

**What to do if an individual  
does not have the right to  
work**

5.1.1 If, after carrying out these checks, it is established that the individual is not permitted to work in the UK, then you must not allow them to commence employment.

5.1.2 If the individual is likely to obtain the relevant permission within an acceptable period, then it is at the discretion of the employer as to whether they agree to wait until the permission is received or withdraw the offer of employment. If there is no evidence that the relevant permission is going to be forthcoming promptly, then the offer of employment must be withdrawn.

## Summary of updates

### February 2024

- **Para 3.1.1:** increase to amount for maximum civil penalty fine due to change in legislation (was £20,000 - now £60,000).

### December 2023

- **Section 4.1:** updated guidance on automatic 2 year extension applied to those with EEA pre-settled status (applied in their digital profile).
- **Section 4.3:** new guidance re asylum seekers undertaking voluntary work while waiting for immigration status to be approved.

### April 2023

- Pre-existing content on using an Identity Service Provider (IDSP) moved into a new section **(2.3)**.
- Updated **Section 2.8: Validating, copying, and storing documents** - to reflect updated Home Office guidance.
- Standard reformatted to make it easier to refer to. Wording changed to make requirements clearer. Links updated throughout.

### May 2022

- Pre-existing content on using an Identity Service Provider (IDSP) moved into a new section **(2.4)**.

- Clarified requirements to evidence right to work using the Home Office online service for refugees holding a biometric residence card (**para 4.4.4**).

## **March 2022**

- Standard reformatted to make it easier to refer to. Wording changed to make requirements clearer. Links updated throughout.
- Details of changes to right to work checking process from 6 April 2022 included in (**section 2.2**).
- Process for British and Irish citizens to prove right to work outlined in **section 2.2**.
- ‘Validating documents’ and ‘Copying and storing documents’ sections combined into one section ‘Validating, copying, and storing documents’ (**section 2.7**).
- ‘Recruiting outside of the UK’ section removed. Relevant information is contained in ‘Right to work evidence – scenarios’ (**section 4**).

## **July 2021**

- Page 3: updated Online checks section to remove differentiation between EU and non-UK nationals. Also updated the list of documents the Home Office online checking service supports.
- Pages 4 - 5: included text to outline when a manual check should be conducted, ensured references are made to the most up-to-date legislation and removed inclusion of EEA passport and EEA national identity card from valid and current rule.
- Pages 8 - 10: a re-write of EEA nationals right to work evidence section to reflect changes to right to work requirements for EEA citizens from 1 July 2021, removed EU Settlement Scheme section as information out-of-date as of 1 July 2021.
- Page 12: removed Appendix 1: guidance on specific forms of documentation as information out-of-date as of 1 July 2021.