

Covid-19 adjusted right to work update

Advice for employers carrying out right to work checks has been updated as a result for Covid-19, replacing 18 June 2021 guidance.

27 August 2021

All UK employers must carry out a right to work check for any individual you employ in the UK regardless of nationality, before they start work and undertake repeat checks where required.

UK Visas & Immigration (UKVI) have '[An employer's guide to right to work checks](#)' which UK employers should familiarise themselves with for checking the right to work for all employees. Further guidance can also be found [here](#).

As a result of Covid-19 there is updated advice for employers carrying out right to work checks, the most recent update replaces previous guidance issued on 18 June 2021.

The temporary provisions allowing manual right to work checks to be carried out remotely were due to end at the end of this month (31 August 2021). The adjusted right to work checks will now be extended to 5 April 2022.

When carrying out manual right to work checks this means that:

- Checks can be carried out via video call
- Scanned documents or photographs for checks can be sent using email rather than sending original documents
- Employers should use the [Employer Checking Service](#) if a prospective or existing employee cannot provide any of the acceptable documents.

The UKVI have also produced a [short video](#) which provides an overview of right to work checks, with full details of these temporary adjustments for manual checks available at [GOV.UK](#).

It is an offence to knowingly employ anyone who does not have the right to work in the UK. If you are found to be employing an illegal worker and have not carried out the prescribed checks, you may face sanctions including:

- A civil penalty of up to £20,000 per illegal worker;
- Criminal conviction of up to 5 years imprisonment and unlimited fine;
- Disqualification as a director;
- Inability to sponsor migrants;
- Reputational damage and business orders issued by the court.

If you are unsure about how the changes will impact you, feel free to get in touch.

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