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3. Rights of foreign nationals in the UK (https://www.gov.uk/entering-staying-uk/rights-foreign-nationals-uk)
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Part of
Support for businesses and self-employed people during coronavirus (https://www.gov.uk/coronavirus-taxon/businesses-and-self-employed-people)

Guidance

Coronavirus (COVID-19): right to work checks

Advice for employers carrying out right to work checks during the coronavirus pandemic.

From:
Home Office (https://www.gov.uk/government/organisations/home-office) and Immigration Enforcement (https://www.gov.uk/government/organisations/immigration-enforcement)
Published
30 March 2020
Last updated
12 May 2021 —

Contents

- Updated advice for employers carrying out right to work checks during the coronavirus (COVID-19) pandemic.
- Checking an individual's right to work using the temporary COVID-19 adjusted check measures
- End of temporary adjustments
- Retrospective checks
- If the job applicant or existing worker cannot show their documents

Print this page

This update replaces previous guidance issued on 20 April 2021.

The temporary COVID-19 adjusted right to work checks will now end on 20 June 2021, and from 21 June 2021 employers will revert to face to face and physical document checks as set out in legislation and guidance.

This is aligned with the easing of lockdown restrictions and social distancing measures, as set out in the government's roadmap for England and those of the devolved administrations.

Updated advice for employers carrying out right to work checks during the coronavirus (COVID-19) pandemic.

The following temporary changes were made on 30 March 2020 and remain in place until 20 June 2021 (inclusive):

- checks can currently be carried out over video calls
- job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- employers should use the Employer Checking Service (https://www.gov.uk/employee-immigration-employment-status) if a prospective or existing employee cannot provide any of the accepted documents

Checks continue to be necessary and you must continue to check the prescribed documents set out in right to work checks: an employer's guide (https://www.gov.uk/government/collections/right-to-work-checks-employer-guidance) or use the online right to work checking service (https://www.gov.uk/view-right-to-work). It remains an offence to knowingly employ anyone who does not have the right to work in the UK.

Checking an individual's right to work using the temporary COVID-19 adjusted check measures

Up to and including 20 June 2021, if you are carrying out a temporary adjusted check, you must:

- ask the worker to submit a scanned copy or a photo of their original documents via email or using a mobile app
- arrange a video call with the worker – ask them to hold up the original documents to the camera and check them against the digital copy of the documents record the date you made the check and mark it as "adjusted check undertaken on [insert date] due to COVID-19
- if the worker has a current Biometric Residence Permit or Biometric Residence Card or has been granted status under the EU Settlement Scheme or the points-based immigration system you can use the online right to work checking service (https://www.gov.uk/view-right-to-work) while doing a video call - the applicant must give you permission to view their details (https://www.gov.uk/prove-right-to-work).

End of temporary adjustments

The temporary adjustments to Right to Work checks due to COVID-19 are ending.

From 21 June 2021 you must either:

- check the applicant's original documents (https://www.gov.uk/legal-right-work-uk), or
- check the applicant's right to work online (https://www.gov.uk/view-right-to-work), if they've given you their share code

Due to the impact of COVID-19 some individuals may struggle to show evidence of their right to work in the UK. As a result, you must take extra care to ensure no-one is discriminated against as a job applicant or employee because they are unable to show you their documents. For more information, please see the code of practice for employers: avoiding unlawful discrimination while preventing illegal working (https://www.gov.uk/government/publications/right-to-work-checks-code-of-practice-on-avoiding-discrimination).

Retrospective checks

You do not need to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 20 June 2021 (inclusive). This reflects the length of time the adjusted checks have been in place and supports business during this difficult time.

You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in the COVID-19 adjusted checks guidance.

It remains an offence to work illegally in the UK. Any individual identified who is disqualified from working by reason of their immigration status, may be liable to enforcement action.

If the job applicant or existing worker cannot show their documents

You must contact the Home Office Employer Checking Service (https://www.gov.uk/employee-immigration-employment-status). If the person has a right to work, the Employer Checking Service will send you a 'Positive Verification Notice'. This provides you with a statutory excuse for 6 months from the date in the notice.

Published 30 March 2020
Last updated 12 May 2021 + show all updates

1. 12 May 2021
   Updated as the end date for the temporary adjusted checking processes is now 21 June.
2. 20 April 2021
   Updated as the temporary adjustments introduced because of coronavirus end on 16 May 2021.
3. 30 March 2020
   First published.

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Related content

- Right to work checks: an employer's guide (https://www.gov.uk/government/publications/right-to-work-checks-employers-guide)
- Right to work checklist (https://www.gov.uk/government/publications/right-to-work-checklist)
- Illegal working penalties: codes of practice for employers (https://www.gov.uk/government/collections/illegal-working-penalties-codes-of-practice-for-employers)

Brexit

Check what you need to do (https://www.gov.uk/transition)

Explore the topic

- Foreign nationals working in the UK (https://www.gov.uk/entering-staying-uk/Foreign-nationals-working-in-UK)
- International travel, immigration and repatriation during coronavirus (https://www.gov.uk/coronavirus-taxon/international-travel-immigration-repatriation)
- Your responsibilities as an employer during coronavirus (https://www.gov.uk/coronavirus-taxon/your-responsibilities-as-an-employer)