

Right to Work Checks

Non-UK Service Personnel

This guidance is a route for an employer to follow when conducting a right to work check for Non-UK Armed Forces Personnel. Non-UK Armed Forces personnel are '[Exempt from Immigration Control under Section 8 \(4\) of the Immigration Act 1971](#)'. The Home Office are not able to issue 'Exemption from Immigration Control' and 'Leave to Remain' in the UK consecutively. The serving person will only be eligible (subject to certain criteria) for Leave to Remain on the day that they are discharged from the Armed Forces. The Non-Uk serving person should have an Exemption from Immigration Control Vignette in their passport which should prove their Right Work in the UK.

This means that an employer cannot follow the simple Home Office Right to Work check as these ask for a 'share code'. Full guidelines can be found <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>


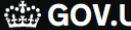
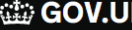
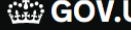
Following the route below, sets out the specific actions that an employer can take to prevent liability for a civil penalty. This is called 'establishing a statutory excuse against liability for a penalty'.

This guidance applies to right to work checks conducted on or after 6 April 2022 to establish or retain a statutory excuse from having to pay a civil penalty for employing a person who is not permitted to do the work in question.

To check if a document allows someone to work in the UK

Step 1 Follow this link <https://www.gov.uk/legal-right-work-uk>

Step 2 – Answer questions 1 to 4 appropriately

<p> Home > Employing people > Recruiting and hiring</p> <h3>Check if a document allows someone to work in the UK</h3> <p>Use this service to find out:</p> <ul style="list-style-type: none">• which types of document give someone the right to work in the UK• what a right to work check involves for each of them <p>Use a different service to check a job applicant's right to work if they've given you their share code. You will not need to check their documents as well.</p> <p>Start now ></p>	<p> Home > Employing people > Recruiting and hiring</p> <p>Check if a document allows someone to work in the UK</p> <h3>1. Is the worker:</h3> <ul style="list-style-type: none"><input type="radio"/> a British citizen<input type="radio"/> an Irish citizen<input checked="" type="radio"/> from somewhere else <p>Next step</p>
<p> Home > Employing people > Recruiting and hiring</p> <p>Check if a document allows someone to work in the UK</p> <h3>2. The worker has:</h3> <ul style="list-style-type: none"><input type="radio"/> settled or pre-settled status under the EU Settlement Scheme<input type="radio"/> applied to the EU Settlement Scheme and is waiting for a decision<input type="radio"/> applied to the EU Settlement Scheme, but their application has been refused<input checked="" type="radio"/> not applied to the EU Settlement Scheme <p>Next step</p>	<p> Home > Employing people > Recruiting and hiring</p> <p>Check if a document allows someone to work in the UK</p> <h3>3. Is the worker from the EU, Switzerland, Norway, Iceland or Liechtenstein?</h3> <ul style="list-style-type: none"><input type="radio"/> Yes<input checked="" type="radio"/> No <p>Next step</p>

Check if a document allows someone to work in the UK

4. Does the worker have a current passport endorsed to show they're allowed to stay indefinitely in the UK?

The passport endorsement must be current, in the worker's name and issued by the Home Office. It needs to show that the worker has one of the following:

- indefinite leave to enter or remain in the UK
- no time limit to their stay in the UK
- a certificate of entitlement to the Right of Abode
- exemption from immigration control

Yes

No

[Next step](#)

Step 3 Follow guidelines as below regarding making copies of the relevant documents.

Check if a document allows someone to work in the UK

The person is entitled to work in the UK

You must make a clear copy of their passport.

When copying their passport make sure you include:

- the expiry date
- the applicant's details (for example nationality, date of birth and photograph)
- any endorsements (for example a work visa)

You do not have to do this check again.

Your answers

[Start again](#)

1. Is the worker:	from somewhere else	Change
2. The worker has:	not applied to the EU Settlement Scheme	Change
3. Is the worker from the EU, Switzerland, Norway, Iceland or Liechtenstein?	No	Change
4. Does the worker have a current passport endorsed to	Yes	Change