

#RIGHTTOWORKCHECKS

Welcome

New online right to work checks: Who is affected?

#RIGHTTOWORKCHECKS

Your hosts

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What we will cover

- ✓ Digital Right to Work Checks
- ✓ Right to Work checks for non-British and Irish nationals
- ✓ Right to Work checks for British and Irish nationals
- ✓ Identification Service Providers
- ✓ Getting it Wrong
- ✓ Next Steps

Digital 'Right to Work' Checks

- Essential part of the recruitment process.
- Adjusted right to work checks have been extended to **30 September 2022** to give employers time to make changes to their current processes.
- On **6 April 2022**, the Home Office introduced new digital right to work checks as a long-term solution.
- Online checks can only be made by certified Identity Service Providers (IDSPs).
- Employee “share code” best way to prove immigrations status.
- Physical proof of documents will cease by 2025.

Digital 'Right to Work' Checks

- Previously, three ways in which a Right to Work check could be carried out:
 1. **Manual Right to Work check** – obtaining original documents
 2. **Online Right to Work check via share code** – for those holding a BRC, BRP, pre-settled or settled status under the EUSS, a British National Overseas passport or Frontier Worker Permit
 3. **Virtual Right to Work check** – temporary adjusted measure due to Covid-19

However, 6 April 2022 saw several changes to the Right to Work check guidance and employers must now carry out certain checks online.



Non-British & Irish nationals

Non-British & Irish nationals

- From 6 April 2022, digital online checks were introduced for all foreign nationals in possession of either a BRC, BRP or Frontier Worker Permit.
- Standard manual checks are no longer permitted.
- Share code and date of birth will be used to verify the individual's eligibility via the Government's online checking service.
- Share code valid for 30 days.
- Not necessary for employers to carry out retrospective checks where a manual check was completed on or before 5 April 2022.



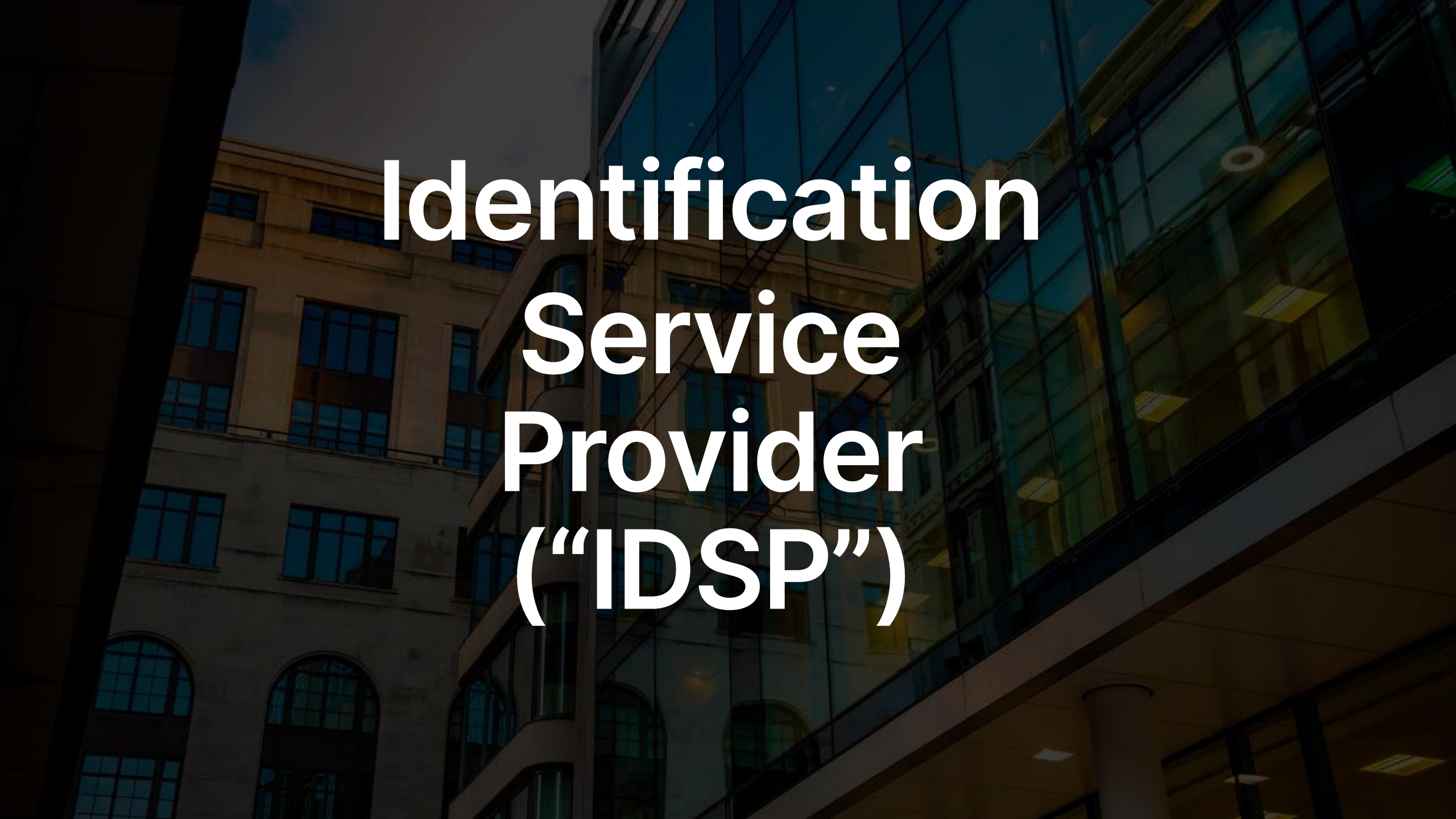
British & Irish nationals

British and Irish nationals

- Employers will soon have a choice as to how they carry out right to work checks for British & Irish Nationals:
 - **OPTION 1** Manual right to work check; or
 - **OPTION 2** Identification Service Provider (from 1 October 2022)
- Manual right to work checks involve:
 - Obtaining an original document from List A
 - Checking that the person presenting them is the employee
 - Copying each document in a format which cannot manually be altered or amended
 - Retaining the copy securely (either electronically or in hardcopy) and recording the date

British and Irish nationals – List A

Document	Comment/s
Passport	Can be current or expired but must show the holder is a British Citizen
Passport or Passport Card	Can be current or expired but must show the holder is an Irish Citizen
Passport Endorsed	Must show that the holder is exempt from immigration control
Birth Certificate or Adoption Certificate	Issued by the UK or Ireland, together with an official document giving the holder's NI number
Certificate of Naturalisation	Together with an official document giving the holder's NI number.



Identification Service Provider ("IDSP")

Identification Service Provider

- Introduction of the digital way of checking documents. IDSPs will only be able to verify valid British & Irish passports / cards.
- IDSP is an approved company responsible for validating the identity of prospective employee. List of accredited IDSPs will be available on the Home Office website shortly.
- Employer retains legal responsibility whilst using the IDSP. No legal defence to any illegal working penalties simply because an IDSP was used.
- Employers cannot enforce the use of an IDSP check – manual checks therefore remain an option for British & Irish nationals.
- No cost has yet been set out – each provider is likely to command their own cost

Why has this option been introduced?

According to the UK government the IDSP option has been introduced with a view to:

- reducing the cost of recruitment on businesses;
- reducing the time spent undertaking the right to work checks;
- aligning the process for checking British & Irish nationals right to work with the “New Plan for Immigration” – digitalisation of systems;
- reducing the risk of discrimination by normalising the process; and
- making it easier to tackle illegal immigration.

What does the IDSP route involve?

There are 5 key parts to the IDSP route. Those who wish to use this route to check prospective employee's right to work status will need to:

1. obtain evidence of the claimed identity (i.e. uploading a copy of the passport or passport card);
2. check that the evidence is genuine or valid;
3. check that the claimed identity has existed over time;
4. check if the claimed identity is at high risk of identity fraud; and
5. check that the identity belongs to the person who is claiming it.



Getting it
wrong

What are the consequences for getting it wrong?

- Civil penalty - £20,000 per illegal worker
- Criminal penalty – 5-year prison sentence and unlimited fine
- Closure of business and compliance order issued by the court
- Disqualification of Directors
- Disqualification as a sponsor
- Seizure of earnings made as a result of the illegal working
- Loss of sponsor licence



A photograph of a modern glass skyscraper reflecting an older building, with the text "Next steps" overlaid in white. The image is taken from a low angle, looking up at the buildings. The glass facade of the modern building is highly reflective, showing a clear reflection of the older building's facade, which features multiple windows and arched openings. The sky is a deep, dark blue, suggesting dusk or dawn. The overall mood is contemplative and forward-looking.

Next steps

Next steps...

- Decide if using the IDSP route is viable for your business.
- Review internal processes regarding Right to Work checks and make changes to policies.
- Ensure employees responsible for carrying out checks are aware of the changes and provide training to them if necessary.
- Carry out an audit of current employees holding time-limited immigration status and diarise to conduct follow up checks.
- Plan ahead for how you will conduct checks on your remote staff when adjusted checks end on 30 September.

Any questions...?



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