



**RE: NEW RTW REQUIREMENTS FOR EU NATIONALS**

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Dear Valued Supplier,

As I'm sure you're aware, there were new right to work requirements for EU nationals in the UK from 1<sup>st</sup> January 2021, we would like to take this opportunity to remind you that the deadline for eligible workers to apply under the EU Settlement Scheme (EUSS) is 30<sup>th</sup> June 2021.

Where required, please ensure this information is passed on and managed with your relevant workers. Further details on how to apply can be found directly on GOV.UK:

<https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

We have enclosed some useful information below on how Kenect Recruitment Ltd will be altering its procedures to ensure compliance is being fulfilled.

**What is the new Right to Work procedure for EU Nationals?**

Since leaving the EU at the start of 2020 we have now come to the end of the Brexit transition period. The way RTW checks are carried out will not change. Therefore, the same RTW check procedures will continue to be the procedures that all businesses will be expected to adhere to now that we have come to the end of the transition period.

In summary, all businesses should continue to adopt the three-step check i.e.:

- 1) obtain the relevant documentation (or use the online checking service),
- 2) check the information and.
- 3) retain evidence of the check (whether it is done manually or online).

The government introduced an EU Settlement Scheme (EUSS) which opened on 29<sup>th</sup> March 2019. The scheme is essentially the application process for EU, EEA or Swiss citizens (EU citizens) living in the UK to remain in the UK after Brexit.

Successful applicants are given either a settled or pre-settled status. Since the UK will no longer be an EU country, EU citizens living and working in the UK will not legally be allowed to stay in the UK beyond the 30<sup>th</sup> June 2021 without applying successfully through the scheme.

Although the checking procedure remains the same, the documentation that must be obtained (i.e., the first step of the three-step checking procedure) will be different depending on the worker's circumstances.

These circumstances (in brief) are shown below:

## **Until 31<sup>st</sup> December 2020**

In accordance with List A of the employer's guide to RTW checks produced by the Home Office, the passport or National Identity Card of any national of an EEA country or Switzerland were acceptable documents to establish a continuous statutory excuse.

These were the documents all businesses obtained for the purposes of undertaking the RTW check (including biometric residence permits or anyone who has been issued a settled or pre-settled status under the EUSS which can be confirmed via the online checking service).

## **EEA & Swiss nationals that came to the UK before 1st January 2021**

Any EEA and Swiss national who came to the UK before 1st January 2021 will be eligible for the EUSS and will have until 30th June 2021 to make an application under the scheme.

As a transitional measure, businesses can continue to undertake RTW checks in the normal way, i.e., check passports and national identity cards (or use the online checking services) until 30th June 2021.

However, when you register a new EU National, you should now start to ask for their EUSS documents in addition to the normal RTW documentation. It is very important that you do not discriminate against any person who has not yet applied to the scheme as they have until 30 June 2021 to do so.

In this scenario, you must use your interviewing and referencing protocols to establish that they were in the UK prior to 1 January 2021 and log a follow up action to obtain the EUSS paperwork prior to 30 June 2021.

## **EEA & Swiss nationals entering the UK from 1 January 2021**

EEA and Swiss nationals entering the UK after 1st January 2021 will not be able to apply for settled or pre-settled status under EUSS. From 1st January 2021, they will need to apply and qualify for entry to stay in the UK under the new immigration system (i.e., the Point-Based System). To that end, EU citizens will require a visa to be able to work in the UK under the new immigration system and businesses will, therefore, need to see evidence of the EEA or Swiss national's visa and passport/identity card as part of the RTW checks.

Part of the Point-Based System requires the individual to be sponsored by the employer they are planning to work for. As things stand, a recruitment business supplying labour to an end hirer will not be eligible to be a sponsor.

We therefore do not currently envisage working with this scenario, but should you register an EU National with a Visa and have a query as to their eligibility to work then please check with the online checking service or you're relevant Kenect Recruitment contact.

Irish citizens will [continue to prove their right to work in the UK](#) as they do now regardless of when they enter the UK.

## **After 30th June 2021**

As stated above, a new immigration system will apply to any person arriving in the UK from 1st January 2021.

Furthermore, the transitional measure whereby those who came to the UK before 1st January 2021 and would therefore be eligible to apply under the EUSS will end on 30th June 2021. Thus, all businesses after this date will need to undertake the same RTW checks on all job applicants from outside the UK.

For the sake of clarity, EU citizens will **no longer** be able to rely on their EU passport or identity card to provide their RTW in the UK. They will need to ensure that they have the appropriate **visa or status** under the EUSS.

## **Frontier Worker Permits**

Frontier Worker Permits are for those EU or Swiss nationals, employed or self-employed, who were working in the UK on or before 31st December 2020 but reside outside the UK.

Between 1st January 2021 and 30th June 2021 those nationals will still be able to travel in and out of the UK for work but from 1st July 2021 must hold a Frontier Work Permit.

## **Existing EU Nationals already working for a Kenect Recruitment client**

Please see below, embedded guidance on applying for settle or pre-settled status that you can issue to your flexible workers.

Between 1 January 2021 and 30 June 2021, you will need to obtain and file proof that all EU Nationals have successfully obtained Pre-Settled Status or Settled Status.

After 30 June 2021, we can then be assured that our wider supply chain is compliant by using an EU National that falls within one of the three categories mentioned above.

We would like to take this opportunity to thank you for your ongoing custom, if you have any questions regarding this document, please contact your local branch or our HR department at [hr@kenectrecruitment.co.uk](mailto:hr@kenectrecruitment.co.uk)

A handwritten signature in black ink, appearing to be 'J. H. S.', is written over a faint, light-colored circular stamp or watermark.

For and on behalf of Kenect Recruitment Ltd