



Home Office

Consultation

Prevention of illegal working: Extending the Right to Work Scheme to other working arrangements

29 October 2025

Closing date: 10 December 2025

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Ministerial Foreword

The ability to work illegally is a driver of irregular migration. It encourages people to break our immigration laws and provides the practical means to remain in the UK without lawful immigration status. It plays into the proposition sold by unscrupulous criminal gangs, that individuals can come to the UK and work, when in reality such work is illegal and puts individuals into a vulnerable position and at risk of exploitation.

Under domestic legislation, access to work is reserved to those who are eligible and have lawful immigration status in the UK. All employers have an existing responsibility to prevent illegal working, and since 2008 they have done this by conducting right to work checks before employing someone under a contract of employment to ensure the individual is not disqualified from carrying out the work in question by reason of their immigration status (the Right to Work Scheme).

Under this government's [Plan for Change](#) to restore order to the immigration system and ensure tougher enforcement of the rules, we are determined to clamp down on illegal working. Immigration Enforcement teams are intensifying operational activity across the UK to stop businesses hiring people to work illegally. There has been a 63% increase in illegal working arrests (8,000) and 51% increase in raids (11,000) in the last year (October 24 – September 25), with over 1,050 migrants encountered on raids returned or deported.

Through the Border Security, Asylum and Immigration Bill, the Government is strengthening enforcement of the rules to clamp down on illegal working. This means that for the first time, right to work checks will be extended to cover businesses hiring gig economy and zero-hours workers in sectors like construction, food delivery, beauty salons, courier services and warehousing.

This will ensure that companies who employ individuals under a worker's contract, individual sub-contractors, and online matching services (that provide details of service providers to potential clients or customers for remuneration), are required to carry out right to work checks. The associated civil and criminal sanctions for non-compliance will therefore be made applicable in these circumstances.

These legislative amendments will restrict the ability of rogue employers to take advantage of illegal workers and encourage businesses to provide work opportunities to those permitted to work in the UK. It will provide parity across industries and will set a level playing field for businesses to uphold their responsibilities to prevent illegal working in the UK. This safeguard will also ensure that businesses acting lawfully will not be undercut on labour costs by those who exploit the system.

Some of the businesses impacted by this change are already doing these checks, abiding by the spirit of the law. This consultation seeks views on how this change should be operationalised and enforced and how we can simplify processes to make it easier for compliant employers to fulfil their responsibilities. It will provide businesses with an opportunity to shape Home Office guidance and statutory codes of practice that will underpin the prescribed right to work checks that businesses will be required

to carry out to ensure that any individual working for them has the right to work in the UK.

In the future, Digital ID cards will create a simpler, more consistent way for employers to check someone's Right to Work – including these new employment checks in the gig economy. As everyone will need a digital ID to prove their right to work, it will make it harder for people to avoid checks or use forged documents as proof.

Introduction

The Right to Work Scheme (“the Scheme”) ensures that only those who are legally entitled to work in the UK can access employment. The Scheme aims to tackle and deter irregular migration, to secure compliance with and help to enforce UK immigration laws and to support efforts to tackle those who exploit vulnerable migrants.

The Scheme requires all employers in the UK to carry out prescribed right to work checks prior to employing someone of any nationality. It is underpinned by civil and criminal sanctions for non-compliance.

The existing Scheme applies to individuals classified as an ‘employee’. This means that employers who use ‘workers’ or ‘self-employed’ individuals do not have a legal responsibility to carry out right to work checks to ascertain if the individual is eligible to work in the UK.

Developments in the modern labour market have brought changes to the working environment and introduced new risks to illegal working. The common factor is the use of self-employment. There is increased usage of agency workers and casual contract arrangements where employers exchange money for labour, commonly referred to as the gig economy. In other sectors such as construction, the lack of oversight takes the form of sub-contracting, while in areas like care or hospitality, it is linked to the use of intermediaries.

This means there are sectors of the labour market where businesses can engage workers without the responsibility to ensure individuals are permitted to work in the UK and complete right to work checks.

The extension of the Right to Work Scheme will ensure those who engage individuals as casual or temporary workers under a worker's contract, individual sub-contractors, and online matching services (that provide details of service providers to potential clients or customers for remuneration), are required to carry out right to work checks. The associated civil and criminal sanctions for non-compliance will be made applicable in these circumstances.

This will restrict the ability to take advantage of illegal workers and encourage businesses to provide work opportunities to only those permitted to work in the UK. It will provide parity across industries and will set a level playing field for businesses to uphold their responsibilities to prevent illegal working in the UK.

By so doing, the Government aims to eliminate any financial gain or benefit from non-compliance; to tackle the harm caused by regulatory non-compliance, where appropriate; and to deter future non-compliance.

Purpose of Consultation

This consultation will support the implementation of right to work checks in a wider part of the labour market, confirming an employer's responsibilities to comply with the legal requirement. Responses to the consultation will inform the preparation of guidance and the statutory code of practice that supports the Scheme.

The consultation will support the evaluation of the impact of the changes on illegal working.

Consultation Details

Duration: This consultation will be open for 6 weeks from 29/10/2025 to 11:59pm on 10/12/2025.

Enquiries: For any enquiries about the consultation please email: righttorentandrighttowork@homeoffice.gov.uk

Geographical Scope: This consultation is for employers across the United Kingdom.

How to Respond

Please respond to the consultation online.

The consultation is open for six weeks and will close at 11:59pm on 10 December 2025. Responses after this date will not be considered.

Do not provide personal data when responding to free-text survey questions. Any personal data included will be removed prior to analysis of these responses and will not be considered in the consultation outcome.

Confidentiality and data protection information provided in response to the consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004). If you want the information provided to be treated as confidential, please tell us, but be aware that confidentiality cannot be guaranteed in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be treated as a confidentiality request. Personal data will be processed in accordance with all applicable data protection laws. See our privacy policy.

The Government will publish a response to the consultation on GOV.UK.

Questions

About You

1. Are you (select the appropriate option):

- a) An individual.
- b) An employer.
- c) Representing employers' or employees' interests.
- d) Other (please specify):

2. If you represent employers or employees, who do you represent?

- a) A trade union.
- b) An industry or employer association.
- c) Other (please specify):

3. Which sector do you work for or represent?

- a) Private.
- b) Public.
- c) Charity/volunteering.
- d) Gig economy*.
- e) Other (please specify):

**Employers that exchange money for labour (usually but not always via digital platforms that link workers with short-term tasks), paid on a per task basis.*

4. How many people work for your organisation?

- a) Micro business (0-9 employees).
- b) Small business (10-49 employees).
- c) Medium business (50-249 employees).
- d) Large business (250+ employees).
- e) Not applicable (not a business).

5. Which of the following types of workers does your business currently use?
(Select all that apply):

- a) Individuals under a contract of employment.
- b) Self-employed individuals.
- c) Freelancers.
- d) Agency workers.
- e) Individuals on zero-hours contracts.
- f) Individual sub-contractors*

**a person who has agreed to carry out operations for a contractor by themselves individually, or by their employees or own subcontractors).*

6. Does your business match other service providers to customers (such as websites or online platforms which provide details of service providers to customers)?
7. Do you think the legislation change will mean your business model will now be brought into scope of right to work checks?
 - a) Yes
 - b) No
 - c) Not applicable (not a business)
8. Would your business need to invest in new systems, training, or staff to comply with the expanded requirements?
 - a) Yes
 - b) No
 - c) Not applicable (not a business)
9. Do you believe the legislation change will help to reduce illegal working in your industry?
 - a) Yes
 - b) No
 - c) Not applicable (not a business)

Right to Work Checks

10. Do you already undertake Right to Work checks as part of your onboarding process? Select ONE answer from below:
 - a) Yes, I undertake checks on my employees only.
 - b) Yes, I undertake checks on employees and other types of workers that I use.
 - c) No, checks not undertaken as not required.
 - d) No, not aware of legal requirement prior to this point.
 - e) Not applicable as not a business.
11. Do you conduct right to work checks for any of the following individuals? Select all that apply:
 - a) Self-employed individuals working for your business.
 - b) Freelancers.
 - c) Service providers who you match with customers.
 - d) Sub-contractors.
 - e) Substitutes.

12. Who conducts right to work checks for your business? Select all that apply:

- a) The business owner, Director or other partner.
- b) Human Resources team, or other specific internal team.
- c) Line managers.
- d) Regional/site managers.
- e) External recruitment or staffing agencies.
- f) Licensing Authority.
- g) Home Office.
- h) HMRC.
- i) Digital Verification Service (DVS)*.
- j) Other (please specify):
- k) Don't know.

** Digital Verification Service (DVS) is a service that enables people to digitally prove who they are, information about themselves or their eligibility to do something. Digital verification services can be used by employers to conduct digital right to work checks on holders of valid British and Irish passports (or Irish passport cards).*

The term DVS is also used to describe Identity Service Providers (IDSPs) and Identity Document Validation Technology (IDVT).

IDVT are forms of technology operated for the purpose of verifying the identity of a person, where a digital copy of a physical document relating to that person is produced for verification of the document's validity, and where that person is the rightful holder of the document. The Home Office previously [published guidance on the use of IDVT for this purpose](#).

An IDSP is a provider of identity verification services using IDVT.

13. If applicable, what challenges would your business face in carrying out right to work checks?

14. How many right to work checks did you conduct in 2024?

15. How many right to work checks did you conduct from 1 January - 31 August 2025?

16. Where do you go for guidance and support to carry out right to work checks? Select all that apply:

- a) Employer's Guide to Right to Work Checks.
- b) Illegal Working Penalties: Codes of Practice for Employers.
- c) Internal guidance / Policy
- d) Do not know / Do not use the guidance

17. What additional support or guidance would help you comply with the extended requirements?

- 18.** Do you think sufficient guidance/advice/support is available to ensure you are able to conduct right to work checks currently?
- 19.** How long does a right to work check take your organisation to complete on average?
- 20.** What type of right to work check do you use the most? Select ONE from below:
- a) A manual check of original, acceptable documents.
 - b) A check using a DVS.
 - c) A Home Office online check.
- 21.** Do you use a DVS for right to work or onboarding checks?
- 22.** Does a DVS provide any benefits to onboarding of employees?
- 23.** How much does a DVS check cost your organisation per employee/worker?
- 24.** Are there further services that the DVS provides, that supports your businesses right to work checks?
- 25.** Will the legislation change require your business to conduct right to work checks in circumstances not previously required?
- 26.** How do you ensure that you establish or retain a statutory excuse?
- 27.** Do you agree that the Home Office should determine liability within a supply chain or where there is a chain of contracts for the provision of work or services, by focusing on the point of failure that has allowed illegal working to take place?

Please share your views on:

- What impact this would have on your business?
- How do you ensure that individuals working in your supply chain or providing work or services in your name via another business have the right to work in the UK?
- What steps do you already take to ensure compliance where you are the primary contractor or the sub-contractor in a supply chain?

Equality

- 28.** What, if any, unintended consequences or unfair impacts do you think this legislation change could have on particular businesses or groups of workers?