

## Green calls contracting loophole for illegal immigrants "preposterous"

In an interview with ContractorCalculator, Conservative Shadow Minister for Immigration [Damian Green](#) said that allowing illegals to work as contractors is "preposterous."

### Contractors Not Included

"Here we have a Government that is announcing supposedly strong measures to combat illegal immigration, yet none of these measures addresses illegals who work as contractors. That is patently absurd," Green said.

ContractorCalculator [reported on 11 January](#) that the new proposals by the Government to prevent UK employers from working with illegal immigrants did not prevent them from signing up illegals to contracts for services. Several lawyers specialising in employment law and immigration affairs concurred that any such proposal was missing from the legislation.

### Home Office Replies

So we asked the [Home Office](#) why this was so? And a Home Office spokesperson replied to our Jan 11 story:

"The current measures to prevent illegal migrant working in the UK, under Section 8 of the 1996 Act, will be replaced by sections 15 to 26 of the Immigration, Asylum and Nationality Act 2006 (the 2006 Act) on the 29 February 2008. These provisions will build on section 8 by implementing a civil penalty scheme for employers who knowingly employ an illegal migrant worker."

"The new provisions will include a new criminal offence for knowingly employing an illegal migrant worker. Employers will be required to check the ongoing work entitlement of their migrant workers and may face a two year prison sentence and/or an unlimited fine if convicted."

"Where an individual enters into a contract for a service, there is no employment relationship between the contracting parties. We understand that to apply a requirement to check legal status on those who are not employers would be unreasonable and impracticable. For this reason, both the existing and the new provisions on preventing illegal work are directed at employers."

"Migrants who undertake a contract of service in breach of their immigration conditions commit a criminal offence under section 24 of the Immigration Act 1971 and will face a criminal conviction, a six month prison sentence and a £5,000 fine. The Border and Immigration Agency will also look to remove or deport him or her."

**“ Here we have a Government that is announcing supposedly strong measures to combat illegal immigration yet none of these measures addresses illegals who work as contractors and that is patently absurd ”**

Conservative Shadow Minister for Immigration Damian Green

### Circumvents Entire Effort

But as Green commented, it is simple enough to switch the status of illegal employees to illegal contractors and thus to circumvent the purpose of the entire legislative and enforcement effort.

Legal observers and experts agreed entirely with Green. "It is difficult to see why the Government should leave contracting out if it intends to keep illegals from working," says Adrian Marlowe, managing director of [Lawspeed](#), the Hove-based legal consultancy which specialises in recruitment affairs. "Many businesses in our industry make a routine effort to check on the status of the contractors they work with. This could easily become a statutory obligation."

**“ This circumvents the purpose of the entire legislative and enforcement effort ”**

Conservative Shadow Minister for Immigration Damian Green

Green intends to take the matter up with the Ministry in Parliament as the debate on the new immigration measures continues. Watch this space for further information.

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