

Private Hire Operators, Private Hire And Hackney Carriage Drivers Right To Work In The UK

Introduction

The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

The Government's Department of Transport (DfT) Best Practice Guidance in relation to Hackney Carriage and Private Hire Licensing makes reference to local authorities obtaining specific immigration status about applicants for drivers licences, including the Right to Work (RTW) in the UK and/or details of work restrictions. It states that 'it is considered appropriate for licensing authorities to check on an applicant's RTW before granting a taxi or private hire drivers licence'.

The Council's Licensing Committee has recommended that applicants for private hire operator and private hire and hackney carriage driver licences should prove that they have a RTW in the UK before being considered for a licence.

Proof Of Right To Work In The UK

The Home Office, via the UK Border Agency, have compiled a list of documents, which prove that someone has the RTW in the UK. Documents will fall into either List A or List B and these are attached.

No licence will be granted until the applicant is able to prove they have a right work in the UK.

An applicant will need to provide;

One document from List A, these documents show an on-going RTW in the UK.

If they cannot produce a document from List A then relevant document(s) from List B must be produced. These documents show a RTW in the UK for up to twelve months.

These must be original copies. Photocopies, scanned documents and faxes for example are not acceptable.

Proof of RTW in the UK must be provided when application is made in respect of new applicants. In respect of renewal applicants proof should be provided on application also, but if proof cannot be provided at that time the Council will allow application to be made, but no licence will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

The document's front cover and any page containing the holder's personal details. In particular any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety. Any documents will be kept securely for the duration of the licence and for a further two years after the expiry of the last licence if renewal is

not sought. This is in line with legislation which requires employers to retain copies of documents relating to individuals they have employed.

If further verification is required this will be specified in a letter detailing the exact requirements.

The Fair Way To Check

It is illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the RTW Policy and provide the necessary documentation.

Failure To Comply

An application for the first grant of a private hire operator or hackney carriage / private hire driver licence will not be accepted if the applicant fails to provide evidence of their RTW in the UK.

Any renewal applicant who fails to comply with the requirement to prove their RTW in the UK will be refused a private hire operator licence or private hire or hackney Carriage driver licence. The required documents have to be produced within four months of application being made.

If an applicant produces documentation from List B to prove their RTW in the UK then, upon expiry of this document, if it is in the term of the Private Hire or Hackney Carriage licence, they will be required to produce further documentation showing their ability to continue working.

A letter reminding the licence holder of the expiry of the document will be sent 2 months prior to the expiration date. Failure to produce evidence of RTW will lead to the revocation of their licence and/or badge with immediate effect. If the licence holder states the documentation has been applied for then the licence and/or badge would be suspended with immediate effect until the documentation is produced. The licence holder would be required to produce this within six months.

Reporting Of Illegal Workers To The Relevant Authorities

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

Need Further Information?

Further information about working in the UK, legislation and advice to employers can be found on the Home Office website;

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking>

Telephone: Licensing Service (01642) 524802

Email: licensing.services@stockton.gov.uk

Documents To Establish Eligibility To Work In The UK

If the applicant can produce a satisfactory document from List A, eligibility to work in the UK will have been established and will not need to be checked again. If an application is made after a licence has expired then proof of a person's RTW in the UK will be required again.

List A

1. A current valid passport showing that the holder is a British citizen or a citizen of the United Kingdom and Colonies and contains the words 'the holder has the right of abode in the United Kingdom.'
2. A passport or national identity card showing that the holder is a national of a European Economic Area (EEA) country or Switzerland.
3. A residence permit or registration document certifying or indicating permanent residence issued by the Home Office or the UK Border Agency to the national of an EEA. For nationals of EEA countries, this document consists of a blue permit carrying a photograph and personal details of the holder. Swiss nationals receive a similar document in the form of a pink residence permit.
4. A permanent residence card issued by the Home Office or the UK Border agency to the family member of a national of an EEA country or Switzerland. When nationals from countries and Switzerland. When nationals from EEA or Switzerland reside in the UK their immediate family members from outside the UK, may gain the same rights to enter or remain here and work in the freely. However, the EEA national in question must be lawfully residing here in the UK for their family member to have and maintain these rights.
5. A Biometric Immigration Document issued by the UK Border Agency to the holder, which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK. Further information will be made available by the UK Border Agency when the Biometric Immigration Document is due to be issued.
6. A passport or other travel document 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. An immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person name in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer.
8. A full birth certificate issued in the UK, Channel Island, the Isle of Man or Ireland which includes the name(s) of at least one of the holders parents, when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.
9. A full adoption certificate issued in the UK, Channel Island, the Isle of Man or Ireland which includes the name(s) of at least one of the holders adoptive parents when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.
10. A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer.
11. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom when produced in combination with an office document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer.

If an applicant produces any document from List B then the document must be re-verified, at least every 12 months, to produce evidence of the eligibility to work in the UK.

List B

1. A passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
2. A Biometric Immigration Document, issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or the UK Border Agency, when produced in combination with either a passport or another travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or the UK Border Agency to the holder, or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office, Border and Immigration Agency or the UK Border Agency to or for a family member of a national of an EEA country or Switzerland, stating that the holder is permitted to take employment, which is less than 6 months old, when produced in combination with evidence of verification by the UK Border Agency Employer Checking Service.
5. A residence card or document issued by the Home Office, Border and Immigration Agency or the UK Border Agency to a family member of a national of an EEA country or Switzerland.
6. An Application Registration Card (ARC) issued by the Home Office, Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UK Border Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the work in question, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer (e.g. P45, P60, National Insurance Card).
8. A letter issued by the Home Office or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer (e.g. P45, P60, National Insurance Card).