



# Home Office

## Right to Work Scheme COVID-19 Adjusted Checks Update

The temporary adjustments to the right to work check introduced on 30 March 2020, due to COVID-19, are ending.

From 17 May 2021, you must check the prescribed documents as set out in right to work checks: an employer's guide, published on GOV.UK at:

<https://www.gov.uk/government/collections/right-to-work-checks-employer-guidance>.

This means that when carrying out a document check you must be in possession of the original documents. You can no longer accept a scanned copy or a photo of original documents, as this will not provide you with a defence against a civil penalty.

Alternatively, where applicable, you can use the Home Office online right to work via <https://www.gov.uk/view-right-to-work> which does not require you to see or check the individual's physical documents, as right to work information is provided in real time direct from Home Office systems. You can carry out a check via video call using this service as right to work information is provided in real time direct from Home Office systems – the employee must give you [permission to view their details](#) in the form of a share code.

This service can be used by those with a current Biometric Residence Permit or Card, status under the EU Settlement Scheme, or the points-based immigration system.

Employers cannot insist individuals use this service or discriminate against those who choose to use their documents to prove their right to work.

There is no requirement to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 16 May 2021 (inclusive). This reflects the length of time the adjusted checks have been in place and supports business during this difficult time.

You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed standard manner or as set out in the COVID-19 adjusted checks guidance. However, any individual identified with no lawful immigration status in the UK, may be liable to enforcement action.

Further information can be found on GOV.UK at

<https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>

Finally, queries about the Right to Work Scheme can be sent to:

[RighttoRentandRighttoWork@homeoffice.gov.uk](mailto:RighttoRentandRighttoWork@homeoffice.gov.uk)



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## **Q&A**

### **Q.1 Why are you ending the temporary adjusted right to work checks now?**

We are committed to supporting individuals and employers during this national emergency. The ending of the COVID-19 adjusted right to work checks on 17 May follows the [Government's roadmap](#) to ease lockdown restrictions. Further information about working safely during COVID-19 can be found on GOV.UK

<https://www.gov.uk/government/publications/how-to-stop-the-spread-of-coronavirus-covid-19/how-to-stop-the-spread-of-coronavirus-covid-19>

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres>

### **Q.2 Will I be liable for civil penalty if I have only undertaken an adjusted check?**

You will maintain a defence against a civil penalty if the check you have undertaken between 30 March 2020 and 16 May 2021 (inclusive) was carried out in the prescribed manner or as set out in the COVID-19 adjusted checks guidance published on gov.uk at

<https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>

Should an employee with a time-limited right to work require a follow-up check after 16 May 2021, you must ensure the follow-up check is undertaken as set out in the employer's guide to right to work checks available on GOV.UK

<https://www.gov.uk/government/collections/right-to-work-checks-employer-guidance>

### **Q.3 Can I carry out an adjusted check on or before 16 May if an individual's employment begins on or after 17 May 2021?**

Yes – the temporary adjustments to right to work checks will remain in place until 16 May. However, employers should ensure the security & integrity of their right to work checks. You may wish to consider if there are opportunities to safely carry out standard right to work checks as set out in the 'employers guide to right to work checks' in advance of the temporary measures coming to an end. Particularly where employment does not start until on or after the 17 May 2021.

### **Q. What if an individual does not have any or current documentation to prove their Right to Work?**



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You should use the Employer Checking Service if a prospective or existing employee cannot provide any prescribed document, this is available on GOV.UK at <https://www.gov.uk/employee-immigration-employment-status>

During this difficult time, you must take extra care not to draw conclusions about an individual's right to work.

**Q. Does the criminal offence remain in force?**

It remains an offence to knowingly employ an illegal migrant.