

## 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.