



Employers' duties to prevent illegal working

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Members of Parliament sometimes receive enquiries from constituents about employers' duties to conduct 'right to work' checks.

Employers have legal responsibilities to prevent illegal working. In order to comply with these, they may require employees to provide documentary evidence of their entitlement to work in the UK (including British citizens). Employers are required to retain copies of these documents in order to avoid the risk of incurring sanctions under prevention of illegal working legislation. The maximum fine for employers who do not comply with their duties is £20,000 per illegal worker. Those who "knowingly" employ an illegal worker are liable to up to two years' imprisonment and/or an unlimited fine.

Some constituents, such as British citizens who do not have a passport, may struggle to provide the specific types of documentation needed to demonstrate their entitlement to work in the UK.

This note provides an overview of the relevant legislation and Home Office policy guidance, and recent scrutiny of enforcement action taken by the Home Office against illegal employment.

It does not cover employers' duties to adhere to the transitional restrictions on employing workers from EU accession states (which currently only apply to Croatian nationals). These are discussed in Library Standard Note: [SN06686 Croatian nationals' rights to live and work in the UK after joining the EU](#).

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1 Dealing with constituents' enquiries

1.1 Some useful sources

The '[Recruiting and hiring](#)' section on GOV.UK contains various resources for employers (and employees) about the law to prevent illegal working. In particular:

- The [Check if someone can work in the UK](#) quick answer tool can be used by employers and employees to ascertain what documents an individual must provide as proof of their eligibility to work in the UK, depending on their particular circumstances.
- The [Check your employee's immigration employment status](#) tool can be used by employers to ask UK Visas and Immigration to check a person's immigration status if they have an outstanding immigration application or appeal.
- The [Check a job applicant's right-to-work documents](#) provides an overview of how employers should carry out checks.
- The [Penalties for employing illegal workers](#) page provides an overview of the penalties that employers can incur for employing 'illegal' workers.
- The [contact details](#) for UK Visas and Immigration's employers' helpline are also published.

In addition, a collection of [more detailed policy guidance](#) for employers (including a list of [Frequently Asked Questions](#)), related Codes of Practice, and details of penalties imposed on employers, is also available from GOV.UK. Home Office policy guidance for officials involved in prevention of illegal working operations can be found in the [Modernised Guidance on 'Preventing Illegal Working'](#).

1.2 Quick answers to common casework queries

The Home Office's [Frequently Asked Questions](#) document has responses to some of the queries commonly raised by constituents, as set out below.¹

Why do employers ask to see certain documents?

Constituents sometimes query whether an employer or prospective employer has the right to ask for specified personal identity documents. The Home Office guidance explains:

Q1 Why do I need to carry out document checks?

A. You must check the documents of potential employees in order to obtain a statutory excuse (a defence) against liability for a civil penalty of up to a maximum of £20,000 per illegal worker. However, the check will not provide an excuse if you know that the employment is not permitted. You may also be committing a criminal offence.

Q2 How do I obtain a statutory excuse against a civil penalty liability?

A By checking a document or combinations of documents specified in the Code of practice on preventing illegal working which show that your potential employee is allowed to work. You must do this in the presence of the employee and before you employ them. You will also have to conduct a follow-up check on people who have time-limited immigration leave. (...)

Why are British citizens asked to prove their entitlement to work in the UK?

Some British citizens may be surprised to be asked for proof of their entitlement to work in the UK. However, Home Office guidance advises that employers should check all employees' documents, to avoid the risk of discrimination:

4. Who do you conduct checks on?

You should conduct right to work checks on **all** potential employees. This means you should ask all people you are considering employing to provide their documents to you. To ensure that you do not discriminate against anyone, you should treat all job applicants in the same way at each stage of your recruitment processes.

You should not make assumptions about a person's right to work in the UK or their immigration status on the basis of their colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

(...)

If you breach this Code of practice, it may be used as evidence in legal proceedings. Courts and Employment Tribunals may take account of any part of the Code relevant to matters of discrimination.

You will also place yourself at risk of liability for a civil penalty if you do not carry out a check on someone you have assumed has the right to work for you, but is found to be an illegal worker.

Constituents who cannot provide satisfactory documentation

Some constituents experience difficulties in providing the specific types of documentation required as proof of their right to work in the UK. The Home Office guidance includes an

¹ Home Office, [Frequently asked questions about the prevention of illegal working civil penalty scheme](#), May 2014

explanation of what options are available to employers and employees, and why certain types of document are not acceptable:

Q4 How does a British citizen show they are allowed to work?

A. A British citizen may demonstrate their right to work by providing either just their UK passport, or a combination of the following documents from List A of the Code:

- a document issued by a Government Agency or previous employer containing their National Insurance number and name, such as a P45, P60, National Insurance number card or official letter and
- a full UK birth or adoption certificate; or
- a certificate of registration as a British citizen; or
- a certificate of naturalisation as a British citizen.

Q22 Many British citizens do not have a UK passport or a full birth certificate, so why is the short birth or adoption certificate not acceptable to demonstrate the right to work?

A. A full birth or adoption certificate also gives additional information which is absent from the short birth certificate, for example it provides: the names of the holder's parents or adopted parents, their occupation and address at the time of the individual's birth or adoption. This information may be used to confirm personal details if necessary and check the authenticity of the document.

Q24 Why isn't a National Insurance number on its own sufficient to demonstrate a right to work?

A. The purpose of the National Insurance (NI) number is primarily to link an individual's National Insurance contributions and credited contributions. The NI number is also used as a reference number for individuals within the social security system; it was neither intended, nor designed to be a tool for identifying or determining an individual's immigration status.

Not all NI number holders will be allowed to work in the UK and if they can work, they may be subject to conditions. Their entitlement to work may also have time expired. You must check acceptable documents showing the NI number and name of the holder together with one of the combinations specified in List A or B.

Q13 Do all documents have to be current?

A. From 16 May 2014, the following documents must be current i.e. have not expired to provide an excuse:

- Biometric Residence Permits;
- Immigration Status Documents;
- Passports which are not held by a British Citizen (or a citizen of the UK and Colonies having a right of abode in the UK) or a national of a European Economic Area (EEA) country or Switzerland; and
- Residence Cards (including Accession Residence Cards and Derivative Residence Cards) issued to non EEA national who is a family member of a national of a EEA country or Switzerland.

An Indefinite Leave to Remain stamp in an expired passport is not acceptable because it is insecure, easily forgeable and the person might no longer have their indefinite leave subsequently remaining overseas for more than two years. Instead, you should provide your potential employee or employee an opportunity to obtain current documents. Generally this will be a Biometric Residence Permit.

Please see separate question about Right of Abode (Question 15).

Q5 What should I do if someone I want to employ cannot provide evidence of their right to work?

A. The onus is on the person you wish to employ to provide you with the correct documentary evidence that they are allowed to do the job in question. If you employ someone when you have not conducted the correct right to work checks and they are working illegally, you are liable for a civil penalty. You should not assume that they are living in the UK illegally. You should try to keep the job open for as long as possible in order to provide them with the opportunity to demonstrate their right to work, but you are not obliged to if you need to recruit someone urgently.

You can find out more information about how to avoid unlawful discrimination in our “Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working”.

Constituents who have concerns about data privacy

Constituents sometimes raise concerns about their employers retaining copies of their personal documentation. Again, this is covered by the Home Office guidance:

Q9 For how long do I need to retain copies of the documents?

A. You must keep clear document copies for the duration of the individual’s employment and for a further two years after they leave your employment. You should keep these securely in line with data protection requirements. In order to have a statutory excuse, you also need to retain a record of the date on which you made the check. You can do this by dating the copies of the document.

Q11 How can I comply with the Data Protection Act?

A. The Data Protection Act 1998 requires that data is stored for no longer than necessary. Our guidance to you is consistent with the law in this area. The current law (under Article 6(b) of The Immigration (Restrictions on Employment) Order 2007) and our guidance on how to obtain and keep a statutory excuse against liability for a civil penalty, clearly state that you should keep document copies securely for the duration of the individual’s employment and for a further two years after they leave your employment. You should then securely destroy them.

2 Employers’ legal responsibilities to prevent illegal working

Employers’ legal responsibilities to prevent illegal working apply to staff employed on or after 27 January 1997. Employers are not liable to sanctions if they have not conducted checks on staff they have continually employed since before that date, in the event that they are subsequently found to be working illegally.

This note considers employers' duties in place since 29 February 2008, under sections 15 - 25 of the *Immigration, Asylum and Nationality Act 2006* as amended ('the 2006 Act'), and related regulations.²

Section 15 of the 2006 Act essentially sets out who is considered an 'illegal worker':

It is contrary to this section to employ an adult subject to immigration control if–

- (a) he has not been granted leave to enter or remain in the United Kingdom, or
- (b) his leave to enter or remain in the United Kingdom–
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing him from accepting the employment

"Adult" means a person aged 16 or over.³

Employers who can demonstrate that they have carried out the necessary document checks will have a statutory excuse against payment of a civil penalty if they are subsequently found to be employing an illegal worker.⁴ Employers who do not carry out such checks may be liable to a civil penalty if they employ an illegal worker (up to £20,000 per illegal worker, depending on the circumstances of the case).⁵

It is a criminal offence to "knowingly" employ an illegal worker, as per section 21 of the 2006 Act. The maximum penalty is two years' imprisonment and/or an unlimited fine. Employers who know that their employee does not have the right to work will not have an excuse against payment of a civil penalty (regardless of whether they conducted any document checks).

The civil penalty scheme⁶

Put briefly, if Home Office enforcement staff find that an employer may have been employing migrants who do not have permission to work in the UK, the employer will first be given an opportunity to demonstrate that they have conducted the necessary right to work document checks.

If the employer fails to establish a statutory excuse, the case is referred to the Home Office's Civil Penalty Compliance Team. Whether or not they decide to impose a civil penalty, and if so, at what level, depends on the circumstances of the case. Relevant considerations include the extent of the employer's compliance with the law on illegal working and the Home Office's investigation.

The starting point for calculating a civil penalty for a first time breach is £15,000. Reductions are available if the employer can satisfy certain mitigating factors, and in certain scenarios

² Employers' duties in respect of staff employed between 27 January 1997 and 29 February 2008 derived from section 8 of the *Asylum and Immigration Act 1996* (since repealed).

³ *Immigration, Asylum and Nationality Act 2006*, s25

⁴ *Immigration, Asylum and Nationality Act 2006*, s15

⁵ *Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) (Amendment) Order 2014*, SI 2014/1262

⁶ This section draws on Home Office, [An employer's guide to the administration of the civil penalty scheme](#), 28 July 2014

the employer may be issued with a 'warning notice' rather than a civil penalty. Home Office guidance includes a summary table of how penalties are calculated:⁷

Table 2: Civil Penalty Calculator

The Civil Penalty Calculator comprises two levels:

- The Level 1 table should be used where you have not been found to be employing illegal workers within the previous three years. The starting point for the calculation of the civil penalty is £15,000 before reductions are applied.
- The Level 2 table should be used where you have been found to be employing illegal workers within the previous three years. The starting point for the calculation of the civil penalty is £20,000 before reductions are applied.

Where a civil penalty notice has been cancelled following an objection or appeal and has not been replaced by a warning notice, it shall not be taken into account when calculating any subsequent penalty.

Level 1

Level 1: First breach					
Starting maximum penalty amount £15,000	Mitigating factor 1: Evidence of reporting suspected illegal workers?		Mitigating factor 2: Evidence of active co-operation?		Ending minimum penalty amount £5,000*
	If Yes	Penalty decreased by £5,000	If Yes	Penalty decreased by £5,000	
If No	No penalty decrease (£0)	If No	No penalty decrease (£0)	If No	Action: Issue a civil penalty notice for the total value calculated in each case

* The ending minimum penalty amount may be reduced by 30% to £3,500 per illegal worker under our fast payment option.

Level 2

Level 2: Second or subsequent breach					
Starting maximum penalty amount £20,000	Mitigating factor 1: Evidence of reporting suspected illegal workers?		Mitigating factor 2: Evidence of active co-operation?		Ending minimum penalty amount £10,000
	If Yes	Penalty decreased by £5,000	If Yes	Penalty decreased by £5,000	
If No	No penalty decrease (£0)	If No	No penalty decrease (£0)	Issue a civil penalty notice for the total value calculated in each case	

If a civil penalty is imposed, the employer must make arrangements to pay either in full, within 28 days, or by instalments. In certain circumstances, a fast payment option is available, which offers a 30% reduction if the penalty is paid in full within 21 days.

Employers can formally object to the penalty on the grounds that they are not liable to pay the penalty (e.g. because they are not the employer), or that they have a statutory excuse,

⁷ Home Office, *Code of practice on preventing illegal working civil penalty scheme for employers*, May 2014

and/ or that the level of penalty has been miscalculated. They can also subsequently appeal to a civil court.

Failure to pay the penalty can lead to enforcement action to recover the debt. Liability for a civil penalty can also affect future immigration applications the employer is associated with.

2.1 Recent changes to the civil penalty scheme

Some of the features of the civil penalty scheme described above reflect changes made further to a 2013 public consultation, which aimed to strengthen and simplify the scheme in order to increase the impact on rogue employers and reduce the burdens on legitimate businesses.⁸

Home Office guidance to employers summarises the various changes introduced in 2014 through changes to regulations and the *Immigration Act 2014*:

Changes to the scheme in May 2014

On 16 May 2014 changes came into force to strengthen and simplify the civil penalty scheme to prevent illegal working. This includes some changes to the way in which the scheme is administered and the introduction of new notices that employers may receive during the process.

The changes to the civil penalty process include the following:

- **We have increased the maximum civil penalty and revised the method for calculating penalty amounts.** We still have a sliding scale of penalties which continues to take into account an employer's compliance record and mitigating factors. For a first breach in a three-year period, the new starting penalty is £15,000 per illegal worker. For a second or subsequent breach in a three year period the starting point is £20,000.
- **We have a new consideration framework which includes changes to the mitigating factors which, if applied, can reduce a civil penalty amount or result in a Warning Notice.** Each mitigating factor will result in a reduction of the penalty by £5,000. It is also possible, in certain circumstances, to receive a Warning Notice for a first breach.
- **We have increased the reduction for fast payment of a civil penalty from 20 per cent to 30 per cent.** We have also extended this option to all cases where this is the first breach to have occurred within a three year period (this is regardless of the number of illegal workers identified on one civil penalty notice), and following an objection against a civil penalty where the employer remains liable for a civil penalty.
- **We have introduced a 'no action notice'.** This will be served on an employer who is able to demonstrate they have a statutory excuse for any identified illegal workers during a visit to their business premises. The case for a breach of section 15 of the Act will be closed for those workers.
- **We have introduced new notices which will be issued to administer the civil penalty scheme.** The notices will explain the outcome of Home Office decisions, and what action is required by the employer and by when.

⁸ Home Office, [Strengthening and simplifying the civil penalty scheme to prevent illegal working consultation document](#), 9 July 2013; Home Office, [Strengthening and simplifying the civil penalty scheme to prevent illegal working results of the public consultation](#), 10 October 2013

Changes to the scheme in July 2014

As a result of the Immigration Act 2014:

- **Employers must object before they appeal against a civil penalty.** We have introduced the requirement for employers to exercise their right to object against a civil penalty before they appeal to the civil court. The exception is where a civil penalty has been increased following an unsuccessful objection, when the employer may raise a new objection or proceed directly to an appeal. The new arrangements apply to penalty notices issued on or after 28 July 2014.
- **We are making it easier to enforce an unpaid civil penalty in the civil courts.** The Secretary of State will be able to register the debt rather than issue a substantive claim in the civil court which means that enforcement proceedings can be issued immediately. This does not affect the employer's rights to object and appeal earlier in the process. The new arrangements apply to cases in which proceedings for the enforcement of a penalty are commenced on or after 28 July 2014.

3 Recent scrutiny of Home Office enforcement action

[Immigration Enforcement](#) is the Home Office directorate responsible for prevention of illegal working operations. The Home Office regularly [publicises details](#) of enforcement activities against illegal workers, through news stories and quarterly reports.

In late 2010, the Independent Chief Inspector of Borders and Immigration (as now is) published a report of an investigation into the enforcement of the civil penalties scheme for illegal working.⁹

One of his criticisms related to the way in which the UK Border Agency (UKBA - as then was) publicly presented information about the amount of fines levied against employers, which he criticised as being "misleading and lacking in transparency".¹⁰ He found that although approximately 23% of penalties were reduced or cancelled as a result of employers' objections and/or appeals, UKBA reporting highlighted the 'gross potential value' of penalties issued (i.e. the total of penalties when first imposed), rather than the 'net recoverable debt' (i.e. the figure adjusted to take account of any penalty reductions). He also considered that the UKBA's approach to enforcing the penalties was undermining their deterrent effect:

5.31 At the time of the inspection, the UK Border Agency suggested to Parliament and the public, through high profile press releases and media activity, that it regularly fined employers who flouted the regulations 'up to £10,000'. In practice, we found that the actual amount imposed or collected was far less than this. Employers had only a small chance of paying the maximum fine per illegal worker and staff stated that this had not gone unnoticed by either employers or their legal representatives. Rather than being a deterrent to employing illegal workers, we believe that this leniency and perceived passivity may actually have had the opposite effect. It most certainly did not constitute a 'hostile environment' for employers of illegal workers, and until the CPCT has a way of measuring efficiency and effectiveness, the true level of performance of the team will remain an unknown quantity.

⁹ Independent Chief Inspector of the UKBA, [An inspection of the Civil Penalties Compliance Team - Illegal Working March - April 2010](#), 18 November 2010

¹⁰ In 2013 UKBA was replaced by various Home Office directorates, including Immigration Enforcement.

A July 2013 Home Office consultation paper provided some updated figures. It stated that over 8,100 civil penalty notices had been issued to employers between February 2008 and the end of 2012, equating to a net recoverable sum of £57.5 million. Over £24 million in penalties had been paid; in the region of £16.5 were payable and subject to recovery; and just over £17 million had been written off - often because companies with an outstanding civil penalty debt ceased to trade.¹¹

In March 2014 the Chief Inspector of Borders and Immigration published a report into *An inspection of the use of the power to enter business premises without a search warrant*, which had been conducted between October – November 2013. The Chief Inspector raised concerns about non-compliance with guidance, inconsistencies and weak justifications for the use of the power, and examples of the power being used unlawfully.

The Home Office accepted all of the recommendations, and reasserted its commitment to preventing illegal working:

Illegal working sustains and encourages illegal immigration. It undercuts legitimate business through illegal cost-cutting activity. It is often associated with other forms of exploitative behaviour, including harmful working conditions for employees and tax evasion and non-payment of the National Minimum Wage and statutory payments to employees.

It is right that people with no right to be in the UK should not be permitted to work and we are committed to tackling the issue of illegal working.

(...)

With the creation of the new Immigration Enforcement Directorate in the Home Office, we have also seen an increased operational focus on action against illegal working, with the delivery of the results we expect.

Importantly our enforcement operation is working closely with other government departments to increase our “enforcement reach” and the range of sanctions that we can bring to bear against abusive behaviour by some employers. We are also working closely with various large employment sectors and community business groups to increase their awareness of the immigration rules and increase their ability to identify fraudulent documentation.¹²

¹¹ Home Office, [Strengthening and simplifying the civil penalty scheme to prevent illegal working consultation document](#), 9 July 2013, para 13

¹² Home Office, [The Home Office response to the Independent Chief Inspector’s report: An inspection of the use of the power to enter business premises without a search warrant October – November 2013](#), March 2014

3.1 Recent PQs

Illegal Immigrants: Employment:Written question - 222054

Q Asked by **Mr David Hanson** (Delyn)

Asked on: 26 January 2015

Home Office

© 222054

Illegal Immigrants: Employment

To ask the Secretary of State for the Home Department, how many companies were fined for employing illegal immigrants in each of the last five years.

▶ A Corrected answer by: **Mike Penning**

Corrected on: 06 February 2015

hide corrections show corrections

An error has been identified in the written answer given on 04 February 2015. The correct answer should have been:

The information requested is shown in the following table. The figures are based on the number of civil penalties issued to individual employers during each of the last five complete financial years. This includes public and private limited companies, sole traders, partnerships and franchises.

The government is committed to taking effective action against employers of illegal workers. Illegal working drives illegal immigration which leads to exploitation of workers and is also linked to non payment of the national minimum wage, harmful working conditions and tax evasion. Illegal working also undercuts legitimate businesses and adversely impacts on the employment of people who are lawfully resident in the UK.

The government has therefore taken measures to strengthen our approach to rogue employers. In 2014, we doubled the maximum civil penalty that can be levied against an employer to £20,000 per illegal worker and we used the Immigration Act 2014 to make it easier to enforce unpaid penalties in the courts. We have also extended our enforcement reach by working more closely across government departments to identify where illegal working is taking place and to enforce a range of sanctions against employers of illegal workers.


Financial year	Civil penalties issued	Employers issued with civil penalties
2009-10	2,339	2,254
2010-11	1,899	1,849
2011-12	1,341	1,317
2012-13	1,270	1,247
2013-14	2,150	2,090

Illegal Immigrants: Employment:Written question - 214408

Q Asked by **Emily Thornberry** (Islington South and Finsbury) [N]

Asked on: 11 November 2014

Attorney General

 214408

Illegal Immigrants: Employment

To ask the Attorney General, how many prosecutions under section 21 of the Immigration, Asylum and Nationality Act 2006 have been (a) brought and (b) successful in each year since the introduction of that offence.

A Answered by: **Mr Robert Buckland**

Answered on: 17 November 2014

The records held by the Crown Prosecution Service (CPS) indicate the number of offences charged, in which a prosecution commenced at magistrates' courts.

Section 21 of the Immigration, Asylum and Nationality Act 2006 creates the offence of knowingly employing an adult subject to immigration control who has not been granted leave to enter or remain or whose leave to remain is invalid, has ceased to have effect or is subject to a condition preventing him from accepting the employment.

The table below sets out the number of offences in each year since the introduction of the offence, charged by way of Section 21 of the Immigration, Asylum and Nationality Act 2006, in England and Wales.

	Offences Charged
2009-2010	14
2010-2011	21
2011-2012	18
2012-2013	15
2013-2014	19
Data Source: CPS Management Information System	


It is not possible to disaggregate which of these offences resulted in a successful outcome without reviewing individual case files which would incur disproportionate cost.

Illegal Immigrants: Employment:Written question - 199441

Q Asked by **Mr David Crausby** (Bolton North East)

Asked on: 05 June 2014

Home Office

 199441

Illegal Immigrants: Employment

To ask the Secretary of State for the Home Department, what assessment she has made of the reasons for the reduction in businesses fined for employing illegal immigrants since 2010.

A Answered by: **James Brokenshire**

Answered on: 04 August 2014

Since 2010 there has been a 13% increase in the number of civil penalties issued to businesses employing illegal migrant workers with 2,149 penalties issued in 2013/14 compared with 1,899 in 2010/11. An assessment of enforcement activity and operating procedures in relation to illegal working visits led to increased deployment and a renewed focus on illegal working in 2013. This resulted in 8,573 illegal working visits in 2013/14 compared with 5,441 in 2012/13. Additionally the target of issuing 2,500 Notices of Potential Liability (NOPL) for a civil penalty was exceeded with 3,562 NOPLs being issued in 2013/14 compared with 1,659 in 2012/13 equating to a 70% increase. We are committed to tackling illegal working and we are increasing our multi-agency operations to step up enforcement action against businesses. Through the Immigration Act and secondary legislations, we are getting tougher with non-compliant employers by increasing the maximum financial penalty from £10,000 to £20,000 per illegal worker; making it easier to enforce payment in the civil courts; and simplifying right-to-work checks for legitimate employers.

Mr Hanson: To ask the Secretary of State for the Home Department what total amount of fines has been (a) levied and (b) collected under the Immigration, Asylum and Nationality Act 2006 for employment of illegal workers in each year since 2010.¹³

James Brokenshire: The civil penalty scheme to prevent illegal working was introduced in the Immigration Asylum and Nationality Act 2006 (2006 Act), and came into effect in February 2008.

Before 2010, the average value of penalties collected under the scheme was 14%. Since 2010, the average value of penalties collected has been 45%. The information requested is in the following table. The figures are based on the number of civil penalties served at visited business addresses.

Please note the figures are for penalties levied at the initial decision stage which may be reduced, cancelled, increased or reissued at the objection or appeal stage.

Please also note that the collection figures are not cohort based statistics and therefore do not represent payment against penalties issued in a particular year.

		<i>£ million</i>
<i>Financial years</i>	<i>Value of initial penalties issued</i>	<i>Value of penalties collected</i>
2008-2009	16.7	1.3
2009-2010	23.2	4.4
2010-2011	17.1	6.9
2011-2012	11.4	6.5
2012-2013	10.8	6.3
2013-2014 up to 28 February 2014	15.6	5.2

Mr Hanson: To ask the Secretary of State for the Home Department how many fines have been levied under The Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) Order 2008 of a value of (a) up to £1,000, (b) between £1,000 and £2,000, (c) between £2,000 and £5,000 and (d) between £5,000 and £10,000 to date.¹⁴

James Brokenshire: Enforcement operations against illegal working have increased significantly, with a 47% increase in 2013 compared with 2012. The administration of the penalty scheme and administrative debt recovery processes have been reviewed, including with Cabinet Office input, and are being streamlined and further improved.

¹³ HC Deb 29 April 2014 c663W

¹⁴ HC Deb 28 April 2014 c435-6W

The information on the number of civil penalties levied is provided in the following table. Data have been provided from £2,500 upwards as this is the minimum penalty value that is levied in line with the published penalty calculation framework. The table includes values of £10,000 upwards to account for multiple workers per penalty.

Please note that the figures are for penalties levied at the initial decision stage which may be reduced, cancelled, increased or reissued at the objection or appeal stage.

Value of penalty	£2,500-£5,000	£5,000-£10,000	£10,000 plus
Total penalties levied	5,701	2,774	1,954

Mr Hanson: To ask the Secretary of State for the Home Department how many maximum fines have been levied under the Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) Order 2008 in each year since it was enacted.¹⁵

James Brokenshire: The maximum penalty of £10,000 has been levied with regards to 22 employers. The breakdown of employers levied with the maximum penalty for each financial year is shown in the table.

Please note the figures are for penalties levied against employers at the initial decision stage and may relate to more than one worker. A penalty may be reduced for a number of reasons, including if it was a first visit to the business; if the employer co-operated with the visit; or if the employer can provide evidence that a partial check has been undertaken. We propose to tighten and clarify the use of mitigating factors in the calculation of civil penalties with an increased focus on employer co-operation with the Home Office.

<i>Table of maximum penalties levied</i>	
	<i>Number of civil penalties levied at maximum penalty of £10,000</i>
28 February 2008 to 31 March 2009	0
1 April 2009 to 31 March 2010	8
1 April 2010 to 31 March 2011	6
1 April 2011 to 31 March 2012	5

¹⁵ HC Deb 28 April 2014 c435W

1 April 2012 to 31 March 2013	2
1 April 2013 to 31 March 2014	1
Total	22