



Right to Work Checks from 6 April 2022

Briefing Note

Background

The Home Office have announced changes to 'Right to Work' (RTW) practices effective from 6th April 2022; further changes are also expected from 1st October 2022.

From 6th April there will be two categories of RTW checks: (a) a Home Office online check or (b) a manual/Covid-19 adjusted check. The type of check an employer is required to conduct will depend on the immigration status of the applicant.

As a reminder, all employers in the UK have a responsibility to prevent illegal working, and as a Home Office licensed and trusted sponsor it is particularly important that we role model best practice, with any areas of non-compliance being subject to a Home Office £20,000 civil penalty. Right to Work checks are therefore essential for all candidates before employment/engagement commences to ensure an individual is not disqualified from carrying out the work in question by reason of their immigration status.

Key Points

1. Home Office Online Check – Digital Status (All EEA/Swiss, BRP, FWP and BRC Holders)

- From 6 April 2022 it will be mandatory for individuals with a digital Home Office status 'share code' to evidence their Right to work using the Government's [online tool](#).
- For those with physical Biometric Residence Permit Cards, Biometric Residence Cards, status under the EU Settlement Scheme, Frontier Worker Permit or an eVisa, these cards will no longer be permissible even where the cards continue to be valid by date. RTW will be required via the [online tool](#).
- RTW checks will take place in the presence of the employee either in-person or by video call to check, copy and retain documentation utilising the Share Code and whilst viewing the 'employers screen'.
- Employers cannot insist on receiving a Share Code ahead of the April changes and RTW can still be evidenced by an in-date document as listed above, up to and including 5 April 2022.
- Where individuals are yet to receive their BRP and digital status they are permitted to commence work/engagement based on their passport vignette, with a follow up required upon receipt of the digital status ahead of the vignette expiry date.



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- Retrospective RTW checks on those who used a BRP, BRC or FWP to prove their RTW **before** 6 April 2022 will **not** be required except in circumstances whereby there has been a break in service.

2. UK/Irish Nationals

- [Covid-19 adjusted right to work checks](#) have been extended until 30 September 2022 for all those without a digital Home Office status (UK/Irish nationals). The extension allows employers time to source certified Identity Service Providers (IDVP) for a new electronic right to work check service for UK/Irish applicants who are not included in the Home Office online provision.
- In-person manual checks will continue to be permissible from 6th April and from 1st October 2022.
- Retrospective checks for those who have had [covid-19 adjusted checks](#) will not be necessary provided they were undertaken in line with the government code of practice and guidance.

3. Development Session

- The HR department will be rearranging the 'Right to Work' briefing and development session and will circulate the date once confirmed.

Further Guidance/References

- [Casual Workers – Human Resources \(lincoln.ac.uk\)](#)
- [Employers Right to Work Checklist \(List A and List B\)](#)
- Home Office 'right to work' YouTube [video](#)
- [right to work checks: an employer's guide](#)
- Online interactive tool '[Check if someone can work in the UK](#)', which will take you through the process by asking you a series of questions.

(NB the government are still to update some items ahead of 6th April)