



Home Office

# Guidance for licensing authorities to prevent illegal working in the taxi and private hire section in Scotland

20 December 2021  
Produced by the Home Office

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## Summary of changes in this issue of the guide

The guidance was last updated on 20 December 2021.

The UK has left the European Union (EU) and the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ended free movement in the UK on 31 December 2020. On 1 January 2021, a grace period of six months began, during which time relevant aspects of free movement were saved to allow eligible EU, EEA and Swiss (EEA) citizens and their family members resident in the UK by 31 December 2020 to apply to the EU Settlement Scheme (EUSS). This period ended on 30 June 2021.

Since 1 July 2021, EEA citizens and their family members require immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EEA passport or national identity card to prove their right to a licence.

This guidance updates that issued on 22 January 2018.

This guidance has been updated to reflect the Immigration (Restrictions on Employment and residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal Premises and License) (Forms) Order 2021, which makes changes to the list of acceptable documents that can be presented to prove a right to work, and consequently a right to a licence. These changes came into force on 1 July 2021.

On 6 August 2021, the government announced temporary protection for more applicants to the EUSS. This means that those who have applied since 1 July, and joining family members, will have their rights protected while their application is determined. This guidance reflects this change.

EUSS applicants and joining family members can prove their right to a licence while they await the outcome of their application. Home Office guidance remains that where an applicant for a licence has a Certificate of Application (CoA) confirming a valid application to the EUSS made on or after 1 July, licensing authorities should verify this with the Home Office Status Verification, Enquiries and Checking Service (SVEC).

The most significant updates contained in this guidance relate to:

- the introduction of the Home Office online right to work checking service
- changes to the way EEA citizens prove their right to a licence since 1 July
- 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 to include:
  - Irish passport and passport card
  - a document issued by the Crown Dependencies Jersey, Guernsey or the Isle of Man, which has been verified as valid by the Home Office SVEC service
  - a frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.

- changes to the way those with outstanding applications to the EUSS evidence their right to a licence, section 5 refers
- changes to the lists of acceptable documents:
  - a. removal of duplication from List B, Group 1, no.5
  - b. amendment to List B, Group 2, no.2
  - c. addition at List B, Group 2, no.5
- the temporary adjusted right to work checking process during COVID-19

# 1. Introduction

The [Immigration Act 2016](#) (the 2016 Act) amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire car (PHC) and taxi sector<sup>1</sup>. Since 1 December 2016, the provisions in the 2016 Act have prohibited all licensing authorities<sup>2</sup> from issuing licences<sup>3</sup> to anyone who is disqualified by reason of their immigration status. This duty can be discharged by conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK.

## 1.1 What does this measure do?

The provisions in the 2016 Act amend existing licensing regimes across the UK to prevent people without lawful immigration status and the right to work from holding taxi or private hire driver licences; and operator licences in England, Wales and Northern Ireland. This has been achieved by adapting the following existing licensing legislation across the UK: London Hackney Carriages Act 1843; The London Cab Order 1934; Metropolitan Public Carriage Act 1869; Private Hire Vehicles (London) Act 1998; Local Government (Miscellaneous Provisions) Act 1976; Plymouth City Council Act 1975; Road Traffic Offenders (Northern Ireland) Order 1996 and the Taxis Act (Northern Ireland) 2008. The London Cab Order 1934 was further amended by regulations on 1 December 2016 to have a similar effect in respect of London taxis, and the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 was amended on 22 January 2018 to have a similar effect in respect of booking offices in Scotland.

The provisions mean that driver and booking office licences must not be issued to people who are unlawfully present in the UK, who are not permitted to work; or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Licensing authorities must discharge this duty by either carrying out an online check, or by requiring the applicant to submit one document from a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as a private hire car (PHC) or taxi driver, or to hold a booking office licence. The check must be performed when the applicant applies for a licence or applies to renew or extend their licence, whether for the full statutory term or for a lesser period on or after 1 December 2016 for a driver licence, and on or after 22 January 2018 for a booking office licence. For those who have limited permission to be in the UK, the licensing authority must repeat the check at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK.

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<sup>1</sup> In England and Wales outside London, these provisions also apply to pedi-cabs by virtue of being 'hackney carriages'

<sup>2</sup> The exception is London taxis, for which Transport for London have made equivalent provision by amending the London Cab Order 1934

<sup>3</sup> The exception is London taxis, for which Transport for London have made equivalent provision by amending the London Cab Order 1934

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any driver licence that person holds, which was granted as a consequence of an application made on or after 1 December 2016, and any booking office licence made on or after 22 January 2018, will automatically lapse.

The provisions also add immigration offences and penalties to the list of grounds on which taxi, PHC and booking office licences may be suspended or revoked by licensing authorities. In circumstances where the booking office licence or driver licence expires or is revoked or suspended on immigration grounds, it must be returned to the issuing licensing authority. Failure to return the licence is a criminal offence, punishable on conviction in a Magistrates' Court by a fine (see [section 6](#)).

## 1.2 Purpose of this guidance

This guidance is issued for use by licensing authorities in Scotland. Equivalent guidance has been issued for the relevant licence issuing bodies in England and Wales, and Northern Ireland.

Licensing authorities are under a duty not to issue licences to people who are disqualified from holding them by their immigration status. In determining whether someone is disqualified, licensing authorities are under a statutory duty to have regard to this guidance.

The requirement to check the immigration status of licence applicants does not amend or replace the existing 'fit and proper' person test that licensing authorities must perform; this includes obtaining a Certificate of Good Conduct for applicants who have resided abroad for a period of time.

## 1.3 Who is disqualified from holding a licence?

A person is disqualified from holding a PHC and taxi driver licence, and a booking office licence by reason of their immigration status if:

- the person requires permission to enter or remain in the UK and has not been granted it; or
- the person's permission to enter or remain in the UK
  - is invalid,
  - has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
  - is subject to a condition preventing the person from doing work of that kind.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example, they are subject to an immigration restriction that does not permit them to work or undertake work as PHC, taxi driver or booking officer.

## 1.4 For whom is this guidance relevant?

It should be used by licensing authority staff responsible for the issue, renewal, suspension

and revocation of a PHC licence, taxi driver licence, or booking office licence.

These provisions only apply to the applicant and do not apply to the MOT or other vehicle check. They also do not apply to a DVLA or DVA driver's licence, although the [Immigration Act 2014](#) and the 2016 Act introduced provisions regarding the issue and revocation of DVLA licences in respect of unlawful migrants and, upon commencement, will provide, through [section 44](#) of the 2016 Act, a new criminal offence of driving illegally in the UK.

## 1.5 When will this guidance be relevant?

The checking requirements are not retrospective. This means that licensing authorities do not have to check the immigration status of those people who already hold a PHC or taxi driver's licence which was issued before 1 December 2016 or hold a booking office licence which was issued before 22 January 2018 or sent their licence application to the licensing authority before these dates. However, the check must be performed when the applicant applies i.e. sends the application for a licence to the licensing authority or applies to renew their licence or extend their licence on or after 1 December 2016.

Where the licence application was sent to the licensing authority between 1 December 2016 and 30 June 2021, the right to a licence checks set out in the '[Guidance for licensing authorities to prevent illegal working in the taxi and private hire section in Scotland](#)', last published on 22 January 2018, continue to apply.

For those who have time-limited permission to be in the UK, the check must be repeated at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK, and as a result, there are no restrictions on their ability to work. The documents referred to in the list of acceptable documents in [Annex A of the Employers guide](#) indicates whether the individual has temporary permission to be in the UK or is entitled to remain indefinitely and work in the UK. The list of acceptable documents is explained further in [section 3](#).

## 1.6 How should this guidance be used?

This guidance sets out what licensing authorities need to know about their legal duty not to issue a licence to a person who is disqualified from holding one because of that person's immigration status. It sets out how licensing authorities should discharge this duty by conducting checks. It explains on whom a licensing authority needs to conduct checks, when, and how to conduct checks correctly.

## 1.7 References in this guidance

'Certificate of Application' (CoA) is a digital, or 'non-digital', document which individuals can rely on to demonstrate their eligibility to work, rent, and access to benefits and services. This document is issued when a valid application is made to the EU Settlement Scheme.

'Current document' means a document that has not expired.

'Days' means calendar days, i.e. including Saturdays, Sundays and bank holidays.

'Disqualified person' means a person with no legal immigration status and, therefore, does not have a right to a licence.

'Document' means an original document unless specified that a copy, electronic or screenshot is acceptable.

'EEA or Swiss citizen' means citizens of EEA countries or Switzerland.

The EEA countries are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

'eVisa' refers to a digital visa provided by the Home Office as evidence of a person's immigration status (permission to enter or stay in the UK).

'Home Office online right to work checking service' means the online system allowing licensing authorities to check whether a person is allowed to work in the United Kingdom for the purposes of a right to a licence and, if so, the nature of any restrictions on that person's right to do so. For the avoidance of doubt, this system is accessible for licensing authorities on the 'View a job applicant's right to work details' page on GOV.UK. No other online portal relating to immigration status may be used instead for right to work or right to a licence checking purposes.

'Leave to enter or remain in the UK' means that a person has permission from the Home Office to be in the UK. Permission may be time-limited or indefinite.

'Non-EEA citizens' means the citizens of countries outside the EEA.

An 'online right to work check' means the response generated by the Home Office online right to work checking service in relation to a person.

'Pre-settled status' means a person has applied for status to the UK under the EU Settlement Scheme. Individuals granted pre-settled status are given five years' leave to remain in the UK and can apply for settled status at the point, or sooner if they have completed five years residence.

'Right to a licence checks' refer to prescribed manual document checks and prescribed use of the online checking service.

'Settled status' means the person who has lived in the UK for a continuous five-year period is granted under the EU Settlement Scheme. A person with settled status can stay in the UK as long as they like.

'Status Verification, Enquiries and Checking (SVEC) Service' refers to the Home Office service that licensing authorities are required to contact in certain circumstances (such as those described in this guidance) to check whether a person has a right to a licence in the UK and, if so, the nature of any restrictions on that person's right to do so. Licensing authorities must receive positive confirmation of a person's right to a licence from SVEC in order to issue a licence.

'Valid application' means individuals who comply with the validation requirement of an application process, including the enrolment of biometrics, if required, and the provision of

evidence of nationality and identity.

‘View a job applicant’s right to work details’ means the Home Office online checking service on GOV.UK which enables licensing authorities to check whether a person has a right to a licence and, if so, the nature of any restrictions on that person’s right to do so.

‘We’ or ‘us’ in this guide mean the Home Office.

‘You’ and ‘your’ mean the licensing authority.

## 2. Right to a licence check

### 2.1 What does 'right to a licence' mean?

For the purposes of this guidance, 'a right to a licence' means that someone is not disqualified by their immigration status from holding a driver licence or booking office licence. There may be other reasons why licensing authorities may refuse to issue a licence, which still stand. This guidance does not relate to these other reasons, for example, because of the fit and proper person test.

For all driver licence applications made on or after 1 December 2016, you must comply with the legal requirement not to issue a licence to someone who is disqualified from holding the licence by reason of their immigration status. The same requirement applies to applications for a booking office licence which are made on or after 22 January 2018. You must discharge this duty by either carrying out an online check, or by requiring the applicant to submit one of a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as a PHC or taxi driver or hold a booking office licence. The check must be performed when the applicant applies for a licence or applies to renew or extend their licence, whether for the full statutory term or for a lesser period, on or after the dates specified above. For those who have limited permission to be in the UK, you must repeat the check at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK. The documents referred to in the list of acceptable documents in [Annex A of the Employers guide](#) will indicate whether the individual has temporary permission to be in the UK or is entitled to remain indefinitely in the UK. The list of acceptable documents is explained in [section 3](#).

You must be satisfied that the person is not disqualified from holding a licence **before** you issue a licence to that person.

There are two types of checks to prove a right to a licence; a [manual document-based check](#) and a check using the [Home Office online checking service](#). Conducting either the manual document-based check or the online check as set out in this guidance will satisfy the requirement to establish an applicant's right to a licence.

You can also use the [Status Verification, Enquiries and Checking \(SVEC\) Service](#) where an applicant has an outstanding application, administrative review or appeal, or if their immigration status requires verification by the Home Office, for example in the case of Crown Dependencies.

### 2.2 Why do you need to do checks?

Licensing authorities have a legal duty not to issue a driver or booking office licence to a person who is disqualified by their immigration status from holding them, in order to prevent illegal working in the PHC and taxi sector. In order to discharge this duty, this guidance requires you to conduct document checks as part of the licence application process.

The checks should establish whether or not an applicant has a lawful immigration status in

the UK or is prohibited from working because they are in the UK unlawful or is subject to a condition that prevents them from holding a licence.

## 2.3 Who do you conduct checks on?

You should conduct right to a licence checks in accordance with [section 3](#) of this guidance on **all** applicants for a driver or booking office licence. This means you should ask all applicants for such a licence to provide you with one of the original documents or combination of documents as set out in [Annex A of the Employers guide](#). Alternatively, an applicant may provide you with a share code to enable you to carry out an online check using the Home Office online checking service available on GOV.UK: <https://www.gov.uk/prove-right-to-work>.

You should not make assumptions about a person's right to work in the UK or their immigration status on the basis of their colour, nationality, ethnic or national origin, accent, or the length of time they have been resident in the UK.

You should treat all licence applicants in the same way when they apply, and during the licence application process. This will also demonstrate a fair, transparent and consistent application process.

## 2.4 When do you conduct checks?

The immigration checks have been developed to fit within the existing licensing regimes and to keep the additional requirements and burdens to a minimum.

Accordingly, you should incorporate the right to a licence check into your existing application process at any point before a decision is made on the application. The check could be carried out, for example, when the applicant lodges their application, or at a subsequent interview.

You may need to amend your application forms to include a declaration stating that the applicant has to have the correct immigration status to apply for the licence, in order for their application to be considered valid and they understand that the licence will lapse if they are no longer entitled to work in the UK. They must either provide you with a document or documents that demonstrate their immigration status from the lists of acceptable documents at [Annex A](#). Alternatively, they may share their immigration status with you using the Home Office online checking service.

The application form or supporting guidance should state which document or documents must be submitted by the applicant (as set out in [Annex A of the Employers guide](#)) or the information required for you to make an online check of their immigration status. The manual check of any documents provided that demonstrate their right to a licence, will be conducted by you in person during a face to face meeting with the applicant or by live video conference.

The declaration itself can be a succinct statement, such as:

*'Your right to work in the UK will be checked as part of your licence application, this could include the licensing authority checking your immigration status with the Home Office. We may also share information with the Home Office. You must either share your immigration*

*status using the Home Office online checking service 'prove your right to work to an employer' if your status is compatible with the service, or provide a document or document combination that is stipulated as being suitable for this check. Where an online check has been carried out, the 'profile' page confirming your right to work will be copied and retained by the licensing authority. Where a manual check is carried out, and you have provided a document(s) set out at [\[guidance link\]](#). you must provide the original document(s). The document(s) will be copied, and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and any original document(s) have been produced and the relevant fee has been paid.*

*If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time you apply to renew or extend your licence, if, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will cease to have effect and you must return it to the licensing authority. Failure to do so is a criminal offence.'*

If the applicant fails to provide document(s) specified in [Annex A of the Employers guide](#) in accordance with your published application process, you should consider whether to offer a further opportunity for them to provide the necessary documents or information before rejecting the application, if your usual processes allows this.

If an applicant who has not provided the necessary documentation makes a case under paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982 for their application to be accepted late, they must show good cause as to why the documentation was not previously available. A simple failure to provide documents would not amount to a good cause.

## **2.5 When does a migrant's status come to an end?**

Migrants who are subject to UK immigration control may be granted permission to enter or remain in the UK, with a condition permitting employment, on a time-limited basis or on an indefinite basis. When the person's stay is time-limited, this will be shown in their immigration documentation or the Home Office response to your online check. It is possible for a migrant to apply to extend their stay, and if they do so before their previous status expires, they continue to have any right to work that they previously had while their application, appeal or administrative review is outstanding. In such cases, a person's status may be confirmed by you contacting the Home Office's Status Verification, Enquiries and Checking Service.

# 3. How do you conduct checks?

## 3.1 Conducting a manual document-based check

There are three steps to conducting a manual document-based right to work check. You need to complete all three steps before issuing a licence to ensure you have conducted a check in the prescribed manner, in order to establish an applicant's right to a licence.

### Step 1. Obtain

You must ask for and be given **original** document(s) from either List A or List B of acceptable documents in [Annex A of the Employers guide](#).

### Step 2: Check

In the presence of the licence applicant, you must check that the:

- the document(s) are genuine, have not been tampered with and belong to the holder;
- photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
- expiry dates for permission to be in the UK have not passed;
- any work restrictions to determine if the applicant is prohibited from holding a licence; and
- reasons for any difference in names across documents can be explained by providing evidence (for example, original marriage certificate, divorce decree absolute, deed poll). These supporting documents must also be photocopied and a copy retained.

### Step 3: Copy

You must make a **clear copy** of each document in a format which cannot be altered later and retain the copy securely, with other licence application documents: electronically or in hardcopy. You must also retain a secure record of the date on which you made the check. Simply writing a date on the copy document does not, in itself, confirm that this is the actual date when the check was undertaken. If you write a date on the copy document, you must also record that this is the date on which you conducted the check.

You must copy and retain copies of:

- **Passports:** any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK and is not prohibited by their conditions of work from holding the licence.
- **All other documents:** the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).

## Step 1: Obtain acceptable documents

### Lists of acceptable documents for manual checks

You must undertake a document check in respect of every application for a new licence or to renew or extend an existing licence which is made on or after 1 December 2016 in the case of a driver licence, and 22 January 2018 in the case of a booking office licence. Once you have done this, you will only be required to undertake a further document check when the applicant subsequently applies to renew or extend their licence if they have time-limited immigration permission to work in the UK unless you did not retain a copy of the document or documents which indicated that they had no restrictions on their right to stay and work in the UK.

The full range of the documents you may accept for checks are set out in List A and List B. These are set out in [Annex A of the Employers guide](#). You will note that the lists contain more secure documents such as national passports and [biometric residence permits](#). However, applicants may not hold these documents, so the list also contains other acceptable evidence of immigration status. Please note that a UK driver's licence **is not** evidence of lawful status and right to work.

You must obtain an original document, or document combination, specified in one of these lists in order to comply with **step 1** of the three-step check. This is because scanned and photocopied documents make forgeries less easy to identify.

**List A contains the range of documents which you may accept for a person who has an indefinite right to remain in the UK.** This includes UK passports (which may have expired). Following the correct checks, you may grant a licence for a period of up to the maximum statutory period for that type of licence. This is because there are no limitations on what work the applicant can undertake or for how long. When the applicant provides document(s) from list A and you have retained the copy, a further check will not be necessary when they subsequently apply to renew or extend their licence. If you do not retain the copy, you will have to repeat the check when they next apply to renew or extend their licence.

**List B contains the range of documents which may be accepted for a person who has a temporary right to be in the UK.** If you conduct the check correctly, you may issue the licence for a period up to the expiry date of the person's leave indicated by the document, although this must not exceed the maximum statutory period for which such a licence may be issued. You will need to request the original document and check these on each occasion that the applicant subsequently applies to renew or extend their licence until such time as the applicant provides document(s) from List A that demonstrates that they have an indefinite right to remain in the UK.

A number of the listed documents only demonstrate a right to a licence if the document is current when the check takes place, including passports which are endorsed to say that the holder has indefinite leave to remain (ILR) in the UK. If the passport endorsed with ILR is current when the check takes place, a licence may be granted up to the statutory maximum even though the passport might expire before the licence period expires. If the passport which is endorsed with ILR is not current when the check takes place, this cannot be accepted. You may direct the applicant to apply to the Home Office for a [biometric residence permit](#). Further information on this application is contained [here](#). Once the

application has been made, you do not need to wait for the permit to be issued, you may verify this through the Status Verification, Enquiries and Checking Service. Once successfully verified, you can grant the licence for a maximum period of six months from the date of verification.

Some documents, such as British passports, do not have to be current in order to demonstrate a right to a licence. However, you still need to check carefully that the document relates to the applicant and, if necessary, request further evidence before issuing the licence. [Annex A of the Employers guide](#) indicates which documents must be current to demonstrate the right to a licence.

## Step 2: Check the validity of document(s)

You should check the validity of the **original** document(s), in the presence of the holder. This may be the physical presence of the applicant or by live video conference. Where a person presents a document and it is reasonably apparent they are not the rightful holder, even if the document itself is genuine, you should not accept it as evidence of lawful immigration status and, therefore, the applicant's right to hold a licence.

Some documents, such as UK birth certificates, do not include a photograph. You may consider requesting and checking additional documentary evidence of the person's identity, for example their DVA or DVLA licence. You may accept a UK birth certificate issued by the General Register Office even though it has been endorsed as being "certified to be a true copy of an entry in a register in my custody" or contain words to the same effect.

[Guidance on examining and identifying fraudulent identity documents](#) may be found on GOV.UK. This contains a helpful checklist which has been reproduced in [Annex B](#).

Further advice about document fraud and illustrations of documents has been made available to employers, including local authorities as employers, who have a responsibility to undertake right to work checks on their employees. You may find this helpful and it is available in the '[Employer right to work checks supporting guidance](#)'. You can also compare identity and travel documents against the images published on:

- [PRADO - Public Register of Authentic travel and identity Documents Online](#); or
- [EdisonTD](#)

These are archives of identity and travel documents.

You may also wish to consider using commercially available document validation technology to help check the authenticity of biometric documents presented to you, notably passports and biometric residence permits (BRPs). There is no requirement that you do this in order to carry out right to a licence checks, but using this technology is likely to increase the security of your checking procedures. Guidance about using [Identity Document Validation Technology](#) is available on GOV.UK.

If someone gives you a false document or a genuine document that does not belong to them, you should use this link to [report the individual to the Home Office](#).

You may obtain assistance on document types from your Local Partnership Manager (LPM) or email [ISDLPMSupportTeam@homeoffice.gov.uk](mailto:ISDLPMSupportTeam@homeoffice.gov.uk).

In most cases, your LPM or your local Immigration, Compliance and Enforcement (ICE) team will also be your first point of contact if you suspect that you have encountered a forged or counterfeit document (though they are unable to respond to requests for immigration checks. Please see section 3.3 below).

### Step 3: Retain a copy of document(s)

You should keep a copy of every document you have checked. This could be a hard or an electronic copy. You should keep the copy securely in accordance with data protection principles. Provided the specified document or documents are in List A within [Annex A of the Employers guide](#), if you retained the copy, you will not have to repeat the check when the licence holder subsequently applies to you to renew or extend his licence.

## 3.2 Conducting an online right to work check

Since 28 January 2019, you can perform an online right to work check to establish that your licence applicant is entitled to work. You can do an online check by using the online service, entitled '[View a job applicant's right to work details](#)' on GOV.UK.

It will not be possible to conduct an online right to work check in all circumstances, as not all individuals will have an immigration status that can be checked online. The online right to work checking service sets out what information you will need. In circumstances where an online check is not possible, you should conduct the manual check.

Currently, the online checking service supports checks on:

- a biometric residence permit;
- a biometric residence card;
- an eVisa issued under the EU Settlement Scheme;
- a digital Certificate of Application (CoA) to the EU Settlement Scheme issued on or before 30 June 2021;
- an eVisa issued under the points-based immigration system;
- British National Overseas (BNO) visa; or
- Frontier workers permit

You should give applicants every opportunity to demonstrate their right to a licence. You cannot insist that they use the online service or discriminate against those who choose to prove their right to work by presenting you with documents which also feature on the lists of acceptable document.

You may encourage use of the online check and may support individuals in doing so (e.g. by providing access to hardware and the internet). However, you are not permitted to mandate online checks, except for those individuals who have been provided with digital evidence of their immigration status only (known as an eVisa). If an individual does not wish to demonstrate their right to a licence using the online service, even if their immigration status or documentation is compatible with the online service, you should conduct a [manual document-based check](#).

### How does the service work?

The service works on the basis of the individual first viewing their own Home Office right to work record. They may then share this information with you if they wish, by providing you with a 'share code', which, when entered along with the individual's date of birth, enables you to access the information. The share code will be valid for 30 days from the point it has been issued and can be used as many times as needed within that time.

Share codes are service specific. An individual cannot use a code generated by another Home Office service (e.g. right to rent) for the purpose of a right to work online check.

If a share code has expired, or the individual has used a code generated by another service, you must ask them to resend you a new right to work share code.

You must access the service using the employer part of the service, which is called '[View a job applicant's right to work details](#)' and is available on GOV.UK. It is not sufficient to view the information provided to the licence applicant, when they view their profile using the migrant part of the Home Office online right to work checking service.

There are three basic steps to conducting an online right to work check. The steps below explain in more detail what you need to do in each of the three steps to correctly conduct an online right to work check.

### **Step 1 Use the Home Office online right to work checking service**

The Home Office online service works on the basis of the person first viewing their own Home Office right to work record. They may then share this information with you by providing you with a 'share code'. When this code is entered along with the person's date of birth, it enables you to access their right to work profile page. The share code will be valid for 30 days and can be used as many times as needed within the 30 days, after which a new code will be required in order to conduct an online check.

Each share code is unique and cannot be used for another purpose. If required for another purpose, a new share code must be generated, choosing the correct option.

The individual may provide the share code to you directly, or they may choose to send this to you via the service. If they choose to send it to you via the service, you will receive an email from [right.to.work.service@notifications.service.gov.uk](mailto:right.to.work.service@notifications.service.gov.uk).

To check the person's right to work details, you will need to:

- access the service '[View a job applicant's right to work details](#)' via GOV.UK
- enter the 'share code' provided to you by the individual, and
- enter their date of birth

It is not sufficient to simply view the details provided to the individual on the migrant part of the service and doing so will not satisfy a right to a licence check.

## Step 2 Check

In the presence of the individual (in person or via live video link), you must check that the photograph on the online right to work check is of the individual making the licence application (i.e. the information provided by the check relates to the individual and they are not an imposter).

You must only issue, extend or renew a licence, if the online check confirms they have the right to work and are not subject to a condition preventing them from undertaking work as a PHC or taxi driver.

**GOV.UK** View a job applicant's right to work

BETA This is a new service - your [feedback](#) will help us to improve it.

### Right to work

## Erika Mustermann

They can work in the UK.

**Details**  
They can work in any job. There is no limit on how long they can stay in the UK.



Rotate ↻

**If you employ this person**  
To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

You don't need to do the check again.

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check		
Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE-NDHSIDD-63

[Print page](#) [Download PDF](#)

[Finish and leave service](#)

Need help using this service? [Get help](#)

The above image is from the online service and shows the individual has a continuous right to work.

BETA This is a new service - your [feedback](#) will help us to improve it.

**Right to work**

**Erika Mustermann**

They have permission to work in the UK from 28 March 2021. They can work in the UK until 28 April 2023.

**Details**

They can work in any job.



Rotate ↻

**If you employ this person**

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 28 April 2023

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check		
Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE-JRKMKG-12

[Print page](#) [Download PDF](#)

[Finish and leave service](#)

Need help using this service? [Get help](#)

The above image is from the online service and shows the individual has a time-limited right to work and confirms the date that their leave expires, at which point a follow-up check is required.

**Step 3 Retain evidence of the online check**

You must retain evidence of the online right to work check. For online checks, this should be the 'profile' page confirming the individual's right to work. This is the page that includes the individual's photo and date on which the check was conducted. You will have the option of printing the profile (the response provided by the Home Office online right to work checking service) or saving it as a PDF or HTML file.

**3.3 Home Office verification checks**

In most cases, you should be able to make an assessment that the person is not disqualified from holding a licence by making a visual check of the document(s) against the person presenting them or by performing an online check as set out above. This will include all cases where the applicant is a British citizen.

If you require an immigration status check, you may contact the Home Office's [Status Verification, Enquiries and Checking \(SVEC\) Service](#). Your Local Partnership Manager will also have their contact details. The SVEC service will aim to respond to your request within 10 working days. It is only necessary to contact the Home Office's SVEC in the following

circumstances to verify that someone has the right to hold a licence:

1. you are presented with a document (non-digital CoA or an acknowledgement letter or email) confirming receipt of an application to EUSS on or before 30 June 2021; or
2. you are presented with non-digital CoA confirming receipt of an application to the EUSS on or after 1 July 2021; or
3. you have checked a digital CoA, using the online service, confirming receipt of an application to the EUSS on or after 1 July 2021, and been directed to SVEC; or
4. you are satisfied that you have not been provided with any acceptable documents because the person has an outstanding application for permission to remain in the UK with the Home Office which was made before their [previous immigration permission expired](#) or has an appeal or [administrative review](#) pending against a Home Office decision and, therefore, cannot provide to you evidence of their right to a licence; or
5. you consider that you have not been provided with any acceptable documents, but the person presents other information indicating they are a long-term resident of the UK who arrived in the UK before 1988.

In these five circumstances, the SVEC will confirm the individual's immigration status. However, you will still have to determine whether the applicant should be granted a licence. A licence issued as a consequence of this check must be limited, as indicated below, to a maximum period of **six months**. Upon any subsequent application to renew the licence, you must carry out a further document check before issuing the licence. You are prohibited by statute from issuing a licence if a person is disqualified by their immigration status.

If you are making a check because the licence applicant has an outstanding immigration application with the Home Office, or a pending appeal or administrative review against a Home Office decision, we suggest that you wait at least **14 days** after the application, appeal or administrative review was made before requesting the ICES to confirm the status. This is to allow time for that application, appeal or administrative review to be registered with the Home Office.

## Certificate of Application

You must make a copy of this document and retain this copy, in the usual way. If you are required to verify the CoA with the SVEC, you must also obtain and keep a copy of their response.

## Windrush generation individuals

The Government has put in place additional safeguards to ensure that those who have lived lawfully in the UK since before 1988 are not denied access to work.

Individuals of the Windrush generation (those who arrived in the UK before 1973) and those non-UK citizens who arrived in the UK between 1973 and 1988, may not be able to provide documentation from the lists of acceptable documents to demonstrate their entitlement to work in the UK. The Home Office has established the [Windrush Help Team](#) which is handling applications under the Windrush Scheme for confirmation of indefinite leave to

remain, including a biometric residence permit or applications for British citizenship.

In these circumstances, you should contact the SVEC.

The SVEC will notify the [Windrush Help Team](#), who will contact the individual to confirm their circumstances and arrange for their status to be resolved. Working with the Windrush Help Team, the SVEC will be able to confirm an individual's right to a licence in these circumstances.

The Windrush Help Team can offer support and guidance about the Windrush Scheme and advise individuals on how to apply. It can also help vulnerable people or those who need additional support. If a licence applicant has been affected, they can contact the Windrush Help Team via the above link or by calling 0800 678 1925.

### 3.4 Duration of licences

If a person provides you with acceptable documents from List A within [Annex A of the Employers guide](#), or you have conducted an online check that confirms there is no restriction on their status in the UK, there is no restriction that prevents you from issuing them a licence for up to the statutory maximum period. Provided you retained the copy of the document or documents that were originally checked, you will not be required to repeat the check when the applicant applies to renew or extend their licence with you.

If a person provides you with acceptable document(s) from List B within [Annex A of the Employers guide](#), or the online check confirms that they have a time-limited permission to work in the UK, then their licence must not be issued for a period that exceeds their permission to be in the UK (up to the statutory maximum period for that type of licence).

When the licence has been issued on the basis of a Certificate of Application which states that work is permitted, and which has been positively verified by our Status Verification, Enquiries and Checking Service (SVEC), the licence may only be issued for a maximum period of six months from the date of the Certificate of Application.

When the licence has been issued on the basis that the applicant has an outstanding in-time<sup>5</sup> Home Office application, appeal or administrative review which has been positively verified by our SVEC, the licence may be issued for a maximum period of six months from the date of the licence decision. If the individual makes a further application to extend or renew their licence, you must repeat the check on original documents or use the online service (if applicable) to verify their current immigration status.

### 3.5 When will a licence lapse?

A licence issued in respect of an application made on or after 1 December 2016 will lapse when the holder's permission to be in the UK comes to an end. This could be because their permission to be in the UK has time-expired or because we have brought it to an end (for example, we have curtailed their permission to be in the UK). You are under no duty to carry out ongoing immigration checks to see whether a licence holder's permission to be in the UK has expired. The migrant will be aware when their time-limited permission has come to an end and we will inform them if we curtail their permission to be in the UK.

## 3.6 Biometric Residence Permits

The Home Office began issuing [Biometric Residence Permits](#) (BRPs) in November 2008. Since July 2015, BRPs are the only evidence of lawful residence currently issued by the Home Office to most non-EEA citizens, and their dependants, who are granted permission to remain in the UK for more than six months.

BRPs are credit-card sized immigration documents that contain an embedded chip and incorporate security safeguards to combat fraud and tampering. BRPs, therefore, provide licensing authorities with a secure and simple means to conduct a right to a licence check. Licensing authorities should nevertheless remain vigilant and ensure they check that a BRP is genuine when conducting checks.

BRPs provide evidence of the holder's immigration status in the UK including the date on which the person's entitlement to work in the UK is due to expire. In most cases, this will be the expiry date of the BRP. However, where the BRP indicates that a person has indefinite leave to enter or remain (ILE or ILR) in the UK, this means that there is no time limit on the holder's ability to live and work in the UK (although the BRP itself is valid for 10 years) after which the holder needs to apply for a replacement).

BRPs contain the holder's unique biometric identifiers (fingerprints and digital photo) within the chip, are highly resistant to forgery and counterfeiting, display a photo and biographical information on the face of the document and details of entitlements, such as access to work and/or public funds.

For migrants overseas, who are granted permission to enter the UK for more than six months, they are issued with a vignette (sticker) in their passport, which will be valid for 30 days, to enable them to travel to the UK. Following their arrival, they will have 10 days or before their vignette expires (whichever is the later) to collect their BRP from the Post Office branch detailed in their decision letter. You should not issue the licence on the basis of the 30-day vignette but wait until you have seen and checked the related BRP, either by conducting a manual or an online check.

## 4. Eligibility of certain categories of migrant to hold licences

It is important to determine that an applicant for a licence is not only in the UK lawfully and has permission to work, but also that they are not prevented from undertaking work as a PHC or taxi driver or holding a booking office licence.

The following section provides clarification on several specific immigration categories. If you require further advice in relation to these or other immigration categories, you may contact your Local Partnership Manager.

### 4.1 Tier 1 (Entrepreneur)

A person granted leave to enter or remain in the UK in the Innovator route, or in the predecessor Tier 1 (Entrepreneur) route, is prohibited from engaging in employment except where they are working for the business which they have established. Tier 1 Entrepreneur migrants may work for businesses which they have joined or taken over, Innovator migrants may only work for businesses which they have founded. They will comply with this restriction if, for example, they are employed as the director of the business in which they have invested, or if they are working in a genuinely self-employed capacity. They may not, however, be considered to be working for their own business if the work they undertake amounts to no more than employment by another business (for example, where their work is no more than the filling of a position or vacancy with, or the hire of their labour to that business, including where it is undertaken through engagement with a recruitment or employment agency). In this capacity, they would have a contract of service. This applies even if it is claimed that such work is undertaken on a self-employed basis.

Therefore, you must be satisfied that the applicant is genuinely engaged in running their own business and that for Innovator migrants that the migrant was a founding member of that business. You should consider requesting evidence of an applicant's appropriate registration of their business or for self-employment with HM Revenue and Customs as part of the consideration of any application. If an applicant is deemed to be effectively an employee and the business is not their own, the applicant would not be complying with their immigration permission if they were to carry out this work and their application should be rejected.

For more information, please see the policy guidance for Tier 1 (Entrepreneur) on [GOV.UK](https://www.gov.uk).

### 4.1 Skilled Workers

A person granted immigration leave as a Skilled Worker is granted permission to work for a specified employer (a sponsor) in a specified capacity. It is unlikely they would qualify for a licence in this sector. A dependant of a skilled worker migrant may qualify for a licence, as the same restrictions do not apply.

## 4.2 Students

A student with leave may have permission to work for a limited number of hours during term time whilst studying in the UK, and full-time during holidays. There are restrictions in place as to who is eligible to work, and this will be indicated in their BRP or passport vignette. Their right to work will be dependent on them continuing to follow their course of study. They cannot be self-employed, but they may qualify for a licence if they are employed by someone. Where a student with leave has completed their course, they are only able to work if they were initially given permission to work as part of their conditions as a student, until that permission expires or otherwise comes to an end.

## 4.3 Asylum seekers and Refugees

Asylum seekers do not usually have permission to work and when they do, this is generally only in a [shortage occupation](#) which will not involve the PHC and taxi sector and, therefore, they must not be granted a licence.

An Application Registration Card (ARC) is provided to a person who has claimed asylum in the UK, pending consideration of their case. An ARC may exceptionally state that the holder has a right to work, but generally this will only be in a shortage occupation. You must not grant a driver or booking office licence on the basis of the ARC which states that the holder may only work in a shortage occupation. However, you should check whether the asylum seeker has alternative evidence of a right to hold a licence.

A person who has been recognised by the UK as a refugee is issued with a BRP and has no restrictions on their right to work in the UK. They may be granted a licence whilst their status is current.

## 5. Right to a licence check for EEA citizens

The reference to 'EEA citizens' in this guidance means EU, EEA and Swiss citizens, unless otherwise stated.

### 5.1 Right to a licence check for EEA citizens from 1 July 2021

Since 1 July 2021, EEA citizens and their family members have needed immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirms their nationality, to prove their right to a licence. They are required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals.

In line with the original requirements to demonstrate immigration status to prove a right to a licence, there is no requirement for retrospective checks to be undertaken. This means that you do not need to check the immigration status of those EEA citizens who already hold a licence which was issued between 1 December 2016 and 30 June 2021. An immigration status check should be repeated when the individual is required to renew their licence.

### 5.2 Irish citizens

Irish citizens continue to have unrestricted access to work in the UK. Since 1 July 2021, they have been able to prove their right to a licence using their Irish passport or Irish passport card, or their Irish birth or adoption certificate 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.

Irish citizens can also apply for a frontier worker permit. This permit can be issued digitally or as a physical permit, so they may choose to prove their right to work using the [Home Office online right to work service](#) or present their physical permit if they have one.

### 5.3 How EEA citizens are required to prove their right to a licence

#### EEA Citizens granted status under the EU Settlement Scheme (EUSS)

Since 1 July 2021, the majority of EEA citizens prove their right to a licence using the Home Office online services.

If an EEA citizen has been granted 'Settled Status' by the Home Office, they will have a continuous right to work, in the same way as someone with Indefinite Leave to Enter / Remain status.

If an EEA citizen has been granted 'Pre-Settled Status' by the Home Office, they will have a time-limited right to work and you may issue a licence up to the expiry date of the person's leave. You must also carry out a follow-up check when the applicant subsequently extends or renews their licence. The Home Office online service will also advise when a follow-up check must be carried out.

## Outstanding UK EU Settlement Scheme applications

EEA citizens, and their family members, who have made a valid application to the EUSS can continue to live their life in the UK and maintain a right to a licence until their application is finally determined. This includes pending the outcome of any appeal against a decision to refuse status.

Licensing authorities must provide licence applicants with every opportunity to prove their right to a licence and should not discriminate against those with an outstanding, valid application.

## Receipt of application submitted to the EU Settlement Scheme

There are a small number of individuals who made their EUSS application using a paper application. Due to the postage and processing time related to paper applications, you may be required to undertake a check before the individual receives their Certificate of Application. Where an individual has made an application **on or before 30 June 2021**, they can provide a letter or email notification acknowledging receipt of the EUSS application. You should request a right to work check from the Status, Verification, Evidence and Checking (SVEC) service to verify this document.

## Certificate of Application

Where an individual states they have been issued with a Certificate of Application (CoA), you must check whether this is a '[digital](#)' or '[non-digital](#)' CoA. A CoA is evidence that an individual has made a valid application to the EUSS and should be used to evidence their right to a licence until such time as their application is finally determined.

### Digital Certificate of Application

Most individuals with an outstanding valid application made to the EUSS **on or before 30 June 2021** have been issued with a digital CoA. In this instance, you should check with the individual and ask them to provide you with a share code. This means you can check their right to work immediately via the online service and do not need to contact the SVEC. The online service will provide confirmation of their right to work and advise when a follow-up check is required.

Where the individual has a digital CoA to evidence an application made **on or after 1 July 2021**, the online service will direct you to verify this via the SVEC. You must do this in order to obtain a positive notice in these circumstances.

### Non-digital Certificate of Application

A 'non-digital' CoA is an email or letter, sent to the individual, advising them how licensing authorities can request information about their right to a licence from the SVEC. Where an applicant provides you with a 'non-digital' CoA as evidence of an application made to the EUSS **on or after 1 July 2021**, you must make a copy of this document and retain this copy.

Should you be provided with a non-digital CoA dated **on or before 30 June 2021** you should ask the licence applicant to check if they have also been issued with a digital CoA. If they have, they should provide you with a share code to verify their right to work via the online service instead.

## EU Settlement Scheme status granted by a Crown Dependency

The Crown Dependencies (the Bailiwick of Jersey, the Bailiwick of Guernsey, and the Isle of Man) each operate their own EUSS, for those eligible to apply. The UK and the Crown Dependencies recognise status granted under each other's Scheme, so an individual granted settled or pre-settled status by a Crown Dependency will be considered to have settled or pre-settled status in the UK.

The Isle of Man and Guernsey issue a letter to those granted EUSS status. Jersey issues a letter and operate an immigration status checker service for individuals to obtain confirmation of their status at any point.

Since 1 July 2021, when presented with a letter or email confirmation of EUSS leave from a Crown Dependency, you must request a right to work check from the Home Office Status, Verification, Evidence and Checking service (SVEC).

SVEC will be able to check the individual's status and verify that they have the right to a licence. You must keep a copy of the Crown Dependency letter or email and retain this with the response from the SVEC.

## Outstanding EU Settlement Scheme applications in a Crown Dependency

Where an individual has an outstanding application to the EU Settlement Scheme (EUSS) of the Crown Dependencies of the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, they will have a letter or email notification confirming their outstanding application. You must request a right to work check from the Home Office Status, Verification, Evidence and Checking service (SVEC).

SVEC will be able to check the individual's status and verify that they have the right to a licence. You must keep a copy of the Crown Dependency letter or email and retain this with the response from the SVEC.

## EEA citizens with valid Indefinite Leave to Enter or Remain

EEA citizens with Indefinite Leave to Enter or Remain (ILE/R) are not required to make an application to the EU Settlement Scheme but can do so if they wish.

Since 1 July 2021, EEA citizens with ILE/R have been required to prove their right to a licence in the same way as other foreign nationals who do not have a digital status.

You can carry out a manual check of their Home Office documentation such as an endorsement / vignette in a current passport stating, 'indefinite leave to enter or remain' or 'no time limit'. Some may have a current Biometric Residence Permit (BRP) and this can be checked manually. Alternatively, they may choose to use their BRP to access the online right to work service.

Carrying out either a manual check of the documents or the online check, as set out in this guidance will satisfy the requirement to prove a right to a licence.

### Further information

If you encounter EEA citizens who believe that they have ILE/R but do not have a document to confirm this please encourage them to:

- [apply to the EU Settlement Scheme](#) to obtain settled or pre-settled status (individuals may still be eligible to make an application to the EUSS after 30 June 2021); or-
- [apply to the Windrush scheme](#) to get proof of their ILE/R status

If they are from Malta or Cyprus, they may also be able to apply for British citizenship through the [Windrush scheme](#).

**Applications for either scheme are free of charge.**

### Points-Based Immigration System

EEA citizens who come to the UK to live, work or study will need to obtain immigration status under the points-based system in the same way as other foreign nationals.

The majority of EEA citizens will be provided with an eVisa, however this will be dependent upon the immigration route and how they made their application. Some EEA citizens will have a Biometric Residence Permit (BRP). Those with a valid BRP can use this to access the online right to work service.

To prove their right to a licence from 1 July 2021, individuals will provide you with a share code and their date of birth which will allow you to check their Home Office immigration status via the online service available on GOV.UK:

<https://www.gov.uk/view-right-to-work>.

Those with a BRP may also choose to present their BRP for a manual check.

You will satisfy the requirements to check an applicant's right to a licence if you carry out the check using the online service, or a manual check as set out in this guidance.

### EEA Citizens without lawful immigration status after 30 June 2021

If an EEA citizen applies for a licence with you but has not applied to the EUSS (and has no alternative immigration status in the UK) then they will not be able to pass a right to a licence check and a licence must not be issued. If they believe they are eligible for the EUSS, you could signpost them to make an application.

However, there may be situations in which licensing authorities identify an EEA citizen who holds an existing PHC or taxi licence, has not applied to the EUSS and does not hold any other form of leave in the UK. This might be discovered during an inspection of a taxi operator, an encounter with a law enforcement organisation or via a licence review brought by a Responsible Authority.

A licence issued in respect of an application made on or after 1 December 2016, will lapse when the holder's permission to be in the UK comes to an end.

In these circumstances, advice and assistance may be obtained from your **Home Office Local Partnership Managers**, or by email [ISDLPMSupportTeam@homeoffice.gov.uk](mailto:ISDLPMSupportTeam@homeoffice.gov.uk). In most cases, a Local Partnership Manager or local Immigration, Compliance and Enforcement (ICE) team will be the first point of contact for licensing authorities.

### **Immigration Enforcement 28-day notice**

Since 1 July 2021, where Immigration Enforcement encounter EEA citizens, or their family members, who are working without status, they will issue a written 28-day notice to the individual. This provides those who may have been eligible under the EUSS had they applied by 30 June 2021, with the opportunity to make a late application to EUSS demonstrating any reasonable grounds for missing the deadline.

Failure to make an application may impact upon their eligibility to access services in the UK and they may be required to leave the UK.

### **Family Members**

Non-EEA family members of EEA citizens are required to make an application to the EUSS to continue living in the UK lawfully after 30 June 2021. Whilst they will be granted an eVisa, they may also have a valid Biometric Residence Card (BRC).

Since 1 July 2021, non-EEA family members of EEA citizens can provide licensing authorities with a share code and their date of birth which will enable them to check their Home Office immigration status via the online service available on GOV.UK: <https://www.gov.uk/view-right-to-work>.

Alternatively, they may choose to present their valid BRC, for a manual check, which they can continue to use to prove their right to work until early 2022 when BRC holders will transition to utilising the online service only for right to work checks.

Finally, where applicable, joining family members (JFM) may apply to the EUSS. Where a JFM makes a valid application to the EUSS, they will receive a [Certificate of Application](#) (CoA), issued by the Home Office. They will be able to use their CoA for the purposes of a right to a licence check.

### **Further support available for EU, EEA and Swiss citizens**

If any of your existing or prospective licence applicants require further advice or support with regard to their immigration status, they can access information on GOV.UK:

<https://www.gov.uk/government/publications/view-and-prove-your-immigration-status-evisa>

This also provides further information on how to prove immigration status, how to update personal details, and support available.

If a licence applicant needs help accessing or using their Home Office online immigration status services, they can contact the UKVI Resolution Centre:

Telephone: 0300 790 6268, select option 3  
Monday to Friday (excluding bank holidays), 8am to 8pm  
Saturday and Sunday, 9:30am to 4:30pm.



## 6. Revocation of licences

We may provide you with information, or you may obtain information from other sources, which will cause you to wish to suspend or revoke a licence on the basis that the licence holder's right to hold a licence has changed on or after 1 December 2016 in respect of a driver licence and 22 January 2018 in respect of a booking office licence. For example, their permission to be in the UK has been curtailed, they have been served with a deportation order or they have been convicted of an immigration offence (generally, but not limited to, convictions under the Immigration Act 1971) or been subjected to an immigration penalty which has not been cancelled following an objection or appeal. An immigration penalty will have been issued, because they employed an illegal worker or let premises to someone who does not have a right to rent. Please note that civil penalties may be issued to UK citizens as well as migrants who breach the relevant regulations.

Such information about breaches of immigration law may also be relevant when you consider whether an individual meets the 'fit and proper' test.

On an appeal relating to a driver or booking office licence decision, whether it is to grant, revoke or suspend the licence, the court is not entitled to consider whether the licence holder should have been convicted of an immigration offence, received an immigration penalty or should have been granted by the Home Office permission to be in the UK. This is because separate rights of immigration appeal, or to have an immigration decision administratively reviewed, exist.

### 6.1 Return of the licence

The licence holder is required to return the licence to the issuing licensing authority, once that licence has expired, been suspended or revoked or ceased to have effect on immigration grounds. This is underpinned by a new criminal offence of failing to comply with the return requirement under existing taxi licensing legislation.

If the licence holder, without a reasonable excuse, fails within seven working days to return the licence to you, they commit an offence and may be prosecuted in the same way that they may already be prosecuted for failing to return a licence in other circumstances. The maximum fine is level 3 on the standard scale.

## 7. Providing information to the Home Office

These new provisions to prevent illegal working in relation to PHC and, taxi driver, and booking office licences do not specifically mandate you to report to the Home Office cases in which you have refused an application for a driver or booking office licence or subsequently suspended or revoked a licence on immigration grounds.

However, you are requested to provide the Home Office with this information in order that other appropriate enforcement action may be taken against a person, including revoking their UK driving licence. This information exchange is supported by [section 55](#) of the Immigration Act 2016 which expands the existing information sharing gateway at [section 20](#) of the Immigration and Asylum Act 1999 (the 1999 Act) and gives public authorities a clear statutory authority to supply information or documents to the Home Office which may be used for immigration purposes. Please see the [factsheet](#). Any information should be sent using the template at [Annex C](#) to [tphlicensing@homeoffice.gov.uk](mailto:tphlicensing@homeoffice.gov.uk).

In addition, section 20A of the 1999 Act, as amended by section 55 of the 2016 Act, places a duty on local authorities to provide Home Office immigration officials with nationality documents which are in their possession, but only when specifically requested to do so. Please see the [factsheet](#). You may be asked by the Home Office for copies of nationality documents which you have retained as part of the licensing application if they belong to someone who is liable to be removed from the UK.

## 8. Temporary adjusted right to work checks during the Coronavirus (COVID-19) pandemic

Following the positive feedback received on the ability to conduct right to work checks remotely, the Home Office initiated a review of the availability of specialist technology to support a system of digital right to work checks in the future. The intention is to introduce a new digital solution for many who are unable to use the Home Office online checking service, including UK and Irish citizens. This will enable checks to continue to be conducted remotely but with enhanced security.

As a result, temporary COVID-19 adjusted changes to the Right to Work Scheme, introduced on 30 March 2020, will remain in place until 5 April 2022 (inclusive). These temporary changes also apply to right to a licence checks by licensing authorities.

Due to the COVID-19 pandemic, some countries have advised that their expired passports should be considered as valid for an extended period of time. Where an individual is required to present you with a current passport or travel document endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period' and the leave is in a recently expired passport then you should contact the SVEC Service, to verify their status:

You must make a copy of their expired passport and endorsement and retain this with the response from the SVEC.

Information on how to carry out these temporary adjusted checks is available at [Coronavirus \(COVID-19\): right to work checks](#) on GOV.UK. This page will be updated with any changes to the temporary measures.

The COVID-19 adjusted checks end on 5 April 2022 (inclusive). New guidance will be issued ahead of 6 April 2022.

You do not need to carry out retrospective checks on applicants for a licence who had a COVID-19 adjusted check between 30 March 2020 and 5 April 2022 (inclusive). However, any individual identified with no lawful immigration status in the UK may be liable to enforcement action.

## 9. Do you have any questions?

In the first instance, please refer to this guidance. You may also wish to look at the further useful information provided in the existing illegal working guidance for employers. Employers already have a duty to do checks. However, as many licence holders are self-employed, their right to work and immigration status is not checked, so through these new provisions and this guidance we aim to prevent illegal working in this sector. When dealing with a licence application, you must check the immigration status of all applicants, including those who are not self-employed.

The illegal working guidance is available at:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide> and includes:

- [An employer's guide to the administration of the civil penalty scheme;](#)
- [An employer's guide to acceptable right to work documents;](#)
- [Code of practice on preventing illegal working: Civil penalty scheme for employers;](#)
- [Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working;](#)
- An employer's '[Right to Work Checklist](#)';
- The online interactive tool '[Status Verification, Enquiries and Checking Service](#)';
- The online interactive tool '[Check if someone can work in the UK](#)';
- The online interactive tool for the employer part of the service '[View a job applicant's right to work details](#)'; and
- [Coronavirus \(COVID-19\): right to work checks](#)

[Guidance on examining and identifying fraudulent identity documents](#) may be found on GOV.UK.

If you have questions about a person's immigration status, you may contact the Home Office's Status Verification, Enquiries and Checking Service.

Your Local Partnership Manager will be able to assist you if you with question about document types or if you suspect you have been provided with a forged document. They cannot confirm a person's immigration status.

## 10. Annex A: 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 and can be found within [Annex A of the Employers guide](#).

Where a right to work check has been conducted using the online service, the information is provided in real-time directly from Home Office systems and there is no requirement to carry out a manual check any of the acceptable documents.

# 11. Annex B: Checklist on examining and identifying fraudulent identity documents

	Cause for concern?	
	Yes	No
Does the document allow the person to live and work in the UK?		
Is the person presenting the document appear to be the same as the image or photograph?		
<b>Is the document genuine or counterfeit?</b> Check for:		
General quality/cover – Is it manufactured to a high standard?		
Watermarks – view the page with a light source, e.g. a torch or lamp		
UV reaction – If a UV light is available, check if the document reacts dull		
Random fibres – Are there random fibres on each of the document's pages?		
Print quality – Is the quality of the print of a high standard (no dots)?		
Intaglio ink on inside cover of passports – Is there raised ink on the document?		
Optically variable ink – Move the document under a light source		
Machine readable zone (font) – If available, use an online MRZ checker		
Holographic devices – Move the document under a light source		
<b>Have any pages been substituted?</b> Check for:		
Construction / page alignment / page numbers / page design		
Counterfeit pages (see above)		
<b>Has the photograph / image been substituted?</b> Check for:		
Damage around the photograph / image		
Any safeguards over photograph / image e.g. ink stamp, emboss, laminate		
Correct image type		
Evidence of a second laminate – move the document under a light source		
<b>Have any details been altered?</b> Check for:		
Damage to paper around details e.g. date of birth		
<b>Is the document a fantasy / pseudo document?</b> – Can you find in on the <a href="#">PRADO</a> or <a href="#">EDISON</a> websites?		

## Glossary of terms used in Annex B.

**Background print** – Areas on secure documents which are printed to a high standard. Using magnification, solid lines and detailed designs should be visible.

**Intaglio Ink** – A printing process which results in the ink having a raised and rough feel and which is found on the inside of most (not all) passports. It often involves a hidden pattern, revealed when the page is viewed at an oblique angle.

**MRZ** – A machine readable zone which allows for optical character recognition of characters which match a specific font.

**Optically Variable Ink** – A clear colour change from one colour to another which should be seen when the document is tilted.

**Random Fibres** – Security fibres which appear randomly across the paper. They can be visible to the naked eye or react when exposed to UV light.

**Watermark** – Created during the paper manufacturing process by varying the thickness of paper. It should consist of subtle changes in tone and both lighter and darker areas.

Further guidance on examining identity documents and examples of these techniques may be found [here](#).

# 12. Annex C

## PHC and taxi driver and booking office licence referral form



Immigration  
Enforcement

### Driver and booking officer licence referral form

Please complete the below details and press submit to return to Immigration Enforcement

Licensing Authority Details	
Name	
Email	
Licensing Authority	
Date Referred	

Individual's details	
Home Office Reference (if known)	
Surname	
Forename(s)	
Gender	
Nationality	
Date of birth	
Other known names	
Last known address	
Postcode	
Contact number	
Driving licence number	
NI Number	
Document type presented	
Document number	

Action taken	
First application or renewal	
Licence denied, suspended or revoked	
Date	
If revoked, has the licence been returned?	

		Email form to the Home Office
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# Annex D: Biometric card holders

The way in which Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders evidence their right to work is changing. This annex provides further information for licensing authorities on how to continue to conduct right to a licence checks before the change takes effect, and what they will need to do differently afterwards.

A Biometric Residence Card is provided to non-EEA family members of an EEA citizen. More information about applying to the EU Settlement Scheme as a family member is available on GOV.UK:

[Apply to the EU Settlement Scheme \(settled and pre-settled status\): Applying as the family member of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein - GOV.UK \(www.gov.uk\)](https://www.gov.uk/apply-to-the-eu-settlement-scheme-settled-and-pre-settled-status)

A Biometric Residence Permit is provided to individuals who apply to come to the UK or extend their UK visa for longer than 6 months, and to those who apply to settle in the UK. More information about BRPs is available on GOV.UK:

[Biometric residence permits \(BRPs\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biometric-residence-permits)

A Frontier Worker Permit is provided to EEA citizens who are resident outside the UK but are economically active (employed or self-employed) in the UK. More information about Frontier Worker Permits is available on GOV.UK:

[Frontier Worker permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/frontier-worker-permit)

## Right to a licence checks on biometric card holders up to and including 5 April 2022

BRC, BRP and FWP holders can currently choose to use **either** the Home Office online service or their physical card to evidence their right to a licence.

Up to and including 5 April 2022, licensing authorities can continue to conduct manual checks on physical cards.

During this time, licensing authorities cannot insist individuals use the online service, and should not discriminate against those who wish to use their physical card. Licensing authorities can, however, ask individuals if they would like to use the online service.

## Right to a licence checks for biometric card holders from 6 April 2022

From 6 April 2022, BRC, BRP and FWP holders will evidence their right to a licence using the Home Office **online service only**. Licensing authorities will no longer be able to accept physical cards for the purposes of a right to a licence check even if it shows a later expiry date. BRCs, BRPs and FWPs will be removed from the lists of acceptable documents used to conduct a manual right to work check.

Retrospective checks will not be required on biometric card holders who, before 6 April 2022, used their physical card to demonstrate their right to a licence.