



Following our [Inclusivity Works](#) Lunch and Learn webinar on 'Recruiting Foreign Workers and Refugees) Sarah Fotheringham and Jennie Watts from GARAS, here's a reminder of some of the useful advice and guidance.

Who can work?

As a general rule, refugees do have the right to work however those seeking asylum, (asylum seekers) don't. Asylum seekers can however volunteer, according to current legislation and under certain permissions they can also work, subject to the Shortage Occupation List. Make sure you check out the Home Office current legislation.

Documentation

Biometric Residence Permit (BRP)

All refugees receive a BRP which will show work permitted (see example) and shows employers what they need to know; e.g. what status the individual has, what rights and their NI number on the back of the card. The BRP card came in over 10 years ago, so some individuals may not have one, but they should have a Home Office document saying they can work. The BRP card may be phased out and Right to Work will need to be checked on the government right to work system. [Link to Home Office guidance notes.](#)



Passports

Passports do show you have the right to work if you are a British citizen or a citizen of the United Kingdom and Colonies and have the right of abode in the United Kingdom.

Indefinite Leave to Remain

This means there is no time limit on the individual's ability to stay in the UK and if their home is here they are regarded as settled in the UK. If they do not have a document to prove this, they need to apply for a BRP as confirmation and on this it will state ILR (Indefinite Leave to Remain). Those in transition from Leave to Remain or Enter to ILR will continue to be able to work, as long as they have made an application approx. 28 days prior to their expiry date stated on the card. They are allowed to work while their application is being considered.

EU settlement scheme

All EU, EEA and Swiss citizens need to apply to work in the UK following Brexit, regardless of how long they have lived in the UK, unless they have British Citizenship. Failure to do so



could result in deportation and revoking their right to work in the UK. People from Ireland do not need to apply.

All applications should have been done online by 31 June 2021, any outstanding are now late and should be encouraged to apply immediately.

To prove their right to work EU citizens need to generate a Share Code (*see link in further support and resources*). Some people may not be able to generate a code if they are still waiting for their right to work status – this does not mean that they don't have the right to work and can be checked on the government right to work system.

Q&As

What if someone from the EU was already working for my organisation before 30 June 2021?

Make sure they have applied for the right to work but you do not need to check their status legally.

Can I use a passport to check right to work?

No, a passport cannot be used to check the right to work.

What if someone who works for me or has applied for a job has been refused the right to work?

They cannot work for you or any other employer if they have had their right to work refused.

Further support and resources

[GARAS](#)

[Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](#)

[View and prove your immigration status - GOV.UK \(www.gov.uk\)](#)

[Home | Work Rights Centre](#)

www.inclusivityworks.org



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