

Eligibility of EEA Nationals for ESF Support

From 1 July 2021 the Right to Work evidence for EU, EEA and Swiss (EEA) citizens can be verified using the Home Office online Right to Work Checking Service.

The online checking service supports checks in respect of those who hold:

- A biometric residence permit.
- A biometric residence card.
- Status issued under the EU Settlement Scheme.
- A frontier worker permit.
- Status under the UK points based immigration system.

How does the online checking service work and how can it be applied in the context of ESF eligibility checks?

The service works on the basis of the individual first viewing their own Home Office 'right to work' record.

When an individual wishes to share their 'right to work in the UK' using this service, they should obtain a 'share code' generated by the service. They may provide this directly to the LP/DA or they may choose to send this via the service in which case an email will come from right.to.work.service@notifications.service.gov.uk

Step 1: Use the Home Office online Right to Work checking service for people who wish to participate in ESF operations

Once in receipt of the share code, the LP/DA will need to go to the 'View a job applicant's right to work details' at <https://www.gov.uk/view-right-to-work> and enter the share code along with the individual's date of birth. The share code will be valid for 30 days, after which a new code will be required to conduct an online check.

The LP/DA **MUST** use the Home Office online right to work checking service to conduct an online check. It is **NOT** sufficient to simply view the details provided to the individual on **their** part of the service, 'Prove your right to work to an employer'.

Step 2: Verification

The LP/DA must check that the photograph of the person on the online 'right to work' check is of the actual individual presenting themselves to join the ESF operation (i.e. the information provided by the check relates to the individual and not an imposter). The service will provide a very clear image of the individual and it should be straightforward to check whether the individual presenting themselves at the operation is the same as the person in the check photograph. If the person

presenting themselves appears to be different from the photographic image provided in the check, the 'right to work' evidence cannot be accepted as eligibility for ESF.

The right to work check will usually have a statement at the top of the check document clearly explaining the duration of the 'right to work in the UK. For example, 'John Smith can work in the UK until 30 April 2023'.

The LP/DA must check the conditions section of the 'right to work' check as well and take note of any dates relating to visa expiring etc. so that the person is not on ESF beyond such dates. (Of course, a right to work check can be undertaken again at a later date if there is a possibility of an extension of entitlement to work in UK).

Lead Partners/Delivery Agents must carry out all other necessary eligibility checks to establish any other relevant ESF eligibility factors that aren't covered by the data contained in the migrant record (for example, employment status or disadvantage etc.)

Step 3: ESF Records

The LP/DA should open and download a full PDF copy of the 'right to work check' and keep this copy on the participant's records - so that an auditor can see that such a check has been undertaken. The PDF will include a box entitled 'details of check' which includes details of the date the check was made as well as a reference number – these should be retained as part of the 'full PDF copy' of the check.

This record, in common with all other ESF records, will need to be processed in line with GDPR regulatory requirements.

Organisations wishing to check the right to work status of an individual who has granted them permission to do so can access this service via [GOV.UK](https://www.gov.uk).