

RIGHT TO WORK CHECKS – TEMPORARY MEASURES END DATE EXTENDED

In line with the government's announcement on 14 June 2021 to delay the easing of lockdown restrictions and social distancing measures, the Home Office has announced the timetable applicable to the temporary COVID-19 right to work check measures.

The Temporary Measures

The temporary measures will now remain in place until 31 August 2021.

The Process After the Temporary measures cease

From 1 September 2021 employers will need to either:

- Check an employee's original document(s); or
- Check an employee's right to work online if they are able to provide a share code.

Employers will therefore need to be in physical possession of the original document(s) when carrying out a right to work check from 1 September 2021 onwards. Right to work checks can still be carried out via a live video link if an employee is happy to send the employer their original document(s) in advance.

A check carried out solely by video call, where an employer was not in physical possession of the required original documents, will not be sufficient to attract a statutory excuse after 31 August 2021.

Retrospective Checks

The Home Office continue to confirm that employers are no longer required to carry out retrospective checks on employees whose right to work has been checked in line with the temporary measures. This applies to all checks carried out between 20 March 2020 and 31 August 2021.

Employers will continue to hold a defence against a civil penalty for these checks so long as they were carried out correctly.

For any further UK immigration advice or assistance, please contact us.

Key issues

- The temporary right to work check measures will now end on 31 August 2021.
- From 1 September 2021 employers will need to be in physical possession of documents when carrying out a right to work check unless an online check can be carried out.
- These measures apply equally to prospective new employees or existing employees who have had a change of status or are extending their visas.

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