



CRACKDOWN ON ILLEGAL WORKING

Recent changes to the Law mean that employers face stringent new penalties for employing workers who do not have the right to work in the UK even if the employer does so innocently. If an employer knowingly employs an illegal worker then they face a prison sentence not exceeding two years and/or a fine. An employer who employs an illegal worker, not having made the proper checks to ensure that he or she has the right to work in the UK, faces a maximum fine of £10,000 per worker. These changes are part of a general overhaul of Immigration Law. Until recently there were over 80 immigration employment related categories which could be relied upon by a migrant worker. These categories have now been narrowed down to just 5 tiers.

The Government's idea is to simplify the system and to limit the number of workers who can enter the UK. Stringent duties and obligations have now been placed on the employer who has a duty to check the eligibility of all workers to work in the UK and to continue to check their eligibility and to report any concerns to the Home Office.

The old Work Permit Scheme has been replaced by what is known as Tier 2. To employ a worker under Tier 2 an employer will now need to apply to the Home Office to become a licensed sponsor before being able to offer employment to a potential migrant worker. Once licensed then an employer will be able to apply to the Home Office for Certificates of Sponsorship which they can then allocate to migrants wishing to come or to remain in the UK to work. It is clear that it is going to be harder now than ever for a migrant worker to get what was once a "work permit".

Employers can of course continue to employ those workers who are not subject to immigration control, who in broad terms are British and Irish citizens and common wealth citizens with a right of abode in the UK, European and Swiss Nationals and their family members.

It is vital, however to carry out eligibility checks on all employees to avoid discrimination on the grounds of race and there are anomalies in that Bulgarian and Romanian workers have the right to come to the UK freely but cannot work as of right.

It is vital, if employers are to avoid falling foul of the Law to put systems in place to ensure that they are employing only those workers who have the right to work in the UK.

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