



## Home Office right to work checks

11 Oct 2021

Updated guidance has been issued by the Home Office:

[An employers guide to right to work checks](#)

It is imperative that this guidance is followed to obtain a defence against a civil penalty for employing an illegal worker, see page 32 of the guidance.

To help you can use the [Right to work checklist](#) or you can check if someone can work in the UK using the quick answer tool [Check if a document allows someone to work in the UK](#)

The temporary measure to enable you to [check the right to work document\(s\) for new employees on-line if required](#) has been extended until 5 April 2022.

Copies of right to work document(s) should be dated as per the date of verification.

## Employer checking service

You must ask the Home Office to check an employee's or potential employee's immigration status if any of the following are true:

- they cannot show you their documents because of an outstanding appeal, review, or application with the Home Office
- they have an application registration card
- they have a Certificate of application that's less than 6 months old
- they're a commonwealth citizen who started living in the UK before 1988.

You will need the employee's or potential employee's consent to submit an ECS application: [Use the Employer Checking Service](#)

A person granted immigration permission under Tier 1 as an entrepreneur is not permitted to be employed. They are only allowed to work for their own business. The endorsement in the passport or Biometric Residence Card will clearly state what they are permitted to do.

You may employ someone who only has limited leave to remain on a permanent contract, except Tier 4 students who must be employed on a temporary contract and may only work on limited hours during term-time, if the expiry of the limited leave to remain date is monitored and subsequent checks are taken up.

## HR administration team

For schools that buy our services (HR Administration Team) we will monitor this for you and contact the school nearer the time.

We will also submit the ECS (Employer's Checking Service) application (with consent) should the need arise.

There are iTrent triggers at 90,60 and 30 days before the expiry date alerting the headteacher to the fact that the leave is expiring. Please indicate on the appointment checklist if you would like your new starter on limited leave to remain (except Tier 4, student visas) contract to be permanent or temporary.

## Further information

[Contact UK Visas and Immigration](#) for help with checking right to work documents or problems with the online checking service.

### Related Services

[HRSSC administration 2021/22](#)

### Was this page useful?

- [Yes](#)
- [Neutral](#)
- [No](#)

## Contacts

[Anne Quish](#)

[Annequis@ealing.gov.uk](mailto:Annequis@ealing.gov.uk)

020 8825 5218

Last updated: 11 Oct 2021