

Statutory Excuse Checklist

Step 1 Ask for evidence of a statutory excuse

You must ask the employer or the most appropriate responsible person present representing the employer or the business, if they can provide evidence of a statutory excuse for the identified illegal workers. If **evidence is presented** during the operation proceed to **step 2**. If **evidence is not presented**, proceed directly to **step 3**.

Step 2 Determine if the statutory excuse criteria is met

For each illegal worker you must determine if all of the applicable criteria below have been met for an excuse to be established. If all the criteria has been met for all workers, proceed to step 3 outcome 1. If not, proceed to step 3 outcome 2 or 3, as appropriate. For every worker:

- 1 ☐ You have been shown a **clear copy** of the document(s) checked in an **unalterable** format.
- 2 ☐ The document(s) shown in the copy fall within either **List A** or **List B** (see overleaf).
- 3 ☐ The **correct parts** of the document have been **copied** (**Passports**: personal details including nationality, leave expiry date, document expiry date, DOB, signature, photograph and information indicating entitlement to enter/remain and undertake the work in question. **All other documents** must be in **full**).
- 4 ☐ It is **not reasonably apparent** that the illegal worker who presented the document was an **imposter**.
- 5 ☐ It is **not reasonably apparent** that the document presented is **false**.
- 6 ☐ The document copy **does not** clearly show that the illegal worker **has no permission** to do the work in question.
- 7 ☐ You have been shown a **record of the date** when the check was made (this can be on the copy, or in a separate format).

For applicable workers:

- 8 ☐ The document copied and/or the Positive Verification Notice presented has **not time expired** (see overleaf).
- 9 ☐ (**For students only**) You have been shown details of their academic term and vacation times covering the duration of their period of study for which they will be employed.
- 10 ☐ You have been shown copies of supporting evidence for the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll).

Step 3 Issue the appropriate notice(s)

Outcome 1 ☐ **Only** issue a **No Action Notice** (NAN-E) listing the details of **all** the identified illegal workers, as the **statutory excuse criteria has been met** for **all** of them.

Outcome 2 ☐ **Only** issue a **Referral Notice** (RN) listing the details of **all** the identified illegal workers, as the **statutory excuse criteria has not been met** for **all** of them.

Outcome 3 ☐ Issue **both** notices: a **No Action Notice** (NAN-E) listing the details of the applicable identified illegal workers where the **statutory excuse criteria has been met** and a **Referral Notice** (RN) listing the details of the applicable identified illegal workers where the **statutory excuse criteria has not been met**.

Use the **Additional Workers Supplement** when more than 5 illegal workers need to be listed on a Referral Notice.

Acceptable documents: List A and List B

List A: Acceptable documents to establish a continuous statutory excuse

1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B

Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave

1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

1.	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2.	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3.	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.