

## **Swansea University**

### **Procedure for checking Eligibility to Work**

The University is required by law to conduct a Right to Work (RTW) check before any individual commences work. The purpose of this check is to verify that the individual is eligible to work in the UK. The individual will have received notification that they need to produce the appropriate documentation with the offer of appointment letter.

#### **Required Documentation**

The individual must supply original documentation showing permission to work. In certain circumstances a combination of documents may be required. The documents required may vary depending on whether an individual has a permanent or temporary right to work.

Documents required for a permanent right to work include:

- A passport showing the holder is a British citizen.
- A passport or national identity card showing the holder is a national of a European Economic Area country or Switzerland.
- A current Biometric Residence Permit issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK.
- A current passport endorsed to show that the holder is allowed to stay indefinitely in the UK.
- A birth or adoption certificate issued 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

Documents required for a temporary right to work include:

- A current 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.
- 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.
- 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 Notice from the Home Office Employer Checking Service.

The full list of Documents can be viewed at: [Right to work checklist](#)

#### **Document Validity Check**

Simple, but careful, visual checks are required to satisfy that the document(s) presented are genuine and relate to the person to be employed. The individual is required to present the documents in person. Documents you must be checked to satisfied that:

1. Photographs are consistent with the appearance of the person.
2. The date of birth is consistent across documents and with the appearance of the person.
3. If the person has "limited leave to remain/enter in the UK" on their documentation, that this date still valid (ie: has not expired).

4. Endorsements (stamps, visas, etc) show the individual is able to do the type of work offered.
5. The documents are genuine and do not appear to have been tampered with in any way. (The UK Visa and Immigration (UKVI) does not expect us to be experts on forged documents.)
6. If the person has different names on the documents further documents to verify why there is a difference must also be presented.

### **Copying and Saving Documents**

- All provided documents must be copied in full, including both sides.
- If a document is a passport or a travel document copy:
  - The front cover (outside of the passport)
  - Any pages providing the holder's personal details including nationality, date of birth, signature, date of expiry and biometric details
  - Any pages containing UK Government endorsements' showing the person is allowed to work in the UK and carry out the work you are offering
- Cover sheets must be signed and dated to state that originals have been seen.
- It is recommended that where possible copies are made in full colour.
- The documents should be saved onto the individual's HR e-file under the date.
- The date that the documents were checked must be entered on the individual's HR database record and a copy of the documents attached to the individual's database record.
- If the right to work is temporary the expiry date of the eligibility to work must be recorded on the individual's database record.

### **Employing Students**

If a prospective member of staff is currently studying at the University, a right to work check must still be conducted. The above procedure should be followed in full. Many students have a limited right to work in the UK during term time. These limits must be abided by in the offer of employment.

### **Failure to produce appropriate documents**

If the prospective employee fails to provide proof of right to work, the HR Business Partner will postpone the agreed start date until the documents are presented. Prolonged failure to provide documentation may result in the withdrawal of the offer of employment.

### **Monitoring eligibility to work**

All staff with a temporary right to work will have an expiry date recorded on their HR database record. A monthly report will be automatically generated and sent to the HR Business Partner, identifying any member of staff with six months or less remaining on their

right to work. The HR Business Partner will contact the member of staff to agree how further eligibility to work will be acquired. The member of staff may wish to apply for permanent residency or may require a work permit extension to be applied for on their behalf.

### **Prospective Employees who do not have the right to work**

Any job applicant will be assessed on their merits and will not receive less favourable treatment if they are not eligible to work in the UK. If a job offer is made to an individual who is not currently eligible to work in the UK, the University will apply for permission to work on their behalf. Further information on the different immigration categories available to foreign nationals can be viewed on the [Visas and immigration web site](#).

### **Eligibility to work unknown or unclear**

If a prospective employee is unsure whether or not they are eligible to work, the following check should be completed to ascertain if they are eligible and if so what documents they will need to produce: <https://www.gov.uk/legal-right-work-uk/y>