

RIGHT TO WORK CHECKS – END TO COVID-19 TEMPORARY MEASURES DELAYED

The Home Office has today announced that the end to the temporary COVID-19 right to work check measures which were set to take place on 16 May 2021, have now been delayed until 20 June 2021.

THE TEMPORARY MEASURES

The temporary measures, as set out in our [6 May 2021 Update](#), will now remain in place until 20 June 2021.

FROM 21 JUNE 2021

Employers will need to either:

- check employees' original documents; or
- check employees right to work online if they are able to provide a share code.

Employers will therefore need to be in physical possession of the original document(s) when carrying out a right to work check. It will, however, still be possible to carry out a right to work check via a live video link if an employee is happy to send you their original document(s) in advance.

A check carried out solely by video call, where an employer was not in physical possession of the required original documents, will not be sufficient to attract a statutory excuse from 21 June 2021.

RETROSPECTIVE CHECKS

The Home Office continue to confirm that employers are no longer required to carry out retrospective checks on employees whose right to work has been checked in line with the COVID-19 temporary measures. This applies to all checks carried out between 20 March 2020 and 20 June 2021.

Employers will continue to hold a defence against a civil penalty for these checks so long as they were carried out correctly.

For any further UK immigration advice or assistance, please contact us.

Key Points

- The temporary right to work check measures will now end on 20 June 2021.
- From 21 June 2021 employers will need to be in physical possession of documents when carrying out a right to work check unless this can be done online.
- Employers are no longer required to carry out retrospective checks.
- These measures apply equally to prospective new employees or existing employees who have had a change of status or are extending their visas.

CONTACTS

Gulcin Kashano
Immigration Solicitor

T +44(0) 20 7006 1388
E gulcin.kashano
@cliffordchance.com

Michael Crossan
Partner

T +44(0) 20 7006 8286
E Michael.crossan
@cliffordchance.com

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

www.cliffordchance.com

Clifford Chance, 10 Upper Bank Street,
London, E14 5JJ

© Clifford Chance 2021

Clifford Chance LLP is a limited liability partnership registered in England and Wales under number OC323571

Registered office: 10 Upper Bank Street,
London, E14 5JJ

We use the word 'partner' to refer to a member of Clifford Chance LLP, or an employee or consultant with equivalent standing and qualifications

If you do not wish to receive further information from Clifford Chance about events or legal developments which we believe may be of interest to you, please either send an email to nomorecontact@cliffordchance.com or by post at Clifford Chance LLP, 10 Upper Bank Street, Canary Wharf, London E14 5JJ

Abu Dhabi • Amsterdam • Barcelona • Beijing • Brussels • Bucharest • Casablanca • Delhi • Dubai • Düsseldorf • Frankfurt • Hong Kong • Istanbul • London • Luxembourg • Madrid • Milan • Moscow • Munich • Newcastle • New York • Paris • Perth • Prague • Rome • São Paulo • Seoul • Shanghai • Singapore • Sydney • Tokyo • Warsaw • Washington, D.C.

Clifford Chance has a co-operation agreement with Abuhimed Alsheikh Alhagbani Law Firm in Riyadh.

Clifford Chance has a best friends relationship with Redcliffe Partners in Ukraine.