

Employing Ukrainian Refugees- Part Three

A Ukrainian national who hasn't applied for permission to stay in the UK doesn't have a right to work. While it's ultimately up to them to regularise their status, you can provide support as an employer.

If you are currently employing a Ukrainian refugee you should stay abreast of their right to work. This will ensure you don't run into issues at key stages of their status in the UK.

Failing to conduct checks, or conducting them incorrectly, could result in a fine or penalty.

When to conduct a right to work check

If the employee has come to the UK using the Ukraine Family Scheme, you should check their right to work before their first day of employment. You'll also need to check their right to work after six months. This is to ensure they have secured a biometric residence permit (BRP).

Once the employee has received this, you'll need to conduct a right to work check at the three year point. This is when their right to work may have ended.

If the employee has come to the UK using the Homes for Ukraine Scheme the dates are the same. You should conduct a right to work check after six months and again at the three year mark.

If a Ukrainian national was already employed, you should conduct a right to work check when they come to extend their current visa.

How to conduct a right to work check

The new digital technology for checking right to work came into force in April 2022. This is slightly different from the temporary adjusted coronavirus digital checks, and it has its own process (we'll detail the process below).

To use the service you'll need a few things to begin:

- The individuals' date of birth
- Their share code
- A photograph of the individual

Then, you'll need to collect evidence of the individual's right to work.

If you're performing a check before the six month deadline, a passport with a six month entry stamp can be used as evidence of right to work. If the individual doesn't have a valid Ukrainian passport, they may be provided a 'Form for Affixing the Vias' (FAV). This can be used as a proof of their right to work in conjunction with a Positive Verification Notice from the Home Office. Otherwise, they should have a BRP which will serve as sufficient evidence.

Make sure you gather all the relevant documents you need. This includes the original right to work document. Check that they are genuine and accurate. Once this is done you should keep a secure, dated copy of each for subsequent checks.

Note: The decision to remove digital right to work checks has been delayed until 30th September 2022. However, there are plans to implement online checks permanently. Stay up to date with employment law to ensure you stay abreast of any changes to this date.

Support employing Ukrainian Nationals

Employing people always has its challenges. These can be amplified when there is a language barrier or you need to make unfamiliar checks. Fortunately, you can access expert advice when navigating these issues.

At Croner, we have a team of legal experts and HR consultants ready to take your call and guide you through the process. If you're looking for some support, give us a call today for free advice on **0844 561 8133** and quote **80168**.