

2009 No. 2908

IMMIGRATION

**The Immigration (Restrictions on Employment) (Amendment)
Order 2009**

<i>Made</i>	- - - -	<i>1st November 2009</i>
<i>Laid before Parliament</i>		<i>3rd November 2009</i>
<i>Coming into force</i>	- -	<i>24th November 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 15(3), 15(7) and 25(d) of the Immigration, Asylum and Nationality Act 2006(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Restrictions on Employment) (Amendment) Order 2009 and shall come into force on 24th November 2009.

(2) In this Order—

“the 2007 Order” means the Immigration (Restrictions on Employment) Order 2007(b).

Amendments to the Immigration (Restrictions on Employment) Order 2007

2. The 2007 Order is amended as follows.

3. In article 6 of the 2007 Order (Excuse from paying civil penalty)—

(a) after paragraph (f) omit “and”; and

(b) for paragraph (g) substitute—

“(g) if the document is a passport or other travel document (which is not in the form of a card), the employer retains a copy of the following pages of that document in a format which cannot be subsequently altered—

(i) the front cover;

(ii) any page containing the holder’s personal details including nationality;

(iii) any page containing the holder’s photograph;

(iv) any page containing the holder’s signature;

(v) any page containing the date of expiry; and

(vi) any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question; and

(a) 2006 c.13.
(b) S.I. 2007/3290.

- (h) if the document is a travel document in the form of a card, the employer retains a copy of the whole of that document in a format which cannot be subsequently altered.”.

4. In list A in the Schedule to the 2007 Order—

- (a) in paragraph 1 before “A passport” insert “An ID Card (issued to the holder under the Identity Cards Act 2006(a)) or ”; and
- (b) for paragraph 2 substitute—

“2. An ID Card (issued to the holder under the Identity Cards Act 2006), a national identity card or a passport which has the effect of identifying the holder, or a person named in the passport as the child of the holder, as a national of the European Economic Area or Switzerland.”.

Home Office
1st November 2009

Phil Woolas
Minister of State

(a) 2006 c.15

EXPLANATORY NOTE

(This note is not part of the Order)

An employer is excused from paying a penalty under section 15 of the Immigration, Asylum and Nationality 2006 if the employee produces to the employer any of the documents described in the Schedule to the Immigration (Restrictions on Employment) Order 2007 (“the 2007 Order”) and the employer complies with the requirements prescribed in article 6 of the 2007 Order in relation to verification, copying and recording of any documents produced by an employee.

These Regulations amend the 2007 Order to add ID Cards issued pursuant to the Identity Cards Act 2006 to the list of documents that may produced to an employer for these purposes.

Article 6 is amended to require both sides of the ID Card, which is a travel document, to be copied for retention purposes.

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STATUTORY INSTRUMENTS

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