Right to Work in the UK

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As an employer, Queen Mary is obliged to check the right of work of all prospective workers to ensure they are entitled to work in the UK.
Points Based System

Since 2008 the UK has used a points based system (PBS) for immigration. The system is made up of 5 tiers, 4 of which are active.

Some routes require sponsorship before the individual can apply for a visa.

QMUL is able to sponsor Tiers 2, 4, & 5. We can also make use of Tier 1 for Exceptional Talent.
Tier 1

- Exceptional Talent & Exceptional Promise
- Graduate Entrepreneur
- Entrepreneur

The Exceptional Talent route applies to world leaders and emerging talents in the fields of science, humanities, engineering, the arts and digital technology.

Tier 1 visas are sponsored by one of five Designated Competent Bodies. They are not limited by the same restrictions as those sponsored under other routes.

From January 2018 there are two thousand places per year available via this route.
This is the main route for workers to enter the UK. Any worker coming under this route must be sponsored by an approved sponsor.

Tier 2 comes with the most conditions and restrictions which means the University has a duty to record and maintain the personal details and monitor the activities of all sponsored staff.
Tier 3

Unskilled Workers. This route was never introduced
Tier 4

Study visas for full and part time students

Migrants using this route are expected to be in the UK to primarily study. As such their ability to work is limited during term time. At Undergraduate level and above this will normally be to 20 hours per week.

It is our responsibility to ensure that all students undertaking work with us are not exceeding their weekly limit.

From January 2018, part-time students will be included in this immigration route. Part-time students under this route will not have the right to work or bring dependants with them while they study.
Tier 5

Temporary Workers

- Youth Mobility
- Government Authorised Exchange

The Temporary Worker route allows migrants to enter the UK for a variety of specific activities for a maximum of two years.

There are two options that you are likely to encounter:
Youth Mobility which allows under 30s from approved countries to live and work in the UK for up to two years without restriction.

Government Authorised Exchange (GAE) which allows academics and researchers to take part in exchanges with HEIs in the UK. They must not be taking up a normal vacancy. As a sponsored worker these roles come with the same duties as Tier 2 workers.
Right to Work Checks

A right to work check means that you check a document which is acceptable for showing permission to work. Queen Mary must do this before employing a person to ensure that they are legally allowed to do the work in question.
Why?

The Immigration and Asylum Act of 2006 place responsibility for stopping illegal workers onto all UK employers.

The purpose of the Right to Check is provide Queen Mary with a statutory excuse against prosecution.

If we were to be found to have employed an illegal worker without a statutory excuse we would liable to a penalty of up to £20,000.

When?

A check must be conducted everytime you engage someone in work, before any work is undertaken.

For students and one-off workers you will need to conduct a check each time they work for you.
How?

Right to Work involves three simple steps:

1. Obtain the employee’s original identity documents listed in the Home Office guidance via gov.uk.

2. Check the documents are valid with the employee present.

3. Copy and keep the documents securely. Record the date of the check.
What is a Valid Check

All checked documents must be copied and the following statement added to the copy to confirm their validity:

“I certify that the date on which this right to work check was made was [insert date].”

Additionally, the copy must include the name of the person who checked the document and the date on which it was checked.
Which Documents Do I Check?

You will need to obtain the person's passport or national identity card.

Prospective employees from outside the EEA will require a visa to work. This will either be in the form of a stamp in their passport or on a separate Biometric Residence Permit issued by the Home Office.

How will I know what to check?

If you're unsure of someone's right to work or which documents you need to check, the government provides a service to check if a document confirms the right to work [https://www.gov.uk/legal-right-work-uk](https://www.gov.uk/legal-right-work-uk)

you should can also check with your HR contact or me to make sure the documents you have are valid.

*If in doubt, ask.*
Right to Work Documents

We require sight of the original documents.
Additional Documents

When a job requires a specific qualification we are required to provide evidence that the chosen candidates holds that qualification.

For all roles that require a specific qualification, including PhD level jobs, you must take a copy of the certificate at the interview stage and upload it to i-grasp.
Academic Visitors

Most academic visitors will require a visa to work in the UK, even if the work is unpaid. There are three potential routes for visitors:

- Permitted Paid Engagement - for up to 1 month
- Standard Visitors Visa (Academic) - for up to 1 year
- Tier 5 - Government Authorised Exchange - for up to 2 years

We have provided some guidance online [http://hr.qmul.ac.uk/media/hr/docs/academic-visit.pdf](http://hr.qmul.ac.uk/media/hr/docs/academic-visit.pdf) but the visitor should also speak to the British Consulate for advice.
Further Information

You can find further information on Right to Work checks on the HR website here: http://hr.qmul.ac.uk/workqm/righttowork/
Questions?
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