

## **HRS Group UK Immigration Policy**

### **1.0 Asylum and Immigration Act 1996**

Section 8 of the Asylum and Immigration Act, which came into effect on 27th January 1997 deals with the issue of illegal working and makes it a criminal offence to employ a person who is not entitled to live or work in the United Kingdom. The act obliges employers to check that new employees are entitled to live and work in the UK by carrying out a number of checks before employment commences.

The Commission for Racial Equality has warned that employers should ensure that any changes they make to their recruitment and selection procedure to comply with the new act do not put them in breach of the Race Relations act. In particular, the CRE guidance states that employers should ensure that requests for documents and the checking and retention are carried out at the same stage and in the same way for all applicants and without bias or discrimination on the basis of their race, colour or ethnic background.

### **2.0 Evidence of the Right to Work in the UK**

Under section 8 of the Asylum and Immigration Act 1996, it is a criminal offence for an organisation to employ anyone who does not have the right to live and work in the United Kingdom.

Hrs Group UK must comply with this legislation and therefore it is essential that the relevant checks are completed before any new employee commences employment.

Failure to comply with this legislation is a criminal offence and may result in a fine of up to £5000 for each worker employed illegally.

In addition to this, the Government has decided that nationals from eight of the new countries that joined the European Union on 1 May 2004 are required to register with the Home Office if they start working in the United Kingdom after 1 May 2004.

### **3.0 HRS Group UK Requirements.**

We must ensure that:

1. We have seen one of, or the appropriate combination of, the documents listed below
2. We have followed the reasonable steps listed below to check the documents authenticity.
3. We have kept a copy of the relevant parts of the document.

#### 4.0 Acceptable Documents

Any one from the following list of documents is acceptable:

A passport showing that you are a British citizen, or have the right of abode in the United Kingdom.

A document showing that you are a national of a European Economic Area country or Switzerland. (This must be a national passport or national identity card).

A residence permit issued by the Home Office to a national from a European Economic Area country or Switzerland.

A passport or other document issued by the Home Office which has an endorsement stating that you have a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland who is resident in the United Kingdom

A passport or other travel documentation endorsed to show that you can stay indefinitely in the United Kingdom, or have no time limit on your stay.

A passport or other travel documentation endorsed to show that you can stay in the United Kingdom; and that this endorsement allows you to do the type of work that you are offering if you do not have a work permit.

An Application Registration Card issued by the Home Office to you as an asylum seeker stating that you are permitted to take employment.

#### 4.1 Additional Acceptable Documents

If the candidate cannot provide us with one of the above documents, they can prove their eligibility by providing one of the following combinations of documents:

- A) P45, or P60, or National Insurance Card, or a letter from a Government Agency stating your permanent National Insurance Number

AND

- B) A full birth certificate issued in the United Kingdom, which includes the names of your parents

OR

- C) A birth certificate issued in the Channel Islands, the Isle of Man or Ireland

OR

D) A certificate of registration or naturalisation stating that you are a British citizen

OR

E) A letter issued by the Home Office to you, which indicates that you can stay indefinitely in the United Kingdom, or that there are no time limits to your stay

OR

F) An Immigration Status Document issued by the Home Office to you with an endorsement indication, which indicates that you can stay indefinitely in the United Kingdom, or have no time limit on your stay.

OR

G) A letter issued by the Home Office, which indicates that you can stay in the United Kingdom, and this allows you to do the type of work that you are applying for

OR

H) An Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay in the United Kingdom and this allows you to do the type of work that you are applying for.

#### **4.2 Additional Acceptable Documents**

If the candidate cannot provide us with one of the above combinations, they can prove their eligibility by providing one of the following combinations of documents:

A) A work permit or other approval to take employment that has been issued by Work Permits UK

AND

B) A passport or other travel documentation endorsed to show that you are able to stay in the United Kingdom and can take the work permit employment being recruited for

OR

C) A letter issued by the Home Office to the holder confirming that you are able to stay in the United Kingdom and can take the work permit employment being recruited for employing candidates from the countries that joined the European Union on 1 May 2004

## **5.0 Eastern European EU Countries**

These guidelines relate to employees who are nationals of the following countries: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

Before employing a national from one of these countries you will have already confirmed that they are eligible to work in the United Kingdom.

Once the new employee has started, if they have started work in the United Kingdom after 1 May 2004, you need to advise them that they need to register with the Home Office. To do this you need to provide them with evidence of their employment (contract). You need to take a copy of their application form, before they send it to the Home Office.

When the worker has successfully registered you need to keep a copy of their registration certificate on file.

## **6.0 Further Information**

If you are unsure about any aspect of the above, please contact the HR team for advice. Further information on the Asylum and Immigration Act can be found on the Home Office website.