

## Immigration Policy

### Purpose of Policy

The purpose of the policy is to clarify the obligations of employees and the LSE as an employer with the respect to the right to work in the UK. Further details on UK immigration are available on the [UK Visas and Immigration](#) website.

### Background

As an employer, LSE has a duty to prevent illegal working. The LSE has a statutory duty to ensure that all employees can demonstrate that they have the right to work in the UK before they start their employment and for the duration of their contracts.

It is illegal to employ someone aged 16 or over who is subject to immigration control if they are not allowed to undertake the work in question. In addition, it is a criminal offence for an individual to work illegally in the UK.

Conducting a Right to Work check ensures that LSE has a statutory excuse against liability for a civil penalty. This means that if the UK Visa and Immigration (UKVI) find that the School has employed someone who does not have the right to work, but it has correctly conducted document checks as required, the School will not receive a civil penalty for employing that illegal worker.

If LSE fails to carry out these checks correctly, or at all, and we are found employing someone illegally, the UKVI will take tough action. LSE could face a large financial penalty known as a civil penalty of up to £20,000 for each illegal worker, or if it knowingly employs an illegal worker carries up to 2 years' imprisonment and/or an unlimited fine for the individual who has the authority to appoint.

In addition the sponsorship licence for staff could be revoked. This means that LSE will no longer be able to sponsor any new staff on Tier 2 and Tier 5 and all existing staff on Tier 2 or Tier 5 would need to leave our employment with immediate effect. In addition, the School's Tier 4 licence for students would be affected, which would affect our ability to sponsor overseas students.

### What is a Right to Work check?

The term Right to Work is given to describe individuals who have the appropriate permission to work in the UK.

An individual will either be UK or EEA nationals, who have the automatic right to work in the UK, or a non EEA national who holds a visa (or equivalent) which gives them the right to work.

A Right to Work check is the process by which an individual's original passport and/or visa is checked by the employer to ensure that it is valid, and appropriate copies are retained on the employee's personal file.

### When should a Right to Work check be conducted?

It is good practice for the interview chair to conduct an "informal" Right to Work check at the interview stage, by asking the individual to bring their proof of their right to work in the UK with them to the interview. However, even where this occurs, the new starter must bring proof of their right to work on or before their first day of employment, and be brought to HR.

It is the responsibility of the employee to demonstrate that he or she has the Right to Work before they commence their employment at the School. It is the responsibility of the recruiting manager to ensure that the LSE Right to Work process is followed. It is the responsibility of the Heads of Department/Centre Directors/Service Leads to

ensure the local processes are compliant with the School policy. If an employee is unable to produce original evidence of their Right to Work, he or she will not be able to start their employment. In these cases, the School will defer an employee's start date until their right to work is confirmed. Any salary, continuous service and other such related benefits will start from the new start date.

### **Who needs a Right to Work check?**

All employees and potential employees require a Right to Work check before undertaking any employment at the LSE. **This includes new employees and those who have worked at LSE previously and are returning after a break in employment. It also includes any temporary members of staff brought in through an agency who will be paid via the School payroll.**

### **Nationals of the European Economic Area (EEA)**

Individuals that hold either a British or EEA passport have the right to work in the UK without a visa. The current list of EEA countries is set out in **Annex 1**.

### **Croatian Nationals**

Croatian nationals are able to live freely in the UK, however they **do not have the automatic right to work in the UK**. All Croatian nationals will need to obtain permission to work in the UK before starting employment at LSE, unless they can demonstrate they are exempt.

### **What documents can individuals use to show they have the Right to Work?**

If an employee or new employee has an **ongoing Right to Work**, they will be able to show one of the documents that are stated under '**List A**' (See **Annex 1**).

If an employee or new employee has a **time-limited Right to Work**, they will be able to show one of the documents that are stated under '**List B**' (See **Annex 2**).

An employee will need to demonstrate that they have the Right to Work for the duration of their contract. If they have a visa which is subject to an expiry date, the contract will run until the same date, and the individual will need to obtain an extension before their current visa expires, or switch to a new visa in order to continue their employment.

### **What is the LSE process for conducting a Right to Work Check?**

The LSE's terms and conditions state that employment is offered subject to the Right to Work in the UK.

As part of the contract, new starters are asked to come to HR on their first day of employment and produce the documents which demonstrate their Right to Work. It is the responsibility of the recruiting manager to ensure this happens on the first day a new starter commences.

Right to Work documents must be inspected in the presence of the holder and so scanned or photocopies of documents will not be accepted.

When an employee arrives, a member of HR will check the validity of the original documents and take electronic copies of them for the School's records. The HR staff member will insert the following text onto the copy which has been taken:

*I certify that I have seen the original and this is a true copy*

The HR staff member will then sign and date the copy of the document and save it to the employee's electronic personnel file.

Right to Work Checks must be completed by HR and in accordance with the LSE process in order to provide LSE with a statutory excuse against liability for a civil penalty.

### **Sponsorship**

The School has a licence to sponsor non-EEA nationals under Tier 2 or Tier 5. The School will only act as a sponsor if the role meets the criteria for sponsorship and the department and the employee confirm that they will abide by their visa obligations.

The School will normally sponsor academic and research roles, providing the salary attached to the role meets the minimum salary threshold.

Sponsorship for professional services roles will be considered on an exceptional basis either where there is evidence that there is a strategic need to sponsor under Tier 2 either because the role has an international focus and requires international expertise, or it requires very specific and/or scarce skills that are not widely available in the UK or EEA.

It is the School's decision as to whether to sponsor a role under Tier 2.

### **Tier 4 (students)**

Tier 4 students are only permitted to work a **maximum of 20 hours per week during term-time**. This includes paid and unpaid work. Recruiting managers are asked to ensure that any such potential applicants are made aware of this restriction should they be shortlisted for interview.

Students are responsible for ensuring that they do not breach their working hours. The School reserves the right to monitor the working hours that Tier 4 students claim for and may refuse to pay any student for hours that they work over and above the maximum that they are permitted.

In addition, LSE is obliged to report any student who is found to be in breach of their visa obligations to the UKVI.

Tier 4 students are strongly advised to see the [International Student Visa Advice Team](#) webpages for more information on their visa obligations.

### **Other visas**

Other visas may permit the holder to work in the UK. It is the responsibility of the individual to ensure that they do not breach their visa obligations and that they renew their visa before it expires.

### **Employer Checking Service**

LSE reserves the right to check an individual's right to work in the UK using the Home Office's Employer Checking Service if there are any reasonable concerns around whether he or she has the Right to Work.

### **Reimbursement of visa application fees**

The School will only reimburse the visa application fees as specified in the 'Visa Reimbursement Guidance'.

### **Loss of the Right to Work**

If a new employee cannot demonstrate the right to work before they start work, the offer of employment will be withdrawn and the individual will not be able to commence work.

If an existing employee loses their right to work during their employment at the School, or cannot produce evidence that he or she has the Right to Work, he or she will be required to stop working immediately and his or her employment will be at risk of termination.

**Further information**

For clarification on whether an individual has the right to work in the UK, please contact your HR Adviser (salaried recruitment) or the Hourly-Paid Contracts team (casual and hourly-paid recruitment).

For information on visa options and sponsorship, please see the [HR website](#).

For information on Tier 4 student visas, please see the [International Student Visa Advice Team](#) website.

## Annex 1

### The European Economic Area (EEA)

The following countries are part of the EEA and nationals of any of these countries have the right to work in the UK.

Austria  
Belgium  
Bulgaria  
Croatia\*<sup>1</sup>  
Republic of Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Italy  
Latvia  
Lithuania  
Liechtenstein  
Luxembourg  
Malta  
Netherlands  
Norway  
Poland  
Portugal  
Romania  
Slovakia  
Slovenia  
Spain  
Switzerland  
Sweden  
UK

\*<sup>1</sup> Please note: Croatian nationals do not currently have an automatic right to work in the UK, but are required to register for permission to work before undertaking any



employment. For further information, see the section on [Working as a Croatian National](#) on the UKVI website.

## Annex 2

### Lists of acceptable documents for right to work checks

#### List A: Acceptable documents to establish a continuous statutory excuse

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

## Annex 3

### List B

#### **Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave**

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

#### **Group 2 – Documents where a time-limited statutory excuse lasts for 6 months**

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.