

# GUIDANCE

## IMMIGRATION GUIDANCE FOR CANDIDATES

G.7

This document has been created for all involved in the Candidating process to understand their obligations in preventing illegal employment.

### Rights to Work Checks

<p>The Methodist Church has a legal obligation to ensure all candidates have the right to work in The United Kingdom. This is controlled by the Immigration, Asylum and Nationality Act 2006 (“the Act”) and subsequent secondary legislation.</p>	
<p>The Immigration, Asylum &amp; Nationality Act 2006 introduced two key criteria regarding employment:</p>	<ul style="list-style-type: none"><li>• Code of practice on the prevention of illegal working.</li><li>• Code of practice for employers: avoiding unlawful discrimination while preventing illegal working.</li></ul>
<p>Together they mean that the immigration status of all employees must be verified in a manner that does not discriminate and complies with the Equality Act 2010.</p>	
<p>The Methodist Church has a duty under the 2006 Act to carry out document checks that are acceptable for proving someone has the right to work in the UK.</p>	<p>This could be in the form of:</p> <ul style="list-style-type: none"><li>• a manual right to work check</li><li>• a Home Office online right to work check</li></ul>
<p>In the case of ‘candidates for ministry’ this means that at the very beginning of the process, the church will need to carry out ‘Right to Work’ checks regardless of the nationality of the person we wish to engage with.</p>	
<p>For those candidates who hold a time-limited visa permitting them to live and work in the UK, there is also a requirement to undertake an online right to work check and a further check at the point that permission expires. You will be asked to provide evidence to confirm that you have made an ‘in time’ application to extend your visa or switch immigration category before your current visa expires.</p>	



## 1. The following may not be recommended for ministerial training and formation

Anyone with temporary admission.
Anyone who is in the asylum process but has not yet received refugee status.
Anyone who has overstayed their existing visa cannot be regularised. Evidence of the possibility of regularisation should be submitted.
<i>Please note that if you are waiting for status or admission, you can proceed through candidating and, if recommended, your recommendation would be conditional on achieving immigration status that allows you to do the designated training and work we are offering.</i>

## 2. Immigration Documentation Required for Candidating

Only documents from List A or B are acceptable evidence of a right to work. The most up to date version of this list can be downloaded from the Home Office website <a href="http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342222/employers-right-to-work-checklist-gov-uk.pdf">Employers' right to work checklist - GOV.UK (www.gov.uk)</a>	List A: These documents show an individual who has an <b>ongoing</b> right to work in the UK.
	List B: These documents show that an individual has a right to work in the UK for a limited period of time.
The Methodist Church will follow the <b>three steps</b> below to conduct a manual document-based right to work check.	
<b>Step 1 – Obtain:</b> We will request an original, valid right to work document to be checked. This could be a single document or specified combinations of documents from List A or List B, as mentioned above.	
<p><b>Step 2 - Check:</b> The person carrying out the right to work checks will take reasonable steps to check that the documents are genuine and are satisfied that the person presenting it is both the rightful holder and allowed to do the designated training and work:</p> <ul style="list-style-type: none"> <li>• checking any photographs are consistent with the appearance of the person; and</li> <li>• checking any dates of birth listed are consistent across documents and that the checker is satisfied that these match up with the appearance of the person; and</li> <li>• checking that the expiry dates of any limited leave to enter or remain in the UK have not passed; and</li> <li>• checking any UK government endorsements (Biometric Residence Permits, stamps, stickers, visas) to see if the person is able to do, or can continue to do, the type of designated training and work we are offering; and</li> <li>• checking that the document is valid and genuine, has not been tampered with and belongs to the holder; and</li> <li>• asking for a further document in explanation if given two documents which have different names. The further document could, for example, be a marriage certificate or</li> </ul>	

a divorce decree absolute, a deed poll or a statutory declaration. These supporting documents must also be photocopied and a copy retained.

**Step 3 - Copy:** The person carrying out the right to work checks will take a clear, good copy of the relevant pages of each document in a format which cannot be altered and retain the copy securely.

The following parts must be copied and retained:

- **Passports:** any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission, expiry date, biometric details, photograph. Any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question.
- **All other documents:** the document in full, including both sides of an Immigration Status Document (i.e. Biometric Resident Permit).

*All information supplied is confidential and will not be used for any other purpose other than that stated above.*

### 3. Producing the Documentation

Your documents must be certified by either your Chair of District or your Superintendent Minister (or acting Superintendent Minister).

You must make a **clear copy** (in a format that cannot be altered) of your passport and if applicable any immigration status documents and any other right to work documents.

Take the photocopied document and the original and ask your Chair or Superintendent Minister to carry out the above checks and to certify the copy by:

- writing 'Certified to be a true copy of the original seen by me' on the copied document
- signing and dating it on the date seen
- printing their full name under the signature
- adding their occupation (Chair of District / Superintendent Minister), address and telephone number

In some cases where an eVisa is issued, we will use the Home Office online service to prove your right to work.

If you have any questions or need any help with the above guidance, please email [candidates@methodistchurch.co.uk](mailto:candidates@methodistchurch.co.uk).