

Preventing Illegal Working (Visa Requirements) Policy and Procedure

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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

2021: Policy amended and updated following the Immigration legislation changes implemented from 1st January 2021 onwards.

KEY WORDS

Migrant

Immigration

Home Office

EU worker

Skilled Worker Visa

Lists A and List B

Biometric Residence Permit (BRP) Card

Vignette

Sponsorship

Defined Certificate of Sponsorship

Undefined Certificate of Sponsorship

UK Visas and Immigration (UKVI)

Medical Training Initiative (MTI)

Health Education England (HEE)

SUMMARY

The NHS Employers Right to Work standard states the following,

“A right to work check determines whether an applicant has the legal right and permission to work in the UK. The Immigration, Asylum and Nationality Act 2006 (amended by the Immigration Act 2016) provides employers with a statutory excuse against a civil penalty where they can clearly demonstrate that they have carried out all the necessary checks to mitigate any risks of employing illegal workers.

Employers are at risk of facing a civil penalty if they are found to be employing an illegal worker and they haven't carried out a correct right to work check. A civil penalty can be anything up to £20,000 per illegal worker. Criminal sanctions may also apply where the employer is found to have knowingly appointed or continues to employ an individual who does not have a right to work in the UK”

This policy sets out the legal requirements of employing migrant workers and ensuring that all potential employees are legally entitled to work in the UK.

1 INTRODUCTION AND OVERVIEW

1.1 This policy describes the Trust's legal responsibilities to ensure it is operating in line with the Home Office requirements in the recruitment of non-British nationals.

2 POLICY SCOPE

2.1 This document applies to all employees and workers subject to immigration control, including those working on fixed term contracts, honorary contracts and Bank worker agreements.

2.2 Adhering to this document will ensure compliance with the NHS Employers standards, and the Home Office legal requirements.

3 DEFINITIONS AND ABBREVIATIONS

Biometric Residence Permit (Card): All new or renewed visas are now granted in the form of a biometric card, rather than a vignette.

Defined Certificate of Sponsorship (COS): A defined COS is for overseas applicants, applicants already in the UK on a visitor's visa or a tier 5 visa switching to a Skilled Worker Visa.

Employer (Visa) Sponsorship: The Trust holds an Employer (Visa) Sponsorship License which enables the Trust to employ workers from outside the UK and extend the Visa/work permits of current employees.

HEE: Health Education England.

List A: A continuous right to work in the UK. There is no time limit or expiry date and the documentation does not need to be rechecked.

List B: A time limited right to work in the UK. There is an expiry date and must be rechecked when the permission to work in the UK expires (visa expires).

Migrant Worker: The worker is working outside of their home country and is subject to immigration control as their right to work in the UK will have restrictions and an end date.

Settled Worker: The worker is not subject to immigration control and has no restrictions on their stay in the UK.

Shortage Occupation: The UK Government maintains a list of occupations which are deemed to be of short supply in the UK.

Sponsor Management System: As the Trust holds a sponsor licence, selected employees are granted a log-in to the system to be able to apply for, and manage sponsor applications made to the Home Office.

Statutory Excuse: The Trust, as an employer, must for each migrant worker determine if all of the applicable criteria to their circumstances have been met by the Trust's checking processes for a statutory excuse to be established. A statutory excuse protects the Trust from prosecution for employing a migrant worker.

Undefined Certificate of Sponsorship (COS): An undefined COS is for migrants already in the UK working on a Skilled Worker Visa with another employer and will be coming to work for the Trust (change of employment). Migrants can be in the UK under another visa type which is eligible to switch to a Skilled Worker Visa such as a tier 4 (change of visa category). Current employees with UHL can request extensions to their

current Skilled Worker Visa, and any significant changes to an employee's current job role (change of SOC code) with the Trust will require a new COS.

Vignette: An entry clearance/ right to work evidence which is placed in the holders' passport. This will only be issued for a period of 1 month to allow the individual to arrive in the UK and give them time to collect their Biometric Residence Permit (Card).

4 ROLES & RESPONSIBILITIES

- 4.1 The **Chief People Officer** has executive responsibility to ensure that the Trusts practices and processes are appropriate in accordance with the Home Office requirements.
- 4.2 The **Resourcing Lead** is responsible for ensuring that the Recruitment Service practices and processes are appropriate and in accordance with the Home Office requirements.
- 4.3 **Recruitment Services Department** are responsible for:
- Processing pre-employment checks
 - Ensuring the correct processes are being applied depending if the employee / worker is a settled or migrant worker
 - Carrying out document checks
 - Applying for sponsorship under the Points Based System where appropriate
 - Ensuring all documentation is collected and stored as necessary
 - Conducting repeat checks
- 4.4 **Line Managers** are responsible for ensuring that for all employees under visa sponsorship, all relevant activity is recorded and raised with Recruitment Services so it can be reported to the Home Office. Line Manager responsibilities are listed below and are also outlined in the letter in Appendix 6.
- If they do not turn up for his/her first day of work, or if the start date is delayed
 - If they are absent from work for more than 10 consecutive working days without permission.
 - If their contract of employment, or any relevant professional registration ends earlier than shown on their Certificate of Sponsorship (COS) (dismissal or resignation)
 - If their leave to remain expires or if they are granted indefinite leave to remain in the UK.
 - If there are any significant changes in their circumstances including:
 - Promotion or change of job title/ duties
 - A reduction in salary as listed on the COS (increases do not need to be reported)
 - The location of work (If outside of UHL's 3 main sites)
 - Any information which suggests that they are breaching their conditions of leave.

- We must also give the police any information we may have that suggests that they may be engaging in terrorism or other criminal activity.

4.5 **Migrant Workers and prospective Migrant Workers** are responsible for providing all relevant documentation with regards to proving their right to work in the UK. If the worker is under visa sponsorship, reporting all relevant activity to their managers and/or Recruitment Services, so it can be reported to the Home Office. Responsibilities of employees/workers are also outlined in the letter in Appendix 5.

5. POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS

5.1 There are a number of types of documents and Visas that individuals may have or be issued with to allow migrant workers to work in the UK and the processes that need to be followed are different. Due to the complexity of these processes they are detailed in a procedural document at appendix 1.

5.2 In summary, the types of Visas (documents allowing legal migrant working) are listed below.

List A	A List A document proves the candidate has the right to work in the UK and is not subject to any follow up checks. Those who fall into this category are UK nationals and migrants with Indefinite Leave to Remain.
List B	The migrant is a non-UK national and this proves they have the right to work in the UK which is time-limited. They are able to work until the expiry date.
EU Settlement Status	Since 1 July 2021, EEA citizens and their family members are required to hold a valid immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EEA passport or national identity card to prove their right to work. If the migrant is from, or is a family member of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein and lived in the UK prior to 31st December 2020 they were eligible to apply for the EU Settlement Scheme. If the worker holds pre-settled status they are eligible to work until the expiry date. They must apply for Settled Status prior to the expiry and once granted they are able to stay in the UK as long as they like. An exception to this is where the holder leaves the UK for more than 5 years as they will automatically lose their settled status.
Biometric Cards	All non-UK migrants with permission to stay in the UK for longer than 6 months must apply for a Biometric Residence Permit (BRP).

Skilled Worker Visa <i>(This has replaced the Tier 2 Visa)</i>	The Trust is able to sponsor skilled migrants under the Skilled Worker Visa. The applicants must meet the minimum criteria which includes salary, an eligible job type and knowledge of English. Additional points are granted if the post falls under the Shortage Occupation list.
Skilled Worker Visa (Health and Care Visa)	As UHL is an NHS Trust, we are able to sponsor qualified medical professionals working in an eligible Health or Social Care job.
Tier 1 (Entrepreneur visa)	This route is now closed for new applicants. Entrepreneur visa holders cannot seek or undertake paid employment in the UK other than working for the business or businesses that they have either established, joined, or taken over
Tier 4 (Student Visa)	Individuals can work on this visa depending on the course type and restrictions printed on the BRP. Usually they can work up to 20 hours per week in term time and full time during holiday periods.
Tier 5	The Trust is not a Tier 5 sponsor and therefore we are unable to employ an individual who requires this type of visa.
Medical Staff HEE Skilled Worker Visas	The Trust will also know of Skilled Worker Visa migrants who are not sponsored directly by the Trust, but are under sponsorship of HEE. These employees are Junior Doctor Specialty Trainees who rotate into different posts to gain necessary experience.
Medical Training Initiative (MTI) Tier 5s	The Royal College sponsor a number of International Medical Graduates on a Tier 5 to work in the UK to experience training and development in the NHS for a period of up to 2 years. Any doctor recruited via the MTI scheme must return to their home country after 24 months.
Dependant Visa	Visa holders of Skilled Worker Visas and on Tiers 1, 4 and 5 are eligible to bring their dependants with them to the UK if they are granted a dependant visa. This visa gives the dependant a right to work and is an acceptable list B document.
Visitor Visa	Overseas graduates from medical, dental or nursing schools may come to the Trust for a short term (maximum of 6 months) Clinical Attachment or Observership to allow them to gain experience within the NHS. These posts are unpaid and involve no treatment of patients.

5.2 Compliance with Home Office Requirements

5.2.1 As a Trust, there are a number of reporting activities and record keeping that is necessary to retain the Visa sponsorship licence. This is only applicable to those on a Skilled Worker Visa sponsored by the Trust.

5.2.2 Reporting Activities

- To satisfy the Trust's sponsor requirements, it is mandatory to report activities within 10 days via the Home Office Sponsor Management System (SMS). The full list of reportable activities is listed in appendix 8 (also see appendix 1

section 8).

- Please see the up to date Skilled Worker Visa and Tier 5 Sponsor Guidance for further information, found online via the following link: <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>

5.3 Record Keeping

The Trust is required to retain all documentation relating to the employment of sponsored Skilled Worker Visa workers for the duration of the sponsorship. This includes contracts of employment, qualifications and/or professional registration and other documents as specified by the Home Office.

5.4 Risks and Penalties

5.4.1 An individual Director or Senior Manager can be personally criminally liable if they know that a person is not entitled to work in the UK and consents to their employment. The penalty is up to two years imprisonment and/ or an unlimited fine.

5.4.2 If the Trust was found to have failed to comply with the Home Office requirements and Immigration rules, it creates a risk of having the licence downgraded or revoked. This would cause adverse implications for the Trusts ability to recruit workers from abroad, along with the implications for current migrant workers. Without the ability to recruit internationally, it would affect the Trusts ability to fill all necessary posts and keep services running safely.

6 EDUCATION AND TRAINING REQUIREMENTS

There is no specific education or training required to implement this policy.

7 POLICY MONITORING COMPLIANCE TABLE

What key element(s) need(s) monitoring as per local approved policy or guidance?	Who will lead on this aspect of monitoring? Name the lead and what is the role of other professional groups	What tool will be used to monitor/check/observe/asses/inspect Authenticate that everything is working according to this key element from the approved policy?	How often is the need to monitor each element? How often is the need complete a report? How often is the need to share the report?	How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes.

Record all employees that are working in the Trust on a Visa	Recruitment Services	ESR System	Monthly	ESR to send report to Recruitment Services of all expiring visa's
Report any changes to Home Office in regards to Skilled Worker Visa employees	Recruitment Services	Home Office Sponsor Management System	As applicable	ESR to send report to Recruitment Services of all changes made
Processes are in line with current Home Office requirements	Recruitment Services	Audit	Yearly	Recruitment Services
To ensure the Trust is confident that they are compliant in reporting duties, and to communicate the legal obligations to employees and managers	Recruitment Services	Responsibility letters are sent to both the managers and the migrant workers	As applicable	Recruitment Services
Visa's that are due to expire	Recruitment Services	Central Excel Spread sheet and ESR System	Monthly	Recruitment Services

8 EQUALITY IMPACT ASSESSMENT

The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.

As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (the 2006 Act), section 24B of the Immigration Act 1971, and Schedule 6 of the Immigration Act 2016

<https://www.legislation.gov.uk/ukpga/2006/13/contents>

NHS Employers: <https://www.nhsemployers.org/publications/right-work-checks>

NHS Employers Right to Work Checks Document:

<https://www.nhsemployers.org/sites/default/files/2021-07/Right%20to%20work%20checks%20JULY%202021.pdf>

Home Office website: <https://www.gov.uk/government/organisations/home-office>

Home Office Employer right to work checks supporting guidance
Code of practice on preventing illegal working: Civil penalty scheme for employers •
Code of practice for employers: avoiding unlawful discrimination while preventing illegal working
UHL Recruitment & Selection Policy (Trust Ref B43/2016)
UHL Fit and Proper Persons Policy (Trust Ref B17/2016)

10 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

- 10.1 This document will be uploaded onto SharePoint and available for access by Staff through INSite. It will be stored and archived through this system.
- 10.2 Recruitment Services will review every 3 years or in line with Home Office changes, whichever is the sooner.

Preventing Illegal Working (Visa Requirements) Procedure

Appendix 1

As referred to in section 5.1, the processes that must be followed are detailed below in relation to the different types of documentation checks and visas required depending on individual circumstances.

Some Migrant workers already have a right to work in the UK and will have the relevant documentation to prove this. These are called List A and B documents.

1 List A and B documents (see appendix 2)

- 1.1 To satisfy the necessary pre-employment checks, candidates are asked by Recruitment Services to provide their ID and Right to Work documentation so the originals can be verified, and a copy made which is sign and dated by the person verifying it.
- 1.2 Documents such as passports and biometric cards are put through the Veri-scanner within Recruitment Services, which will validate the authenticity of the document and highlight any inconsistencies or issues with it.
- 1.3 Always refer to the Home Office and NHS Employers guidance for the current requirements, taking into account any temporary adjustments.

2 List A

- 2.1 If the right to work documentation provided is a List A document, this proves the candidate has the right to work in the UK with a continuous statutory excuse (not subject to a time limit or any follow up checks). Those who fall into this category are UK, and migrants with Indefinite Leave to Remain or Settled Status under the EU Settlement Scheme.

3 List B

- 3.1 If the right to work documentation provided is a List B Group 1 document, the migrant is a non-UK national and this proves they have the right to work in the UK with a time-limited statutory excuse. They are able to work until the expiry date of their visa. If a new visa has been applied for but the outcome not been reached by the time of original visa expiry date, then List B Group 2 will apply.
- 3.2 If the documentation is a List B Group 2 documents, they have a time-limited statutory excuse for a period of 6 months. An applicant with proof of application for a visa, along with a positive verification notice from the Home Office Employer

Checking Service are able to commence or continue work. Recruitment Services are to retain a copy of the application proof along with the positive verification, to ensure the statutory excuse can be proven.

- 3.3 To use the Home Office Employer Checking service follow the instructions on the following Government Home Office website

<https://www.immigrationstatuscheck.service.gov.uk/employers/>. Only when there is a green/ positive outcome, and there are no working restrictions listed under section 4 can the migrant commence or continue to work.

- 3.4 Please refer to *Appendix 2* for a list of acceptable documents for List A and B.

4 Repeat Checks for List B

- 4.1 List B documents have time limited statutory excuses, and therefore repeat checks are necessary for them depending which category the document is in.

4.1.1 List B Group 1

- The Recruitment Services team is to check the time-limited statutory excuse is still valid and contact employees whose expiry dates are approaching to see if new visas have been applied for, or if the employee will be leaving the Trust.
- If the employee's application for a new visa is still in process when the original one has expired, then Recruitment Services is to follow the Group 2 documents process.

4.1.2 List B Group 2

- If the employee has commenced or continued employment on a Group 2 document, then Recruitment Services is responsible for obtaining the visa documentation within the 6 month time limit.
- If a decision has not been made by the Home Office at the end of the 6 month period, a further positive verification from the Home Office Employer Checking Service must be obtained.

5. Biometric Cards

- 5.1 All non-UK migrants with permission to stay in the UK for longer than 6 months must apply for a Biometric Residence Permit (BRP).

- 5.2 For migrants who have applied for their visa from outside the UK, they will have a vignette in their passport which is valid for 30 days. They are expected to collect their BRP within 10 days of arriving in the UK. They are able to commence work on their vignette if necessary, but will need to produce their BRP before the vignette has expired to fulfil the right to work checks.

- 5.3 Migrants will also need to register with the police within 7 days of arrival if they have a temporary visa (it will state on the visa if police registration is required).
- 5.4 For full guidance please visit <https://www.gov.uk/register-with-the-police>
- 5.5 Migrants who have applied for their visa from within the UK must collect / receive their BRP before they can commence work. They cannot start on the approval letter from the Home Office.

6 Visas

The Trust is able to employ Migrant Workers on the following visas:

6.1 **Skilled Worker Visa**

- The Trust is able to sponsor skilled migrants under the Skilled Worker Visa. The applicants must score a specific number of points based on salary, skills and whether the post falls under the Shortage Occupation list.
- To enable the migrant to apply for a visa, the Trust must apply for a Certificate of Sponsorship (**COS**) which proves the Trust is an employer willing to sponsor the migrant. As a sponsor there are a number of duties the Trust must uphold, which includes reporting the migrant's activities and changes in employment to the Home Office.
- For further information on Shortage Occupation (SO) and to find the current list please visit <https://www.gov.uk/government/publications/skilled-worker-visa-shortage-occupations-for-health-and-education/skilled-worker-visa-shortage-occupations-for-healthcare-and-education>

6.2 **Medical Staff – HEE Skilled Worker Visas**

The Trust will also be aware of Skilled Worker Visa migrants who are not sponsored directly by the Trust, but are under the sponsorship of HEE. These employees are Junior Doctor Specialty Trainees who rotate into different posts to gain necessary experience.

6.3 **Medical Training Initiative (MTI) Tier 5s**

- The Royal College sponsor a number of International Medical Graduates on a Tier 5 visa to work in the UK to experience training and development in the NHS for a period of up to 2 years.
- Any doctor recruited via the MTI scheme must return home after 2 years. They can apply for jobs in the UK. However, they will require a different visa.
- Each Royal College has their own process to follow so please contact the

Medical Recruitment lead for further advice.

6.4 Dependant Visa

Visa holders on tiers 1, 4 and 5 and Skilled Visa are eligible to bring their dependants with them to the UK if they are granted a dependant visa. This visa gives them a right to work and is an acceptable list B document.

6.5 Visitor Visa

Overseas graduates from medical, dental or nursing schools may come to the Trust for a short term (6 months) on a Clinical Attachment or Observership to allow them to gain experience within the NHS. These posts are unpaid and involve no treatment of patients.

7 Skilled Worker Visa Sponsorship

7.1 The Trust is an A grade sponsor, and therefore are able to sponsor Skilled Worker Visa migrants through Defined and Undefined routes, providing the job role meets the minimum criteria.

7.2 Shortage Occupation

The shortage occupation list is an official list of occupations where there is not currently enough resident UK workers to fill vacancies. If a job is on the Shortage Occupation list, the migrant worker obtains additional points during their Visa application.

7.3 Defined Certificate of Sponsorship (COS)

Guidance on the defined process can be found in *Appendix 3*.

7.4 Undefined COS

Guidance on the undefined process, please refer to *Appendix 4*.


8 Responsibility and Breach Letters

8.1 To ensure the Trust is confident that they are compliant in reporting duties, and to communicate the legal obligations to employees and managers, responsibility e-mail letters are sent to both the managers and the migrant workers at the time their COS is issued, which outlines their responsibilities and how and whom to notify of any changes. See Appendices 5 and 6.

8.2 Any breaches in Visa regulations will result in e-mail warning letters being sent to both the managers and the migrant workers to inform them that a breach has been identified and the potential consequences of further breaches. See Appendices 12

8.3 A list of changes to circumstances needs to be referred to by both the managers

and the migrant workers. See Appendix 8.

List A and B Acceptable Documents	University Hospitals of Leicester  Appendix 2
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List A: Single acceptable documents

Type of Document	Specific Requirement of Document
A passport	(current or expired) 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. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
EEA Home Office Document	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
Jersey, Guernsey or Isle of Man Home Office Document	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
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.
A current passport (if not a British passport the endorsement must be in a current passport)	Must be 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.

EU Settlement Scheme – Settled Status Document	EU settled status is the official grant of immigration status by the Home Office that will allow an EU citizen to continue to live, work and study in the UK on an indefinite basis. The document can either be a BRP or a digital downloadable document which the individual will provide a share code to access
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List A: Acceptable document combinations

The documents listed below can be accepted where produced with an official document giving the individuals permanent national insurance (NI) number and name. This could be a P45, P60, National Insurance Card, or a letter from a Government agency or previous employer:

Type of Document	Specific Requirement of Document
A current Immigration Status Document	Must be 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
A full birth or adoption certificate	Must be issued in the UK, which includes the name(s) of at least one of the holder’s parents or adoptive parents
A birth or adoption certificate	Must be issued in the Channel Islands, the Isle of Man or Ireland
A certificate of registration or naturalisation as a British citizen.	Provided it is produced with an official document giving the person’s permanent National Insurance number and their name issues by a Government agency or a previous employer. This certificate will be issued to someone who has been naturalised as a British citizen.

List B

List B: Group 1: documents where a time-limited statutory excuse lasts until the expiry date of leave Single acceptable documents.

Type of Document	Specific Requirement of Document
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A current passport	Must be 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
A current Biometric Immigration Document (Biometric Residence Permit)	Must be 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
A current EEA Home Office Document	Must be issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
Frontier Worker Permit	Issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
EU Settlement Scheme – Pre-Settled Status Document	EU Pre-Settled status is the official grant of immigration status by the Home Office that will allow an EU citizen to continue to live, work and study in the UK until they reach the 5 year requisite to apply for Settled Status. The document can either be a BRP or a digital downloadable document which the individual will provide a share code to access

Acceptable document combinations

The following documentation may only be accepted where it is presented together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.

Type of Document	Specific Requirement of Document
A current Immigration Status Document	Must contain 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.

List B Group 2: documents where a time-limited statutory excuse lasts for six months.

Type of Document	Specific Requirement of Document
Positive Verification Notice	Must be 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.

Acceptable document combinations

The following document may only be accepted where a Positive Verification Notice can be obtained from the Home Office Employer Checking Service:

Type of Document	Specific Requirement of Document
An application Registration Card	Must be issued by the Home Office stating that the holder is permitted to take the employment in question.
A Certificate of Application	A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021.
EU Settlement Scheme	A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021
Jersey, Guernsey or Isle of Man Home Office Application	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008

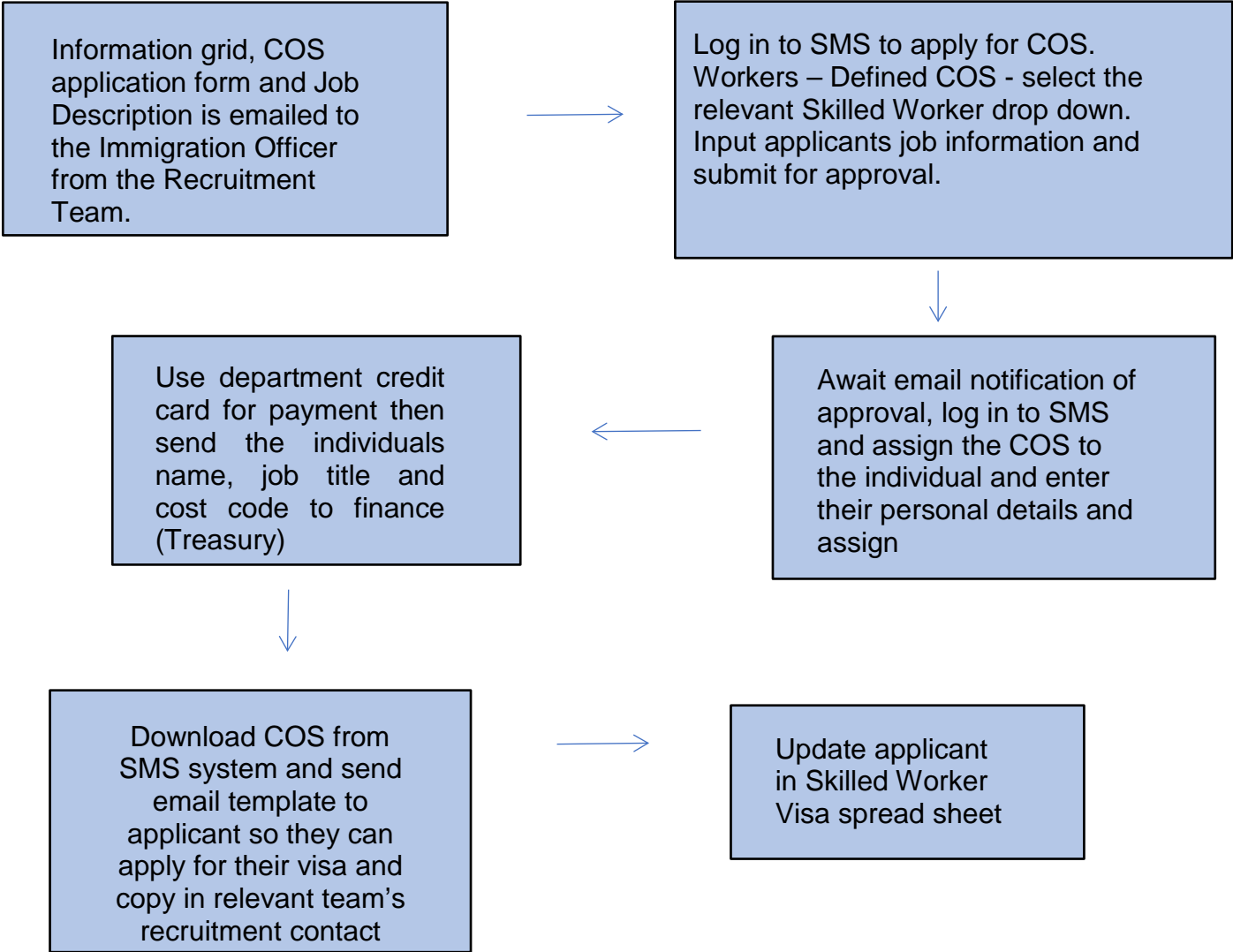
Lists A and B were correct at the time of publishing but are subject to change. Always check the Home Office website before proceeding with document verification checks.

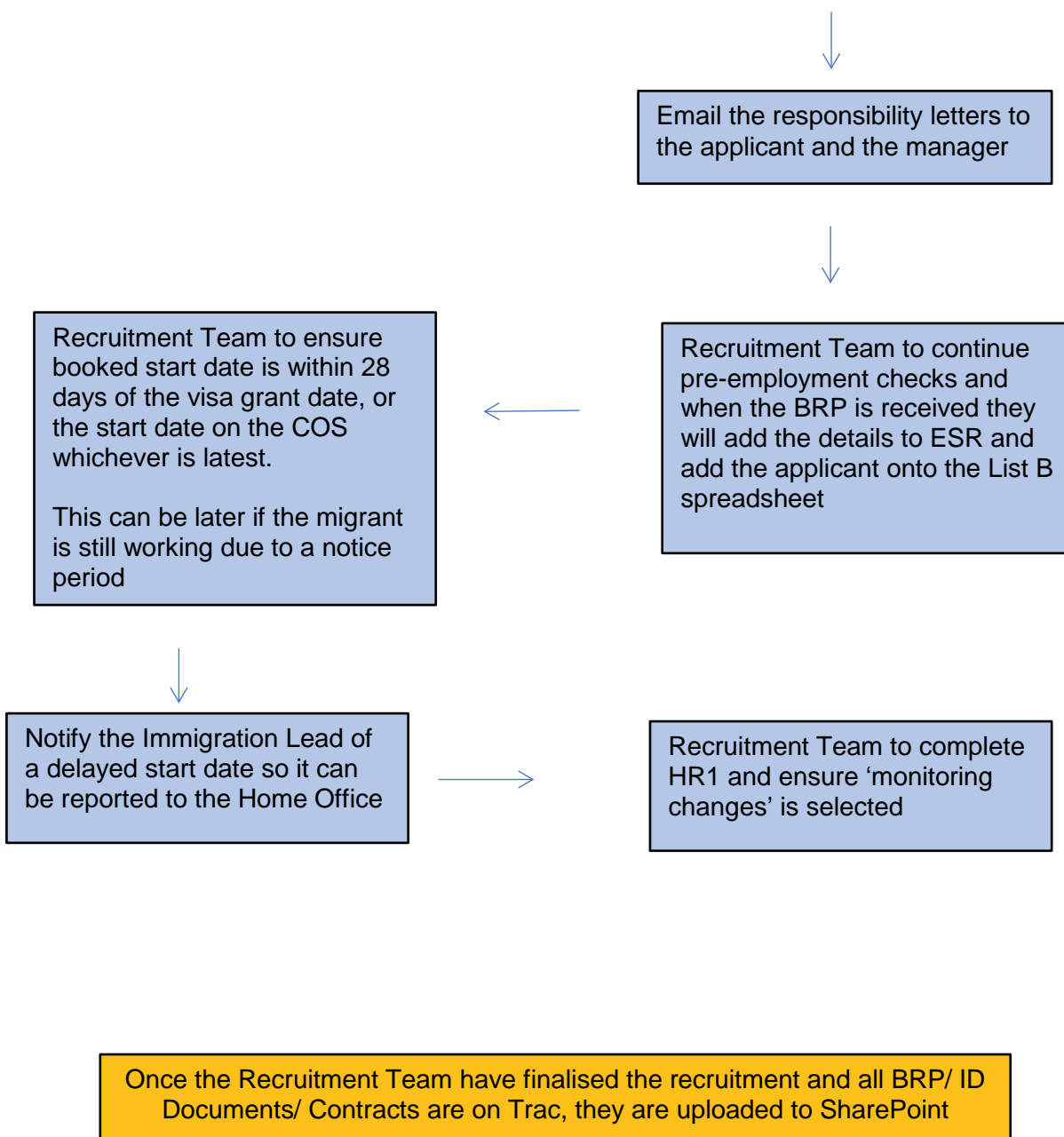
Process to apply for a Defined COS – for Recruitment Services Team

Appendix 3

Apply for a defined COS (Certificate of Sponsorship) when the applicant is applying:

- from overseas.
- already in UK on a visitor visa (They will need to return to their home country to obtain the visa).
- on a Tier 5 visa and switching into a Skilled Worker Visa (They will need to return to their home country to obtain the visa).
- If unsure always check with UKVI employer helpline.



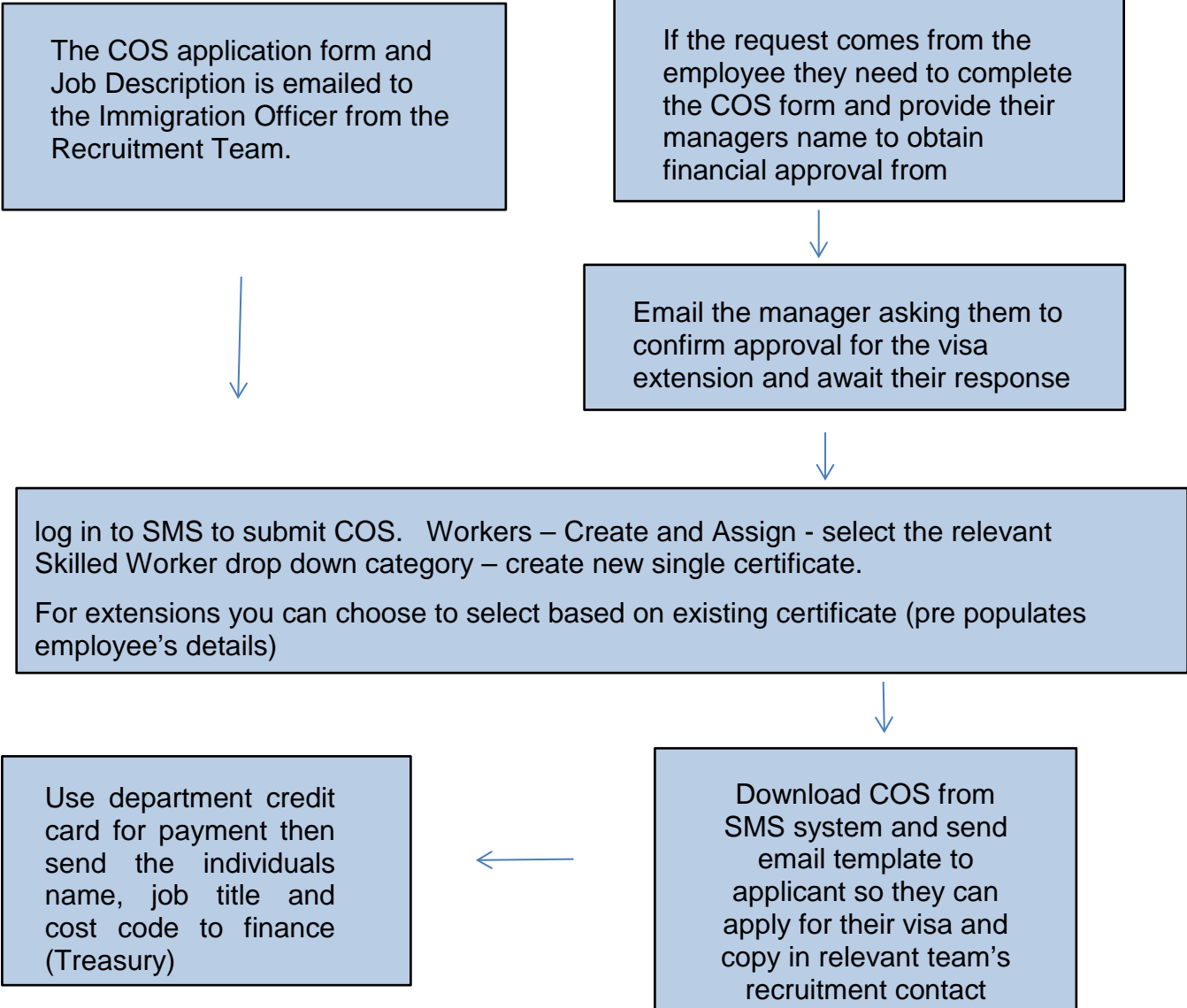


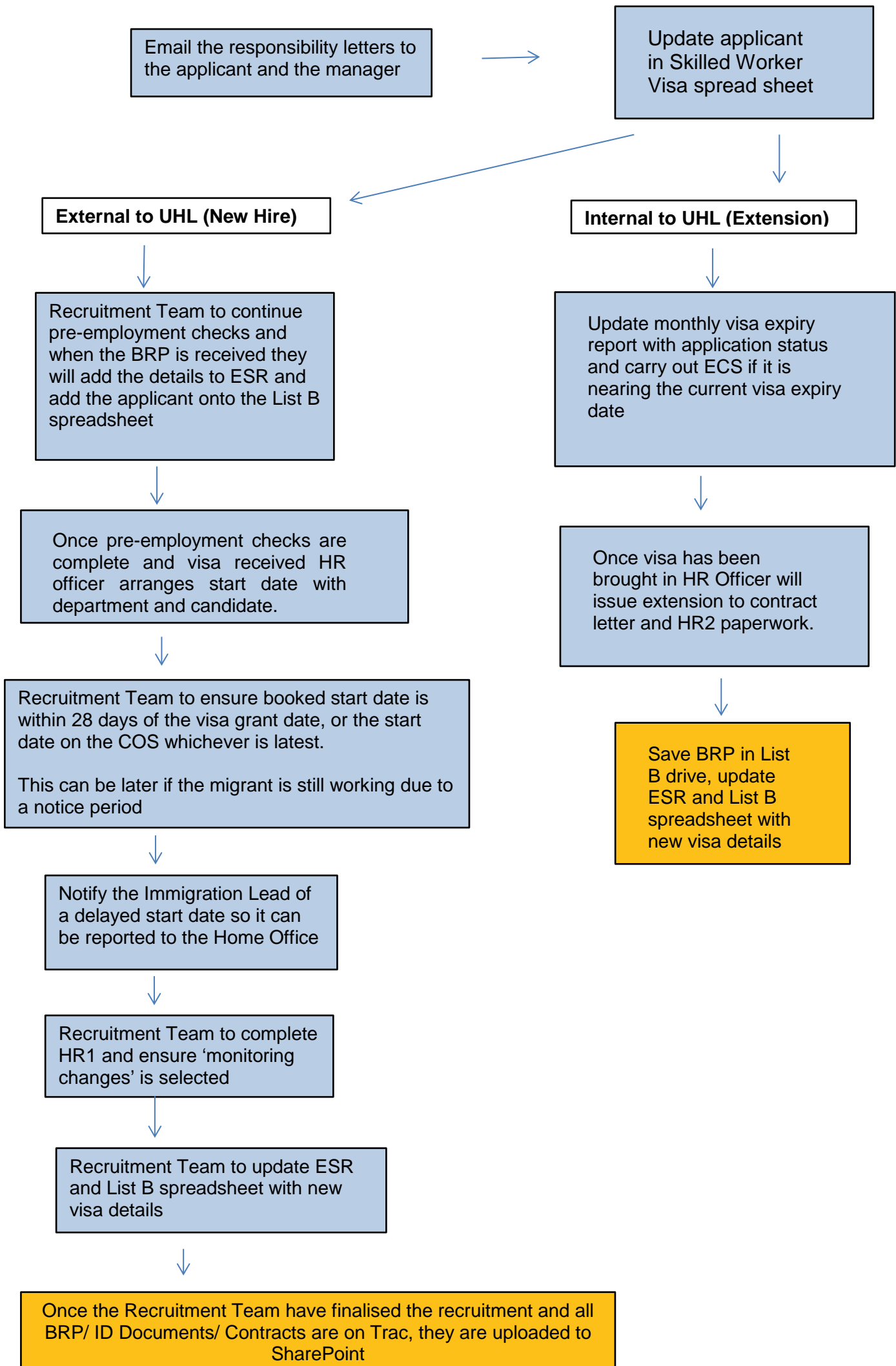
Process to apply for a Undefined COS – for Recruitment Services Team

Appendix 4

Apply for an undefined COS when:

- *Already in UK on a Skilled Worker Visa with another employer and changing employment to UHL (Change of employment visa).*
- *When the applicant is changing from another eligible Visa type, into a Skilled Worker Visa (Switching immigration category). Always check online guidance for exemption criteria.*
- *Extensions to current employees Skilled Worker Visa (check current salary on ESR - NOT previous COS).*
- *If already employed by UHL on a Skilled Worker Visa but significant changes to job role (SOC code) then a change of employment visa will be needed (check online guidance for which changes require change of employment visa).*
- *If unsure always check with UKVI employer helpline.*





Dear (Candidate/Employee Name),

CC: Manager

Once your Skilled Worker Visa has been granted, the University Hospitals of Leicester NHS Trust (UHL) has a legal duty to keep your personal details updated.

You must also keep UHL and the Home Office informed of any changes to your circumstances, including:

- Place of residence address
- Home Phone Number
- Mobile Phone Number
- Marital Status
- Professional Registration details
- Next Of Kin/Emergency Contact details – both in the UK and overseas (*for the Trust's information only*)

If during your employment with the Trust there are any changes to the above you are contractually obliged to advise the Trust via the HR3 'Change of Personal Circumstances' form, and also to notify the Home Office directly.

You must not work more than 20 hours in additional paid or voluntary work. For full information and conditions please refer to the Home Office website <https://www.gov.uk/skilled-worker-visa/second-job>

Please note that it is your responsibility to ensure that you work within the parameters of your visa.

Any reduction of hours/ pay must have prior approval to ensure you still meet the sponsorship criteria.

Please ensure that you have a discussion with your manager at least 3 months before your visa expires to confirm whether or not your role is continuing. If you require an extension you will need to request the Certificate Of Sponsorship from the Immigration Team in Recruitment Services via immigration@uhl-tr.nhs.uk and submit your visa application prior to your current visa expiry date unless you are told otherwise as different arrangements are in place. We will send a reminder; however, it is your responsibility to ensure you retain the right to work whilst employed by UHL. Please note that UHL will not fund any legal expenses incurred by you in pursuance of maintaining your right to work in the UK.

If you need any support or advice regarding your obligations as an employee, please do not hesitate to contact the Immigration Team who will be happy to assist or visit the Government website at: <https://www.gov.uk/skilled-worker-visa>. The Home Office can also be contacted on 0300 790 6268 should you have any queries specific to your application or visa.

Yours sincerely

Dear

**IMPORTANT INFORMATION REGARDING OUR CONTRACTUAL OBLIGATION
WHEN EMPLOYING SKILLED WORKER (SPONSORED) VISA HOLDERS**

As (NAME) will have a Skilled Worker Visa sponsored by the Trust, we have a contractual duty to inform the Home Office of any of the following changes within 10 working days of the event in question:

- If they do not turn up for his/her first day of work, or if the start date is delayed
- If they are absent from work for more than 10 consecutive working days without permission.
- If their contract of employment, or any relevant professional registration ends earlier than shown on their Certificate of Sponsorship (COS) (dismissal or resignation)
- If their leave to remain expires or if they are granted indefinite leave to remain in the UK.
- If there are any significant changes in their circumstances including:
 - Promotion or change of job title/ duties
 - A reduction in salary as listed on the COS (increases do not need to be reported)
 - The location of work (If outside of UHL's 3 main sites)
- Any information which suggests that they are breaching their conditions of leave.
- We must also give the police any information we may have that suggests that they may be engaging in terrorism or other criminal activity.

Any reduction of hours/ pay must have prior approval to ensure they still meet the sponsorship criteria.

Whilst they are allowed to work additional hours they **must not** work more than 20 extra hours per week. The hours worked on the central bank or extra duties will be monitored, however, you are responsible as their line manager not sign off or approve any extra hours that breach this rule. For further information please refer to <https://www.gov.uk/skilled-worker-visa/second-job>

As the manager you must inform the Immigration Team in Recruitment Services via immigration@uhl-tr.nhs.uk of any of these changes immediately as they are made known to you.

If, during their period of employment there are any changes to their circumstances such as address, phone number etc they have a responsibility to notify the Trust and also to the Home Office

The sponsored worker has been informed of their contractual requirements to notify us of any changes to their circumstances. However if you become aware of any changes please inform the Immigration Team who will notify the Home Office through the Sponsorship management system.

You should retain the absence records of this individual as they may be inspected at a Sponsor Licensing visit.

The organisation could be put at risk of a significant fine and face the revoking of the Trust's Sponsorship Licence if we fail to comply with these standards. I would therefore strongly advise that you retain a copy of this email securely in order that you can readily refer to your responsibilities.

You should have a conversation with the employee at least 3 months before their visa expires to confirm whether it is to be extended and for them to contact the Immigration Team to apply for this. Please put this into your (and their) diary when they start, as a reminder.

If the employee changes roles or teams in the future and you are no longer their line manager, please forward this email to their new manager.

If you need any support and advice regarding the Trust's obligations as sponsors of migrant workers, please do not hesitate to contact the Immigration Team who will be happy to assist or visit the Government website at: <https://www.gov.uk/skilled-worker-visa>

Yours sincerely

Dear (INSERT NAME),

CC: Line Manager

In relation to our letter dated (insert date of original responsibility letter) it was made clear the terms of your visa in relation to working extra hours each week.

It stated:

You must not work more than 20 extra hours per week – whether on the bank or extra duties.

Please note that it is your responsibility to ensure that you work within the parameters of your visa.

Any extra hours worked by you on a weekly basis will be monitored and any breaches of hours worked will be notified to the Home Office and the breach recorded on your file. Your line manager is not permitted to approve any extra hours that breach this rule.

Any future breaches will be dealt with formally in accordance with Trust policy.

However, we have been notified that on the weeks detailed below, you breached the terms of your Skilled Worker visa.

Week Commencing	Number of hours breached

These/This breaches/breach have been notified to the UK Border agency. This letter acts as a warning that any future breaches will be managed under the relevant Trust policy.


May I also remind you that if during your employment with the Trust there are any changes to your personal circumstances as detailed in our letter (dated) you are **contractually** obliged to advise the Trust via the HR3 'Change of Personal Circumstances' form, and also to notify the UKVI directly.

Please be aware that we will contact you prior to your visa expiry date to discuss your further visa intentions.

Should you have any questions or queries please do not hesitate to contact the Immigration Team

Yours sincerely

Changes to Migrant Worker status that need to be reported to the Home Office

University Hospitals of Leicester 
NHS Trust

Appendix 8

Need to be reported within 10 days of event:

- If migrant does not turn up for first day of work – including reasons
- If migrant's contract is terminated earlier than what is shown on the COS (resigns/ dismissed) – include new employer's details, if known.
- If sponsorship stops for any other reason, such as moving into an immigration route that doesn't need sponsorship or if they take a period of unpaid leave which isn't covered by the exceptions.
- If there are significant changes in the migrants circumstances such as promotion, change in job title/ duties, change of salary from what is on the COS other than annual increments/ bonuses, change of salary due to maternity/ paternity/ adoption leave, period of long term sick (1 month or more), work location, duration of their contract is shortened.
- Any information which suggests that they are breaching their conditions of their leave.
- Details of third parties or intermediaries that have assisted in the recruitment.
- If the migrant is absent from work without permissions for more than 10 consecutive days, it must be reported within 10 days of the 10th absence day.

Employees who have a right to work document that is due to expire within the next 3 months are flagged on the visa expiry report sent from ESR each month.



The Immigration team will contact all employees via email on the report and ask for an updated right to work document or for confirmation an extension is in progress. If a response isn't received a follow up email is sent. If there is still no contact, the People Partner and Manager are sent the escalation email for further action.



Option 1

If the employee has a new right to work document:

In the first instance the BRP/ Passport is scanned to RS and the expiry report/ ESR/ List B is updated. Document is veriscanned and saved under the 'List B' folder Individual is then asked to bring in the document for verification

Option 2

If the employee has an extension to visa in progress:

Request confirmation of application of visa extension (UAN number) and advise the worker that we will be carrying out an Employee Checking Service (ECS) online check

Apply for the ECS check and updated the visa expiry report.

Once ECS is returned (3-5 working days) if positive add expiry date to ESR/ List B. If negative contact People Partner and manager for the area for escalation.

Inform individual to notify the Immigration Team when a response/ BRP from the home office is received. Update spreadsheet/ ESR/ List B.

Option 3

If the employee fails to respond within time scale given (unless expiry is imminent then escalate straight to CMG People Partner and Manager):

Immigration lead will send a final chase email and copy in manager, medical Recruitment Officer (for Medical Staff) and the CMG People Partner.



CMG People Partner contacts Manager and escalates the expiring Visa. They work together to provide an immediate update.



If right to work document is provided or confirmation of extension option 1 or 2 above followed.



If no right to work document or confirmation of application provided the People Partner is to discuss next steps with individual and manager to determine termination of employment.