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STATUTORY INSTRUMENTS

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**2023 No. 12**

**The Immigration (Restrictions on Employment etc.) (Amendment) (EU Exit) Regulations 2023**

**Amendment of the Immigration (Restrictions on Employment) Order 2007**

2.—(1) The Immigration (Restrictions on Employment) Order 2007<sup>(1)</sup> is amended as follows.

(2) In article 4B (excusal from paying civil penalty: Home Office online right to work checking service)—

(a) for paragraph (2), substitute—

“(2) Subject to article 5, an employer is excused under this article from paying a penalty under section 15 of the 2006 Act—

- (a) where the online right to work check confirms that the employee has leave to enter or remain on the date that the online right to work check is conducted, for the period for which the online right to work check confirms that the employee named in it is permitted to carry out the work in question;
- (b) where the online right to work check confirms that the employee has a right to work on the date of the check by virtue of a pending application, administrative review or appeal, for six months beginning with the date of the check.”;

(b) in paragraph (3), for “paragraph (2)” in both places where it occurs, substitute “paragraph (2)(a)”.