

**Failure to carry out checks**

3.1.1 Failure to carry out the necessary checks can result in the Home Office issuing the employer with a civil penalty of £60,000 per illegal worker or imposing up to five years' imprisonment and/or an unlimited fine where they are found to have knowingly employed an illegal worker.

3.1.2 Migrants found to be working illegally may also face a maximum custodial sentence of six months and/or an unlimited fine (in England and Wales). Wages paid to an illegal migrant will be recoverable under the Proceeds of Crime Act 2002.

3.1.3 In certain circumstances, immigration officers can close an organisation for up to 48 hours or place it under special compliance requirements where it is suspected of employing an illegal worker. Where employers can provide the sufficient evidence that all right to work checks have been conducted and that they have taken all reasonable steps to prevent illegal working, the closure notice may be cancelled.