



EMPLOYMENT RELATED MATTERS

Legal Working in the UK

In line with the Immigration, Asylum and Nationality Act 2006, it is a criminal offence to employ anyone who does not have an entitlement to work in the UK, or undertake the type of work you are offering. Any employer who does not comply with the law may be facing a fine of up to £10,000 per offence. Further, if employers knowingly use illegal migrant labour it could carry a maximum 2 year prison sentence and/or unlimited fine.

We provide an overview of the documentation required to ensure that your business does not fall foul of the law.

The New Rules

The increasing trend of illegal immigrants entering the UK has led to a rise in forged documentation, as well as grounds for certain employers to take advantage of cheap labour.

To combat this, the Home Office reviewed the law in this area and regulations were introduced on 1 May 2004.

Documentation Requirements

An employer must now obtain and take a copy of either one of the original documents included in List 1 or two original documents in List 2 using either 'Combination One' or 'Combination Two'.

- **List 1**
 - a UK passport
 - an EEA national passport or national identity card
 - UK residence permit
 - an application registration card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

- **List 2**

Combination One

- A document giving the person's permanent national insurance number and name, plus:
- Original birth certificate or
- A certificate of registration or naturalisation stating that the holder is a British citizen or
 - a letter issued by the Home Office which indicates that the person named in it can stay indefinitely in the UK or has no time limit on their stay or
 - an immigration status document issued by the Home Office with an endorsement indicating that the person named in it can stay indefinitely in the UK, or has no time limit on their stay or

- a letter issued by the Home Office which indicates that the person named in it can stay in the UK and this allows them to do the type of work you are offering or
- an immigration status document issued by the Home Office with an endorsement indicating that the person named in it can stay in the UK and this allows them to do the type of work you are offering.

Combination Two

- a work permit or other approval to take employment that has been issued by Work Permits UK plus:
- a passport or other travel document endorsed to show that the holder is able to stay in the UK and can take the work permit employment in question or
- a letter issued by the Home Office confirming that the person named in it is able to stay in the UK and can take the work permit employment in question.

Checking Procedures

The following checks must also be taken to ensure that each document also relates to the prospective employee in question:

- ensure that any photograph and date of birth is consistent with the appearance of the individual
- if more than one document is produced ensure that the names on each are identical. Otherwise further explanation and proof will be necessary, for example, a marriage certificate
- check expiry dates
- take copies of original documents only.

If you have any doubts as to whether documents are genuine or sufficient to prove an employee's entitlement to work in the UK you are encouraged to access the Employer Checking Service, which is provided through the Border and Immigration Agency's Employers' Helpline – 0845 010 6677 or at www.employingmigrantworkers.org.uk.

How We Can Help

We will be more than happy to provide you with assistance or any additional information required.

For information of users: This material is published for the information of clients. It provides only an overview of the regulations in force at the date of publication, and no action should be taken without consulting the detailed legislation or seeking professional advice. Therefore no responsibility for loss occasioned by any person acting or refraining from action as a result of the material can be accepted by the authors or the firm.