**Right to Work Guide for Immigration Changes**

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| What is the date? | European Nationals who arrive in the UK on or before 31 December 2020 | European Nationals who arrive in the UK from 1 January 2021 |
| On or before 31 December 2020 | A European passport or ID card is sufficient to conduct a right to work check. Employers can also use the online checking service to perform a right to work check without seeing the original documents.  During this period, these workers should apply for settled or pre-settled status. | N/A |
| From 1 January 2021 until 30 June 2021 | There is no need during this time to recheck the right to work for any existing workers. Any new workers should have their right to work checked in line with the current guidance and a European passport or ID card will remain sufficient.  During this period these workers should apply for settled or pre-settled status. | The Home Office has stated that during this period, a European passport or ID will be sufficient proof for a worker to have right to work in the UK, despite the new immigration system officially beginning on the 1 January. Viewing a European passport or ID card will still be sufficient to grant an employer the statutory excuse for illegal working. Asking a worker when they arrived, or if they have settled or pre-settled status is not required, and it is in fact an offence under the UK's withdrawal agreement from the EU to ask about this during this period.  But where you know that an they arrived in the UK after 31 December 2020 (because they voluntarily informed you and you didn’t ask the question). they must a valid visa with their EU passport or ID card to show proof of right to work. |
| From 1 July 2021 onwards | New right to work checks will need to be done for European workers. A passport or ID card is no longer sufficient on its own and a worker must have applied for settled or pre-settled status as well.  The deadline to apply for settled or pre-settled status has passed and workers who have not applied by now will no longer have the right to work in the UK. | New right to work checks will need to be done for any European workers. Employers will need to see either proof of settled or pre-settled status or a valid visa in addition to a European passport.  At the time of writing, the Home Office has confirmed that there will be no legal requirement to re-check the right to work for any workers who have been continuously engaged since before 30 June 2021. However, businesses should be aware of the risk that workers who began work before this date may no longer have valid right to work, for example:   * where an employee who was employed before 31 December 2020 has not registered under the EU Settlement Scheme by the 30 June 2021 deadline * where an employee initially granted pre-settled status did not subsequently obtain settled status following five years continuous residence, or * where an employee employed between 31 December 2020 and 30 June 2021 had arrived in the UK after 31 December 2020, and was not eligible to apply under the EU Settlement Scheme   If an employer was to become aware of any of these scenarios, or have reason to believe one of these scenarios was applicable, and continues to employ a worker, then they would be liable for criminal penalties. Rechecking right to work after 1 July 2021 will help to mitigate this risk  The REC would strongly recommend that members do recheck right to work documents to protect themselves from this risk. This falls within Principle 1 of the [REC's Code of Professional Practice](https://www.rec.uk.com/recruiters/compliance/code-professional-practice), where members need to ensure they comply with the law. |