

On 16 May 2014, as previously advised, the Home Office's Code of Practice on Preventing Illegal Working and the Civil Penalty Scheme came into effect. In addition, the Home Office has published a number of additional Guidance documents with the catchy title:

'Information to help employers prevent illegal working and understand the fines (civil penalties) they face when they employ illegal workers'. These new Guidance documents can be found [here](#) and include (amongst others):

- Right to work checks: an employer's guide
- Preventing illegal working: frequently asked questions
- Right to work checklist
- Carry out a right to work check
- Avoiding discrimination while preventing illegal working: code of practice
- Civil penalty scheme for illegal working: code of practice
- Illegal working civil penalties: an employer's guide

Of particular note in the new Guidance (but not obvious from the Code of Practice) is that from 16 May 2014, passports other than those 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 must not have expired in order to provide a statutory excuse against a civil penalty for illegal working. An indefinite leave to remain stamp in an expired passport is not now acceptable because it is considered to be insecure, easily forgeable and the person might no longer have their indefinite leave through subsequently remaining overseas for more than two years. Prior to 16 May 2014, on the other hand, employers were able to accept indefinite leave to remain stamps and valid unexpired visas even in expired non-EEA passports as evidence of the right to work.

To steer you through the practical implications of these and other quirks of the new Guidance, please join us at our breakfast seminar on 24 June 2014 - 'Essential Immigration Compliance Update: Important Changes to Employer Right to Work Checks and Tier 2 of the Points Based System' [click here](#)

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