
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Immigration, Nationality and
Asylum (EU Exit) Regulations 2019**

PART 2

Immigration and Nationality

Chapter 2

Amendment of subordinate legislation

Amendment of the Immigration (Biometric Registration) Regulations 2008

34.—(1) The Immigration (Biometric Registration) Regulations 2008⁽¹⁾ are amended as follows.

(2) In regulation 2, at the appropriate place insert—

““retained enforceable EU right” means a right that—

- (a) was created or arose by or under the EU Treaties before the time when the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 come into force, and
- (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time;”.

(3) In regulation 9 (use and retention of biometric information), in paragraph (2)(e)—

- (a) for “an enforceable EU right” substitute “a retained enforceable EU right”;
- (b) after “1972” insert “as that provision is modified from time to time”.

(4) In regulation 11 (retention of fingerprints)—

- (a) in paragraph (2)(f)(ii)—
 - (i) for “an enforceable EU right” substitute “a retained enforceable EU right”;
 - (ii) after “1972” insert “as that provision is modified from time to time”;
- (b) in paragraph (4), for “Article 16 of the Council [Directive 2004/38/EC](#)” substitute “regulation 15 of the Immigration (European Economic Area) Regulations 2016”.

(1) [S.I. 2008/3048](#); amended by [S.I. 2015/433](#). There have been other amendments to the Regulations which are not relevant to these Regulations.