

UNIVERSITY OF ABERDEEN
Policy on Employment (Immigration)

UKVI Immigration Regulations (Prevention of illegal working)

The University is a registered UK Visas and Immigration licence holder and, as such, is responsible for preventing illegal working at the University. This responsibility is governed by the Immigration, Asylum and Nationality Act 2006.

Right to Work Checks

To comply with the terms of immigration legislation, we are required to conduct a right to work check for all employees prior to employment commencing. By conducting the following checks on all employees we will fulfil our responsibilities to the legislation:-

1. Prior to commencement of employment, the individual will be required to provide an original document as outlined in List A or List B (detailed in Appendix 1)
2. We will check that the original documents to ensure:
 - Photographs and dates of birth are consistent across documents and with the person's appearance;
 - Expiry dates for permission to be in the UK have not passed;
 - Any work restrictions to determine if they are allowed to do the type of work on offer;
 - As far as can be determined, the documents are genuine, have not been tampered with and belong to the holder.
3. In accordance with regulations, the right to work check must be completed prior to starting work and any individual who is unable to provide sufficient documentation will be prohibited from commencing employment until the relevant documentation has been provided and verified.
4. We will keep a copy of the documents provided for the duration of the individual's employment and 2 years after their employment has ceased. Copies of these documents will be retained within the individual's employment file held centrally in the Human Resources Office.

Sponsorship

The University will follow the relevant legislation in regards to employing those who do not automatically have the right to work in the UK. Such individuals will be required to obtain a visa to demonstrate their right to work in the UK.

Ongoing checks

We complete an annual check for all of those on visas with limited leave to remain. For this check, we ask to see the original passport and visa for the individual and a copy will be obtained. As part of this check, we will also confirm if the individual has had any change to personal details such as address, contact number and any change to dependents where they are in employment at the University.

Holding Data

The HR office will record the immigration document number (Biometric/Visa Number) and expiry date within the HR database. Where the visa is identified as being due to expire the relevant HR Adviser will contact the member of staff to arrange to meet with them to discuss whether an extension to their visa is required and guide them through the appropriate procedure and paperwork.

On occasion, an individual may not be able to provide copies of their immigration documentation; for example, if their documents are with the UKVI in order to apply for a new visa. In such circumstances the individual will be asked to supply a copy of the acknowledgement letter they have received from the UKVI

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confirming that they are processing their visa. Arrangements will be made to check with the individual at regular intervals to see if they have received their visa by a member of the HR Team. In such circumstances, an individual is permitted to continue to work. Should there be any doubt regarding an individual's application for extension, the relevant HR Adviser will contact the UKVI Employer Checking Service for confirmation.

Employees' contact details

We are required to demonstrate that up to date contact details for all our migrant employees are held and easily accessible. As such, we are required to hold historical UK address and contact details for all migrant employees.

It is an explicit contractual requirement of all employees to inform their Line Manager or their HR Adviser of any change to their contact details.

Developments are ongoing to enable a self-service mechanism for staff to update their personal records with any changes to their home addresses and telephone numbers. Until such a process is available staffs are reminded of the importance of updating these details through their local HR office.

Advertising of posts

We follow the Codes of Practices released by UKVI in relation to recruitment practices. The UKVI regulations require every vacancy where the qualification required to undertake the post is at RQF level 6 or above, to be advertised in accordance with the Resident Labour Market Test. As such, these roles must be advertised for a minimum period of 28 consecutive days in a minimum of two nationwide forums, one of which will be the Job Centre (Find a Job). Further information on the requirements of advertising a vacancy is available from the HR Office.

We are required to keep records of all applicants regardless of nationality for posts in which the successful applicant requires a Certificate of Sponsorship. These records will be retained for the duration of the employment of the overseas national and will also include the reasons underpinning the recruitment decision which was taken.

Management of Staff Attendance

The regulations require us to monitor the attendance of those who require a Certificate of Sponsorship to work in the UK. We are required to notify the UKVI of instances where individuals fail to report for their first day at work, or have a period of 10 days or more unauthorised absence. Therefore, we must be able to identify the attendance of any of our staff on any given working day.

To assist with this, the following principles will apply in relation to staff attendance:

- Where Outlook calendaring facilities are provided, it is expected that staff will maintain their diary for the purposes of recording work commitments.
- All members of staff are required to advise their Line Manager or Head of School as appropriate of any absence (planned or unplanned) from work.
- For those members of staff who do not require access to IT facilities to carry out their role, all unexpected absences from work must be reported to their Line Manager as soon as possible on the first day of absence.
- All members of staff are required to report all absences from work due to illness in line with the procedures contained within the University's Sickness Absence Policy.

Revised September 2018 Approved Operating Board September 2018

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ACCEPTABLE DOCUMENTS UNDER THE IMMIGRATION, ASYLUM & NATIONALITY ACT 2006.

LIST A and B – acceptable documents

If individuals have a **permanent right to work** in the UK they should provide a document or combination of documents from List A.

If individuals have a **temporary right to work** in the UK they must provide a document or combination of documents from either List B Group 1 or List B Group 2.

List A

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B

Group 1 – Documents where time-limited permission lasts until the expiry date of leave

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a

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national of a European Economic Area country or Switzerland or who has a derivative right of residence.

4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 - documents where time-limited permission lasts for 6 months

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

DOCUMENTS REQUIRED BY STUDENTS WITH TIME LIMITED PERMISSION UNDERTAKING WORK

Evidence of the student's academic institution's term time dates in one of the following formats:

- (i) A printout from their institution's website or other material published setting out the term time dates for their course; or
- (ii) A copy of a letter or email addressed to either the student or the recruiter from their institution confirming the term time dates for their course.

If the student is at the end of their course, they must also provide written evidence that they have completed all the academic requirements of the course (i.e. submitted the dissertation, attended the viva and completed corrections or taken the resit exams) and that there is no further work outstanding.

Title	Policy on Employment
Author / Creator	HR
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Related	Recruitment and Selection
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Equality Impact Assessment	
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