



Home Office

# Criminal record certificate requirement

Version 3.0

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# About this guidance

This guidance tells you about the requirement for certain categories of applicant to submit a criminal record certificate.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Migrant Criminality Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- version **3.0**
- published for Home Office staff on **20 December 2021**

## Changes from last version of this guidance

Updates to reflect the changes to Part 9 of the Immigration Rules on criminality, the replacement of the Tier 2 (General) route with the Skilled Worker route and amendments to the Standard Occupational Classification (SOC) Codes for this route.

### Related content

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### Related external links

[Tier 1 \(Entrepreneur\) guidance](#)

[Tier 1 \(Investor\) policy guidance](#)

[Skilled Worker guidance](#)

[Dependent family members in work routes](#)

[Sponsorship: guidance for employers](#)

# Overseas criminal record certificates

This section tells you what an overseas criminal record certificate is (OCRC) and who is required to provide a certificate.

## Background

Part 9 of the Immigration Rules sets out how we exercise the powers to refuse, cancel or curtail entry clearance, permission to enter or stay on grounds of suitability in the UK. This includes factors such as a person's prior convictions, offending or criminal behaviour. Guidance on the circumstances which would result in refusal of an application is at: Grounds for refusal or cancellation-criminality.

All applicants for entry clearance are required to provide information and details about any previous offending on their application form.

## Who needs to provide an overseas criminal record certificate?

Since 1 September 2015 Tier 1 (Entrepreneur) and Tier 1 (Investor) entry clearance applicants have been required to provide evidence of their criminal record, or that they have none, in the form of an overseas criminal record certificate. The requirement also applies to the partner of a Tier 1 (Entrepreneur) or Tier 1 (Investor) migrant.

Tier 2 (General) entry clearance applicants coming to work in the health, education and social care sectors and their partners coming to work or already employed in one of these sectors have been required to provide criminal record certificates since 6 April 2017. As of 1 January 2021, this route has been replaced by the Skilled Worker route which is subject to the same requirement. This provides additional safeguards where a migrant's job involves working closely with children and vulnerable people.

A criminal record certificate, issued by a country outside the UK, is required for every country where the person has been present for 12 months or more, in the 10 year period prior to the application, while the person was aged 18 or over. The requirement for applicants to evidence their criminal record strengthens the existing process enabling us to establish whether the person has committed any offences overseas.

## Skilled Workers

The requirement for Skilled Worker entry clearance applicants to produce a criminal record certificate is determined by the standard occupational classification (SOC) code attributed to their employment role in the UK.

Those with roles in the following SOC codes are subject to the requirement:

1181 Health services and public health managers and directors  
1184 Social services managers and directors  
1241 Health care practice managers  
242 Residential, day and domiciliary care managers and proprietors  
2211 Medical practitioners  
2212 Psychologists  
2213 Pharmacists  
2214 Ophthalmic opticians  
2215 Dental practitioners  
2217 Medical radiographers  
2218 Podiatrists  
2219 Health professionals not elsewhere classified  
2221 Physiotherapists  
2222 Occupational therapists  
2223 Speech and language therapists  
2229 Therapy professionals not elsewhere classified  
2231 Nurses  
2232 Midwives  
2312 Further education teaching professionals  
2314 Secondary education teaching professionals  
2315 Primary and nursery education teaching professionals  
2316 Special needs education teaching professionals  
2317 Senior professionals of educational establishments  
2318 Education advisers and school inspectors  
2319 Teaching and other educational professionals not elsewhere classified  
2442 Social workers  
2443 Probation officers  
2449 Welfare professionals not elsewhere classified  
3213 Paramedics  
3216 Dispensing opticians  
3217 Pharmaceutical technicians  
3218 Medical and dental technicians  
3219 Health associate professionals not elsewhere classified  
3231 Youth and community workers  
3234 Housing officers  
3235 Counsellors  
3239 Welfare and housing associate professionals not elsewhere classified

3443 Fitness instructors  
3562 Human resources and industrial relations officers  
6121 Nursery nurses and assistants  
6122 Childminders and related occupations  
6123 Playworkers  
6125 Teaching assistants  
6126 Educational support assistants  
6141 Nursing auxiliaries and assistants  
6143 Dental nurses  
6144 Houseparents and residential wardens  
6146 Senior care workers

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# Obtaining a criminal record certificate

This section provides information about how to obtain a criminal record certificate.

## Overview

A certificate confirming an individual's criminal record is usually issued by the police or by an appropriate law enforcement agency. A certificate will include information about an individual's criminal record, including any past offences and information relating to recent arrests which are pending further action such as prosecution. Alternatively, the certificate will confirm that the individual does not have a criminal record.

A [valid](#) certificate is required from the relevant authority in any country where the applicant has been present for 12 months or more in the 10 years before the date of application, while aged 18 or over. A criminal record certificate is required for each country except the UK.

Where the requirement applies, an applicant must obtain a certificate from the relevant authorities before they make their application.

The requirement applies to those applying for entry clearance under part 6A, Appendix Skilled Worker and part 8 of the Immigration Rules:

### Part 6A:

- paragraph 245DB – entry clearance as a Tier 1 (Entrepreneur) migrant
- paragraph 245EB – entry clearance as a Tier 1 (Investor) migrant

### Appendix Skilled Worker:

SW16.1. - entry clearance as a Skilled Worker employed in a role in one of the relevant [SOC codes](#)

### Part 8:

- paragraph 319C – entry clearance as a spouse, civil partner, unmarried or same sex partner of a Tier 1 (Entrepreneur), Tier 1 (Investor) or Skilled Worker migrant

## Availability of criminal record certificates

The majority of countries have procedures for the issuing of criminal record certificates to their own citizens and to third country nationals living there.

Separate guidance on the availability of a criminal record certificate for individual countries can be found at: [criminal record checks for overseas applicants](#). This

guidance includes information about the process, cost and service standards for obtaining a certificate. This guidance is subject to change and may not reflect the current position. It remains the responsibility of the applicant to check with the relevant authorities whether a certificate can be obtained before an application is submitted.

Where information about a particular country is not included in the guidance applicants should check whether it is possible to obtain a certificate. Information about the provision of criminal record certificates can be found by contacting the relevant country's Embassy or High Commission.

Where a criminal record certificate cannot be obtained because for example there is no process in a particular country, there is provision in the Immigration Rules to exempt an applicant from the requirement. Further guidance can be found at: [exemption from meeting the requirement](#).

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**Related external links**

[Criminal records checks for overseas applicants](#)

# Consideration of the requirement

This section tells you how to consider whether the criminal record certificate requirement is met.

## Acceptable evidence

An applicant must provide either an original or scanned copy of a criminal record certificate issued by the relevant authority in any country where they have been present for 12 months or more (whether continuously or in total) in the past 10 years, while aged 18 or over.

You must check the information the applicant provides on their application form about the countries where they have resided in the past 10 years (or less if the applicant is aged 18 to 27). This will establish whether they have provided certificates for the correct countries such as those in which they have been present for 12 months or more, either in a single period or cumulatively.

If the certificate is not in English, a translated copy of the certificate must be provided which meets the requirements of [paragraph 39B\(f\) of the Immigration Rules](#). More information about this can be found at: [certifying documents](#).

Where it is not reasonably practicable for the applicant to provide a certificate, the application must include or be accompanied by an explanation setting out why it is not possible for the applicant to obtain a certificate from the relevant authority. Further information about this can be found at: [exemption from meeting the requirement](#).

## Regional certificates

Certain countries do not manage their criminal records on a national basis, instead maintaining them at the state/ region/ province or more local level. This means that they cannot issue a single certificate from a central authority covering an applicant's residence in that country and will only issue certificates for specific administrative areas.

A regional certificate will normally be acceptable where it is accompanied by an explanation outlining attempts to acquire a national certificate, or satisfactory evidence that one is unavailable. Evidence is also required to demonstrate residence in that region for the duration of the period covered by the regional certificate.

Where an applicant resided in different regions during their time in a country that does not issue national certificates, they must obtain local certificates for each area where they resided in that country, or provide a satisfactory explanation and evidence to support why this is not possible.

## Validity of certificates

A certificate will normally be considered valid in the following circumstances:

- for the applicant's latest country of residence, where it is issued no earlier than 6 months before the date of application
- for other countries where the applicant was present, where it is issued within the last 6 months before their last period of stay ended (this can be any date)

## False or fraudulently obtained certificates

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A document verification report (DVR) or document examination report (DER) will be required to ascertain to a balance of probabilities standard that a false document has been obtained, or a genuine document has been altered and used for the application. More information about this can be found at: [document verification](#).

If an applicant provides a false or fraudulently obtained document, independently verified through a DVR or DER, you must refuse the application under ) [paragraph 9.7.1.](#) of the Immigration Rules for providing false documents **and** the relevant paragraph in part 6A (or part 8 in the case of a dependant partner) or [Appendix Skilled Worker](#) for failing to provide a valid criminal record certificate.

## Failure to provide a certificate or an explanation

Failure to provide a certificate or a reasonable explanation with the application will mean that the relevant requirements of the rules will not have been fully-met and so the application will be refused.

## Request for missing document or information

If you conclude that it is possible for the applicant to obtain a certificate or to provide a reasonable explanation and they have failed to do so with their application, you should contact the applicant or their representative in writing, and request the document or documents or an explanation for their absence.

The requested document or documents or explanation must be received at the address specified in the request within 28 working days of the date of the request. If no documents are submitted, or where an explanation is provided but this is

considered insufficient to justify an exemption from the requirement, you must refuse the application under the relevant paragraph of the Immigration Rules.

## Authorisation of a decision to refuse or request for missing information

Approval must be sought from an entry clearance manager (ECM) before:

- the application is refused on the grounds of failing to provide a certificate or a reasonable explanation
- a request is made to provide a missing certificate or explanation

## Consideration of the content of the certificate

Where the certificate includes details about an applicant's criminal history, you must consider whether there are grounds to refuse the application under [part 9 of the Immigration Rules](#). Guidance about how to consider criminal convictions can be found at: [Grounds for refusal: Criminality](#).

Where there is a discrepancy between the information provided by the applicant in their application form and the information included on a certificate or following any other criminal record check or open source information (such as media reporting), you may request an explanation from the applicant. There may be a good reason for the discrepancy, for example, because a certificate may not detail a 'spent' conviction according to a particular country's rehabilitation legislation.

## Pending prosecutions

If a certificate or information included in the application confirms that an applicant has been arrested and charged (or any equivalent) in a country and is still awaiting prosecution or a court hearing, their application must be put on holding pending the outcome of proceedings.

There may however be circumstances where an application cannot continue to be held. For example, there is no apparent prospect of a resolution to the criminal proceedings within a reasonable timeframe, especially where the person has since left the country in which the criminal matter is outstanding. In such cases, you must consider the nature of the offences for which the person is awaiting trial to determine whether to proceed with consideration of the application in the absence of an outcome. More information about this can be found at: [Grounds for refusal: Criminality](#).

## Retention of certificates

All original or scanned copies of criminal record certificates must be retained in accordance with retention periods, in most cases this is at least 2 years. You can find more information about this at: [retention periods](#).

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# Exemption from the requirement

This section tells you about the circumstances when an applicant is exempt from the requirement to provide an overseas criminal record certificate.

## Overview

There is provision in the Immigration Rules to exempt an applicant from the requirement where it is not reasonably practicable for them to obtain a certificate from the relevant authority and they have provided a satisfactory explanation with their application.

The onus is on the applicant to check with the relevant authorities whether a certificate can be obtained before they submit their application. Information about the availability of criminal record certificates is also available at: [criminality checks on overseas applicants](#). This guidance is subject to change and may not reflect the current position. Where information about a particular country is not included in the guidance applicants should check with the relevant country's Embassy or High Commission whether it is possible to obtain a certificate.

## Consideration of an exemption

Each application for an exemption must be considered on a case-by-case basis.

The applicant must provide an explanation in their application form or in an accompanying document why it is not possible for them to obtain a criminal record certificate. This explanation should provide details of any attempts the applicant has made to obtain a certificate.

You must consider the explanation provided against the country guidance at [criminality checks on overseas applicants](#) to establish whether there is a process for issuing criminal record certificates in a particular country.

If the country information indicates that certificates are issued on a [regional basis](#) you must check that the certificates provided relate to the regions where the applicant lived in that particular country. An applicant who has lived in different regions of a country that does not issue national certificates must provide more than one certificate if they have lived in different issuing regions.

Examples of situations in which you may conclude that it is not reasonably practicable for an applicant to obtain a certificate from a country where they are or have previously been present include where:

- there is no procedure for issuing certificates
- certificates are not available to third-country nationals
- the applicant fled their country for humanitarian reasons and it is not possible for them to re-establish contact with the relevant authorities

- there is international or internal armed conflict or there is, or has been, a humanitarian disaster

Where you are satisfied that it is not reasonably practicable for an applicant to provide one or more certificates, you may exempt the applicant from the requirement to provide a certificate for the relevant country.

An applicant who is unable to provide a certificate for one country where they have been present for 12 months or more is still required to provide a certificate for any other country in which they have been present for that period, where it is feasible to do so.

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## Authorisation of exemption

Approval must be sought from an entry clearance manager (ECM) before a decision is made to exempt an applicant from the requirement.

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