

278.14 Exploiting immigrants through employment

Att-Gen's Ref No 28 of 2014 2014 EWCA Crim 1723 D was convicted of conspiracy to facilitate a breach of immigration law and of using unlicensed security operatives (2 years concurrent not altered). D ran a business providing security guards and employed 155 people during the conspiracy. Near the end of the scheme, D generated false paperwork or altered documents to hide the fact that employees were working illegally in the UK. D assured clients that his employees' credentials were genuine, even when challenged. The employees were exploited, some working for £3 per hour and for periods of 24 hours without rest. D denied knowledge of what was going on despite making annual profits of between £45,000-£278,000 from employing around 75 illegal workers over the course of five and a 1/2 years. D was aged 44 at sentence with no previous convictions. He was not involved in the facilitation of entry into the UK. Held. There was a high degree of planning. D was the ring leader. There was substantial gain. The following non-exhaustive considerations apply a) whether the offence is isolated or not, b) the duration of offending, c) [antecedents], d) motivation, whether commercial or humanitarian, e) the number of individuals involved in the breach of immigration law, f) whether they were strangers or family, g) the degree of organisation, h) whether the defendant recruited others, i) the defendant's role and j) whether D's conduct involved exploitation of or pressuring others. D's company was designed to circumvent immigration controls and involved several people on a large scale over a considerable period. It was aggravated by the false documents to government departments. Although some of the business was legitimate, a significant part was not. **8 years**, not 4½.

278.20 Trafficking immigrants, Exploitation of Cases

R v Suchy 2014 EWCA Crim 1245 D was convicted of two conspiracies to traffic for exploitation, and pleaded late to conspiracy to assist unlawful immigration. D was approached by U, a Pakistani national who had a student visa which was about to expire. D was asked to find a woman whom U could marry to remain in the UK. U was to be charged and U paid £1,380. Associates of D, approached V, a Slovak national in Slovakia. D and his wife were also Slovakian. V was promised a better life, if she came to the UK. She had been in prison for obtaining goods by fraud and was destitute. D bought her a ticket. She was repeatedly assaulted by D over three days. V wanted to go home but D took her ID card. V was taken to meet U. Then V was taken by D to his associates to try to sell her sexual services. They did not find any customers. V was made to do domestic work at D's house. U paid D £600 and U was given V's ID card. V was taken to U's flat where she was raped by U so violently she required hospital treatment. She bled heavily. D had no convictions. The Judge found D was in control of the operation at least in the UK. Held. Consecutive sentences were required owing to the distinction between the two offences. 6 years for the first two conspiracies and 4 years for the third was not wrong but because of totality, **8 years** not 10 in all.