work.
- Those who have a visa in an expired passport must apply to have the visa transferred to a Biometric Residence Permit (BRP) to then be able to provide a sharecode for an online RTW check

Transferring a visa

- Those who have an Indefinite Leave to Remain visa in an old passport will need to apply using the 'NTL No Time Limit' application at <https://www.gov.uk/transfer-visa>

Those who have a limited visa (such as Tier 4, Tier 1, dependant etc.) will need to apply using the 'TOC Transfer of Conditions' form at <https://www.gov.uk/transfer-visa>

Once they have applied to transfer their visa, use the Employers Checking Service form at <https://www.gov.uk/government/publications/employer-checking-service-form-check-employees-right-to-work> to request a Positive Verification Notice as proof of right to work until their new visa arrives

- Must not employ until you have received and checked either the new visa or a Positive Verification Notice
- If relying on a Positive Verification Notice – must complete a new right to work check on the new visa once received and before the PVN expires (usually six months)

Not sure?

Ask us!

Questions?

RTW process for different employee / worker categories:

- Employing students with Tier 4/Student Visas
- Skilled Worker restrictions
- Examiners
- Joint appointments
- Casual payroll process

Employing students with Tier 4 and Student Visas

- All students with Tier 4/Student visas who are working (including in fixed term and casual roles) must have a right to work check before the work starts. These steps are still required if using the new Casual Payroll System
- All Tier 4/Student visas have restrictions on hours that can be worked
- Visas in out of date passports are not acceptable proof of right to work. Can apply to have visa transferred to Biometric Residence Permit using new passport
- All students coming for more than six months may have been issued with a temporary visa and be required to collect BRP on arrival in UK
- Graduate visas are work visas. No restrictions on hours. Do not need to seek evidence of term and vacation dates or the Student Employment Declaration.

Tier 4/Student visa restrictions on hours

Undergraduate and Postgraduate Taught students:

- Normally work to term dates
- Usually restricted to 20 hours per week during term time (no restrictions during vacations)

Graduate Research students:

- Have year round study commitments
- Generally should not work in excess of 20 hours per week
- Where a graduate student (who is a Tier 4/Student visa holder) wishes to work beyond 20 hours per week, they must provide written permission from their supervisor. Template supervisor permission letter at <http://www.admin.ox.ac.uk/personnel/recruit/preempcheck/compulsorychecks/ri ghttowork/addstudent/>

OR evidence to show they have completed their studies, for example for Oxford DPhil student granted leave to supplicate

For non-Oxford PGR Tier 4/Student visa holders – check their terms of study (will need written permission from the HEI that they can work and that they are on vacation and have no study commitments if you want to employ them in excess of 20 hrs per week)

RTW check for Tier 4/Student visa holders

Right to work check comprises three parts:

1. Complete a online RTW check as normal
2. Seek and retain evidence of term and vacation dates (even if working under 20 hours) – check whether they are currently on vacation (and can therefore work full time) or term time (and therefore they are restricted on the number of hours they can work per week). Different evidence required for UG/PGT and PGR
3. Ask student to complete ‘Student Employment Declaration’ and ensure work on offer will not breach maximum permitted hours. Continue to monitor hours worked to ensure they are not employed in breach of their visa restrictions

Note 1: Add your Tier 4/Student visa holder to your list of List B’s

Note 2: Tier 4/Student visa holders can never be ‘self employed’

Evidence of term date (Tier 4/Student)

Evidence of term and vacation dates for **UG/PGT**:

- Printout from the student's education institution's website or other material published by the institution confirming its term and vacation dates for the student's course of study. You must also check the web link to confirm it is genuine, OR
- A letter or email addressed to the student from their education institution confirming term time dates for the student's course, OR
- A letter addressed to the department from the education institution confirming term time dates for the student's course

Evidence of term and vacation dates for **PGR**:

- For PGR students who do not work to term dates, print the second section titled "Periods during your course when your hours of work are unrestricted" on the Student Paid Employment Guidelines at:
<https://www.ox.ac.uk/students/visa/during/work>
- For non-Oxford PGR Tier 4/Student visa holders – check their terms of study (will need written permission from the HEI that they can work and that they are on vacation and have no study commitments if you want to employ in excess of 20 hrs per week)

Employment declaration (Tier 4/Student)

Student Employment Declaration :

- Check if the student is working and ensure the combination of hours will not take them in excess of their permitted hours during term time
- Link to form
[http://www.admin.ox.ac.uk/personnel/recruit/preempcheck/compulsorychecks/ri
ghttowork/addstudent/](http://www.admin.ox.ac.uk/personnel/recruit/preempcheck/compulsorychecks/righttowork/addstudent/)

Employing Skilled Worker visa holders in supplementary work

Skilled Worker visa holders may undertake supplementary work (in addition to the role for which their visa was issued) under strict Home Office rules. They must still be working in their main role; and the supplementary work must

- be in a type of work that would be sponsorable under the Skilled Worker visa route (salary thresholds don't apply it's just about the type of work)

consider whether you could normally apply for a Skilled Worker visa for the type of work, if yes it should be fine as supplementary employment – but administrative roles, bar work, kitchen porter etc. which are not sponsorable types of work are not permitted – if unsure ask SIT

- No more than 20 hours per week; and
- Is outside the working hours covered by CoS

Employing Skilled Worker visa holders in supplementary work

Conduct an online RTW check for a Skilled Worker visa holder;

1. Check that the type of work you are offering is something which could be sponsored under a Skilled Worker visa
2. Check and confirm they are still working in their main role, and along with any other additional work they will not exceed the 20 hours/week limit
3. Retain a copy of the RTW check documents

Previously Skilled Worker visa holders could only undertake supplementary employment which was the same type of work as their main role, but following a 4 April 2024 rules change all types of work which could be sponsorable is permitted. So no need now to report teaching as an additional duty.

If in doubt, ask SIT!

Employing Tier 5 visa holders in supplementary work

- Youth Mobility Scheme visa holders may work unrestricted
- For employment of all other Tier 5 categories, contact SIT as different rules may apply
- Tier 5 Sponsored Researchers can undertake 'supplementary employment' for up to 20 hours per week but for them the rules have not changes and this must be the same type of work as their main activities which is research & possibly some lectures/ teaching

Employing Tier 5 visa holders in supplementary work

Conduct a manual or online RTW check for a Tier 5 Sponsored Researcher visa holder;

1. obtain a copy of the CoS, along with other RTW documents
2. Check the details of the CoS to ensure it is the same type of work, and confirm their research visit is continuing
3. Retain a copy of the CoS and RTW check documents

Tier 5 Sponsored Researchers visiting the Collegiate University may teach for a department under the supplementary work condition but only if their CoS includes giving lectures on their research.

If lectures are not included, it can be added by SIT, but the request must come from their sponsoring department or college, their funder must agree, and must be for teaching to be undertaken within the Oxford collegiate university.

If in doubt, ask SIT!

Examiners

1. Taught Degrees Team receive examiner and assessor nominations as normal
2. Taught Degrees Team will check whether RTW information is required
3. Taught Degrees Team will contact department to request completion of an adapted version of casual payroll form where RTW is required and it is not already completed on People XD
4. Department completes the form and returns to the Taught Degrees Team
5. HRIS Data Services complete the RTW information on PeopleXD

Examiners

Postgraduate exam boards:

- Examiners and assessors who are not University employees and are working on PGT examination boards are to be paid as self-employed – no right to work checks required
- Students holding Tier 4/Student visas are not allowed to work on postgraduate examination boards as their visas do not allow them to be self-employed

Undergraduate exam boards:

- Examiners and assessors working on UG exam boards who are not University employees will be paid through casual payroll
- Right to work checks must be carried out and recorded before work commences
- Tier 4/student visa-holders working as UG assessors must complete a Student Employment Declaration Form to confirm they are not working in excess of the hours permitted on their visa and a copy of their term dates taken
- Details of Tier 4/Student visa-holders working as examiners must also be added to departments' lists of List B visa holders

Joint appointments

- Right to work check is typically completed and held by the college/department/division with whom the majority contract is held BUT
- Communicate with college/department/division to agree who has responsibility for the initial right to work check and repeat checks (for List B's)
- Where the right to work check is held elsewhere (e.g. college/Divisional Office) seek a copy for your records
- Record in People XD where the original copy is held

Casual Payroll Process

- Department enters workers information into PeopleXD (including details of right to work) **in addition to conducting a RTW check as normal**
- SIT check that worker has their 'Right to Work' details entered into People XD. If not entered, payment will be delayed
- System calculates all Student (Tier 4) hours worked each week across all departments. If any work is over 20 hours in any week, SIT will investigate payment. If information on these payments is not available to show that the student is allowed to work more than 20 hours, payment will be delayed.

Casual Payroll Process

If Tier 4 students will be working over 20 hours in any week, they are required to email Tier4casualpayments@admin.ox.ac.uk in advance of their work, the following information:

For **non Oxford, undergraduate/postgraduate taught student**

Name, student number, course and the weeks in which the work exceeds 20 hours during vacation, and confirmation that they are not required to study in these weeks.

For **all postgraduate research student**

Name, student number, course and the weeks in which the work exceeds 20 hours AND a scanned copy of the letter from their doctoral supervisor providing the dates that they are 'on holiday' from their research studies **OR** Evidence they have completed their course of study, for example leave to supplicate letter for Oxford students, or letter from HEI for non Oxford students.

If this information is not provided, payment will be delayed

Repeat engagements of casuals

List A :

- May rely on the **previous** right to work check **if** you retained copies of the previous right to work check and the check was carried out less than 15 months ago

List B :

- Must complete a new right to work check before each new engagement commences. This applies to all List B document holders (Global Talent, Skilled Worker, Tier 4, Tier 5, dependant, spouse etc.)
- Some visas carry restrictions on hours/ types of work and you need to check that the new engagement does not breach those restrictions
- The visa holder's status may have changed (e.g. they may have changed from a dependant to a student in which case they will have new restrictions on their visa)

Casuals – sharing right to work data

Departments and colleges can rely on each other's RTW checks for casual workers if the following conditions are met prior to undertaking work:

- The casual worker is List A
- The department/college which has a RTW of the casual worker sends a copy of the scanned RTW to the department engaging the worker (Note: an email with RTW information or confirmation of the RTW is not sufficient, and departments/college may not always agree to provide a copy)
- Check the details and keep the RTW copy on file along with details of where the original RTW check is held

A department **cannot** use copies of RTW if:

- The casual worker has a List B visa. A right to work check must be completed for each engagement
- They are an employee – a full right to work check is required

Main problems encountered

- Time limited visas & ILR in expired passports
- Skilled Worker visa holders wanting to undertake casual work in a type of role which is not sponsorable
- Evidence of term & vacation dates not included in right to work documents for Tier 4 students
- Obtaining letters to show evidence of working outside of term dates for Tier 4 graduate research students
- Right to work records on Core HR not being closed down
- Not keeping an up to date list of List B document holders

Useful documents

That can be found on the SIT website

- Immigration and Right to Work Roles and Responsibilities
- Right to Work checklist (use optional)
- HRIS Guide – Maintaining Right to Work data
- Employer checking service guide
- Visitors from overseas guide
- Overseas visitor communication leaflet
- Skilled Worker/Tier 5 visa holder communication leaflet

In relation to students:

- Tier 4 Student Employment Declaration
- Graduate Student template letter to confirm vacation period for a Tier 4 student

Summary and process

- Right to work required for all employees, casuals and Tier 5 – before work starts
- Raise with staff who take on casuals the importance of alerting HR before any work is agreed so that right to work checks can be arranged
- Immigration checks required for Academic, Business and PPE visitors – before visit starts if department has facilitated entry
- Ensure demonstrable processes are in place to record and monitor right to work – the Home Office may expect to see this
- Keep an up to date list of List B document holders and expiry dates – include Tier 5s and casuals
- Ensure PeopleXD is up to date at all times
- Be mindful of the significant risk to the collegiate University, sponsored students and colleagues of non compliance. Right to work is closely monitored by the Audit and Scrutiny Committee for this reason

Contact Staff Immigration Team with any questions

Questions?