



IMMIGRATION ACT 2016

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

Summary

The UK Government has changed the law in respect of hackney carriage driver, private hire driver and private hire operator licences with effect from 1 December 2016. These changes 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 ensure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK.

In order to comply with this legal duty, North Hertfordshire District Council has to check that all applicants on or after 1 December 2016 have the right to work in the UK. By law, North Hertfordshire District Council cannot issue a licence to any applicant that does not satisfy 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 will 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 so, your licence will not be granted and your application will be rejected.

What you need to do

You will need to attend the Council Offices where a council 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 are acceptable.

- For applicants who are British Citizens
All you need to provide is a British passport confirming you are a British Citizen

If you do not have a British passport you can produce any of the other documents contained within List A attached to this guidance note.
- For 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.
- For 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 prior to the normal licence expiry date, 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 six 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 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 records.

What happens once your documentation has been checked

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

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

8. Annex A

Lists of acceptable documents for right to a licence checks

The lists of documents are based on those prescribed to show evidence of a right to work.

List A: No immigration restrictions on right to a licence in the UK. Once you have undertaken the necessary check once in respect of an application made on or after 1 December 2016, if you retained the copy, you will not have to repeat the check when they subsequently apply to renew or extend their licence.	
1.	A passport showing the holder, or a person named in the passport as the child of 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 national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	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.
7.	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. An example of an Immigration Status Document may be found here .
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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.
9.	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.
10.	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: Immigration restrictions on the right to a licence in the UK. You may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. You will need to check immigration status each time they make an application to renew or extend their licence.	
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 current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence. This guidance [link to page 16] provides further information on checking a non-European Economic Area national family member's right to a licence.
4.	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.
1.	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
2.	A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.