

**Process for verifying External Examiners and External Reviewers Right to Work in the United Kingdom**

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1. Introduction
	1. The law on the prevention of illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 which came into force on 29 February 2008. Employing or engaging someone who is not allowed to work in the UK is illegal and the University is required to carry out checks on everyone engaged for work to ensure they have a legal right to work in the UK. This includes checks on External Examiners and Reviewers (Externals) who are engaged to perform a specific service.
	2. The checks apply to all Externals including UK nationals and for both taught and research courses. This scope also includes External Reviewers for events such as programme approval/re-approval or academic programme review.
2. Advance Confirmation
	1. Preliminary scoping of a potential External’s right to work in the UK should take place once a staff member identifies a potential nominee to put forward within the School. Once this nomination is accepted by the School, and prior to putting the nomination forward to DASA, the School will ask an External to supply a scan of their passport or relevant documentation showing their right to work. The External must provide this and the School will record the details. Whilst a scan is not sufficient in itself for UKVI purposes, (it does not provide a statutory excuse), this will serve the purpose of providing some assurance that the engagement will not result in illegal working. Other sources of information such as online profiles or references from an employer can be used to confirm identity and status. Advice can be provided from International Staff Support in People and Culture if it remains unclear as to an individual’s right to work at this point. A School must not proceed with the nomination to Academic Affairs until acceptable documentation has been received.
3. Verification
	1. It is essential that upon arriving at the University for the first time, the External brings a passport or original relevant documentation. A member of University staff who is trained in conducting right to work checks should complete the check in line with University guidelines. In the case of Externals who do not come to the University in person, this process will not be possible. Therefore, the University will rely on the advance confirmation checks to ensure there is no risk of illegal working.
	2. If by exception, it has been agreed that the External attends the Board of Examiners by telecommunication software (such as Skype, for example), the verification will have to be conducted via Skype before the meeting starts.
	3. If by exception, it has been agreed that a viva is held away from the University then the Externals verification will have to be conducted by Skype before the start of the examination.
4. Work Conducted Outside the UK
	1. A significant number of Externals are employed at other Higher Education Institutions and will complete some work before coming to the UK. If this work is conducted outside the UK, this does not require a pre Right to Work check as legislation only applies to work undertaken in the UK.
5. The Process
	1. The standard process should be applied as follows:
* Staff nominating a new External are requested to indicate to the best of their knowledge as to whether the nominee has the right to work in the UK. This will help identify potential issues at an early stage of the process.
* Once the nomination is approved at School level, the External is contacted by the School and original documents requested using the Request Right to Work Documents pro-forma (Appendix 2).
* If the School receives the original documentation from the External, the right to work check can be conducted fully in line with the University guidance on Prevention of Illegal Working.
* If it is not possible to obtain the original documentation then the External should be requested to provide scans of right to work documentation.
* Reasonable steps can also be taken by the School to confirm identity and that the External is not working illegally. This evidence could be acquired through relevant websites, professional networks or directly through their employer.
* Records should be retained by Schools as evidence of the basis that was used to determine there is no risk of illegal working. Copies of documents and a signed and stamped Right to Work Checklist should be retained by the School for two years after work has ended.
* If the external is based outside the UK it is acceptable to conduct the check on arrival, before work begins. (for exceptions to this see para 3.2 and 3.3)
* Once the right to work has been satisfactorily confirmed the nomination form can be updated to show the right to work check has been completed and a letter of appointment issued.
1. Failure to Determine
	1. Situations may occur where it has not been possible to gather sufficient information to confirm an External’s identity and right to work. In such cases the School should contact International Staff Support within People and Culture for advice on how to proceed. At this point, an assessment of risk should be taken in respect of risk to the institution and impact of proceeding or not proceeding with the nomination.
	2. If it is not possible to effectively eliminate the risk of illegal working, the nomination should be withdrawn particularly in cases where the External has demonstrated a lack of co-operation in providing evidence.
2. Expiry of Right to Work
	1. If an Externals current right to work expires during an engagement, Schools should contact International Staff Support to arrange for a follow-on check.
3. Recommendation
	1. The Immigration Compliance Governance Group is requested to approve this process.



**Process Flow for verifying External Examiners and External Reviewers**

**Right to Work in the United Kingdom**

School proposes EE or ER

School requests evidence of right to work in the UK

Original documents provided

Original documents not available. Scanned documents provided.

Original documents not available. No documents provided.

School conducts right to work check and retains evidence

Contact International Staff Support

Assessment of risk of illegal working.

Nomination proceeds to DASA for appointment

If insufficient evidence of right to work, nomination does not proceed.

Nomination proceeds to DASA for appointment

External provides hard copy of their documents upon first visit to University.

School conducts right to work check and retains evidence

**Right to Work:**

**Request Right to Work Documents**

Dear xx,

I understand you will undertake work as an external examiner for Queen’s University Belfast.

The Immigration, Asylum and Nationality Act 2006 requires Universities to undertake right to work checks on everyone that engages in any work activity at the institution. To comply with this legislation you will be required to present original documents (as per List A or List B, below) to confirm you have permission to undertake the work in question. Documents in List A relate to permanent entitlement to work in the UK and documents in List B relate to temporary permission to work. You can check whether you require a visa to engage in the work at the Home Office website at the link below:

<https://www.gov.uk/check-uk-visa>

The University is required to check your documents when you are present therefore, you will be required to present your documents in person to [insert name, position, address] before work commences. I would be grateful if you would contact [xx] [contact details] to arrange for your documents to be checked.

Your ability to undertake this role is subject to you demonstrating your right to work in the United Kingdom by providing eligible documents from the list below. You will not be able to engage in any work activity for Queen’s University Belfast until your documents have been checked and your right to work has been confirmed. If there are any restrictions on your right to work (e.g. the number of hours you are permitted to work) you should ensure you work within these restrictions. Your work for the University is subject to your continued permission to work in the United Kingdom. Should your permission to work end during the period of work you must advise [designated person] and cease all work activity immediately.

You must also inform [designated person] of any changes to your contact details during the course of your work for Queen’s University Belfast and of any changes to your visa status.

Many thanks for your assistance.

[name]

[position]

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| **You must provide original documents from either List A or List B of acceptable documents** |
| **List A**These documents will confirm that the individual has a permanent right to work in the UK. Can be completed by the person completing sections 4-6.  |
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| 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.  |

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| 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.  |

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| 3 |

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| A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.  |

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| 4 |

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| A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.  |

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| 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.  |

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| 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.  |

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| 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.  |

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| 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.  |

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| 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.  |

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| 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.  |

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| **List B Group 1**These documents will show that the person has a temporary right to work in the UK. The statutory excuse will last until the expiry date of the leave. |
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| 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.  |

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| 2 |

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| 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.  |

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| 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.  |

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| 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.  |

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| **List B Group 2**These documents will show that the person has a temporary right to work in the UK for 6 months. The statutory excuse will last 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. |
| **If you will be issued with a Biometric Residence Permit (BRP) and have not received or collected this before you start work, you will have to present your BRP as soon as it has been issued.** |