

## Gordon Brown spares Baroness Scotland over employment of illegal immigrant

Prime minister lets attorney general keep job after she is fined £5,000 for employing illegal immigrant as housekeeper



Andrew Sparrow, senior political correspondent  
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The Tories have demanded the resignation of Lady Scotland. Photograph: Dan Chung

Gordon Brown today decided to allow the attorney general, Lady Scotland, to remain in government after she was fined £5,000 for employing an illegal immigrant.

The prime minister said he had decided to take no further action because Scotland had employed Loloahi Tapui, a housekeeper from Tonga, "in good faith" and had apologised "unreservedly".

But the Tories demanded Scotland's immediate resignation, pointing out that she was being punished for breaking a law that she had helped steer through parliament.

Scotland issued a full apology for the offence.

It happened because although she did not know her housekeeper was not entitled to work in the UK, she failed to comply with regulations saying employers have to keep copies of the documents they have inspected about their employees' immigration status.

Scotland asked to see documents showing that Tapui was allowed to work in the UK, as the law requires. But she did not keep copies – also a legal requirement.

Chris Grayling, the shadow home secretary, said that, in the light of the fine, it was impossible for Scotland to keep her job.

"She was the minister who steered this law through the [House of Lords](#) and who insisted upon its stringent application," he said. "She has no excuse for breaking it."

Chris Huhne, the Liberal Democrat home affairs spokesman, said: "Lawmakers should not be law-breakers, and this applies even more to Baroness Scotland due to her special position as chief law officer. Her position now looks untenable."

Although Brown refused to give her his full backing in a television interview this morning, Downing Street issued a statement from the prime minister as soon as the fine was announced in which he said he had decided that "no further action" was necessary.

Brown said he had consulted Sir Gus O'Donnell, the cabinet secretary, about the matter and was satisfied Scotland did not "knowingly" break the law.

"In line with the ministerial code, I have consulted the cabinet secretary and, given the UK Border Agency is satisfied [that Scotland] did not knowingly employ an illegal worker and took steps to check the documents, I have concluded that no further action is necessary given the investigation and action that has already been taken by the appropriate authorities and her unreserved apology," Brown said.

He also said Scotland had employed Tapui in good faith and had paid her tax and national insurance, describing the fine as an "administrative penalty".

Apologising for her action, Scotland said: "I accept it is my duty to pay the fine and I have done so.

"I fully accept the findings of the UK Border Agency that I made a technical breach of the rules, and I apologise for having made this inadvertent error."

Harriet Harman, Labour's deputy leader, told BBC News that Scotland had made an "administrative error" and Brown was right to keep her in the government.

"I don't think her position is untenable," she said. "She's an excellent attorney general. It was an administrative error for which she was given a civil penalty."

There is support for Scotland in government because the UK Border Agency inquiry discovered that Tapui had presented her with a forged passport.

Immigration officials launched an investigation on Thursday after it was revealed that the attorney general had employed an illegal migrant.

She had thought Tapui, married to a British citizen, was entitled to work in the UK.

But she was forced to sack her last week after it emerged that the Tongan had overstayed on a student visa, meaning she was no longer entitled to work in Britain.

The problem, which was exposed by the Mail, was particularly embarrassing for Scotland because, as a Home Office minister in 2006, she helped the government bring in controversial legislation tightening the law on illegal immigrants.

The Immigration, Nationality and Asylum Act says employers can go to jail if they knowingly employ an illegal immigrant.

They can also be fined up to £10,000 for unknowingly employing an illegal immigrant if they have not carried out proper checks.

Employers, particularly small businesses, complained strongly about the regulations when they were introduced on the grounds that they imposed an unreasonable burden on firms