



Home Office

# **Border & Immigration Agency**

## **PREVENTION OF ILLEGAL WORKING**

**IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006**

**GUIDANCE FOR EMPLOYERS ON THE AVOIDANCE OF UNLAWFUL  
DISCRIMINATION IN RECRUITMENT PRACTICE WHILE SEEKING TO  
PREVENT ILLEGAL WORKING**

[DRAFT] CODE OF PRACTICE

MAY 2007

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# 1. INTRODUCTION

- 1.1 Illegal migrant working is a growing, global problem often linked with exploitation, poor health and safety conditions and tax evasion. The UK, like many other countries around the world, has laws to deal with illegal migrant working. Equally, legal migrant workers make a substantial contribution to this country's economy.
- 1.2 It is important to remember that the population of the United Kingdom is ethnically diverse. Most people from ethnic minorities in this country are British citizens and most non-British citizens from black and minority ethnic communities are entitled to work here. Therefore, you must not assume that someone from an ethnic minority is an immigrant, or that someone born abroad is not entitled to work in the UK.
- 1.3 This Code has been issued by the Border and Immigration Agency and aims to provide you with guidance on how to avoid a civil penalty for employing an illegal migrant worker, in a way that **does not result in unlawful race discrimination**.<sup>1</sup>
- 1.4 If you carry out checks on a non-discriminatory basis, not only can you avoid claims for damages under Race Relations law, but you will also reduce the risk of receiving a civil penalty for employing an illegal migrant worker, as you will have established a statutory excuse for all your employees.

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<sup>1</sup> This Code draws on the previous Code, entitled 'Immigration and Asylum Act 1999 - Section 22 Code of Practice: For all employers on the avoidance of race discrimination in recruitment practice while seeking to prevent illegal working'. This document was issued by the Home Office in May 2001. This Code also draws on the 'Statutory Code of Practice on Racial Equality in Employment', which was published by the CRE in April 2006. Further information and details are contained in Appendix 2.

## 2. PURPOSE AND STATUS OF THIS CODE

- 2.1 The purpose of this Code is to give you practical guidance on how to avoid unlawful racial discrimination whilst also complying with the law to prevent illegal migrant working.
- 2.2 This is a statutory Code. This means that it has been approved by the Secretary of State and laid before Parliament. The Code does not impose any legal obligations on employers, nor is it an authoritative statement of the law; only the courts and Employment Tribunals can provide this. However, the Code can be used as evidence in legal proceedings. Courts and Employment Tribunals must take account of any part of the Code that might be relevant on matters of racial discrimination in employment practices.
- 2.3 This Code, which is issued under section 23 of the Immigration, Asylum and Nationality 2006 Act ('the 2006 Act'), is intended to strengthen the safeguards against unlawful discrimination by re-emphasising your statutory duty to avoid discrimination in your recruitment practices.
- 2.4 The Commission for Equality and Human Rights (CEHR),<sup>2</sup> the Equality Commission for Northern Ireland and the members of the Illegal Working Group (IWG), which is comprised of representatives from a range of business sectors, government departments and voluntary organisations, have been consulted on the contents of this Code, as required by section 23 of the 2006 Act. Their comments and recommendations have been incorporated, where appropriate.
- 2.5 This Code applies to all employers in England, Scotland, Wales and Northern Ireland. It also applies to certain organisations, such as employment businesses and employment and recruitment agencies (including on-line agencies). An employment agency or business practising unlawful discrimination will be liable, even if it is acting on the instructions of an employer.
- 2.6 Whilst some smaller organisations may wish to adapt the guidance to suit their particular circumstances, it should be noted that no allowances can be made for smaller companies when considering their liability under the law. We recommend that smaller organisations ensure that their recruitment practices do not discriminate on grounds of race and that they follow the general advice given in this Code.
- 2.7 Public authorities are also subject to the requirements of this Code. They also have a general statutory duty to promote equality of opportunity and good race relations, which includes a requirement to monitor specified employment procedures and practices.
- 2.8 This Code outlines your legal obligations under the Race Relations Act 1976 ('the 1976 Act'),<sup>3</sup> Race Relations (Northern Ireland) Order 1997, the 2006 Act and the [insert name of the Statutory Instrument made under section 15(7) of the 2006 Act]. However, it is not comprehensive.
- 2.9 This Code has been produced alongside other guidance documents and sources of information, details of which are provided in Appendix 2. You may wish to refer to this Code alongside that guidance.

<sup>2</sup> The successor to the Commission for Racial Equality (CRE).

<sup>3</sup> Any reference in this Code to the Race Relations Act includes all subsequent amending legislation.

### 3. YOUR RESPONSIBILITY AS AN EMPLOYER UNDER THE LAW: THE RACE RELATIONS ACT 1976 AND RACE RELATIONS (NORTHERN IRELAND) ORDER 1997

3.1 Under section 4 of the 1976 Act and section 6 of the 1997 Order, **it is unlawful** to discriminate in recruitment or employment on racial grounds. That means that an employer cannot discriminate against a potential or existing employee on the following grounds:

- race
- colour
- nationality (including citizenship)
- ethnic origin
- national origin

Race discrimination may be either **direct** or **indirect**.

3.2 **Direct discrimination** means treating a person less favourably on racial grounds, for example by rejecting all job applicants who do not have British nationality, or by refusing to consider any black job applicants. Treatment based on racial or national stereotypes can also constitute direct discrimination. Examples include:

- Where the assumption is made that people from certain nationalities or ethnic groups cannot work as a team.
- Where individuals are only recruited from one national or ethnic group.
- Where all refugees are automatically rejected.
- Where it is assumed that overseas qualifications and experience are inferior to those gained in the UK.

3.3 **Indirect discrimination** means imposing a condition or requirement which applies equally to everyone but is harder for people from particular racial groups to satisfy and which cannot be justified. For example, it would be discriminatory to ask for a very high standard of English when the job does not require this, or to reject applicants who have an unfamiliar accent.

3.4 **It is unlawful** to victimise a person because he or she has made, or supported, a complaint of racial discrimination. **It is also unlawful** to instruct or induce another person to

discriminate, or to publish an advertisement or notice that indicates an intention to discriminate.

3.5 Separate legislation similarly outlaws discrimination on grounds of religious affiliation, gender, sexual orientation, disability and age<sup>4</sup> in employment practices. Although this Code only addresses racial discrimination, you should be mindful of other forms of discrimination, particularly religious discrimination, when applying the provisions of the 2006 Act. If people affected by religious discrimination are from a particular racial group, the discrimination might also amount to indirect racial discrimination.

3.6 Under the 1976 Act and the 1997 Order, discrimination committed by an **employee** in the course of his or her employment, is treated as having been committed by the **employer** as well as by the individual employee, **whether or not the employer knew or approved**. You can avoid this liability if you can prove that you took sufficient and reasonable steps to prevent such discrimination. This can be illustrated by applying consistent checks to all potential employees. A complaint to an Employment Tribunal may be made against both the employer and the individual employee who is alleged to have discriminated.

<sup>4</sup> Regulations on age discrimination came into force on 1 October 2006. See the Equality Act 2006 for further details.

## 4. RIGHT OF COMPLAINT

- 4.1 Anyone who believes that he or she has been discriminated against, either directly or indirectly, by an employer, a prospective employer, or an employment agency, may bring a complaint before an Employment Tribunal or an Industrial Tribunal in Northern Ireland. If the complaint is upheld, the Tribunal will normally order the employer to pay compensation, for which there is no upper limit.
- 4.2 The Commission for Equality and Human Rights and the Northern Ireland Equality Commission can also bring proceedings against an employer who publishes a discriminatory advertisement, or who instructs or induces another person to discriminate.

## 5. YOUR RESPONSIBILITY AS AN EMPLOYER UNDER THE LAW: SECTION 15 AND SECTION 21 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 EXPLAINED

5.1 The 2006 Act has strengthened the law on the prevention of illegal migrant working by replacing the previous controls under section 8 of the Asylum and Immigration Act 1996 ('the 1996 Act'). There [will be / is now] a system of civil penalties for employers who employ an illegal migrant worker (section 15) without having obtained a statutory excuse, and a separate criminal offence of knowingly employing an illegal migrant worker (section 21).

The 2006 Act sets out the changes to the law on the prevention of illegal migrant working. You will be committing an offence if you are found to be employing a person aged 16 or over who is subject to immigration control<sup>5</sup> unless:

- that person has current and valid permission to be in the United Kingdom, **and**
- the person has valid permission to do the type of work offered.

Under section 15, you may receive a civil penalty in respect of each illegal migrant worker employed.<sup>6</sup>

- 5.2 Section 15 can also provide you with a statutory excuse against paying a civil penalty. This can be done by checking and copying one of the original documents, or a specified combination of original documents from List 1 or List 2 (provided in Appendix 1), **before** employing that person. If you can show that you complied with the requirements, you will be excused from paying the penalty, even if it turns out that the person being employed is subject to immigration control and is working without permission.
- 5.3 However, the excuse is not available if you knew, at any time during the period of employment, that the employment was not allowed.

**If you know that you are employing a person without the required permission to work, you could be prosecuted under section 21 for the offence of knowingly employing an illegal migrant worker.**

- 5.4 Section 21 deals with cases involving the intentional use of illegal workers, which are often linked to exploitation, or other forms of illegal activities. The offence is committed by a person where it can be proved beyond reasonable doubt that he or she employed an individual knowing that they did not have current leave to enter or remain, or that their conditions of stay prevented them from undertaking the employment offered.
- 5.5 For the purposes of sections 15 and 21, a person who has been granted temporary admission to the United Kingdom, or temporary release from immigration detention, may only be employed if the Border and Immigration Agency has not placed restrictions on their employment. In the case of the minority of asylum seekers who enjoy permission to work, this will be clearly indicated on their Application Registration Card (ARC) with the wording ['Employment permitted'.]
- 5.6 Since 1 May 2004, neither the Standard Acknowledgement Letter (SAL), nor the form entitled IS96(W) have been acceptable as evidence that an asylum seeker has permission to work in the UK. If an asylum seeker presents one of these documents to you, please refer them to the Border and Immigration Agency on **0151 237 6375** for further advice on how they can obtain an appropriate ARC.

<sup>5</sup> A person subject to Immigration control is a person who, under the Immigration Act 1971, requires leave to enter or remain in the UK.

<sup>6</sup> Further information on the civil penalty scheme is available in the Immigration, Asylum and Nationality Act 2006 – Guidance for Employers on the Illegal Working Civil Penalty – The Home Office, [2007/8]. See Appendix 2.

## 6. MAKING THE DOCUMENT CHECKS

- 6.1 In order to establish the statutory excuse against liability for the payment of a civil penalty, you must carry out the checks specified in the [insert name of the Statutory Instrument made under section 15(7) of the 2006 Act]. You should check the original document(s) presented from **List 1**, or **List 2** (see Appendix 1) before the person starts their employment and make a paper copy, or electronic record of the document(s) and store it securely. In certain circumstances, you may retain the document(s).<sup>7</sup>
- 6.2 You should undertake basic visual checks to ensure that the document(s) relate to the applicant by comparing any photographs in the document(s) and dates of birth against the appearance and apparent age of the applicant. You should check for any obvious discrepancy in age. You should also check that any expiry date has not passed, and that any United Kingdom Government stamps or endorsements entitle the potential employee to do the type of work offered.
- 6.3 Where a job applicant has produced an original document or documents from **List 1**, you have checked and copied the relevant parts of the document(s), and you are satisfied that the person is entitled to take the job offered, you will have established an excuse in relation to your employment of that person and will not need to carry out any subsequent document checks. This is because the documents from List 1 show that there are no time restrictions on the individuals' ability to take up employment in the UK.
- 6.4 Where an employee has produced a document(s) from List 2, you must note the date on which you carried out the original document check. In order to maintain your excuse against a penalty for employing that individual, you must carry out a follow-up check no later than 12 months after the initial check. Again, this will involve asking the employee to produce an original document(s) either from **List 1**, or **List 2**. This is because the documents from List 2 show that there are time restrictions on the individuals' ability to take up employment in the UK and you will need to ensure that their employee has retained their entitlement to work.
- 6.5 The same visual checks should be carried out to ensure the document relates to the holder, and the employer should take another copy of document, recording the date on which the check was made. These follow-up checks must be repeated;
- no less frequently than every 12 months, **or**
  - until the employee produces a document on **List 1**, **or**
  - until the employee leaves their employment.
- 6.6 There may be occasions when an employee is unable to produce a document from List 1 or List 2 when requested to as part of a follow-up check, and claims that this is due to having an outstanding application for leave to remain with the Border and Immigration Agency. If this happens, you should seek the consent of the employee to contact the Employers' Helpline on **0845 101 6677** to verify whether the employee continues to enjoy the right to work in the United Kingdom.<sup>8</sup>
- 6.7 The checks you need to make to claim the statutory excuse are in most cases straightforward and can be built into your

<sup>7</sup> It is not appropriate to indefinitely retain a person's original documents, except for the purpose of copying them. The only exceptions to this are:

- when an individual provides a P45 as part of a combination of documents; or
- when someone is employed for a day or less and it is not practicable to obtain a copy of the documents.

The employer must also have facilities for keeping the documents safe. A job applicant's original documents must not be kept for longer than a day. If an employer deliberately appropriates a person's passport or other original documents belonging to them, or retains these without their consent, then they may be guilty of an offence under the Theft Act 1968, or under section 25(5) of the Identity Cards Act 2006.

<sup>8</sup> The Border and Immigration Agency will issue separate guidance to employers detailing the procedure to be followed.

## 6. MAKING THE DOCUMENT CHECKS

normal recruitment procedures. **These document checks are not compulsory, but they are advisable as part of good employment practice. If you do not make them, you will not have the benefit of the statutory excuse.**

**When you make checks, you should ensure that they are made in a non-discriminatory manner by applying them to all applicants and at the same point of the recruitment process.**

- 6.8 We don't expect employers to act as Immigration Officers. Responsibility for immigration control is firmly with the Border and Immigration Agency. If you are worried that a document you have been shown is a forgery, or does not relate to the holder, you can contact [details to be supplied] for further advice.
- 6.9 Further details on obtaining a statutory excuse are available in guidance produced by the Home Office and the Border and Immigration Agency. Details are contained in Appendix 2.

## 7. HOW TO AVOID RACIAL DISCRIMINATION

- 7.1 As a matter of good practice, you should have clear written procedures for the recruitment and selection of all staff, based on equal and fair treatment for all applicants. Copies of these procedures should be made available to all relevant staff.
- 7.2 All job selections should be on the basis of suitability for the post. You should ensure that no prospective job applicants are discouraged or excluded, either directly or indirectly, because of their personal appearance or accent. You should not make assumptions about a person's right to work or immigration status on the basis of their colour, race, nationality, or ethnic or national origins, or the length of time they have been resident in the UK.
- 7.3 **The best way to ensure that you do not discriminate is to treat all applicants in the same way at each stage of the recruitment process.** For example, if you provide information to prospective applicants, or if you supply an application form, you could also include a reminder that the successful applicant, or short-listed applicants, will be required to produce original document(s) included in List 1 or List 2.
- 7.4 You may ask applicants to provide the specified document(s) to obtain a statutory excuse at any stage **before** they start work. Depending on your recruitment processes, you may find it most convenient to request a document(s) from all those called to a first interview, or just from those called to a second interview, or only from persons short-listed to fill the vacancy. Original documents should be checked before employment commences. If you ask for document(s) from one applicant, you should make sure you ask for the document(s) from all applicants being considered at that stage.
- 7.5 Job applicants should not be treated less favourably if they produce a document(s) from List 2 rather than List 1. A person producing a document from List 2 will have a time limit on their legal ability to stay and work in the United Kingdom, but it is possible for certain categories of entrant to apply for an extension to their entitlement to remain and work in this country.
- 7.6 You should only ask questions about an applicant's immigration status, where necessary, to determine whether their status imposes limitations on the number of hours they are entitled to work each week, or on the length of time they are permitted to work within their overall period or type of leave given. For example, students undertaking full-time undergraduate study in the UK should not work for more than 20 hours per week during term time, except where the placement is a necessary part of their studies and is undertaken with the education institution's express agreement.
- 7.7 If a person is not able to produce the appropriate listed document(s), you should not assume that he or she is living or working in the UK illegally. You should instead refer the person to the Border and Immigration Agency via the Immigration and Nationality Enquiry Bureau on **0870 606 7766**, or a Citizens Advice Bureau for advice. You should try to keep the job open for as long as possible, but you are not obliged to do so if you need to recruit someone urgently. It is ultimately the decision of the employer whether or not to employ an individual.

## 8. MONITORING APPLICATIONS

- 8.1 As a matter of good practice, you should monitor the applications during the recruitment and selection process by the ethnicity of job applicants. This will help you to know whether you are reaching a wide range of potential job applicants. This can then be used in reviewing recruitment procedures. It is also good practice to take measures to encourage an integrated and diverse workforce and provide English language teaching for those who need it.

# APPENDIX 1: DOCUMENTS REQUIRED FOR THE PURPOSE OF ESTABLISHING THE EMPLOYERS' STATUTORY EXCUSE

Any one of the documents, or combination of documents described in **List 1** below will provide you with a statutory excuse if you take reasonable steps to check the validity of the original document and then make a copy of the relevant page, or pages before employing an individual. The copies should be kept securely, along with a record of every document that has been copied. By doing this, the Border and Immigration Agency will be able to examine your right to the statutory excuse if they detect any illegal migrants working for you.

If reasonable steps are taken to check the validity of a document(s) from **List 1**, the statutory excuse will have been established for the duration of the employment and **no further checks will be required.**

## LIST 1 DOCUMENTS

- A passport showing that the holder is a British citizen, or has a right of abode in the United Kingdom; **or**
- A document showing that the holder is a national of the European Economic Area or Switzerland (either a passport, or national identity card); **or**
- A Residence Permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office to a national from a European Economic Area country or Switzerland; **or**
- A permanent residence card issued by the Home Office or Border and Immigration Agency to a non-EEA national family member of an EEA national; **or**
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay; **or**
- An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay; **or**
- A full birth certificate issued in the United Kingdom which includes the names of the holder's parent(s), **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer); **or**
- A full adoption certificate issued in the United Kingdom which includes the names of the holder's parent(s), **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer); **or**
- A birth certificate issued in the Channel Islands, the Isle of Man, or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer); **or**
- An adoption certificate issued in the Channel Islands, the Isle of Man, or Ireland, when produced in combination with an official document giving the person's permanent National Insurance Number and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer); **or**
- A certificate of registration or naturalisation stating that the holder is a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer); **or**
- A letter issued by the Home Office or the Border and Immigration Agency to the holder which indicates that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay, **when produced in combination with** an official document giving the person's permanent National Insurance Number

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and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer).

- A Biometric Identity Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay.

## LIST 2 DOCUMENTS

Any one of the documents, or combination of documents described in **List 2** below will provide you with a statutory excuse if you take reasonable steps to check the validity of the original document and then make a copy of the relevant page, or pages before employing an individual. The copies should be kept securely, along with a record of every document that has been copied. By doing this, the Border and Immigration Agency will be able to examine your right to the statutory excuse if they detect any illegal migrants working for you.

Each time that a document or combination of documents from **List 2** is provided, you must note the date on which you carried out the original document check. In order to maintain your excuse against a penalty for employing that individual, you must carry out a follow-up check **no later than [12 months] after the initial check**. Again, this will involve asking the employee to produce a valid original document, or documents either from **List 1**, or from **List 2** and copying it for your records.

If document(s) from **List 1** are subsequently presented and reasonable steps are taken to check the validity of the document(s), the statutory excuse will have been established for the remainder of the employment and **no further checks will be required**.

- A passport or other travel document (other than a work permit) endorsed to show that the holder can stay in the United Kingdom and is allowed to do the type of work you are offering; **or**
- A work permit or other approval to take employment issued by Work Permits UK, **when produced in combination with either** a passport

or another travel document endorsed to show that the holder can stay in the United Kingdom and is allowed to do the type of work you are offering, or a letter issued by the Home Office or the Border and Immigration Agency to the holder, confirming the same; **or**

- A certificate of application issued by the Border and Immigration Agency to a non-EEA national family member of an EEA national which is less than 6 months old; **or**
- A residence card or document issued by the Home Office or the Border and Immigration Agency to a family member of an EEA citizen; **or**
- An Application Registration Card (ARC) issued by the Home Office or the Border and Immigration Agency to an asylum seeker stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the Employers' Helpline; **or**
- An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and that this allows them to do the type of work you are offering; **or**
- A letter issued by the Home Office or the Border and Immigration Agency to the holder, which indicates that the person named in it can stay in the United Kingdom and that this allows them to do the type of work you are offering, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name (P45, P60, National Insurance Card, or document issued by a Government agency or a previous employer).
- A Biometric Identity Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and that this allows them to do the type of work you are offering.

## APPENDIX 2: OTHER SOURCES OF INFORMATION

### PUBLICATIONS

- *The Statutory Code of Practice on Racial Equality in Employment* – The Commission for Racial Equality, 2006.
- *Racial Equality and the Smaller Business: A practical guide* (CD-Rom) – The Commission for Racial Equality, 2004.
- *Immigration and Asylum Act 1999 - Section 22 Code of Practice: For all employers on the avoidance of race discrimination in recruitment practice while seeking to prevent illegal working* – The Home Office, [May 2001].
- *Changes to the law on preventing illegal working: short guidance for United Kingdom employers* – The Home Office, [2004]
- *Comprehensive guidance for United Kingdom employers on changes to the law on preventing illegal working* – The Home Office, [2004]
- *Immigration, Asylum and Nationality Act 2006: Civil Penalty for Employers Code of Practice* – The Border and Immigration Agency, [2007/8]
- *Immigration, Asylum Nationality Act 2006: Guidance for employers on the Illegal Working Civil Penalty* – The Border and Immigration Agency, [2007/8]

### WHERE TO GET FURTHER INFORMATION

The *Racial Equality and the Smaller Business: A practical guide* CD-Rom is available in PDF, or RTF large print format from: [www.cre.gov.uk/smallbusiness](http://www.cre.gov.uk/smallbusiness).

The Statutory Code of Practice on Racial Equality in Employment was produced by the Commission for Racial Equality (CRE) in April 2006 and contains detailed and practical guidance to help employers to comply with the Race Relations Act 1976. An electronic copy of the document can be downloaded from the CRE website at [www.cre.gov.uk](http://www.cre.gov.uk). Printed copies of the Code, in English and Welsh, are also available from:

CRE Customer Services,  
P.O. Box 29,  
Norwich, NR3 1GN

Further copies can also be requested by phone on **0870 240 3697**, by fax on **0870 240 3698**, or by e-mail at [CRE@tso.co.uk](mailto:CRE@tso.co.uk).

The Border and Immigration Agency's guidance on the prevention of illegal migrant working contains practical guidance to help employers to comply with the law. Printed copies of guidance documents may be requested from the Employers' Helpline on **0845 010 6677**.

In addition to the summary and comprehensive guidance, documents in large print format, Welsh and Chinese can also be downloaded from the preventing illegal working pages of the Border and Immigration Agency website at: [www.bia.homeoffice.gov.uk/lawandpolicy/preventingillegalworking](http://www.bia.homeoffice.gov.uk/lawandpolicy/preventingillegalworking).

The Department for Trade and Industry has a dedicated website for employers, giving practical advice on a range of issues and areas of employment legislation available at: [www.businesslink.gov.uk](http://www.businesslink.gov.uk). In addition, an interactive on-line guide to help employers to establish the statutory excuse is available on the following website: [www.employingmigrantworkers.org.uk](http://www.employingmigrantworkers.org.uk).

Information for potential employees is available via: [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk) and [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk).

### CONTACT DETAILS

**Any enquiries about the law on the prevention of illegal working should be addressed to the Border and Immigration Agency through the contact details given below and not to the CEHR.**

For advice concerning immigration issues you should contact:

The Border and Immigration Agency  
Lunar House  
40 Wellesley Road  
Croydon, CR9 2BY

The Immigration, Nationality and Enquiry Bureau (INEB) can be contacted on **0845 010 6677** for questions about immigration and nationality.

## APPENDIX 2: OTHER SOURCES OF INFORMATION

Advice for employers about complying with the law on preventing illegal migrant working is available from the Employers' Helpline on **0845 010 6677**. The Helpline is open Monday to Friday, between 9am and 5pm, except on bank holidays. Further information is also available on the Border and Immigration Agency website at: [www.bia.homeoffice.gov.uk/lawandpolicy/preventingillegalworking](http://www.bia.homeoffice.gov.uk/lawandpolicy/preventingillegalworking).

The CEHR can advise on matters relating to the law on discrimination, and the contact details for the national offices are listed as follows:

### London and the south of England

CEHR

St Dunstan's House

201-211 Borough High Street

London, SE1 1GZ

Tel: 020 7939 0000

Fax: 020 7939 0001

Email: [info@cre.gov.uk](mailto:info@cre.gov.uk)

### Birmingham

CEHR

3rd Floor, Lancaster House,

67 Newhall Street,

Birmingham, B3 1NA

Tel: 0121 710 3000

Fax: 0121 710 3001

### Manchester

CEHR,

Suite 1.01,

1st Floor, Peter House,

Oxford Street,

Manchester, M1 5AN

Tel: 0161 602 3060

Fax: 0161 602 3061

### Wales (Cardiff Office)

CEHR (Wales)

3rd Floor, Capital Tower,

Greyfriars Road,

Cardiff, CF10 3AG

Tel: 02920 729 200

Fax: 02920 729 220

Email: [InformationWales@cre.gov.uk](mailto:InformationWales@cre.gov.uk)

### Wales (North Wales Office)

CEHR (Wales)

Bangor Road,

Penmaenmawr

Conwy, LL34 6LS

Tel: 01492 621 380

Fax: 01492 621 382

### Scotland

CEHR (Scotland)

The Tun,

12 Jackson's Entry,

off Holyrood Road,

Edinburgh, EH8 8PJ

Tel: 0131 524 2000

Fax: 0131 524 2001

Textphone: 0131 524 2018

Email: [scotland@cre.gov.uk](mailto:scotland@cre.gov.uk)

### The Equality Commission for Northern Ireland

Equality Commission for Northern Ireland,

Equality House,

7-9 Shaftesbury Square

Belfast, BT2 7DP

Tel: 028 90 500 600

Fax: 028 90 248687

Textphone: 028 90 500589

Email: [information@equalityni.org](mailto:information@equalityni.org)