



Policing and Crime Act 2009

2009 CHAPTER 26

PART 8

MISCELLANEOUS

CHAPTER 1

SAFEGUARDING VULNERABLE GROUPS AND CRIMINAL RECORDS

Criminal records etc

94 Certificates of criminal records etc: right to work information

In the [Police Act 1997](#) after section 113CC insert—

“113CD Immigration information relevant to employment

- (1) This section applies where—
- (a) an application for a certificate under section 112, 113A or 113B contains a request for information under this section,
 - (b) in the case of an application for a certificate under section 112, the application contains a statement that the information is sought for the purposes of employment with a person specified in the application, and
 - (c) the applicant pays in the prescribed manner any additional fee prescribed in respect of the application.
- (2) The certificate must state—
- (a) whether according to records held by the Secretary of State the applicant is subject to immigration control, or
 - (b) that records held by the Secretary of State do not show whether the applicant is subject to immigration control.

Status: This is the original version (as it was originally enacted).

- (3) If the records show that the applicant is subject to immigration control, the certificate must state—
 - (a) whether according to the records the applicant has been granted leave to enter or remain in the United Kingdom, or
 - (b) that the records do not show whether the applicant has been granted leave to enter or remain in the United Kingdom.
- (4) If the records show that the applicant has been granted leave to enter or remain in the United Kingdom, the certificate must state—
 - (a) whether according to the records the applicant's leave to enter or remain in the United Kingdom is current, or
 - (b) that the records do not show whether the applicant's leave to enter or remain in the United Kingdom is current.
- (5) If the records show that the applicant has been granted leave to enter or remain in the United Kingdom and that it is current, the certificate must also state any conditions to which the leave to enter or remain is subject and which relate to the applicant's employment.
- (6) A certificate under this section must contain such advice as the Secretary of State thinks appropriate about where to obtain further information about the matters mentioned in subsections (2) to (5).
- (7) For the purposes of this section a person's leave to enter or remain in the United Kingdom is current unless—
 - (a) it is invalid, or
 - (b) it has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise).
- (8) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.”