

# How to conduct lawful right-to-work checks



# If you're hiring someone new, before they start, you need to make sure that they have the legal right to work in the UK.

A quick check at the right time can save you from fines, tribunals and major disruption later on.

Here's our step-by-step guide to conducting lawful right-to-work checks.



## The 3 ways to check right to work

The law gives you three different ways to check someone's right to work. Which one you use depends on the person you're hiring:

- For most people, a manual document check is still the standard option.
- If they're a British or Irish citizen with a valid passport, you can choose to use a Digital Verification Service instead.
- If they have a digital immigration status (eVisa), you'll need to use the Home Office's online service with a share code.

Each method has its own steps, but whichever you choose, you must follow it exactly to protect your business from liability.

## 1. Manual document check



This is your hands-on approach and it has to be done properly to count. You need to:

- Obtain original documents from the person, choosing from the government's List A (permanent right to work) or List B (time-limited right to work).
- Check that the documents are genuine and belong to the person. This must be done in their presence, either face-to-face or over a live video call, while you hold the originals.



Look carefully at:

- The photo and date of birth: do they match the person in front of you?
- Expiry dates: has the document or visa run out?
- Work restrictions: are there limits on the type of work or hours?
- Name differences: if names don't match across documents, ask for evidence (e.g., a marriage certificate) and keep a copy of this supporting document
- Copy and keep the documents in a format that can't be altered (e.g., PDF or JPEG). Record the date of the check clearly. Keep the copy securely for the whole period of employment plus two years, then destroy it safely.

## 2. Digital Verification Service (DVS)

If your new hire is a British or Irish citizen with a valid passport (or Irish passport card), you can use a Digital Verification Service to prove their identity and right to work. It's quicker than a manual check because the provider verifies the passport digitally.

### But here's what to know:

- This only works for British and Irish passports, no other nationalities.
- You must choose a provider that meets government standards, otherwise the check may not be valid.
- Even if you use a provider, you're still legally responsible for getting it right. If something goes wrong, the liability is yours, not the provider's.
- You must keep a copy of the check for the length of employment plus two years, just as you would with a manual check.
- You still need to check that the person in front of you (in person or via video call) matches the photo and details provided.

**Used correctly, DVS is a fast, secure way to check passports. But the responsibility always stays with you, as the employer, that you have conducted the check correctly.**



## 3. Home Office online check

**For many workers, especially those with an eVisa or digital immigration status, the Home Office online service is the only valid way to check right to work. The process is simple, but there are rules you need to follow:**

- The worker generates a share code online and gives it to you, along with their date of birth.
- You must enter these details yourself on the government's official service ("Check a job applicant's right to work"), it's not enough to look at what the worker shows you on their screen.
- The system gives you a profile page with the person's photo and details of their permission to work. You must check that the person in front of you matches that photo (either in person or via video call).
- If the worker has restrictions, such as limited hours, these will be shown. You can only employ them within those conditions.
- You must download or print the profile page and keep it securely for the whole period of employment plus two years afterwards.

**This online system is the only way many people can prove their status now, as physical documents, like Biometric Residence Permits, are being phased out.**



## When to use the Employer Checking Service (ECS)

In some cases, you won't be able to complete a manual or online check, for example, if someone has an outstanding Home Office application, appeal or their digital status isn't available.

In these situations, you can ask the ECS to confirm whether the person has the right to work. If they do, the ECS will issue you with a Positive Verification Notice, which gives you a statutory excuse for six months.



## Understanding document lists

When you carry out a manual check, the law sets out two official lists of documents you can accept.

- **List A** covers people with a permanent right to work in the UK. If their documents are from this list, you don't need to check again.
- **List B** covers people with a temporary right to work. If their documents are from this list, you'll need to do a follow-up check when their permission is due to expire.



## List A: Permanent right to work

These documents mean no follow-up checks are needed. Examples include:

- A current or expired British or Irish passport
- A UK birth or adoption certificate plus a National Insurance number

Once you've checked these properly, your responsibility ends there.

## List B: Time-limited right to work

These documents have an expiry date. Examples include:

- A current passport showing a visa with time-limited permission to stay
- A biometric immigration document that allows certain types of work

For these, you'll need to do a follow-up check on or before the date that their permission expires to keep your statutory excuse.

## Compliance and common mistakes

### Most business owners need to watch out for:

- Expired Biometric Residence Permits
- Inconsistent checks across the team
- Forgetting follow-up checks for time-limited visas
- Irish citizens needing specific documentation
- EEA citizens requiring proper UK immigration status
- Accepting invalid or expired documents

### Your essential compliance checklist:

- Check documents before day one
- Record the actual date the check was carried out
- Keep dated copies securely for the duration of employment plus two years
- Set calendar reminders for follow-up checks on time-limited visas
- Apply checks consistently to everyone, including British citizens
- Destroy documents securely after the retention period

## The risks of getting it wrong

### Miss these checks and you could face:

- Fines of up to £60,000 per illegal worker
- Potential criminal prosecution
- Possible imprisonment of up to 5 years
- Business closure notices
- Loss of sponsorship rights

## Discrimination matters

**One crucial rule is to apply checks exactly the same for everyone. This includes British citizens, don't assume anyone is exempt.**

### No assumptions based on:

- Name
- Accent
- Appearance



# Let's make this simple

**Immigration rules change quickly and the details can be hard to track.**

If you're not sure whether your current process is watertight, it's worth getting an expert view before it becomes a problem.

**Book a 30-minute check with us. We'll:**

- Review your current hiring process
- Spot potential risks
- Give you a clear, actionable plan

**Important: This guide contains general advice. Always check the specific details for your situation with an expert.**

## Get in touch



[www.applehr.co.uk](http://www.applehr.co.uk)



07977 456624



[info@applehr.co.uk](mailto:info@applehr.co.uk)

