

Eligibility Policy & Procedure

ELIGIBILITY POLICY & PROCEDURE



The Law

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (known as the 2006 Act). These rules came into force on 29 February 2008. They replaced the previous rules under section 8 of the Asylum and Immigration Act 1996 (known as the 1996 Act).

It is illegal to employ an adult subject to immigration control if:

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person's leave to enter or remain in the United Kingdom:
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing him from accepting the employment.

Under the 2006 Act, Contract Scotland has a duty to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK. Document checks are performed on all temporary workers regardless of their entitlement to work in the UK.

Contract Scotland's Procedure for Checking Eligibility to Work in the UK

In order to perform these document checks, a representative from Contract Scotland Ltd will arrange to meet with you prior to the commencement of your first placement. During this meeting the representative will perform the required checks to verify the authenticity of the documents and then take copies for our records in accordance with the Right to Work Checklist issued by the Home Office.

If, due to location difficulties, it is not feasible for a representative from Contract Scotland to meet with you, then you will be required to take your original documents with you on the first day of your placement, and present these to your site contact on arrival. The site contact will then perform the necessary documents checks and take the required copies which will then be forwarded on to Contract Scotland.

There are only certain documents that can confirm your right to work in the UK and these are broken down below into List A, List B Group 1 and 2 as shown on pages 2 and 3. Documents from List A provide an ongoing statutory excuse and will only require to be checked once. Alternatively, if you have a time limit on your stay, then we will carry out repeat checks when your permission expires as dictated by List B, Group 1 and List B, Group 2 as shown on pages 2 and 3. If you have a restriction on the type of work you can do and, or, the amount of hours you can work, then we will work to ensure that these restrictions are not breached.

What Documents Are Required To Prove Eligibility to Work in the UK?

List A Documents:

Any of the documents, or combination of documents, described in List A below show that the holder has an ongoing right to work in the UK.

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1. A passport 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.
2. A passport or national identity card showing that 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.
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.
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.
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.
6. A current 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.
7. An 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.
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.
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.
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.

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List B, Group 1 Documents:

Any of the documents or combination of documents in List B below show the person has a time-limited excuse and a follow up check should be carried out when the person's permission expires.

1. 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.
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 type of work in question.
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.
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.

List B, Group 2 Documents:

Any of the documents or combination of documents in List B, Group 2 below show the person has a time-limited excuse which expires within 6 months and a follow up check should be carried out when the person's permission expires.

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 allowed to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
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 Notice from the Home Office Employer Checking Service.
3. Positive Verification Notice from 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.

Should you require further assistance in ascertaining what documentation we can accept or if you have any questions surrounding this policy, please call the office on 01786 446651.