

ILLEGAL WORKING CONSULTATION

Submission by the **Optimum Population Trust** on 17 July 2007 to the Home Office Border and Immigration Agency consultation on:

PREVENTION OF ILLEGAL WORKING

Immigration, Asylum and Nationality Act 2006

Consultation on the implementation of new powers to prevent illegal migrant working in the UK, May 2007

Closing date: **7 August 2007**

***Question 7:** What is the right maximum civil penalty for those employers who conduct no document checks at recruitment and have been found to repeatedly employ illegal migrant workers? £5,000 or £10,000 (give comments).*

Answer: £10,000

Comment: For some organisations, a £5,000 fine may have little deterrent effect when set against the additional profits they derive from employing illegal labour. The environmental, economic and social impacts of large-scale illegal immigration into the UK are severe and the practice of employing illegal labour requires strong deterrent penalties.

The Optimum Population Trust's view, backed by research evidence and the support of public opinion, is that illegal immigration benefits the employers of cheap labour but exploits many of the migrants who enter a large pool of cheap labour without the protection that legal workers have. While a large pool of illegal labour may also benefit the UK economy in the short term, the long-term effects are not likely to be beneficial, as the benefits must be set against the costs of supporting British workers displaced by them and the distress caused to British citizens, including older people, the disabled or poorly educated, ex-offenders and some ethnic minority communities, by having to compete for jobs at illegal migrant pay rates.

Our own research has been corroborated by a report from the Centre for Regional Economic Research, Sheffield Hallam University (May 2007) showing that the real level of unemployment in January 2007 was 2.6 million - 900,000 official claimants and 1.7 million 'hidden jobless' of whom about a million people have been diverted onto incapacity benefits – has remained unchanged over a decade of high net inward legal and illegal migration.

Illegal migration into the UK over the past decade is estimated to have added significantly to environmentally unsustainable population growth. Recorded current population growth of more than 320,000 people a year excludes figures for illegal migration because the exact level of illegal migration is not known. The environmental consequences of population growth in the UK (explained in detail in OPT research briefings published on www.optimumpopulation.org) are entirely negative. In the absence of radical changes in energy technology and in the face of increasing global warming, supporting this growth will be at severe cost to those who inhabit the UK and will have no discernible beneficial effect on the environment of the world as a whole.

Question 8. *Should employers only receive a written warning for a first offence in the generality of cases unless the number of illegal workers involved exceeds four or there is evidence of deliberate wrong doing on the employer's part? Yes, No, or Unsure?*

Answer: Yes

Comment: Some companies, particularly small ones where employers have difficulty in following frequent employment legislation changes may need to be treated leniently for a first offence, but should not be for subsequent offences.

Question 10. *Do you agree that, in certain circumstances, employers should be allowed to pay fines in instalments?*

Answer: Yes

If yes, should a maximum period in which to pay a fine be set?

Answer: Yes

If yes, what maximum period should employers have in which to pay the fines? 6 months, 1 year, 18 months, or 2 years?

Answer: 1 year, to allow time for the employer to raise funds to pay the fine.

Question 11: *Do people feel that these measures will have any effect upon trafficking for forced labour? Yes, No, or Unsure?*

Answer: Unsure. **Comment:** To some extent, but traffickers may conceal from the illegal migrants they bring into the UK the fact that they will not be able to work legally. There have been cases where illegal traffickers have 'dumped' their cargoes of migrants and disappeared.

Question 12: *When preparing cases for prosecution under section 21 of the 2006 Act, knowingly employing an illegal worker, should we routinely invite the court to consider disbarring the director alongside any other punishment thought appropriate? Yes, no, or Unsure?* **Answer:** Unsure.

(Q12b) Are there any other measures that you feel may prove to be an effective penalty for repeat and/or serious offenders:

Answer: Employers of illegal migrants could be asked to pay, in addition to the fine, a contribution (based on the number of illegal migrants employed) to a new overseas aid fund designed to channel funds to environmentally sustainable aid projects in their countries of origin.

Question 13: *Please tick one of the following boxes which would best describe your organisation.*

Answer: Micro-company (0-9 employees)

Question 14: *Which of the following categories does your organisation fall into? If you have answered other, please specify in the space provided:*

Answers: *Voluntary sector/charity* and *Other*. The Optimum Population Trust is a think tank which carries out research on population and campaigns for population policies which will be environmentally sustainable both globally and in the UK.

Question 15: *Please tick the box that best describes the industrial sector your organisation falls into.*

Answers: Education and cultural services and Other services.

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