**Rochdale Borough Council**
**Asylum and Immigration Act – Prevention of Illegal Working**
**Recruitment Panel's Obligation**

Before we are able to make a formal offer of appointment, we are required to ask candidates to produce formal documentation to demonstrate that they are legally able to take up employment with the Council. The documents to be produced by candidates are listed below.
**We are required to accept ORIGINAL documents only, which will be photocopied and/or scanned and returned to the individual.**

Guidance:

**List A** contains the range of documents you may accept for a person who has a permanent right to work in the UK. If you conduct the right to work checks correctly before employment begins, you will establish a continuous statutory excuse for the duration of that person's employment with you. You do not have to conduct any further checks on this individual.

**List B** contains a range of documents you may accept for a person who has a temporary right to work in the UK. If you conduct the right to work checks correctly, you will establish a time-limited statutory excuse. You will be required to conduct a follow-up check in order to retain your statutory excuse. This should be undertaken in the same way as the original check.

You should give employees every opportunity to demonstrate their right to work. You should not discriminate on the basis of whether or not an individual is able and/or willing to demonstrate their right to work using the online checking service. To do so may result in you breaching the law. While you may choose to encourage use of the online check and may support individuals in doing so (e.g. by providing access to hardware and the internet), you are not permitted to mandate online checks. If an individual does not wish to demonstrate their right to work using the online service, even if their immigration status or documentation is compatible with the service, you should conduct the manual check.

| List A | | |
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| **Acceptable documents to establish a continuous statutory excuse** | | |
| 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 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 | A 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 birth or adoption certificate issued 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 | |
| 9 | A birth (short or long) 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. | |

| List B | | |
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| **Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave** | | |
| 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 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 | |
| **Group 2 – Documents where a time-limited statutory excuse lasts for six months** | | |
| 1 | A Certificate of Application issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than six 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 | A Positive Verification Notice issued by 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. | |