

Mobility: Immigration alert

May 2021



United Kingdom

Temporary measures relating to Right to Work checks to end on 20 June 2021

Executive summary

The UK Home Office announced that the temporary measures relating to Right to Work checks that were implemented in response to the outbreak of COVID-19 will remain in effect until 20 June 2021. These measures were previously expected to remain in effect until 17 May 2021. Starting on 21 June 2021, employers in the United Kingdom will need to revert to conducting face-to-face reviews of job applicants' original documents, as set out in the UK Right to Work legislation and guidance.

Background

UK employers are required by law to proactively check that job applicants are allowed to work lawfully in the UK before employing them. This employer obligation is called a "Right to Work" check and it typically requires employers to review original documents belonging to the applicant, as a means of confirming the applicant's eligibility to work in the UK.

Temporary Right to Work measures

On 30 March 2021, in response to the outbreak of the COVID-19 pandemic, and in an effort to promote the general health and welfare of UK citizens and residents, while supporting the needs of UK employers, the Home Office relaxed obligations for employers and implemented the following measures:

- ▶ Checks can be carried out by video call (in lieu of in person)
- ▶ Job applicants and existing workers can provide scans or photos of their documents to their prospective/existing

employers via email or mobile phone app (in lieu of providing original documents)

- ▶ Employers must: (i) arrange video calls with (potential) employees, (ii) ask them to hold up their original documents on camera in order to compare the original documents with the scans or photos provided by the (potential) employees, (iii) record the date of the visual check, and (iv) include the statement "adjusted check undertaken on [date] due to COVID-19" on the copies of the applicant's documents
- ▶ If the (potential) employee has a valid Biometric Residence Permit or Biometric Residence Card, or has been granted lawful immigration status in the UK under the EU Settlement Scheme or the points-based immigration system, the UK employer can use the online Right to Work [checking service](#) while on the video call with the (potential) employee, provided they grant the employer permission to do so
- ▶ Employers can use the [Employee Checking Service](#) to check a (potential) employee's immigration status, if the (potential) employee is unable to provide any of the accepted documents that would otherwise confirm their lawful immigration status

Right to Work measures effective 21 June 2021

Effective 21 June 2021, employers must either:

- ▶ Check the applicant's original documents, or
- ▶ Check the applicant's right to work online, if the applicants have provided their share code (which authorizes employers to view individuals' immigration status)

Next steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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