

A **Simply Personnel** White Paper



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## Failure to Check Work Visas Is Dangerous

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Employers in the UK are supposed to make a reasonable attempt to check that every non-EU foreign national has a valid work visa before being offered a job. Employers who don't do this face certain consequences. They can be prosecuted, they can be required to pay huge fines, and the biggest offenders risk incarceration. But the consequences don't end there. When these types of checks are overlooked, the welfare of the entire country is jeopardized.

### **UK law defines reasonable efforts**

As a UK employer, you might not fully understand what the law requires of you. First, rest assured you don't need to become an immigration officer. What the government needs is your help in locating individuals who have no right to work or live here.

*If you understand the law you'll never have to worry that you've employed someone who shouldn't be employed.*

In order to prevent employers from having to wonder where their responsibility starts and stops, amendments were made to The Asylum and Immigration Act of 1996. Section 8 of the Act specifically sets forth an employer's responsibilities. When employers do as required, the amendment offers them a defence so they're able to avoid criminal prosecution should they inadvertently hire someone who's not eligible for employment.

Abiding by this defence is crucial because if it's proven that an employer did not, he or she can face criminal prosecution. It won't matter whether the employer knew the individual was an illegal foreign national or not.

The consequence of failing to abide by the conditions found under the Section 8 amendments is simple: You will be guilty of breaking the law and your innocence will be difficult to prove. If you understand the law you'll never have to worry that you've employed someone who shouldn't be employed.

If this all sounds difficult and time-consuming, you'll be happy to know it's neither. You ask prospective new hires to provide the types of documents listed in Section 8, check their validity and if hired, store them in a safe, easily-accessible place. If you're wondering how to check validity, read on.

### **How to confirm documents are valid**

The document should have a photo so look closely at it and then look closely at the person you're considering hiring. What you're looking for are similarities in appearance. Are the eyes the same colour? Does the individual appear to be the age you calculate from the date listed as his or her date of birth? Also check that he or she compares with what's listed for weight and height. Finally always check the expiry date listed on the document.



If you feel you are being too cautious, don't worry. You're doing what the law requires of you. Remember also that conducting this type of thorough document check against every prospective new hire, even those whom you don't feel require such close scrutiny, protects you from claims of discrimination; a claim that's as equally serious as violating immigration laws.

### **Other consequences**

If you're found guilty of wrongfully employing those not entitled to work or live in the UK, expect little sympathy from the Employment Tribunal if you're ever involved later on in a racial discrimination case. Such guilt is always considered a negative and greatly increases the chances of being found guilty of racial discrimination.

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Habitual offenders of the Section 8 amendments sooner or later will arrive at work one morning and find police and Home Office employees trying to access the organisation's personnel files.

### **Let Simply Personnel HR software help**

When you let a proven HR software package like Simply Personnel manage your employee files, producing the required documents will be as easy as pushing a few buttons. That's because Simply Personnel HR software lets you scan work visas and other identifying documents and store them as part of the employee record. With Simply Personnel HR software, you'll no longer have to store paper files, which always seem to get lost. And no paper copies means there's less to file.

It's you play it safe. It's time for Simply Personnel for your human resource requirements.

## About Us

Simply Personnel is in the business of providing your organisation with Strategic HR Solutions so you can improve your operational effectiveness and strengthen the links between your companies, departments and people to deliver your strategy.

We do this by understanding your needs and requirements. Only once we have Simply Personnel has been providing HR systems for over 10 years. We have a base of over 2,000 customers; many of them top performing organisations within the UK. Our customers are in virtually every industry and operate domestically and internationally.

Customer satisfaction is important to us – we hold regular meetings with you to ensure that our solutions are meeting your needs and plan your objectives for the future.

The successful implementation of the Human Resources systems depends upon selecting the right software and systems. Equally important is the selection of the right supplier who can really understand your requirements and establish an effective working relationship.

With offices in the UK for sales, product support and development, Simply Personnel is committed to providing cost effective HR systems - before you decide to buy compare our prices and products.