

# Press release: Romsey restaurateur banned for employing illegal workers

Mohammad Shajahan has given an undertaking to the Secretary of State for Business, Energy & Industrial Strategy, which prevents him from becoming directly or indirectly involved in the promotion, formation or management of a company for seven years from 20 December 2016.

Mr Shajahan was the director of a restaurant company, Rose Garden (UK) Limited (Rose), trading under the name Alresford Indian & Bangladeshi Restaurant. On 9 March 2016 Home Office Immigration Enforcement Officers established that Rose was employing five workers who were not eligible to work in the UK.

Rose went into liquidation on 25 April 2016 owing £223,547 to creditors, of which £100,000 was the fine imposed by the Home Office Immigration and Enforcement for employing the five illegal workers.

The Insolvency Service's investigation concluded that Mr Shajahan failed to ensure that Rose complied with its statutory obligations under immigration legislation to ensure that relevant immigration checks were completed and copy documents retained, resulting in the employment of the five illegal workers.

Commenting on the disqualification, Robert Clarke, Chief Investigator at The Insolvency Service, said:

Illegal workers are not protected under employment law, and as well as cheating legitimate job seekers out of employment opportunities these employers defraud the tax payer and undercut honest competitors.

The Immigration, Asylum and Nationality Act 2006, makes employers responsible for preventing illegal workers in the UK. To comply with the law, a company must check and be able to prove documents have been checked prior to recruitment that show a person is entitled to work.

The public has a right to expect that those who break the law will face the consequences and this should serve as a warning to other directors tempted to take on illegal staff.

## Notes to editors

Rose Garden (UK) Limited (CR0 No.08221662) was incorporated on 20 September 2012. Rose traded from 21 Broad Street, Alresford, Hampshire, S024 9AR and its registered office was at the same address.

Mohammad Shajahan (date of birth 03 March 1966) was a formally appointed director between 20 September 2012 and liquidation.

Rose went into Liquidation on 25 April 2016. On 29 November 2016 the Secretary of State accepted a Disqualification Undertaking from Mr Shajahan effective from 20 December 2016, for seven years.

Following a visit from Home Office Immigration Officers in January 2016, a breach was discovered, Rose Garden (UK) Limited was issued with a penalty notice in the sum of £100,000, which remained outstanding at the date of liquidation.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings. Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies.

The agency also authorises and regulates the insolvency profession, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

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