**London Councils ESF Programme 2014-2020**

**Frequently Asked Questions –**

**Right to Live and Work**

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| Q1 | Will you accept a UK/EU passport that is in date at the time of enrolment but due to expire before the end of the duration of the project? |
| A1 | Yes |

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| Q2 | Can EU birth certificates evidence eligibility to live and work in the UK? |
| A2 | Yes, birth/adoption certificates from EU member states prove eligibility to live and work in the UK. |

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| Q3 | A participant’s surname on their birth certificate does not match their surname on the enrolment form. Is this a problem? |
| A3 | If a participant has changed their surname e.g. because they got married, we would need further documentation as to why the surnames are different (change of name deed or marriage certificate). Participants will need documentation that matches their current name when they start employment, so it is good to sort this early.  If a participant uses a preferred name rather than their birth name, please include their birth name in brackets on the enrolment form to avoid confusion. |

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| Q4 | Can a birth certificate be used as evidence to live/work in the UK with just the NINO written on the enrolment form? A participant has lost their NINO card. |
| A4 | Birth/adoption certificates (EU member states) need to be included with either: a P45, P60, national insurance card or driving licence. Copies of national insurance cards/JC+ and DWP letters with the NINO printed on them need to be included, rather than just the NINO being written on the enrolment form. <https://www.gov.uk/legal-right-work-uk> |

Right to live and work – residence permits

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| Q5 | Do we need to take copies of both the front and back of residence permits? |
| A5 | Yes, Home Office guidance states that you should take copies of both the front and back of residence permits. The back of residence permits often includes important information. |

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| Q6 | Can someone enrol on a program if they have applied for a permit and it hasn’t yet arrived? |
| A6 | Yes, they should be provided with a Certificate of Application and a Positive Verification note – these demonstrate the right to work in the UK. |

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| Q7 | If someone’s residence permit is less than 12 months old and they are registered as long term unemployed do they need to provide further evidence to show that they have been able to live and work in the UK for the period of their unemployment? |
| A7 | Yes, participants need to be able to prove that they have been able to live and work in the UK for at least a 12 month period in which they have been unemployed. If a participant’s current residence permit has not been valid for 12 months please provide a copy of their previous residence permit/other evidence that they were residents in the UK. For some permanent residence permit holders they will have needed to prove they have been in the UK for 5 years in order to get their permit – they should be able to provide the program with evidence that this is the case. |

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| Q8 | What if a participant applied for residency before the introduction of Biometric Residence Cards? |
| A8 | Biometric residence cards were introduced on the 6th April 2015. Before that residence cards were issued as stamps within passports and were authenticated with a circular embossing stamp. If it is clear that residence was issued before 6th April 2015 and it is still in date then this is valid proof of the right to live and work in the UK.  There may also be people with Immigration Status Documents – these were given before 6th April 2015 to people who were granted refugee status or needed humanitarian protection. These are still acceptable as long as they are valid. They appear as a separate document to the passport. |

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| Q9 | If someone has a residence permit which has the remark ‘no public funds’ on it does that mean they aren’t eligible for the program? |
| A9 | No, programs funded by ESF are not publicly funded. |

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| Q10 | If someone has an ‘exempt vignette’ rather than a residence permit do they have the right to work in the UK? |
| A10 | An exempt vignette is given to people who are exempt from immigration control. Normally this will apply to diplomats or foreign officials and their spouses/partners and dependant family members. This will appear as a stamp or ‘vignette’ in the holder’s passport and is counted by the Home Office as giving the right to live and work in the UK for as long as the vignette is valid (this will be for up to 5 years). |

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| Q11 | If someone has a biometric residence permit, do we need to take a copy of the non-EU passport as well, or will just the permit be sufficient? |
| A11 | The non-EU passport isn’t necessary evidence, as the residence permit proves that they can live and work in the UK. The permit needs to show that it has been issued by the Home Office, is current, in the workers name and shows that the worker has one of the following:   * Indefinite leave to enter to remain * No time limit to their stay in the UK * A certificate of entitlement to the Right of Abode * Is except for immigration control.   Please use Gov.uk service to find out which type of document gives someone the right to work in the UK: <https://www.gov.uk/legal-right-work-uk> |

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| Q12 | A participant has a spousal residence permit. Do we need to make a copy of spouse’s passport as well? |
| A12 | Yes, it is good practice to submit the spouses’ passport with the residence permit. |