

Right to Work Checks for Employers

Why do we all need to prevent illegal working?

The ability to work illegally is a driver of illegal migration. It leaves people vulnerable to exploitation and results in unscrupulous employers undercutting compliant businesses. All employers in the UK have a responsibility to prevent illegal working. You do this by conducting simple right to work checks before you employ someone.

You could face a civil penalty of up to **£60,000** if you employ an illegal worker and have not carried out a correct right to work check. It is a criminal offence to employ someone who the employer knows or has reasonable cause to believe is an illegal worker – employers can face an unlimited fine, and up to five years in prison.

When to conduct a Right to Work check

You must conduct a right to work check *before* you employ a person to ensure they are legally allowed to do the work in question for you. If an individual's right to work is time-limited, you should conduct a follow-up check shortly before it is due to come to an end.

How to conduct Right to Work Checks

A statutory excuse is an employer's defence against a civil penalty. In order to establish a statutory excuse against a civil penalty in the event that an employee is found to be working illegally, employers must do one of the following before the employee commences employment:

1. a manual right to work check
2. a right to work check using Identification Document Validation Technology (IDVT) via the services of an Identity Service Provider (IDSP) (British and Irish citizens only)
3. a Home Office online right to work check (non-British and non-Irish citizens)

Conducting any of these checks as set out in this guidance and in the code of practice will provide you with a statutory excuse. You can also use the [Employer Checking Service](#) where an individual has an outstanding application, administrative review or appeal and their digital profile is not yet enabled to evidence this via the online right to work check, or if their immigration status requires verification by the Home Office.

British and Irish citizens cannot get an online share code to prove their right to work. You'll need to check their original documents - for example, their passport or passport card - or use an identity service provider instead.

Employers should not:

- discriminate when conducting right to work checks.
- only check the status of those who appear to the employer likely to be migrants.
- make assumptions about a person's right to work in the UK or their immigration status on the basis of their colour, nationality, ethnic or national origins, accent, surname or the length of time they have been resident in the UK.

There is guidance for employers on avoiding unlawful discrimination when conducting right to work checks on gov.uk.

Manual checks - checking the applicant's original documents

1. Ask to see the applicant's **original** documents. You can no longer accept biometric residence cards or permits. Ask the applicant for a share code instead.
2. Check that the documents are **valid** with the applicant physically present or via video link.
3. Make and keep **copies** of the documents and record the **date** you made the check.

Check the [guidance](#) on how to carry out right to work checks and what documents you can accept.

Online right to work checks

1. Use the Home Office online service. The individual may provide the share code to you directly, or they may choose to send this to you via the service.
2. You must check that the photograph on the online right to work check is of the individual presenting themselves for work. This can be done in person or by video call. The online check should confirm they have the right to work and are not subject to a condition preventing them from doing the work in question.
3. You must retain evidence of the online right to work check. This should be the 'profile' page confirming the individual's right to work. You will have the option of printing the profile or saving it as a PDF or HTML file.

If the job applicant cannot show their documents

You must ask the Home Office to [check](#) a person's immigration status using the Employer's Checking Service if they cannot show their documents or online immigration status, where certain circumstances apply.

Follow-up checks

If your employee's right to work is time-limited, you'll need to conduct another check **before** expiry.

There is no requirement for a retrospective check to be undertaken on EEA citizens who entered into employment on or before 30 June 2021.

eVisas

The Home Office is replacing physical immigration documents with a digital proof of immigration status – an eVisa - for customers already living in the UK, and for new visa applicants too.

It is free, and straightforward for customers who hold physical immigration documents to create a UKVI account to access their eVisa. Details of how to do this are available at the eVisas page on [gov.uk](https://www.gov.uk). There is also a [toolkit](#) for employers to use when communicating with their employees about the move from physical immigration documents to eVisas, including text for an email to send to employees who currently hold a visa, and content for use on company intranets.

Employers should continue to accept a 'share code' to check someone's immigration status using the relevant online service, or an original, hard-copy document as detailed above.



UK Government

The UK is moving from physical immigration documents to eVisas



Find out more now at [gov.uk/eVisa](https://www.gov.uk/eVisa)

The graphic features a woman in a blue t-shirt and light blue trousers holding a grey folder. To her left, a hand holds a smartphone displaying the 'GOV.UK' app interface with the title 'Your Immigration Status', a placeholder photo, and fields for 'Name' and 'Status'. The background is a dark blue patterned border surrounding a white central area.

If you need more help with right to work checks please contact the Employer Enquiry helpline on **0300 790 6268**.

You can sign up for Right to Work updates here: [Employers – Right to Work Scheme \(smartwebportal.co.uk\)](https://smartwebportal.co.uk)

If you wish to access Home Office online training on right to work checks, please contact the Immigration Enforcement Checking and Advice Service training team at IE-CAS@homeoffice.gov.uk.

Useful Links

Employer's guide: [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

What documents you can accept: [Employers' right to work checklist \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Code of Practice on avoiding discrimination: [Code of practice for employers: avoiding unlawful discrimination while preventing illegal working: 6 April 2022 \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Online right to work check: [Check a job applicant's right to work: use their share code - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Guidance on employing EU, EEA & Swiss citizens: [Right to work checks: employing EU, EEA and Swiss citizens - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

eVisas

www.gov.uk/eVisa