

Coronavirus (COVID-19) (/coronavirus) Latest updates and guidance

1. Home (<https://www.gov.uk/>)
2. Entering and staying in the UK (<https://www.gov.uk/entering-staying-uk>)
3. Rights of foreign nationals in the UK (<https://www.gov.uk/entering-staying-uk/rights-foreign-nationals-uk>)
4. Foreign nationals working in the UK (<https://www.gov.uk/entering-staying-uk/Foreign-nationals-working-in-UK>)

Guidance

## Coronavirus (COVID-19): right to work checks

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

From:

[Home Office \(/government/organisations/home-office\)](/government/organisations/home-office) and [Immigration Enforcement \(/government/organisations/immigration-enforcement\)](/government/organisations/immigration-enforcement)

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## Contents

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

This update replaces previous guidance issued on 26 August 2021.

The end date for the temporary adjusted checks has now been deferred to 30 September 2022 (inclusive). We have made the decision to defer the date following the positive feedback we have received following the government's announcement enabling employers to use Identification Document Validation Technology (IDVT) to carry out digital checks on British and Irish citizens who hold a valid passport from 6 April 2022.

Read further information on the [Digital identity certification for right to work, right to rent and criminal record checks \(https://www.gov.uk/government/publications/digital-identity-certification-for-right-to-work-right-to-rent-and-criminal-record-checks\)](https://www.gov.uk/government/publications/digital-identity-certification-for-right-to-work-right-to-rent-and-criminal-record-checks) page.

Deferring the end date of the adjusted checks to 30 September 2022 ensures employers have sufficient time to develop commercial relationships with identity service providers, make the necessary changes to their pre-employment checking processes and carry out responsible on-boarding of their chosen provider.

This decision also ensures that the right to work scheme continues to operate in a manner which supports employers to implement long-term, post-pandemic working practices. It also provides opportunity for employers to put measures in place to enable face to face document checks if they do not wish to adopt digital checks for British and Irish citizens with a valid passport (or Irish passport card).

## Related content

- [Illegal working penalties: codes of practice for employers \(/government/publications/illegal-working-penalties-codes-of-practice-for-employers\)](#)
- [Illegal working penalties: codes of practice for employers \(/government/collections/illegal-working-penalties-codes-of-practice-for-employers\)](#)
- [Right to work checks: an employer's guide \(/government/publications/right-to-work-checks-employers-guide\)](#)
- [Digital identity certification for right to work, right to rent and criminal record checks \(/government/publications/digital-identity-certification-for-right-to-work-right-to-rent-and-criminal-record-checks\)](#)

## Updated advice for employers carrying out right to work checks during coronavirus (COVID-19) adjusted measures

The following temporary changes were made on 30 March 2020 and remain in place until 30 September 2022 (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 [Home Office Employer Checking Service](https://www.gov.uk/employee-immigration-employment-status) (<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) (<https://www.gov.uk/government/collections/right-to-work-checks-employer-guidance>) or use the [Home Office right to work online service](https://www.gov.uk/view-right-to-work) (<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 30 September 2022, 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 \(https://www.gov.uk/view-right-to-work\)](https://www.gov.uk/view-right-to-work) while doing a video call – the applicant must [give you permission to view their details \(https://www.gov.uk/prove-right-to-work\)](https://www.gov.uk/prove-right-to-work). From 6 April 2022, all biometric card holders will evidence their right to work using the Home Office online service only. You will no longer be able to accept physical cards for the purposes of a right to work check even if it shows a later expiry date.

## **End of temporary adjustments**

The temporary adjustments to right to work checks due to COVID-19 will end on 30 September 2022 (inclusive).

## **Online right to work service**

The [Home Office right to work online service \(https://www.gov.uk/view-right-to-work\)](https://www.gov.uk/view-right-to-work) gives you a defence against a civil penalty. You don't need to see or check the individual's documents, as right to work information is provided in real time directly from Home Office systems.

Employers cannot insist individuals use this service or discriminate against those who choose to use their documents to prove their right to work.

## **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 30 September 2022 (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) (<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 22 February 2022 [+ show all updates](#)

### 1. 22 February 2022

Guidance updated to reflect the extended end date for the temporary adjusted checking process is now 30 September 2022.

### 2. 26 August 2021

Guidance updated to reflect extended end date of 5 April 2022.

### 3. 18 June 2021

Updated as the end date for the temporary adjusted checking processes is now 31 August 2021.

### 4. 12 May 2021

Updated as the end date for the temporary adjusted checking processes is now 21 June.

### 5. 20 April 2021

Updated as the temporary adjustments introduced because of coronavirus end on 16 May 2021.

### 6. 30 March 2020

First published.

## **Explore the topic**

- [Foreign nationals working in the UK \(/entering-staying-uk/Foreign-nationals-working-in-UK\)](#)
  - [International travel, immigration and repatriation during coronavirus \(/coronavirus-taxon/international-travel-immigration-repatriation\)](#)
  - [Your responsibilities as an employer during coronavirus \(/coronavirus-taxon/your-responsibilities-as-an-employer\)](#)
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