



# Home Office

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

We announced on 22 June 2021 that the temporary adjustments would end on 31 August 2021. **This date has now been deferred.**

Following the positive feedback we received about the ability to conduct checks remotely, we initiated a review of the availability of specialist technology to support a system of digital right to work checks in the future. The intention is to introduce a new digital solution for those unable to use the Home Office online checking service, including UK and Irish citizens. This will enable checks to continue to be conducted remotely but with enhanced security. We are nearing the completion of our review and will provide further information on it, including next steps in due course.

In the meantime, we have made the decision to defer the date for the end of the adjusted checks to 5 April 2022. This enables the conclusions of the review to be finalised and ensures the Right to Work Scheme continues to operate in a manner which supports employers to implement long-term, post-pandemic working practices.

From 6 April 2022, 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 provides right to work information in real time direct from Home Office systems. You can carry out a check via video call using this service the employee must give you [permission to view their details](#) in the form of a share code.

Where the employee has a choice between a document check or an online check, employers cannot insist individuals use the online service or discriminate against those who wish to prove their right to work by using documents which also feature in the lists of acceptable documents.

There is no requirement to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 5 April 2022 (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



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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>

You can [sign up](#) to receive updates about the Right to Work Scheme on GOV.UK.

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

### **Q1. Why are you ending the temporary adjusted right to work checks on 5 April 2022, rather than 31 August 2021?**

It ensures the Right to Work Scheme continues to operate in a manner which supports the business community in implementing long-term post-pandemic working practices, while maintaining the integrity of the Schemes

We have kept in contact with employers throughout the pandemic to ensure we are supporting them to undertake right to work checks with ease.

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>

### **Q2. 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 5 April 2022 (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 5 April 2022, 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>

### **Q3. Can I carry out an adjusted check on or before 5 April 2022 if an individual's employment begins on or after 6 April 2022?**

Yes – the temporary adjustments to right to work checks will remain in place until 5 April 2022. 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 6 April 2022.

### **Q4. 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>

**Q5. Does the criminal offence remain in force?**

It remains an offence to knowingly employ an illegal migrant.