

## Asylum & Immigration Act 1996

As a part of Hatfield Town Council's obligations under this act any potential employee will be asked to bring in the appropriate documents to prove they are eligible for employment in the UK. Should you be successful in being selected for interview with the Council, **you will be asked to bring these documents in with you at the interview stage**. We are required to take a copy of the documents (which will then be returned to you).

### Explanation of the Act

Section 8 of the Asylum and Immigration Act came into effect on 27 January 1997 requiring all employers in the UK to make basic employment checks on every person they intend to employ.

On 1 May 2004 the Immigration (Restrictions on Employment) Order 2004 introduced changes to the types of documents that employers need to check under section 8 to avoid employing illegal workers. All potential employees must provide one of the following for our records:

- A passport showing that the holder is a British citizen, or has a right of abode in the United Kingdom;
- A document showing that the holder is a national of a European Economic area country or Switzerland. This must be a national passport or national identity card;
- A residence permit issued by the United Kingdom to a national from a European Economic Area country or Switzerland;
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland;
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay;
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work offered if they do not have a work permit;
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

If the potential employee is unable to provide one of the documents listed above, then they must provide **two** original documents from **one** of the combinations given below. Please note that documents from the different combinations **cannot** be mixed.

### 1. Combination One

Potential employees must provide a document giving the person's permanent National Insurance Number and name. This could be a: P45, P60, National Insurance card, or a letter from a Government agency.

In addition to the above documents they must also provide **one** of the following;

- A full birth certificate issued in the United Kingdom which includes the names of the holder's parents; or
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland; or
- A certificate of registration or naturalisation stating that the holder is a British citizen; or
- A letter issued by the Home Office which indicates that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay; or

- An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay; or
- A letter issued by the Home Office which indicates that the person named in it can stay in the United Kingdom and this allows them to do the type of work offered; or
- An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay in the United Kingdom and this allows them to do the type of work offered; or

## **2. Combination Two**

A work permit or other approval to take employment that has been issued by Work Permits UK. Along with a document issued by Work Permits UK they must also provide **one** of the following;

- A passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question; or
- A letter issued by the Home Office confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.

## **Copying and Checking of Documents**

Hatfield Town Council is required to check and copy all documents presented by potential employees and to satisfy itself that potential employees are the rightful holders of any documents. The checking of documents will include:

- Checking any photographs, where available, to ensure that they are consistent with the appearance of the potential employee.
- Checking that dates of birth listed are consistent with the appearance of the potential employee.
- Checking that the expiry dates have not passed.
- Checking any United Kingdom Government stamps or endorsements to ascertain that the potential employee is able to do the type of work the Hatfield Town Council is offering.
- If a potential employee provides two documents from the combination lists which refer to the individual by different names, requesting a further document to explain the reason for this. The further document could be a marriage certificate, divorce document, deed poll, adoption certificate or statutory declaration.

**Please note that failure to comply with the Asylum and Immigration Act will lead to the withdrawal of the offer of employment.**

**Additional requirements apply to nationals of the new European Union member states (please see next page).**

## **New European Union Member State Nationals**

From 1 May 2004 a further ten countries joined the European Union. Nationals from all of these countries will be free to come and work in the United Kingdom from this date. However, the Government has set up a new Workers Registration Scheme for workers from the following eight countries;

**Czech Republic  
Lithuania**

**Estonia  
Poland**

**Hungary  
Slovakia**

**Latvia  
Slovenia**

Any potential employee from one of these countries must provide the same documents as listed above for other European Economic Area or Swiss nationals. **In addition** they must register immediately with the Home Office once they have commenced employment with Hatfield Town Council. A £50 fee applies when registering; Hatfield Town Council will pay this upon receipt of proof of payment, which will be re-imbursed through the expenses procedure. If you are from one of these countries you must advise the appropriate Recruitment Co-ordinator who will be able to provide you with a registration form and can assist you with its completion. **Hatfield Town Council must also be in receipt of a copy of the employee's registration certificate within one month of the commencement of employment.**

**Please note that failure to comply with the Asylum and Immigration Act will lead to the withdrawal of the offer of employment.**