

FACT SHEET

Measures to Combat Illegal Workers¹ in Selected Jurisdictions

Table 1 - Penalty

	Hong Kong	Australia	Singapore	The United States of America	The United Kingdom
Legislation	<ul style="list-style-type: none"> Immigration Ordinance Criminal Procedure Ordinance 	<ul style="list-style-type: none"> Migration Act 1958 Criminal Code Act 1995 	<ul style="list-style-type: none"> Immigration Act Employment of Foreign Workers Act Criminal Procedure Code 	<ul style="list-style-type: none"> Immigration Reform and Control Act of 1986 (this Act was added to the Immigration and Nationality Act as Section 274A) 	<ul style="list-style-type: none"> Immigration Act 1971 Asylum and Immigration Act 1996
Maximum penalty imposed on employers	<ul style="list-style-type: none"> Fine: HK\$350,000 Imprisonment: three years 	<ul style="list-style-type: none"> Fine: AU\$10,000 (HK\$54,708) 	For employing overstayers: <ul style="list-style-type: none"> Fine: S\$6,000 (HK\$26,825) Imprisonment: two years Caning punishment for employing more than five overstayers For employing foreign workers without valid work permits: <ul style="list-style-type: none"> First conviction: <ul style="list-style-type: none"> Fine: equivalent to four years levy² for each illegal worker Imprisonment: one year Second and subsequent convictions: <ul style="list-style-type: none"> Same as first conviction with mandatory jail sentence for individual employers Fine: equivalent to eight years levy for each illegal worker for body corporate 	<ul style="list-style-type: none"> Civil penalty for employing each illegal worker: <ul style="list-style-type: none"> First conviction: US\$2,000 (HK\$15,527) Second conviction: US\$5,000 (HK\$38,818) Subsequent convictions: US\$10,000 (HK\$77,637) Criminal penalty: <ul style="list-style-type: none"> Fine: US\$3,000 (HK\$23,291) for each illegal worker Imprisonment: six months 	<ul style="list-style-type: none"> Fine: GB£ 5,000 (HK\$65,852) for each illegal worker
Maximum penalty imposed on illegal workers	<ul style="list-style-type: none"> Fine: HK\$50,000 Imprisonment: two years 	<ul style="list-style-type: none"> Same as those for employers Bar from re-entry for three years 	<ul style="list-style-type: none"> Fine: S\$5,000 (HK\$22,354) Imprisonment: one year 	<ul style="list-style-type: none"> Removal to the border 	<ul style="list-style-type: none"> Fine: GB£ 5,000 (HK\$65,852) Imprisonment: six months
Maximum penalty imposed on persons abetting illegal employment	<ul style="list-style-type: none"> Same as those for employers or illegal workers, depending on whom were abetted 	<ul style="list-style-type: none"> Same as those for employers 	<ul style="list-style-type: none"> Same as those for employers or illegal workers, depending on whom were abetted 	<ul style="list-style-type: none"> No specific provision in the legislation 	<ul style="list-style-type: none"> No specific provision in the legislation
Maximum penalty imposed on the controller of a construction site where illegal workers were found	<ul style="list-style-type: none"> Fine: HK\$350,000 	<ul style="list-style-type: none"> No specific provision in the legislation 	For employing overstayers: <ul style="list-style-type: none"> First conviction: <ul style="list-style-type: none"> Fine: S\$30,000 (HK\$134,124) for each overstayer Imprisonment: one year Second and subsequent convictions: <ul style="list-style-type: none"> Fine: S\$60,000 (HK\$268,252) for each overstayer Imprisonment: one year For employing foreign workers without valid work permits: <ul style="list-style-type: none"> First conviction: <ul style="list-style-type: none"> Fine: equivalent to four years levy for each illegal worker Imprisonment: one year Second and subsequent convictions: <ul style="list-style-type: none"> Fine: equivalent to eight years levy for each illegal worker Imprisonment: two years 	<ul style="list-style-type: none"> No specific provision in the legislation 	<ul style="list-style-type: none"> No specific provision in the legislation
Points Demerit System for food stalls where illegal workers were found	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> Ministry of Manpower works with National Environment Agency to impose demerit points on licensees of food stalls who employ illegal workers³ 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> Pending information

¹ Illegal workers are defined in this fact sheet as people whose entry to a jurisdiction is legal such as holding valid visitor visas, but who are working without the permission of or beyond the conditions set by the authorities of the jurisdiction.

² Levy refers to the sum of money that employers have to pay for the employment of each foreign worker.

³ Under the Points Demerit System of the National Environment Agency, food stall holders (licensees) in Singapore receive demerit points for employing an illegal worker. If a licensee accumulates 12 demerit points or more during a 12-month period, his/her licence will either be suspended for two to four weeks or revoked, depending on his/her past records.

Table 2 - Law Enforcement Agency Activities

	Hong Kong	Australia	Singapore	The United States of America	The United Kingdom
Agency⁴	<ul style="list-style-type: none"> Immigration Department Labour Department Hong Kong Police Force 	<ul style="list-style-type: none"> Department of Immigration and Multicultural and Indigenous Affairs Australian Police Service 	<ul style="list-style-type: none"> The Immigration and Checkpoints Authority (ICA) Ministry of Manpower (MOM) Singapore Police Force 	<ul style="list-style-type: none"> Immigration and Customs Enforcement Department of Labor 	<ul style="list-style-type: none"> Immigration and Nationality Directorate
Activity					
Border control to prevent suspected illegal workers from entering and convicted illegal workers (for a specific period of time such as three years in Australia) from re-entering a jurisdiction	<ul style="list-style-type: none"> Visa refusals Entry refusals 	<ul style="list-style-type: none"> Visa refusals Entry refusals Visitor visas with security bonds⁵ 	<ul style="list-style-type: none"> Visa refusals Entry refusals 	<ul style="list-style-type: none"> Visa refusals Entry refusals 	<ul style="list-style-type: none"> Visa refusals Entry refusals
Specific assistance to help employers understand their statutory obligations in employing foreign workers and help them verify the employment eligibility of workers	<ul style="list-style-type: none"> Seminars and publicity campaigns 	<ul style="list-style-type: none"> Seminars and publicity campaigns A free centralized work rights fax-back facility where employers can check the employment eligibility of their overseas-born employees 	<ul style="list-style-type: none"> Seminars and publicity campaigns An online 24-hour work pass verification system on the web site of MOM 	<ul style="list-style-type: none"> Seminars and publicity campaigns Direct mails to local employers 	<ul style="list-style-type: none"> Seminars and publicity campaigns Direct mails on updates of the relevant legislation to local employers A designated helpline to help employers clarify doubts on identity documents
Dissemination of information to overseas visitors to remind them not to take up any employment without the consent of the law enforcement agency	<ul style="list-style-type: none"> Notice for all incoming visitors at control points 	<ul style="list-style-type: none"> Notice for all incoming visitors at control points Overseas information campaign 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> Pending information
Government assistance to help homeowners verify the status of potential tenants so as to minimize the risk of renting accommodation to illegal workers	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> An online 24-hour immigration verification system on the web site of ICA An online 24-hour work pass verification system on the web site of MOM 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> Pending information
Measures to ensure employers' compliance with employment eligibility verification procedures	<ul style="list-style-type: none"> Employers are required to keep records of each of their employees in the place of employment for the law enforcement agencies' inspection 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Employers are required to keep a register of foreign workers employed in the place of employment for the law enforcement agencies' inspection 	<ul style="list-style-type: none"> Employers are required to keep Employment Eligibility Verification Forms of employees in the place of employment for the law enforcement agencies' inspection 	<ul style="list-style-type: none"> Nil
Cross-border negotiations and co-operative activities on illegal worker issues	<ul style="list-style-type: none"> Information exchange with law enforcement authorities in Mainland China 	<ul style="list-style-type: none"> Approaching law enforcement authorities in other jurisdictions in particular cases 	<ul style="list-style-type: none"> Pending information 	<ul style="list-style-type: none"> Bilateral co-operation with Mexico on curbing illegal immigration 	<ul style="list-style-type: none"> Exchange of liaison officers with France to deal with illegal employment
Implementation of counter illegal worker operations	<ul style="list-style-type: none"> Inspections of workplaces Inter-departmental joint surprise raids 	<ul style="list-style-type: none"> Inter-departmental joint surprise raids 	<ul style="list-style-type: none"> Inspections of workplaces Inter-departmental joint surprise raids 	<ul style="list-style-type: none"> Inspections of workplaces Inter-departmental joint surprise raids 	<ul style="list-style-type: none"> Inter-departmental joint surprise raids
Collection of information on illegal working activities through intelligence collection, reporting system, etc.	<ul style="list-style-type: none"> Intelligence collection Hotline 	<ul style="list-style-type: none"> Intelligence collection 	<ul style="list-style-type: none"> Intelligence collection Hotline 	<ul style="list-style-type: none"> Intelligence collection 	<ul style="list-style-type: none"> Intelligence collection

⁴ The first agency on the list is the leading law enforcement agency.

⁵ This forthcoming measure may be imposed on visitors who are required to pay a security bond before entering Australia. The security bond is subject to mandatory forfeiture for any breach of visa conditions such as working illegally.

ReferencesHong Kong

1. Bilingual laws information system available at <http://www.justice.gov.hk/index.htm>.
2. The Hong Kong Special Administrative Region Government web site available at <http://www.info.gov.hk>.

Australia

1. Department of Immigration and Multicultural and Indigenous Affairs web site available at <http://www.immi.gov.au>.
2. SCALE plus available at <http://scaleplus.law.gov.au>.

Singapore

1. Immigration and Checkpoint Authority web site available at <http://app.ica.gov.sg>.
2. Ministry of Manpower web site available at <http://www.mom.gov.sg>.
3. Singapore Statutes online available at <http://statutes.agc.gov.sg>.

The United States of America

1. Bureau of Citizenship and Immigration Services web site available at <http://www.immigration.gov>.
2. Immigration and Customs Enforcement web site available at <http://www.ice.gov>.
3. Immigration and Nationality Act available at <http://www.immigration.gov>.

The United Kingdom

1. Her Majesty's Stationery Office web site available at <http://www.legislation.hmso.gov.uk>.
2. Immigration and Nationality Directorate web site available at <http://www.ind.homeoffice.gov.uk>.

OECD

1. Organisation for Economic Co-operation and Development (OECD) *Combating the Illegal Employment of Foreign Workers*. Paris: OECD.

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