

## **INTRODUCTION**

The prevention of illegal working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006

## **PROOF OF RIGHT TO WORK IN THE UK**

The Home Office, via the UK Border Agency, have compiled a list of documents, which prove that someone has the RTW in the UK. Documents will fall into either List A or List B and these are attached as appendices.

An employee will need to provide:

- One Document from List A, these documents show an on-going RTW in the UK.
- If they cannot produce a document from List A then relevant document(s) from List B must be produced. These documents show a RTW in the UK for up to twelve months

These must be original copies, photocopies, scanned documents and faxes for example are not acceptable.

Proof of RTW in the UK must be provided when application is made in respect of new applicants. In respect of renewal applicants' proof should be provided on application also, but if proof cannot be provided at that time the Council will allow application to be made, but no licence will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

- The document's front cover and any page containing the holder's personal details. Any page will be copied that provides details of nationality, his or her photograph, date of birth, signature date of expiry or biometric details, **and**
- Any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety. Any documents will be kept securely for the duration of the licence and for a further two years after the expiry of the last licence if renewal is not sought. This is in line with legislation which requires employers to retain copies of documents relating to individuals they have employed.

If further verification is required this will be specified in a letter detailing the exact requirements.

## **THE FAIR WAY TO CHECK**

It is illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the RTW Policy and provide the necessary documentation.

## **REPORTING OF ILLEGAL WORKERS TO THE RELEVANT AUTHORITIES**

If the Company has any concerns that an employee has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

## **NEED FURTHER INFORMATION?**

Further information about working in the UK, legislation and advice to employers can be found on the Home Office website.

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking>



L BRASH | Director

Total Controlled Demolition Services Limited

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