

IMMIGRATION ACT 2016

ALL APPLICATIONS (including renewals) FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES AND PRIVATE HIRE OPERATOR LICENCES

Summary of the Immigration Act 2016

The UK Government changed the law in respect of hackney carriage driver, private hire driver and private hire operator licences with effect from 1 December 2016. This will affect you if:

- You apply for a hackney carriage driver, private hire driver or private hire operator licence on or after 1 December 2016; or
- You already hold a hackney carriage driver, private hire driver or private hire operator licence and you apply to renew that licence on or after 1 December 2016.

These changes do not affect applications for hackney carriage or private hire vehicle licences

What do the changes mean?

From 1 December 2016, North Hertfordshire District Council is under a new legal duty to make sure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK.

North Hertfordshire District Council therefore has to check that all applicants on or after 1 December 2016 have the right to work in the UK. By law, a licence cannot be issued to any applicant that does not meet this requirement.

This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

How do the changes affect you?

For applications received on or after 1 December 2016, you will be required to provide original and valid evidence of your right to work in the UK before your licence can be granted. If you fail to do this, your licence will not be given to you and your application will be rejected.

What you need to do

You will need to attend the Council Offices where an Officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a knowledge test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation will be accepted.

- **Applicants who are British Citizens:**

All you need to provide is a British passport confirming that you are a British Citizen.

If you do not have a British passport, you can produce any other documents contained within List A at the end of this guidance note.

- **Applicants who are not British Citizens but have no restrictions on their right to work in the UK:**

All you need to provide is any of the other documents contained within List A attached to this guidance note.

- **Applicants who have restrictions on their right to work in the UK:**

You will need to produce any of the documents contained within List B attached to this guidance note. If your documentation proves a right to work that expires before the normal licence expires, your licence will only be granted for the period we have proof of a right to work.

If you have a VISA that confirms your right to reside in the UK but it is attached to an expired passport, we cannot accept this as proof. You will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a 6-month licence can be granted to allow time for the Home Office to process the application.

You must bring original documentation (not a photocopy) and it is your responsibility to make sure that you can provide acceptable forms of documentation.

The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and take a photocopy for Council record

- **Applicants who hold a Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP)**

You are only able to evidence your right to work using the Home Office online service. This means we cannot accept or check a physical BRC, BRP or FWP as proof of right to work. Please view the information in the guidance notes on how to conduct your Home Office online right to work check.

What happens once your documentation has been checked?

If the documentation you provide shows that you have a permanent right to work in the UK (from List A), you will not have to produce documentation for future applications.

In other cases, you will be required to provide your documentation when you want to renew your licence so that your right to work can be checked again at that point in time.

Brexit Update

The UK has left the European Union (EU) and the Immigration and Social Security Coordination (EU Withdrawal) Act 2020 ended free movement in the UK on 31 December 2020.

On 1 January 2021, there was a six month period in which some aspects of free movement were allowed in order for eligible EU, EEA and Swiss (EEA) citizens and their family members to live in the UK by 31 December 2020 to apply to the EU Settlement Scheme (EUSS). This ended on 30 June 2021. Since 1 July 2021, EEA citizens and their family members must now have immigration status in the UK, in the same way as other foreign nationals. They can no longer use an EEA passport or national identity card when applying for a licence.

How might this affect you?

- There are changes to the list of acceptable documents to remove EEA passports, national identity cards and specified EEA Regulations documents, which only confirmed the individual's nationality or that they were exercising EEA Treaty Rights.
- Changes to the list of acceptable documents to remove the requirement that a UK birth or adoption certificate must be the full (long) certificate. A short or a long birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland are now acceptable documents to demonstrate a right to a licence.
- An amendment to the list of acceptable documents (see Annex A)
- Changes to the way those with outstanding applications to the EUSS evidence their right to a licence the temporary adjusted right to work checking process during COVID-19

Annex A

List A – List of acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 1 - documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that

the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

3. A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 - documents where a time-limited statutory excuse lasts for six months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU (J) to the Jersey Immigration Rules or Appendix EU to the immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Home Office Online Right to Work check

Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders are also only able to evidence their right to work using the Home Office online service. This means we cannot accept or check a physical BRC, BRP or FWP as proof of right to work.

You will need to bring with you to your appointment your Right to Work share code, this can be obtained online using the following link: <https://www.gov.uk/prove-right-to-work>