

IMMIGRATION COMPLIANCE AUDIT SERVICE

It is inevitable that any company in the UK with more than a few employees will have non-European workers in its workforce. The responsibility an employer has to not employ illegal workers can be a minefield of law and procedure and getting it right does not always follow good intentions. Employing illegal workers can result in fines of up to £20,000 per worker, as well as significant reputational damage and even loss of valuable contracts. Getting it right is vital for any business.

THE GOOD NEWS

The good news is that following the correct procedures can protect a business from being held responsible for employing illegal workers. A significant number of workers, particularly in lower paid roles, use false documents to obtain work. However, as long as the employer has carried out the necessary checks; reasonably believes the person has the right to work; and keeps proper prescribed records, then there is a full statutory defence and the employer will not be held responsible. Part compliance may result in a reduced fine.

IT'S NOT JUST ILLEGAL WORKERS

As well as being under a duty not to employ workers with no right to work, an employer needs to ensure that any workers that have limited rights to work do not work beyond what they are allowed to do. This could mean they are only permitted to work part time or their right to work is time limited. The employer must have systems in place to ensure an originally legal worker does not become an illegal one.

SPONSOR LICENCES

An employer with a Tier 2 licence to employ non-EU workers has considerably more responsibilities. It must, for example, update the Home Office on any change to its business or the employee's contract and must report any breaches. An employer who consistently breaches these responsibilities is in danger of having its licence withdrawn, a disaster for many companies that rely on overseas talent.

HOW WE CAN HELP

Blake Morgan is one of the few larger law firms that offer an immigration compliance audit service. We are

well placed to do so, drawing on our immigration and commercial expertise.

We can tailor make an audit plan with you to ensure your business is not employing any illegal workers or employing anyone in a way which breaches their conditions and to ensure the correct procedures are being followed. The plan will depend on the size of the business and how many workers there are. We would visit you at your premises and carry out an audit of a pre-agreed sample base. We would then record our findings and recommendations in a report within 7 days. We would work with you to ensure correct systems are put in place. Our experience shows that most companies are not often getting this right and all of our immigration audit clients have found the service invaluable.

FOR FURTHER INFORMATION PLEASE CONTACT:



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'We found the immigration audit service offered by Blake Morgan to be an invaluable way of ensuring our HR systems are fully compatible with immigration law and our sponsor licence'

Joe Samuels
Operations
Director at
Supermassive
Games.

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