

## **UK EMN Ad-hoc query on illegal working summary**

The UK launched a query to find out from other MS in the case of migrants who are in their country illegally and/or have no permission to work (or exceed permission to work):

- Is it a criminal offence to work (for employed and/or self employed)? And if yes or in some cases to provide a brief description of the offence
- What is the sanction for working illegally?

22 MS responded to the query (AT, BE, BG, CY, CZ, EE, FI, FR, DE, HU, IT, LV, LT, LU, NL, PO, SK, ES, SE, UK, HR, NO)

- For the vast majority of MS who responded to the query it is *not* a criminal offence for migrants to work in these circumstances (although it may be for an employer to employ someone who is not legally allowed to work). Only 6 MS indicated that it could be a criminal offence for migrants to work in these circumstances (CY, SE, FI, NO, DE and UK).
- For UK and Germany it was only a criminal offence in some cases, although in the UK provisions in the current Immigration Bill will make it an offence in all cases. In Germany illegal working may be a criminal offence when a person is present in the country illegally and works, not when they work while in possession of a residence permit that does not allow them to work.
- For those MS that answered the question, usual sanctions for illegal working (for both those where it is a criminal offence and those where it is not) were return to country of origin and or/fines of the employer and/or migrant. Germany and Cyprus indicated that a person could in addition potentially be imprisoned for up to 12 months for working illegally. The UK will make it possible to imprison people who work illegally for up to 6 months as part of provisions in the Immigration Bill.