

1

Who Can Work in the UK?

Statutory excuse duration of employment

- British & Irish Citizens
- Non-UK nationals with settlement
- Includes EU & EEA Citizens with settled status (check online so not in List A)

Limited statutory excuse: follow up required


- Non-UK nationals (prior to achieving settlement) who will have a visa
- EU & EEA Citizens with pre-settled status (check online so not in List B)
- New EU/EEA employees

ACCEPTABLE DOCUMENTS

2

Removals from List A/B

- From 6th April 2022
- Following must be checked online:
 - Any biometric residence permit (BRP)
 - EEA family member permit
 - Frontier worker permit
- Use 'View & Prove' on UKVI website
- Beware of digital exclusion.



ACCEPTABLE DOCUMENTS

3

British & Irish Documents

1. Passport showing the holder is a British Citizen, or a citizen of UK and Colonies having the right of abode in the UK
2. Passport or national ID card showing the holder is an ROI citizen.



ACCEPTABLE DOCUMENTS



4

Jersey/Guernsey Docs

3. Document issued by Bailiwick of Jersey, Bailiwick of Guernsey or Isle of Man
 - Showing unlimited leave to enter or remain in UK
 - Must be verified as valid by Employer Checking Service.



ACCEPTABLE DOCUMENTS



5

Indefinite Leave

4. A **current** passport showing the holder is exempt from immigration control, allowed to stay indefinitely in the UK, has right of abode in UK or has no time limit on their stay.



ACCEPTABLE DOCUMENTS



6

List A Combination

5. A **current** immigration status document indicating the holder is allowed to stay in the UK indefinitely, or has no time limit

AND

Evidence of a permanent NI number (P45, P60, NI card)



ACCEPTABLE DOCUMENTS



7

List A Combination

6. UK birth or adoption certificate (short or long)

- National insurance: P45; P60; DWP letter

7. Channel Islands, Isle of Man or Ireland birth or adoption certificate (short or long)

- National insurance: P45; P60; DWP letter



ACCEPTABLE DOCUMENTS



8

List A Combination

8. Certificate of registration or naturalisation as British Citizen

- National insurance: P45; P60; DWP letter.



ACCEPTABLE DOCUMENTS



9

List B Documents

Group 1: Statutory excuse until expiry

Group 2: Action needed to preserve statutory excuse

- Look for an expiry date
- Any other restrictions?
- Diary a reminder of expiry
- Ensure all documents are 'in date'

ACCEPTABLE DOCUMENTS



10

List B – Group 1

1. **Current** passport with visa showing the holder is allowed to stay in the UK and allowed to do the work in question
2. Bailiwick of Jersey, Bailiwick of Guernsey or Isle of Man document
 - Verified by Employer Checking Service
 - Showing limited leave to enter or remain.

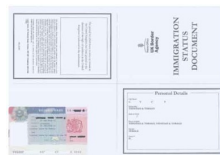
ACCEPTABLE DOCUMENTS



11

List B – Group 1 Combination

3. **Current** Immigration Status document
 - With photograph
 - Time limited
 - Combined with NI



ACCEPTABLE DOCUMENTS



12

List B – Group 2

1. Home Office document showing holder has made an application to the EU Settlement Scheme
 - On or before 30 June 2021
 - Together with a Positive Verification Notice from ECS
2. Certificate of Application (digital or non-digital) showing holder has made application to EU Settlement Scheme
 - On or after 01 July 2021
 - Together with a Positive Verification Notice from ECS
3. Bailiwick of Jersey or Bailiwick of Guernsey or IOM document showing holder has pending application for leave to enter or remain under Appendix EU.

ACCEPTABLE DOCUMENTS



13

List B Group 2 Asylum Seeker

4. Application Registration Card issued by the Home Office
 - Stating 'allowed to work'
 - With a PVN from Employer Checking Service.



ACCEPTABLE DOCUMENTS



14

List B – Group 2

5. A Positive Verification Notice issued by the Employer Checking Service
 - indicates individual may stay in UK & permitted to do work in question.



ACCEPTABLE DOCUMENTS




15

Online Checks

- List A & B are for manual right to work checks
- UKVI online service: real time directly from Home Office systems
- No requirement to check List A/B documents.

Clarification on the two systems:


- Online right to work checker (AKA 'View & Prove'):
 - Pre Settled Status, Settled Status, BRP
- Employer Checking Service (ECS):
 - Applications pending with UKVI (inc asylum).

ACCEPTABLE DOCUMENTS 

16

Statutory Excuse & Follow Up

- Establish statutory excuse: checks must be made **BEFORE** person begins employment
 - Consider your audit trail – sign and date?
- Maintain statutory excuse - visa expiry checks:
 - 28 days to confirm and be reasonably satisfied that an application for an extension submitted
 - Within 28 days you must conduct a Positive Verification Check with the ECS.

ACCEPTABLE DOCUMENTS 

17

UKVI Resources

Right to Work Checklist
<https://www.gov.uk/government/publications/right-to-work-checklist>

Employers Guide to RTW Checks (April 2022 version)
<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

Employer Checking Service
<https://www.gov.uk/employee-immigration-employment-status>

Online BRP Checker 'View & Prove'
<https://www.gov.uk/view-right-to-work>

ACCEPTABLE DOCUMENTS 

18

Other Resources

Document Checking (PRADO)

<http://www.consilium.Europa.eu/prado/EN/homeIndex.html>

Document Verification

<https://passportproven.co.uk>

TWO Newsletter

<http://eepurl.com/cFragv>

TWO Frequently Asked Questions

<https://www.twolimited.co.uk/two-library/preventing-illegal-working/faqs-piw/>



19



Registered with the OISC to give immigration advice:
F200300132



Working in partnership with Passport Proven –
the online document verification service

The information in this presentation is not intended to be a full statement of the law,
and should not be treated as such.
We recommend that you seek advice regarding the particular circumstances of your
situation.

20
