



Home Office

**UK Border  
Agency**

**NEW MEASURES  
FOR PREVENTING  
ILLEGAL MIGRANT  
WORKING IN THE UK**  
WHAT EMPLOYERS  
NEED TO KNOW

# NEW TOUGHER PENALTIES

The immigration system is changing.

On 29 February 2008 tough new penalties came into force for anyone caught employing illegal migrants.

## NOT KNOWING IS NO EXCUSE

The most severe penalties, including unlimited fines and prison sentences, are for employers that knowingly break the rules. But even those who unknowingly employ illegal migrants through less than diligent recruitment and employment practices can face penalties of up to £10,000 for each illegal worker.

In short, every employer needs to know what the rules are and what they must do to ensure they are not breaking the law by employing illegal migrants. You'll find all the information you need at:

[www.ukba.homeoffice.gov.uk/employers](http://www.ukba.homeoffice.gov.uk/employers)

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## **YOUR RESPONSIBILITY**

It's in your interest to make sure that the migrant workers you employ are eligible to work in the UK. Checking the documents of prospective employees before you hire them provides you with what is known as a 'statutory excuse', which may prevent you from having to pay a civil penalty. For workers with a time limit on how long they can stay in the UK, you must repeat the document checks at least once a year to retain the excuse.

Failure to do so could prove very costly for you and your business. Perhaps even more costly in the long term, it could also severely damage your business reputation.

## **THE FAIR WAY TO CHECK**

Under race relations legislation, it's illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. The best way to ensure that you don't discriminate is to treat all applicants the same way at each stage of the recruitment process. In other words, you should carry out document checks on all prospective employees and not make presumptions about a person's right to work in the UK based on their background, appearance or accent.

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## **SUPPORT FOR EMPLOYERS**

We understand that with tough new sanctions, employers will expect and need further support from the UK Border Agency to help you comply. That is why we are improving our telephone and web-based services.

## **ONLINE ASSISTANCE**

Our website provides a range of information on employing migrant workers and preventing illegal working. You can download summary and comprehensive guidance booklets for easy reference. Codes of practice are also available for advice on the civil penalties system and how to avoid discrimination when conducting your document checks. Visit the UK Border Agency website for all of the latest guidance at:

**[www.ukba.homeoffice.gov.uk/employers](http://www.ukba.homeoffice.gov.uk/employers)**

A step-by-step guide to employing migrants and conducting the appropriate right to work checks is also available on the Business Link website at:

**[www.businesslink.gov.uk/emw](http://www.businesslink.gov.uk/emw)**

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## **SPONSORSHIP AND EMPLOYERS' HELPLINE**

The UK Border Agency Sponsorship and Employers' Helpline (0300 123 4699) is available to answer any general enquiries on preventing illegal working in the UK. It is open 9am-5pm, Monday to Friday, except Bank Holidays.

The Employer Checking Service currently allows you to check if a particular person is allowed to work where they have an outstanding application or appeal with the UK Border Agency.

The Employer Checking Service can also verify whether holders of Application Registration Cards (ARC) and Certificates of Application (CoA) are entitled to work.

For all checks through the Employer Checking Service, it is your responsibility as an employer to inform your employee that you could be undertaking a check on them with the UK Border Agency.

For more details about the Sponsorship and Employers' Helpline, the Employer Checking Service and also further information to support employers please visit:

**[www.ukba.homeoffice.gov.uk/employers/employersupport](http://www.ukba.homeoffice.gov.uk/employers/employersupport)**

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## **MAKE SURE YOU UNDERSTAND YOUR OBLIGATIONS**

**Avoid financial penalties** it could cost you up to £10,000 for each illegal migrant worker you employ, even unknowingly or on a temporary contract.

**Avoid prosecution** if you knowingly employ illegal migrant workers you could be prosecuted. The last thing you want is to be taken to court. If you are convicted you can receive an unlimited fine and/or a prison sentence.

**Protect your company's reputation** a prosecution under the law could attract negative publicity and seriously damage your company's reputation.

**Stay in business** the financial repercussions could be severe enough to put you out of business.

**Protect your investment** every employee is an investment. If the employee is an illegal migrant who has to be removed from the UK, you will have wasted all the time and money invested in them.

For more information visit:

**[www.ukba.homeoffice.gov.uk/employers](http://www.ukba.homeoffice.gov.uk/employers)**