

# RIGHT TO WORK GUIDANCE



# INTRODUCTION

To comply with illegal working legislation UEA employees must undertake right to work checks PRIOR to the first day of work to establish whether an individual is permitted to work in the UK and undertake the type of work being offered.

Right to work documentation should be provided before an offer of appointment is made. Where this is not possible (e.g. where a visa sponsored under the University's visa licence is required), evidence of right to work MUST be provided before any work takes place.

It may not be necessary to undertake a right to work check for internal appointments, extensions and named researchers should individuals already be employed at the University and have a valid check on file. Where this is the case please contact [staff.visacompliance@uea.ac.uk](mailto:staff.visacompliance@uea.ac.uk) who will advise if a further check is required.

A list of the documents required to evidence a right to work in the UK can be found within the [Employers' right to work checklist](#).

## From 1 October 2022

From 1 October 2022 to evidence a right to work in the UK British and Irish nationals can either provide original documentation to the University (in person or via post) or use an Identity Service Provider (IDSP) to undertake a remote check using Identity Document Validation Technology (IDVT). TrustID is the University's IDSP of choice.

Individuals with a Biometric Residence Permit, Biometric Residence Card, Frontier Worker Permit, eVisa, status under the EU Settlement Scheme or the points-based immigration system will require an online right to work check.



## Manual Right to Work check for British and Irish Nationals

If the individual is a British or Irish national you can undertake a manual right to work check where you will need to see their original documentation. If they are not local to UEA they can securely post documentation to you.

### When undertaking a manual right to work check you must:

#### **Step 1 – Obtain**

Obtain original documents from List A or List B which can be found [here](#).

Please note this list was updated on 6 April 2022 and Biometric Residence Cards, Biometric Residence Permits and Frontier Worker Permits are no longer acceptable. An online right to work check will need to be conducted, however copies of these documents will still need to be retained for immigration purposes.

#### **Step 2 – Check**

Check the documents are genuine and that the person presenting them is the prospective or existing employee/worker and allowed to do the type of work UEA are offering. If the documents are damaged or you have reason to believe they are not genuine please contact [staff.visacompliance@uea.ac.uk](mailto:staff.visacompliance@uea.ac.uk).

#### **You must check that:**

- Photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
- Expiry dates of permission to be in the UK have not passed;
- Any work restrictions to determine if they are allowed to do the type of work on offer;
- For students who have limited permission to work during term-times, the UEA must obtain and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed. This will be semester dates for Undergraduate students or a letter from the relevant student office for PGR and PGT students. These letters should be requested by the students. Those undertaking placements must provide a letter from the Student Compliance Team confirming the placement forms an integral part of course, does not breach restrictions along with work and assessment details.
- The documents are genuine and undamaged;
- The reason for any difference in names across documents can be explained by providing evidence, such as a marriage certificate or deed poll. Copies of these must also be retained.

## **Step 3 – Copy**

Take a clear copy of each document which cannot be altered:

- Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission, expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question. The front cover does not have to be copied.
- All other documents: the document in full, including both sides.



## **Step 4 – Confirm and date**

- Evidence you have completed the check by writing on each document “**right to work checked on <DATE>**” and print your name.
- For other documents such as marriage certificates write “**original document checked on <DATE>**” and print your name.

## **Online Right to Work check using TrustID (for British and Irish citizens)**

The University has engaged with TrustID to undertake checks for British and Irish nationals who wish to evidence their right to work remotely. Individuals who have an in-date passport/ID card and consent to using this service will be provided with a GuestLink and guidance on the process. Individuals who do not wish to or are unable to use this service must provide original documentation to the University as part of the manual right to work checking process.

# TrustID Process

Recruiter/Manager

Appointee

## START

Email [staff.compliance@uea.ac.uk](mailto:staff.compliance@uea.ac.uk) who will set you up with access to TrustID. TrustID will send you user guidance once the account has been created.

On the TrustID system set up a new Guestlink by adding the name and email address of the individual providing RTW documents.

Amend any details as necessary in the template email and send.

A Guestlink will be sent to the individual via email, which will be valid for 31 days.

You will be notified when the check has been completed and will have access to a results guide to explain the outcome report.

Access TrustID to view the report.

Established eligibility to work in the UK?

YES

Conduct an "imposter check" by video calling the appointee to check identity against the image in the report

NO

Seek guidance from [staff.compliance@uea.ac.uk](mailto:staff.compliance@uea.ac.uk)

### Externally advertised roles

– tick the TrustID box on the Recommendation of Appointment Form to make the Resourcing Team aware you have undertaken a check via TrustID. They will access the report via the system.

### AT/Temporary contracts -

tick the box on the contract to confirm a check has been undertaken via TrustID. The HR Support Centre will access the report via the system.

**External Examiners** – reports will be downloaded and saved to Blackboard by relevant staff.

**Other contracts** – contact [staff.visacompliance@uea.ac.uk](mailto:staff.visacompliance@uea.ac.uk)

Appointee will receive an email from [cloud@TrustID.co.uk](mailto:cloud@TrustID.co.uk) with a GuestLink along with guidance on the process. The Guestlink will need to be accessed from a smartphone or tablet.

Appointee will be asked to take a photo of their passport/ID card and of themselves (guidance is provided on screen). They will need to answer a few questions on the documentation provided.

Data will be sent directly to TrustID to process. Standard SLA is 1 hour.

Reports will be automatically deleted from TrustID after 28 days. Once these are deleted they cannot be retrieved and a new GuestLink will have to be sent.

For any queries on the process please contact [staff.compliance@uea.ac.uk](mailto:staff.compliance@uea.ac.uk)

## Online Right to Work check (for international citizens)

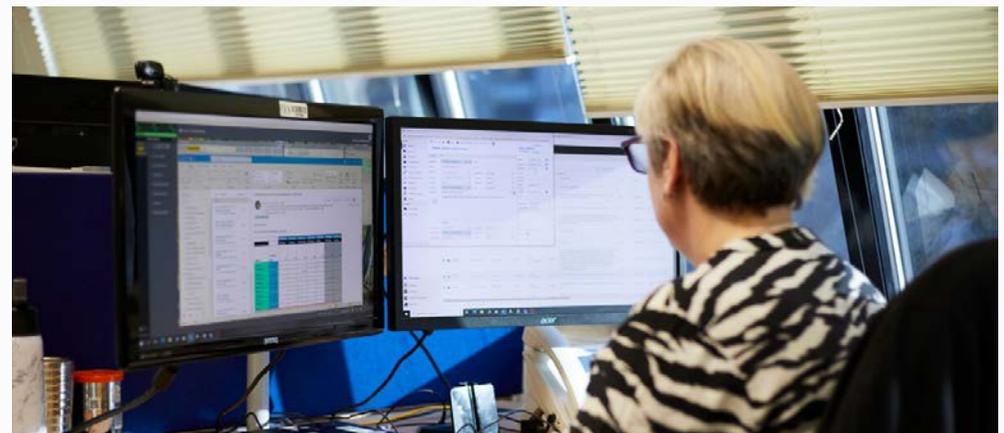
Individuals who have a Biometric Residence Permit, a Biometric Residence Card, Frontier Worker Permit, eVisa or status under the EU Settlement Scheme will be required to evidence their right to work online by providing a share code by visiting [prove your right to work to an employer](#) and their date of birth. The share code will be valid for 90 days and should begin with the letter W. Codes which begin with R or S should not be accepted.

Details can be added to [view a job applicant's right to work details](#). You will need to download the PDF as evidence of the check and undertake a video call to confirm the individual's identity or arrange to see them in person prior to their employment. It is not sufficient to view the details provided by the prospective or existing employee/worker on the migrant part of the service.

## EEA nationals (exc. British and Irish nationals)

Since 1 July 2021, EEA nationals and their family members are required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EEA passport or national identity card, which only confirms their nationality, to prove their right to work.

EEA nationals who were in the UK prior to Brexit are likely to have lawful immigration status under the EU Settlement Scheme which can be evidenced through an online right to work check (see above). EEA nationals who have been granted settled status will have a continuous right to work. Those who have been granted pre-settled status will have a time-limited right to work and a follow up check must be undertaken at the appropriate time. EEA nationals who do not have status under the EU Settlement Scheme will require status under the points-based immigration system.



## Visas

Since 1 January 2021, non-British and non-Irish nationals who come to the UK to live, work or study need to obtain immigration status under the points-based system in the same way as other foreign nationals. There are many types of visas and the ability to undertake the work being offered will depend on any restrictions associated with the visa.

Any working restrictions will be mentioned on the visa or in the information provided via the online right to work checking service. If you receive a visa and are unsure as to whether it permits the type of work being offered please contact [staff.visacompliance@uea.ac.uk](mailto:staff.visacompliance@uea.ac.uk).

## Skilled Worker Visas

Individuals who require a visa to undertake employment at UEA are likely to require a Skilled Worker visa. As soon as this is known it would be helpful for relevant information to be sent to [staff.visacompliance@uea.ac.uk](mailto:staff.visacompliance@uea.ac.uk) before an offer is made to confirm whether the post meets relevant eligibility criteria. Where this is the case an offer will be made subject to right to work checks and the Staff Immigration and Compliance Team will liaise with the manager and individual on the visa process. Further details on this process can be found on the [Skilled Worker visa pages](#).

## Global Talent Visa

Depending on the role being undertaken, some individuals may be eligible for a Global Talent visa which provides more flexibility for the appointee. There are four eligible routes:

**Route 1:** Academic and research appointments – for individuals who have accepted a position with responsibility either for academic, research or innovation leadership and development, or for directing or leading an individual or team in a research or innovation project or programme of work.

**Route 2:** Individual fellowships – for individuals who have been awarded an individual fellowship on the list of [approved fellowships](#) by the British Academy, Royal Academy of Engineering and the Royal Society.

**Route 3:** Endorsed funders – for researchers and specialists whose name or job title is specified in a successful grant application from an [endorsed funder](#) on the [approved UKRI list](#).

**Route 4:** Peer review – for individuals who don't meet the above routes but feel they are a leader or potential leader in their field.

If the appointee requires a visa the Staff Immigration and Compliance Team will identify possible visa routes but it would be helpful to make them aware should any of the above apply. Further details can be found on the [Global Talent visa pages](#).

## High Potential Individual (HPI) visa

This visa is open to individuals who have achieved a qualification from one of the top 50 international universities. Graduates from UK universities are not eligible for HPI visas. Further information can be found [here](#).

## Tier 4/Student visa Workers

Individuals who hold a Tier 4/Student visa have legal restrictions on the number of hours they are able to work. You will be able to identify if an individual is on a Tier 4/Student visa by looking at their visa and undertaking an online right to work check. Examples can be found below:



## Details on the online Government check will say:

### Details

They can work:

- up to XXX hours a week during term time
- full-time during the holidays

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

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

- a compulsory part of their course
- assessed as part of their course

Due to these restrictions, individuals on a Tier 4/Student visa are required to provide additional information and a separate contract and approval process is required for AT and Temporary contracts.

## Evidence of semester dates

For students who have limited permission to work during term times we must obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed. Students will be required to provide these along with evidence of their right to work. Undergraduate students can obtain their semester dates from the portal, PGR and PGT students will need to obtain a letter from the relevant student office.



## Hours of work

The weekly hour restrictions will be stated on the visa and/or Government online right to work check. Details of what constitutes term and vacation dates differ depending on the level of study.

Undergraduate student term and vacation dates will be the University term and vacation dates for the course. During term-time these students cannot work more than the maximum number of hours specified on their visa for any given week (Monday to Sunday). During University vacation periods they can engage in full-time work, subject to restrictions on the type of work.

Postgraduate students (taught and research) are unlikely to have a defined vacation period. During standard University vacation periods it is assumed by the Home Office that these students should be engaged in study and are considered to be studying all year, unless evidence demonstrates otherwise. Therefore:

- Postgraduate Taught students are only allowed to work the maximum number of hours specified on their visa per week for the whole year; unless their course end date has passed, they have completed their studies or they can evidence that they follow set semester periods as Undergraduate students.
- Postgraduate Research (PGR) students are only allowed to work the maximum number of hours specified on their visa per week for the whole year; unless they have completed their studies, and have received their pass list, or have requested official vacation which has been approved by their supervisor.

## Tier 4/Student visa declaration

In order to ensure compliance all Tier 4/ Student Visa holders are required to read a Student Visa Worker Policy and complete a Student Worker Declaration which can be accessed via [this link](#).

This is a mandatory requirement and contracts will not be processed until a declaration has been submitted.

All Tier 4/Student visa AT and Temporary Contracts must be approved by the Staff Immigration and Compliance Team. Where offers are made by the HR Support Centre and Resourcing Team, the Student Immigration and Compliance Team will be consulted for advice on hours and will ensure correct documentation is obtained.

Further information can be found on the University's [Visas and Immigration pages](#) and in the [employer's guide to right to work checks](#).

For any queries on right to work please contact [staff.visacompliance@uea.ac.uk](#).

Issue date	December 2022
Status	Final
Review frequency	Annual
Next review date	September 2023
Equality impact assessment undertaken	N/A
Author	Sam Swinton, Head of Resourcing
Document Reference	Right to Work Guidance

An internationally renowned university, UEA is ranked in the UK Top 30 (The Times/Sunday Times 2024, Guardian University Guide 2023 and Complete University Guide 2023) and the World Top 50 (Times Higher Education Impact Rankings 2023), where it ranks in the World Top 100 for research citations (Times Higher Education World University Rankings 2023), reflecting the international excellence of its research environment. The University holds UK Teaching Excellence Framework Silver status.

