

## **Immigration Bill**

### **Factsheet: Migrants' access to UK driving licences (clauses 41-42)**

Immigration Minister Mark Harper:

“The government is determined to build a fairer system and address public concern about immigration.

“It has previously been too easy for those here illegally to hold a UK driving licence and use it not only for driving, but as a piece of identification to help them access benefits, services and employment to which they are not entitled.

“It is already government policy only to issue driving licences to legal residents. The Immigration Bill will reaffirm this position and make it possible, for the first time, to revoke licences held by those with no right to be here.

“The ability to obtain and hold a UK driving licence is a privilege and one that only lawful immigrants and citizens should be able to benefit from.”

### **Background**

Non-EEA nationals can drive in the UK on a full driving licence issued in their home country for up to 12 months before needing to obtain a UK licence.<sup>1</sup> In 2010 the government changed the policy on the issuing of UK driving licences, restricting driving licences for non-EEA nationals to only those with more than 6 months leave. This change prevented illegal migrants from obtaining driving licences. Over 3,000 applications for licences are rejected every year on these grounds. The Bill will give this change the force of primary legislation. It will also allow us, for the first time, to revoke the driving licences of overstayers.

UK driving licences are often used by banks and business as a means of establishing someone's identity. Through this, illegal migrants could access services such as rented accommodation and financial services, helping them to establish a settled lifestyle in the UK, even though they have no right to be here.

### **What we are going to do:**

- Ensure that only those migrants lawfully resident in the UK can obtain a full or provisional UK driving licence;
- For the first time, create powers in law enabling the government to revoke the driving licence of a person here unlawfully.

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<sup>1</sup> For details of whether you can drive in Great Britain with a non-GB licence, see <https://www.gov.uk/non-gb-driving-licence>

## **How we are going to do it:**

- Give legislative force to tougher immigration checks first introduced into the driving licence application process in 2010<sup>2</sup>, by requiring applicants to demonstrate they are lawfully resident in the UK before a new full or provisional UK driving licence can be issued;
- Inform migrants that if they fail to abide by our laws, are here illegally or do not comply with the immigration process, any driving licence they hold may be revoked; and
- Set out clearly the dire consequences for illegal immigrants who continue to drive after their licence is revoked. They will be liable for prosecution for failure to surrender a licence; will be liable for prosecution if caught driving; face losing any vehicle they have and face detention and swift removal under immigration powers. Illegal migrants will understand that any convictions will be taken into consideration by the Home Office where they apply to stay here or return here in the future.

## **The Bill will benefit:**

- The lawfully resident population as a whole. The UK will be less attractive and less accommodating to those in the UK unlawfully.

## **Next steps**

- Subject to Parliamentary approval the intention is to implement these provisions in 2014.
- Before the legislation takes effect, the government will publicise its provisions so that migrants are made aware any UK driving licence they hold may be revoked if they remain here illegally and fail to comply with the law.
- We will also send a message to uninsured drivers that it is not worth the risk. With automatic number plate recognition and new mobile technology, it is easy to check the insurance status of a car or its driver. The net is closing in on uninsured drivers be they UK residents or illegal immigrants, and the penalties are steep.

## **Q&A**

### **Can a migrant who has had his or her licence revoked apply for a new licence?**

Yes, after regularising his or her immigration status and paying the prescribed fee for a new driving licence.

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<sup>2</sup> House of Commons, Official Report, 25 March 2010, Vol 508, Part No 64, col 66WS

## **Is there a risk that drivers will continue to drive unlicensed and uninsured?**

Illegal migrants will normally want to evade detection. Driving uninsured will mean that they run the real risk of bringing themselves to the immediate attention of the Home Office Immigration Enforcement teams. Where the police stop a vehicle or driver, they will routinely make a check with the Home Office and can do so 24 hours a day, seven days a week and 365 days of the year. In such circumstances, the migrant can expect to be detained and removed under immigration powers.

If they are caught driving, they will face prosecution for doing so, will be liable to lose any vehicle and face detention and swift removal under immigration powers.

## **How will you know whether this is having an impact?**

The Home Office, the Department for Transport, Driver Vehicle and Licensing Agency (DVLA) and the Driver & Vehicle Agency (DVA)<sup>3</sup> will carefully monitor the initial impact of the new provisions. The Home Office has also engaged with the Association of British Insurers and the Motor Insurance Bureau in developing this policy and will continue to work with them in ensuring that they know where a licence has been revoked and are able to work with the police in enforcing the law.

Until an initial evaluation has been completed, the Home Office will limit the number of revocation referrals it makes to the DVLA and DVA under this proposal.

## **Further reading**

See statement to the House of Commons made on 25 March 2010 with details of the policy change: House of Commons, Official Report, 25 March 2010, <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100325/wmstext/100325m0005.htm>.

**Home Office  
October 2013**

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<sup>3</sup> In Great Britain licences are administered by DVLA and in Northern Ireland they are administered by DVA.