

Draft Regulations laid before Parliament under section 126(8)(b) of the Nationality, Immigration and Asylum Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. XXXX

**EXITING THE EUROPEAN UNION
IMMIGRATION**

**The Immigration (Provision of Physical Data)
(Amendment) (EU Exit) Regulations 2018**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 126(1) of the Nationality, Immigration and Asylum Act 2002⁽¹⁾.

In accordance with section 126(8)(b) of that Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Immigration (Provision of Physical Data) (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on the twenty-first day after the day on which they are made.

Amendments to the Immigration (Provision of Physical Data) Regulations 2006

2.—(1) The Immigration (Provision of Physical Data) Regulations 2006⁽²⁾ are amended as follows.

(2) In regulation 2 in the definition of “application”—

(a) after paragraph (c) omit “or”;

(b) after paragraph (d) insert “; or” and then the following—

(1) 2002 c. 41; section 126 was amended by sections 8 and 14(3) of, paragraph 3 of Schedule 2 to and paragraph 19 of Schedule 9 to the Immigration Act 2014 (c. 22). Subsections (3) to (7) and (8A) of section 126 make further provision about the powers in subsection (1). See subsection (2) for the definition of “immigration application” and subsection (9) for the definitions of “authorised person”, “biometric information” and “document”.

(2) S.I. 2006/1743; amended by S.I. 2011/1779, 2015/737.

“(e) an application for leave to remain in the United Kingdom made under Appendix EU to the immigration rules⁽³⁾.”

Date

Name
Minister of State
Home Office

(3) Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix EU was laid before Parliament on [XXX] (HC XXX).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Provision of Physical Data) Regulations 2006 (“the 2006 Regulations”).

The 2006 Regulations are concerned with particular kinds of immigration application and provide that applicants may be required to provide a record of their fingerprints and a photograph of their face (referred to as “biometric information”). The 2006 Regulations provide for the process by which biometric information may be obtained and recorded, for safeguards where it is required of a person under the age of 16 and for its use, retention and destruction. Biometric information provided under the 2006 Regulations may be recorded on any document issued as a result of the immigration application in question. Section 126(9) of the Nationality, Immigration and Asylum Act 2002 provides for these purposes that a “document” includes a card or sticker and any other method of recording information, whether in writing or by the use of electronic or other technology or by a combination of methods.

These Regulations amend the 2006 Regulations so that they also cover applications for leave to remain in the United Kingdom made under Appendix EU to the immigration rules (applications by EU citizens and others).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.