

## **Guidance Notes**

### **Proof of Eligibility to Work in the UK**

To ensure Scottish Canals complies with Section 8 of the Asylum and Immigration Act 1996 you must provide proof of your eligibility to work in the UK.

**Potential employees from the European Economic Area EEA (includes UK)** have the right to work in the UK. **(See Section A below)** and must provide evidence by either producing:

- A UK/EEA country passport **(see section B)**.
- **Or** Full UK birth certificate or adoption certificate along with an official document stating the holder's name and permanent National Insurance number (P45,P60, National Insurance card) **(see section C)**.

You will be asked to bring these original documents with you on your first day. Your Line Manager will take copies of them, sign and date them and forward to the HR department. Please do not send the copies yourself to Scottish Canals as this is not considered as acceptable proof.

**Potential employees from outside of the EEA** will need to comply with the migrant workers registration scheme.  
Evidence of right to work must be provided **(see section D)**.

## **Section A**

The EEA consists of the following members: Austria, Belgium, Bulgaria\*\*, Cyprus, Czech Republic\*, Denmark, Estonia\*, Finland, France, Germany, Greece, Hungary\*, Iceland, Ireland, Italy, Latvia\*, Liechtenstein, Lithuania\*, Luxembourg, Malta, Netherlands, Norway, Poland\*, Portugal, Romania\*\*, Slovakia\*, Slovenia\*, Spain, Sweden, the United Kingdom and her Colonies.

Switzerland is not a member of the EEA, however the same rules apply as if they were.

\*Additional conditions apply to nationals from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Please see the relevant section below.

\*\*Additional restrictions apply to both Bulgarian and Romanian nationals. Please see the relevant section below.

### **Additional Conditions – Nationals from Latvia, Slovenia, Czech Republic, Lithuania, Slovenia**

Nationals from the above countries are legally required to register within one month of starting work with the Home Office onto the Workers Registration Scheme; this scheme monitors the impact on our labour market. To ensure compliance, the application form for registration must be viewed, copied and retained, as detailed above in the "What must be Checked & Retained on file" section.

### **Additional Restrictions – Nationals from Bulgaria and Romania**

Since 1 January 2007, Bulgarian and Romanian nationals, as members of the EEA, have been able to move and reside freely in the UK exercising treaty rights. They do not require visas to enter or reside legally in the UK, however they do require separate permission to work.

## **Section B**

### **The following are acceptable as evidence of right to work in the UK**

- A passport showing that the holder is a British citizen or a citizen of the UK and her Colonies and has a right of abode in the United Kingdom
- A passport or national identity card showing that the holder is a national of an EEA country or Switzerland
- A residence permit, registration certificate or document certifying or indicating permanent residence has been issued by the Home Office or UKBIA to a national of an EEA country or Switzerland
- A permanent residence card issued by the Home Office or the UKBIA to a family member of a national of an EEA country or Switzerland
- A biometric immigration document issued by the UKBIA to the holder which indicates that the person named is allowed to stay indefinitely or, has no time limit on their stay in the UK
- A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely, has the right to abode or has no time limit on their stay in the UK
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

## **Section C**

**Candidates may provide the following evidence as long as it is in conjunction with an official document stating the holder's name and permanent National Insurance number (P45, P60, and National Insurance Card).**

- An immigration status document issued by the Home Office or the UKBIA to the holder with an endorsement indicating that the person named is allowed to stay indefinitely or has no time limit on their stay in the UK
- A full birth certificate issued in the UK, Channel Islands, Isle of Man or Ireland including the name of at least one parent
- A full adoption certificate issued in the UK, Channel Islands, Isle of Man or Ireland including the name of at least one adoptive parent
- A certificate of registration or naturalisation as a British citizen
- A letter issued by the Home Office or the BIA which indicates that the person named is allowed to stay indefinitely in the UK.

## **Section D**

**Evidence of a candidate's right to work in the UK must be produced. The following are acceptable as evidence of right to work in the UK**

- A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that there is no requirement for a work permit
- A biometric immigration document issued by the UKBIA to the holder which indicates that the person named can stay in the UK and do the work in question
- A temporary residence card or document issued by the Home Office or the UKBIA to a family member of a national of an EEA country or Switzerland.

**Where the above is not available, the following sets of evidence must be produced as evidence as right to work in the UK:**

- A work permit or other approval document permitting employment by the Home Office or the UKBIA TOGETHER WITH a passport or another travel document endorsed to show that the holder is allowed to stay in the UK and do the work in question
- A certificate of application issued by the Home Office or the UKBIA to or for a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment which is LESS THAN 6 MONTHS OLD when produced TOGETHER WITH evidence of verification by the UKBIA Employment Checking Service
- An application registration card issued by the Home Office or the UKBIA stating that the holder is permitted to take employment when produced TOGETHER WITH verification by the UKBIA Employer Checking Service

- An immigration status document issued by the Home Office or the UKBIA to the holder with an endorsement indicating that the person named can stay in the UK and do the work in question when produced TOGETHER WITH an official document stating the person's permanent National Insurance number and their name issued by a government agency or a previous employer (e.g. P45, P60, National Insurance card)
- A letter issued by the Home Office or the UKBIA to the holder or employer or prospective employer indicating that the person can stay in the UK and do the work in question when produced TOGETHER WITH an official document stating the person's permanent National Insurance number and their name issued by a government agency or a previous employer (P45, P60, National Insurance card).