



Immigration, Asylum and Nationality Act 2006

2006 CHAPTER 13

Employment

21 Offence

(1) A person commits an offence if he employs another (“the employee”) knowing that the employee is [^{F1}disqualified from employment by reason of the employee's immigration status.]

[^{F2}(1A) A person commits an offence if the person—

- (a) employs another person (“the employee”) who is disqualified from employment by reason of the employee's immigration status, and
- (b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.

(1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person's 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 the person from accepting the employment.]

(2) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding [^{F3}five] years,
 - (ii) to a fine, or

Status: Point in time view as at 12/04/2023.

Changes to legislation: Immigration, Asylum and Nationality Act 2006, Section 21 is up to date with all changes known to be in force on or before 01 May 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)

- (iii) to both, or
 - (b) on summary conviction—
 - (i) to imprisonment for a term not exceeding [^{F4}the general limit in a magistrates' court] in England and Wales or 6 months in Scotland or Northern Ireland,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both.
- (3) An offence under this section shall be treated as—
 - (a) a relevant offence for the purpose of sections 28B and 28D of the Immigration Act 1971 (c. 77) (search, entry and arrest), and
 - (b) an offence under Part III of that Act (criminal proceedings) for the purposes of sections 28E, 28G and 28H (search after arrest).
- [^{F5}(3A) Proceedings for an offence under this section that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (3B) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) does not apply to proceedings for an offence under this section.]
- (4) In relation to a conviction occurring before [^{F6}2 May 2022] the reference to [^{F7}the general limit in a magistrates' court] in subsection (2)(b)(i) shall be taken as a reference to 6 months.

Textual Amendments

- F1** Words in s. 21(1) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 35(2)**, 94(1); S.I. 2016/603, reg. 3(f)
- F2** S. 21(1A)(1B) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 35(3)**, 94(1); S.I. 2016/603, reg. 3(f)
- F3** Word in s. 21(2)(a)(i) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 35(4)**, 94(1); S.I. 2016/603, reg. 3(f)
- F4** Words in s. 21(2)(b)(i) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F5** S. 21(3A)(3B) inserted (12.4.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 6 para. 11**; S.I. 2023/283, reg. 3(b)
- F6** Words in s. 21(4) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F7** Words in s. 21(4) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I1** S. 21 in force at 29.2.2008 by [S.I. 2008/310](#), **art. 2(1)(b)** (with art. 5(2))

Status:

Point in time view as at 12/04/2023.

Changes to legislation:

Immigration, Asylum and Nationality Act 2006, Section 21 is up to date with all changes known to be in force on or before 01 May 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.