



Immigration, Asylum and Nationality Act 2006

2006 CHAPTER 13

Employment

15 Penalty

- (1) It is contrary to this section to employ an adult subject to immigration control if—
 - (a) he has not been granted leave to enter or remain in the United Kingdom, or
 - (b) his leave to enter or remain in the United Kingdom—
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing him from accepting the employment.
- (2) The Secretary of State may give an employer who acts contrary to this section a notice requiring him to pay a penalty of a specified amount not exceeding the prescribed maximum.
- (3) An employer is excused from paying a penalty if he shows that he complied with any prescribed requirements in relation to the employment.
- (4) But the excuse in subsection (3) shall not apply to an employer who knew, at any time during the period of the employment, that it was contrary to this section.
- (5) The Secretary of State may give a penalty notice without having established whether subsection (3) applies.
- (6) A penalty notice must—
 - (a) state why the Secretary of State thinks the employer is liable to the penalty,
 - (b) state the amount of the penalty,
 - (c) specify a date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,

Changes to legislation: Immigration, Asylum and Nationality Act 2006, Section 15 is up to date with all changes known to be in force on or before 30 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) specify how the penalty must be paid,
 - (e) explain how the employer may object to the penalty [^{F1}or make an appeal against it], and
 - (f) explain how the Secretary of State may enforce the penalty.
- (7) An order prescribing requirements for the purposes of subsection (3) may, in particular—
- (a) require the production to an employer of a document of a specified description;
 - (b) require the production to an employer of one document of each of a number of specified descriptions;
 - (c) require an employer to take specified steps to verify, retain, copy or record the content of a document produced to him in accordance with the order;
 - (d) require action to be taken before employment begins;
 - (e) require action to be taken at specified intervals or on specified occasions during the course of employment.

Textual Amendments

- F1** Words in s. 15(6)(e) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 61](#); [S.I. 2014/1820](#), art. 3(cc)

Modifications etc. (not altering text)

- C1** [S. 15](#) restricted by [S.I. 2007/3290](#), art. 4B(2) (as substituted (2.2.2023) by [The Immigration \(Restrictions on Employment etc.\) \(Amendment\) \(EU Exit\) Regulations 2023 \(S.I. 2023/12\)](#), regs. 1(2), [2\(2\)\(a\)](#))

Commencement Information

- I1** [S. 15](#) in force at 5.11.2007 for specified purposes by [S.I. 2007/3138](#), [art. 2\(a\)](#)
- I2** [S. 15](#) in force at 29.2.2008 in so far as not already in force by [S.I. 2008/310](#), [art. 2\(1\)\(a\)](#) (with [art. 5\(2\)](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(5)(d) and word inserted by [2006 c. 48 s. 14\(3\)](#)
- s. 33(5)(d) and word inserted by [2006 c. 48 s. 14\(3\)](#)
- s. 38(5A) inserted by [2006 c. 48 s. 14\(5\)](#)