

ELIGIBILITY TO WORK IN THE UNITED KINGDOM

How does that affect me?

All individuals, irrespective of nationality, residing in the United Kingdom wishing to take up employment with Brainkind are required to present documentary evidence (such as a valid passport) in accordance with the Immigration, Asylum and Nationality Act 2006. This includes British Citizens.

What do I need to do?

You will be requested to provide documentary evidence within the recruitment & selection process, at which time Brainkind can verify the authenticity of the documentation presented.

Individuals are required to present original documentation from a comprehensive list, please refer to the 'Eligibility to Work in the UK' document list, for further information.

What if I am a?

European Economic Area (EEA) or Swiss National

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Irish Republic, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom. In addition; Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia (aka A8 States).

Iceland, Liechtenstein, Norway and Switzerland are not members of the European Union (EU) but citizens of these countries have the same rights to enter, live and work in the United Kingdom as EU citizens.

Whilst those individuals from the above states have full access to the UK labour market, they are required to present original documentation from a comprehensive list, please refer to the 'Eligibility to Work in the UK' document list, for further details.

Prior to 30th April 2011, citizens from the A8 States were required to register under the Workers Registration Scheme. As this temporary scheme came to an end on 30th April 2011, it is no longer a requirement to see evidence that an A8 worker is registered on the scheme, but original documentation such as a passport must be presented as indicated above.

Those nationals from **Bulgaria** and **Romania** are also required to present documentation from the 'Eligibility to Work in the UK' documentation list, however, they are also required to present a coloured certificate (blue, yellow or purple) which indicates their access and restrictions to the UK labour market.

Existing Students – visas issued Pre 3rd March 2010

Individuals granted limited leave to remain in the United Kingdom as a student (Tier 4 of the Points Based System) prior to 3rd March 2010 are also required to present documentary evidence, which denotes their student status. The individual will provide either a valid passport containing a vignette or a visa/biometric card issued by the Home Office. It is recognised that an individual deemed to be a student is only permitted to work **20 hours per week during term-time**, irrespective of the course being studied. Unrestricted hours outside of term-time.

New Applicants or Requests for Extensions to Existing Visas - Students - visas issued Post 3rd March 2010

Individuals granted limited leave to remain in the United Kingdom as a student (Tier 4 of the Points Based System) post 3rd March 2010 are also required to present documentary evidence, which denotes their student status. The individual will provide a biometric card issued by the Home Office, which will state on it whether the individual can work 10 or 20 hours per week during term time. Unrestricted hours outside of term-time.

New Applicants: Dependants of a Student under Tier 4

An individual who is a Dependant of a student under Tier 4 will need to check the date that their Dependant's visa/biometric card was issued. If it was issued prior to 3rd March 2010, then he/she can work, with no restrictions. If however, their visa was issued on 3rd March 2010 or later, then it will state whether he/she are allowed to work or not. If it states "**not allowed to work**", then the individual will not be allowed to work because the main visa holder will not be studying at the required level. If it states he/she can work, then he/she will be allowed to work without restriction.

NOTE: Individuals providing documentation from the **Eligibility to Work in the UK List B** category (i.e. a non-European visa with limited leave to remain) will be obliged to produce their documentation every 12 months (annual checks).

If you have been granted leave to enter the UK under the student ruling, you are required to present additional information to Brainkind, which confirms that you have been accepted at a UK Educational Establishment. You will be required to present the original acceptance letter and details of the term-times, as this will aid you and Brainkind in avoiding any unnecessary breaches of the rules.

You are requested to familiarise yourself with the hours per week of the job role being applied for to ensure you can legally fulfil these requirements. If you knowingly withhold information at interview stage and accept a role outside of the permitted working hours, this may result in further action being taken.

For further guidance: please refer to the Home Office UK Border Agency website: www.ukba.homeoffice.gov.uk

ELIGIBILITY TO WORK IN THE UK
NATIONALITIES TABLE

For ease of identification, please see below a table indicating respective Nationalities categories and either List A or B, in which you should be referring in regard to the appropriate documentation that you will be required to present to Brainkind, in order to comply with the requirements of the Immigration, Asylum & Nationality Act 2006.

NOTE: Currently, Brainkind is not a licensed sponsor and therefore is unable to employ those individuals granted leave to remain in the UK under the Tier 2 category.

NATIONALITY	WHICH LIST?
BRITISH CITIZEN	List A single
	List A combination
NATIONAL OF AN EEA COUNTRY/ SWITZERLAND	List A single
	List A combination
FAMILY MEMBER OF A NATIONAL OF AN EEA COUNTRY/SWITZERLAND	List A single
	List B single
	List B 2 nd combination
OUTSIDE EEA – INDEFINITE LEAVE TO REMAIN/NO TIME LIMIT	List A single
	List A combination
OUTSIDE EEA – LIMITED LEAVE TO REMAIN (INC. STUDENTS)	List B single
	List B 1 st combination
	List B 2 nd combination
	List B 3 rd combination

ELIGIBILITY TO WORK IN THE UK DOCUMENTATION – LIST A & B

List A: Single Documents	
<ul style="list-style-type: none"> • A <u>valid</u> passport describing 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 • A <u>valid</u> passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a EEA country or Switzerland • A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the BIA to a national of a EEA country or Switzerland 	<ul style="list-style-type: none"> • A permanent residence card issued by the Home Office or the BIA to a family member of a national of a EEA country or Switzerland • A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK • A <u>valid</u> passport or other travel document endorsed to show that the person named is exempt from immigration control, is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
List A: Combination Documents	
<p>An official document issued by a <u>previous</u> employer or Government agency e.g. HM Revenue & Customs, the Department for Work & Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person, PLUS one of;</p> <ul style="list-style-type: none"> • An Immigration Status Document issued by the Home Office or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely, or has no time limit on their stay, in the UK 	<ul style="list-style-type: none"> • A full (<u>long</u>) birth certificate issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's parents • A full (<u>long</u>) adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's adoptive parents • A certificate of registration or naturalisation stating the holder is a British Citizen • A letter issued by the Home Office or the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK
List B – Single Document (provides a 12 month defence only)	List B – First Combination Documents (provides a 12 month defence only)
<ul style="list-style-type: none"> • A <u>valid</u> passport or other travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question, provided that it does not require the issue of a work permit • A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question • A residence card or document issued by the Home Office or the BIA to a family member of a national of a EEA country or Switzerland 	<p>A work permit or other approval to take employment issued by the Home Office or the BIA, PLUS one of;</p> <ul style="list-style-type: none"> • A <u>valid</u> passport or other travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question • A letter issued by the Home Office or the BIA to the holder or prospective employer confirming the same
List B – Second Combination Documents (provides a 12 month defence only)	List B – Third Combination Documents (provides a 12 month defence only)
<p>Evidence of verification provided by the BIA Employer Checking Service PLUS one of;</p> <ul style="list-style-type: none"> • A Certificate of Application issued by the Home Office or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment, which is less than 6 months old • An Application Registration Card issued by the Home Office or the BIA stating that the holder is permitted to take employment 	<p>A document issued by a <u>previous</u> employer or Government agency e.g. HM Revenue & Customs, the Department for Work & Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person, PLUS one of;</p> <ul style="list-style-type: none"> • An Immigration Status Document issued by the Home Office or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question • A letter issued by the Home Office or the BIA to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work in question

Documents that cannot be presented for Eligibility to Work in the UK checks

- A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK;
- A National Insurance number when presented in isolation;
- A driving licence issued by the Driver and Vehicle Licensing Agency;
- A bill issued by a financial institution or a utility company;
- A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;
- A short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder's parents;
- A licence provided by the Security Industry Authority;
- A document check by the Criminal Records Bureau;
- A card or certificate issued by the Inland Revenue under the Construction Industry Scheme.