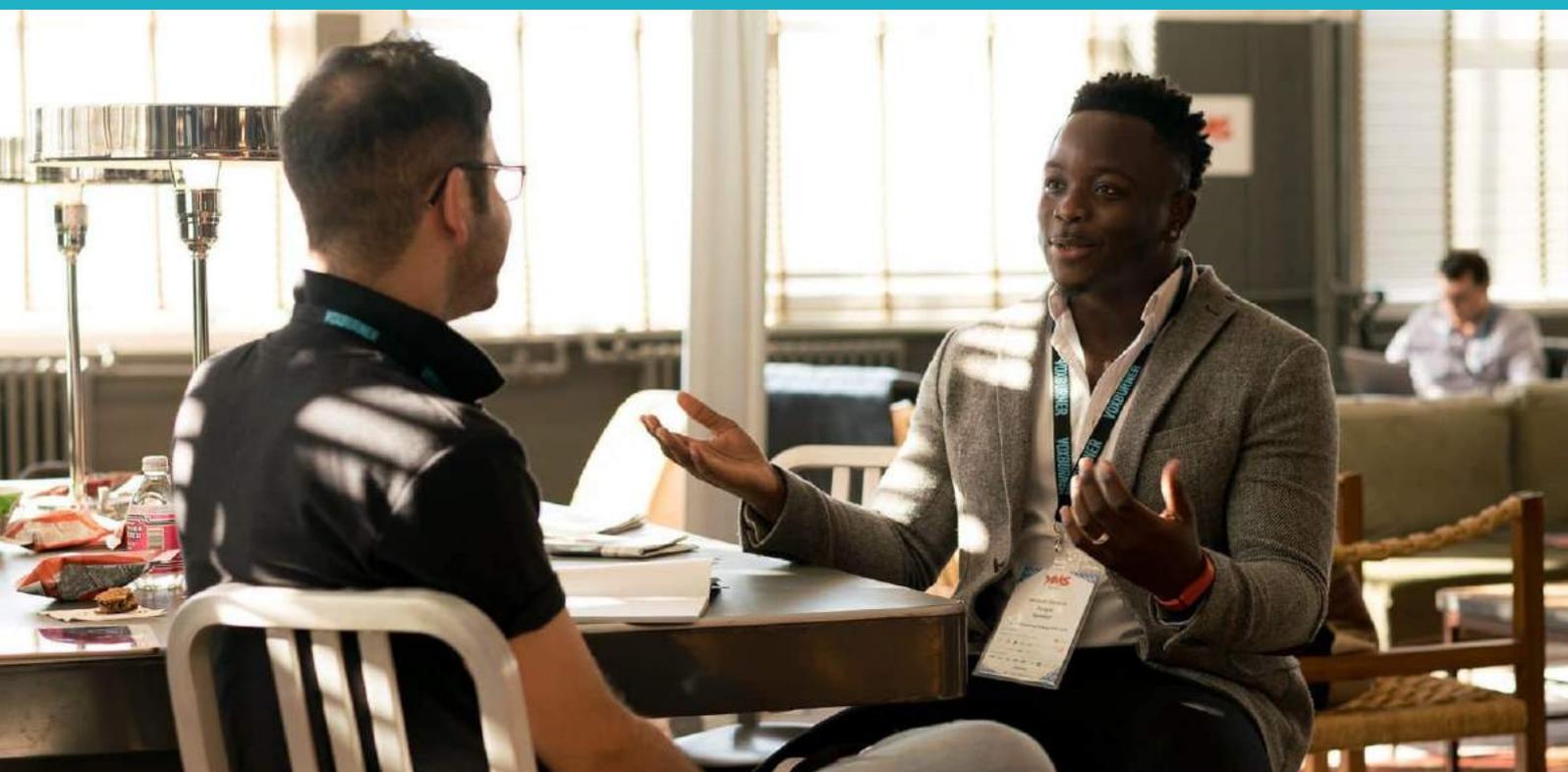


# EMPLOYERS' GUIDE

A guide to assist employers in attracting, employing and harnessing the skills of migrants and refugees



This project is co-financed by the European Regional Development Fund through the Urban Innovative Actions Initiative



# Foreword

In October 2017 the EU's Urban Innovative Actions fund awarded more than £4m to Coventry, Birmingham and Wolverhampton for the MiFriendly Cities project, a 3-year initiative that will look to develop innovative, community-led and sustainable approaches to enhancing the contribution of refugees and migrants across the region.

## The Foundations of a MiFriendly City

This guide has been produced to support two of the project's five key foundations – Jobs and Skills – all of which are aimed at creating a more 'migration friendly' region. To learn more about our project visit [www.mifriendlycities.co.uk](http://www.mifriendlycities.co.uk)

### Jobs

- Creating sustainable work placements and apprenticeships.
- Employment guides and weekly employment sessions in community spaces in each city.
- Digital guide and regular business forums to help West Midlands employers connect with migrant communities.
- Supporting employers to understand legal processes and increase awareness of the untapped skills & resources.

### Skills

- Identifying skills gaps and training refugees and migrants to strengthen the workforce.
- Digital manufacturing accreditation and a 'Mobile FabLab' to encourage manufacturing pathways for refugees and migrants.

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# 1. How we can help you

The MiFriendly Cities project will seek to build on these foundations, with a two-way approach to strengthening the economic success of the West Midlands. The project has a key focus on employment and training, which aims to support both employers and potential candidates towards sustainable employment. Initiatives include:

## Employment Brokers

whose job it is to better connect employers with un- and under-employed refugees and migrants, and to educate employers about the availability of skills and qualifications within these communities.

## Working with local and national employers,

Employment Brokers will aim to create sustainable work placements and apprenticeships for refugees and migrants, thus assisting employers to fill vacancies.

**Employer-led roundtables** and forums to address the skills gap issue, share learning and promote engagement with refugee and migrant communities across the West Midlands.

**A mentoring programme,** with existing and retired employees supporting refugees and migrants through placements and towards employment.

Contact details of MiFriendly Cities staff will be provided at the end of this Guide.

## 2. Untapped Resources

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MiFriendly Cities believes that there are currently untapped skills and resources within refugee and migrant communities across the West Midlands.

If these resources could be tapped into, we believe that they could fill the current skills gaps and vacancies that employers across the West Midlands are facing, especially in the engineering, IT and manufacturing sectors.

However, it is also recognised that employers – especially small and medium size businesses – who do not have a large human resource or legal team are unsure of the employment laws relating to refugees and migrants. This may result in an unwillingness to recruit candidates from this community.

### **This guide will focus on two main areas:**

#### **Recruitment and Hiring**

The next pages of this guide will provide guidance and tips on how you can adjust and add to your recruiting processes to attract talent from refugee and migrant communities.

#### **Employment Laws**

The final part of this guide will focus on the current employment laws and will provide an overview of them and what checks you need to carry out when employing candidates from refugee and migrant communities.

## 3. Recruiting

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By making subtle changes to your recruitment processes, you are more likely to attract and hopefully fill your skills gaps with candidates from local refugee and migrant communities.

### Helpful Tips on changes you can make:

Make your online job application international: Include an option for foreign degrees/ qualifications and job locations outside of the UK on drop-down menus.

Tap into sources of non-traditional talent such as the MiFriendly Cities Employment Brokers or other agencies who deal with refugees and migrants.

Recruiting depends on networking: Encourage your employees to volunteer with organisations where they will meet migrants and refugees.

Educate your frontline recruiting team and keep up to date with the latest employment laws (as detailed further on in this guide). Many migrants and refugees have the relevant status and documents to prove eligibility to work.

## 4. Screening

Adapting your screening processes could prevent you from excluding potential talent from local refugee and migrant communities.

### Helpful Tips on changes you can make:

Reconsider your 'red flags' on a resume: while a gap on a resume is often considered a negative, a refugee or migrant may have experienced frequent and unavoidable interruptions.

During the interview, briefly familiarise the candidate with your company's working culture and hiring process. Interviewers may need to repeat or rephrase a question, especially during a phone screen, when it's harder for the candidate to read body language.

Embrace the value that a work placement or junior role can have in your company. What some may refer to as a 'survival job' could provide other candidates with an opportunity to gain valuable skills and integrate into a new community.

Redefine 'overqualified'. A candidate's qualification from their country of origin may not be the same as in the UK.

## 5. Hiring

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You may have to review and change your current hiring processes and checks when offering employment opportunities to refugees and migrants to ensure they have the correct status.

This guide provides further details on the latest employment laws and checks required further on.

### Helpful Tips on changes you can make:

Contact references who are abroad by email or through LinkedIn.

Involve migrant employees that your company has hired in the past when screening, recruiting and hiring refugee and migrant talent.

Educate your frontline recruiting team and keep up to date on the latest employment laws required, checks and documents that all candidates must provide for their eligibility to work.

Refugees and migrants may speak near-perfect English, or they may have a learning curve. They can learn and develop on the job with the support of their employer.

## 6. Inclusion

By following the tips outlined on the previous pages of this guide, hopefully you will have filled your skills gap or hard to fill vacancy with a candidate from the local refugee and migrant community.

In order that you both you and the candidate benefit from the appointment, and importantly provide sustainable employment that will play a part in the development of your future, you will need to ensure that you provide an inclusive environment.

### Helpful Tips on changes you can make:

Provide them with an opportunity to perfect their English, learn British employment culture and acclimate to their new role in a supportive short-term position. You'll have the option to hire them, filling your vacancy/skills gap and you will also have provided that valuable first UK job for their CV.

Make a commitment to hiring refugees and migrants. Consider setting aside a budget for the initiative as an addition to HR and diversity budgets. Assign accountability to a senior level person with the clout to make it happen.

Assign a mentor for migrants and refugees joining your organisation. It's tough to be new at any job, imagine tackling a new language and culture as well.

Establish employee resource groups for refugees and migrants.

# 7. Employment Laws

## Who do you conduct checks on?

You should conduct right to work checks on all potential employees. Do not simply check the status of those who appear to be migrants or refugees. Treat all potential employees in the same way.

### Helpful Tips:

Ask all people you are considering employing to provide you with documents. To ensure you are not discriminating against anyone you should treat all applicants the same.

You should not make assumptions about a person's right to work in the UK based on their colour, nationality, ethnic or national origins, accent or length of time in UK.

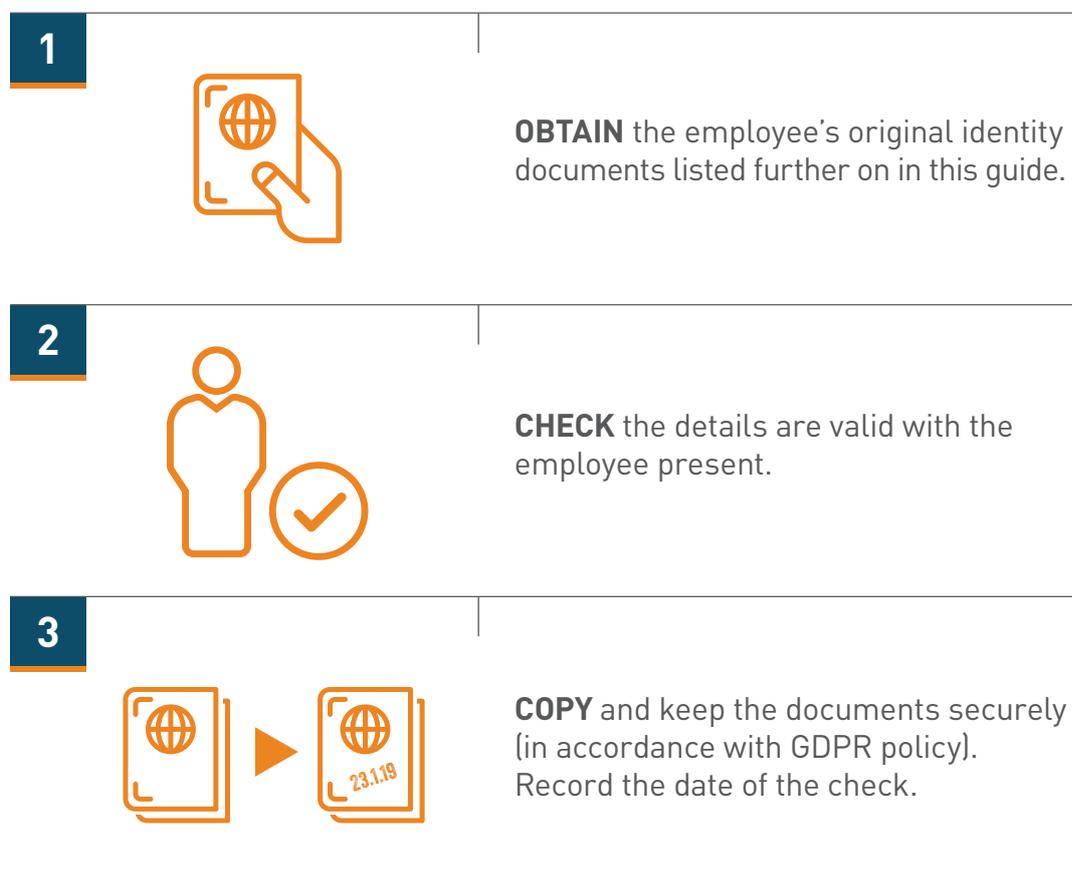
You are only required to conduct repeat checks on an employee if they have time-limited permission to be in the UK.

You may face a civil penalty if you do not carry out a check on someone you have assumed has the right to work for you, but is found to be an illegal worker.

## 8. 3 Step Check

All employers are expected to comply with the law and ensure their employees have the right to work in the UK by carrying out the correct steps.

### Right to Work involves three simple steps:



Source: Home Office Full Guidance  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/720858/29\\_06\\_18\\_Employer\\_s\\_guide\\_to\\_right\\_to\\_work\\_checks.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720858/29_06_18_Employer_s_guide_to_right_to_work_checks.pdf)

# 9. Step 1: Obtain

An employer is required to check potential employees 'right to work' status in accordance with latest Home Office guidance – known as a 'statutory excuse'.

Employers need to establish whether a continuous or time-limited statutory excuse applies. The statutory excuse can be used by employers as a defence against a potential illegal working fine, of up to a maximum of £20,000 per illegal worker.

Employers can establish a statutory excuse by obtaining original documents from the potential employee as detailed in either List A (continuous) or List B (time-limited) below.

## List A

### Acceptable documents to establish a continuous statutory excuse

1. A UK passport showing 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, 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 can stay indefinitely in the UK or has no time limit.
6. A current passport endorsed to show that the holder is exempt from immigration control, can stay indefinitely in the UK, has the right of abode in the UK or has not 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 can indefinitely 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 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 National Insurance number and their name issued by a Government agency or 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 National Insurance number and their name issued by a Government agency or previous employer.
10. A certificate or registration or naturalisation as a British Citizen, together with an official document giving the National Insurance number and their name issued by a Government agency or previous employer.

# Step 1: Obtain (continued)

## 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 can 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 can do the work in question.
3. A current the Residence Economic Card (including an Ascension Residence Card or 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 can do the type of work in question, together with an official document giving the National Insurance number and their name issued by a Government agency or previous employer.

## List B – Group 2

### Documents where a time-limited statutory excuse lasts for 6 months

1. A Certification 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 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. 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

## 10. Step 2: Check

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You must check that the documents are genuine and that the person presenting them is the prospective employee, the rightful holder and allowed to do the type of work you are offering.

### You must check that:

1. Photographs and dates of birth are consistent across documents and with the person's appearance to detect impersonation.
2. Expiry dates for permission to be in the UK have not passed.
3. Any work restrictions to determine if they can do the type of work on offer (for students who have limited permission to work during term-times, you must also obtain, copy and retain details of their academic term and vacation time covering the duration of their period of study in the UK for which they will be employed).
4. The documents are genuine, have not been tampered with and belong to the holder.
5. The reasons for any difference in names across documents (e.g. original marriage certificate, divorce decree absolute, deed poll). These supporting documents must also be photocopied, and a copy retained.

# 11. Step 3: Copy

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You must make a clear copy of each document in a format which cannot manually be altered and retain the copy securely: electronically or in hardcopy, and in accordance with your local GDPR policies. You must also retain a secure record of the date on which you made the check.

## You must copy:

1. Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and 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 (the front cover no longer must be copied).
2. All other documents: the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).
3. You must retain copies securely (in accordance with your local GDPR policies) for not less than two years after the employment has come to an end. The copy must then be securely destroyed.

Source: Home Office Full Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/720858/29\\_06\\_18\\_Employer\\_s\\_guide\\_to\\_right\\_to\\_work\\_checks.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720858/29_06_18_Employer_s_guide_to_right_to_work_checks.pdf)

## 12. MiFriendly Contacts

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# 13. Further Guidance

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## MiFriendly Cities Website

<https://mifriendlycities.co.uk/>

## Home Office Full Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/720858/29\\_06\\_18\\_Employer\\_s\\_guide\\_to\\_right\\_to\\_work\\_checks.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720858/29_06_18_Employer_s_guide_to_right_to_work_checks.pdf)

## Home Office Guide on Preventing Illegal Working

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/286642/summary-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/286642/summary-guidance.pdf)

## Home Office Guide on Correct Work Documents

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/441957/employers\\_guide\\_to\\_acceptable\\_right\\_to\\_work\\_documents\\_v5.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf)



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