SWD Ltd trading as S & D Services. Registration No 1686066.
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Illegal Immigration Policy for S.W.D. Ltd (Part 1 of 2)

1. The Immigration, Asylum and Nationality Act (2006 Act) makes it illegal for S.W.D. Ltd to employ a person aged 16 or over who does not have the legal right to work in the UK.

2. This policy provides a consistent framework for establishing an individual's eligibility to work in the UK and ensuring that we fulfil our legal obligations set out in the 2006 Act.

3. This policy applies to all employees, self-employed individuals.

Documentation to confirm eligibility of work in the UK

4. Before you start work for S.W.D. Ltd, you will be asked to provide documents to confirm that you are eligible to work in the UK. The documents that can be accepted are detailed in part 2. List A sets out the documents required to confirm that you are not subject to immigration control and have no restrictions on your stay in the UK. List B sets out the documents you need to provide if your leave to remain in the UK is limited.

5. We are required to check your documentation from either List A or B before you start work with us to establish the legality of your employment.

6. We will not employ an individual unless they have a legal right to work in the UK. All offers of employment will be subject to the candidate providing the required original documents or the organisation being able to carry out a check on the Home Office online right to work checking service confirming their right to do the work in question.

7. If your right to work in the UK is time-bound, and your supporting documents are from List B and have an expiry date, we will need to carry out a new check on your continuing right to work when your documents are due to expire. Alternatively, if applicable, we will carry out a check via the Home Office online checking service, on or before the expiry date. We will retain the records and documents relating to the check on file.

8. If a successful job candidate is unable to provide evidence of their right to do the work in question, and a Home Office online check, if applicable, fails to confirm the right to do the work question, we will withdraw the job offer. Under no circumstances will you be able to start work without confirmation that you have the right to work in the UK.

9. If it appears to the us that during the course your employment that you do not have the right to work in the UK, we will carry out an investigation into the circumstances. If it is established that you do not, or do not appear to, have the right to work in the UK, we may terminate your contract of employment. This is a clear requirement within the contract of employment.

Skilled Worker Visa (Points based System)

10. S.W.D. Ltd will comply with the requirements of the Home Office's skilled worker visa for employing foreign workers. Where a worker who is subject to immigration control and who does not already have the right to work in the UK, is to be recruited, the organisation will take steps to be an approved sponsor.

11. Where the organisation employs a worker under this scheme it will ensure full transparency to the recruitment process and as noted above fully comply with its obligations as a licensed sponsor.

Avoiding race discrimination

12. We will do all that we can to avoid race discrimination in the workplace, and to ensure that no job applicant is excluded from a position because of their colour, race, nationality, or ethnic or national origins.

13. We will treat all job applicants in the same way at each stage of the recruitment process, and no assumptions will be made based on, for example, appearance or a foreign name. There will be no assumption that a foreign national or someone from an ethnic minority has no right to work in the UK.

14. We will recruit candidates who are most suited to the position in question and always comply with its equal opportunities policy. To this end (although subject to the requirement to meet the resident labour market test where applicable and eligibility for sponsorship where necessary), the nationality of the most suitable candidate will have no bearing on whether they are selected for the post. If we do not have a sponsor licence at the time of the recruitment process, this will not be a bar to the recruitment of a foreign national in a role that would otherwise qualify for sponsorship.

15. The requirement to provide evidence of the right to work in the UK will apply to all appointees, regardless of their race, nationality or ethnic or national origins.

16. Anyone who cannot evidence their right to work in the UK in the role in question will be referred to the Citizens' Advice Bureau for further advice. However, we will not employ such an individual until the necessary checks have been carried out.

Data protection

17. We will ensure that individuals' personal data, including information about racial or ethnic origin, collected to establish the right to work in the UK and to comply with other immigration requirements, is handled in accordance with the organisation's data protection policy including processing special categories of personal data.

18. All information collected is retained in compliance with the Government's guidance on Right to work checks, which is for the duration of employment and a further two years.

Steve Sampson
Managing Director



Reviewed January 2025 – Next review January 2026