

Security alert The new clampdown on illegal workers puts firms right in the firing line. But it ought not to be an issue for well run human resources departments, says Angus Darroch-Warren

You have been warned

If you listen to adverts on the radio, you may have heard the government's latest warnings over the employment of illegal workers. The stark message is that employers can now be fined up to £10,000 for each illegal worker or face imprisonment for up to two years.

In reality, the clampdown should not greatly affect the way organised agencies and HR departments have been conducting checks. The government refers to three basic steps which, if conducted adequately prior to employment, allows an employer to establish a defence, or "statutory excuse" as it is now being referred to, if illegal workers are found on their books.

These are: obtaining original officially endorsed documents that show an applicant's right to remain and work in the UK; confirming the applicant is the rightful holder of the documents and retaining copies of the documents as evidence that checks have been made.

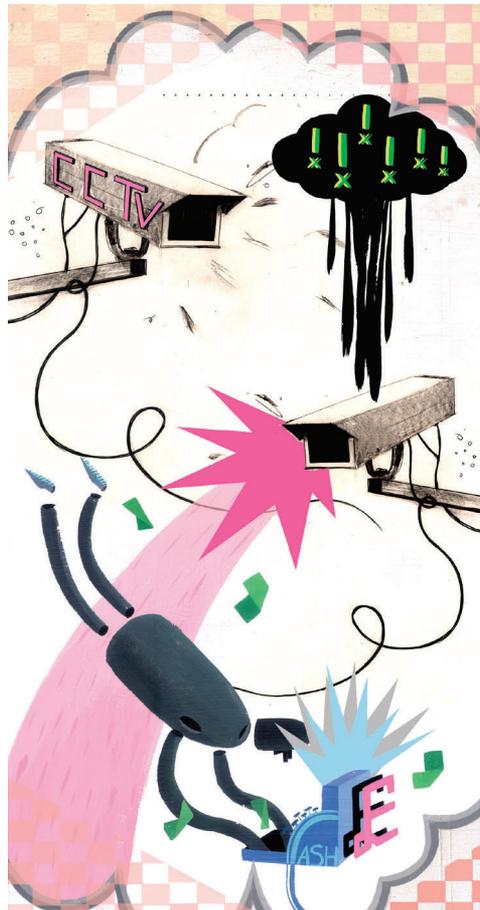
Straightforward it would seem.

However, the Metropolitan Police believe there are about 170 criminal gangs providing counterfeit or forged identity, travel, immigration and other documents. While the Border and Immigration Agency (BIA) does not expect employers to be "immigration officials", unfortunately, ignorance is no defence in law and for the overworked HR administrator, false papers can easily be missed during the recruitment process. Those checking documents should have some basic knowledge of what to look for, to prevent "reasonably apparent" falsities in documents being overlooked, thereby incurring civil penalties.

A useful good practice guide for document verification has been produced by the Centre for the Protection of National Infrastructure (CPNI). Additionally, the purchase of simple equipment such as a magnifying glass (for closer inspection of documents) and handheld UV lamps (to assist in checking watermarks), while not a requirement, will greatly assist when verifying documents.

Some practical steps can also be taken to assist with document authentication:

1 Only accept original documents, do not accept photocopies or scans.



2 Confirm that the documents come from a country or organisation that exists and are not "fantasy" documents.

3 Check that documents relate to the employee who produces them:

- Is the name the same on all the documents, and is it spelled the same?
- Do photographs actually look like the person in front of you?
- Check the photograph for signs of tampering; seals should align
- Compare the physical appearance of the candidate with their stated age
- Check the height of the person and that stated in the document.

4 Are there spelling errors?

5 Do passport numbers correspond with associated immigration documents?

6 Check expiry dates;

7 Check the print quality of "original"

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documents – compare them with a confirmed bona fide document.

8 Do all pages react the same way when exposed to UV?

9 Check for substituted pages – forged documents may be taken apart and poorly reassembled.

10 Endorsements – do they allow the candidate to do the job they are applying for?

11 Do official stamps and visas correspond on documents? (For instance, different sets of papers are often "merged", the official stamps should be the same on each page).

Copies of the original documents and their relevant pages should be kept either as photocopies or as scanned images on secure media where the data cannot be edited or deleted (for instance, CDR or DVD).

Where employees have limited leave to remain in the UK their documents need to be rechecked within a 12-month period.

Similarly, staff acquired as a result of a Tupe transfer need to undergo the relevant document checks within a 28-day period.

In short, if there are doubts about a document, refer the matter to a professional company that provides vetting services or to the local point of contact for the BIA.

By taking reasonable steps prior to employment, confirming the employee's identity, checking documents are not false or belong to another person and there is an entitlement to work in the country, then you should be able to demonstrate your "statutory excuse".

Angus Darroch-Warren is a senior consultant at security and risk specialists Linx International

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