



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 6

IMMIGRATION PROCEDURE

Provision of information by traveller

126 Physical data: compulsory provision

- (1) The Secretary of State may by regulations—
- (a) require an immigration application to be accompanied by specified [^{F1}biometric information];
 - (b) enable an authorised person to require an individual who makes an immigration application to provide [^{F2}biometric information];
 - (c) enable an authorised person to require an entrant to provide [^{F3}biometric information].
- (2) In subsection (1) “immigration application” means an application for—
- [^{F4}(za) an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations)),]
 - (a) entry clearance,
 - (b) leave to enter or remain in the United Kingdom, ^{F5}...
 - (c) variation of leave to enter or remain in the United Kingdom; [^{F6}or]
 - [^{F7}(d) a transit visa (within the meaning of section 41 of the Immigration and Asylum Act 1999), ^{F8}...
 - ^{F8}(e)]
- (3) Regulations under subsection (1) may not—

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- (a) impose a requirement in respect of a person to whom section 141 of the Immigration and Asylum Act 1999 (c. 33) (fingerprinting) applies, during the relevant period within the meaning of that section, or
 - (b) enable a requirement to be imposed in respect of a person to whom that section applies, during the relevant period within the meaning of that section.
- (4) Regulations under subsection (1) may, in particular—
- (a) require, or enable an authorised person to require, the provision of [^{F9}biometric] information in a specified form;
 - (b) require an individual to submit, or enable an authorised person to require an individual to submit, to a specified process by means of which [^{F10}biometric] information is obtained or recorded;
 - (c) make provision about the effect of failure to provide [^{F11}biometric] information or to submit to a process (which may, in particular, include provision for an application to be disregarded or dismissed if a requirement is not satisfied);
 - (d) confer a function (which may include the exercise of a discretion) on an authorised person;
 - (e) require an authorised person to have regard to a code (with or without modification);
 - (f) require an authorised person to have regard to such provisions of a code (with or without modification) as may be specified by direction of the Secretary of State;
 - [^{F12}(fa) provide for biometric information to be recorded on any document issued as a result of the application in relation to which the information was provided;]
 - [^{F13}(g)
 - (h) make provision which applies generally or only in specified cases or circumstances;
 - (i) make different provision for different cases or circumstances.
- [^{F14}(5)
- (6) In so far as regulations under subsection (1) require an individual under the age of 16 to submit to a process, the regulations must make provision similar to section 141(3) to (5) and (13) of the Immigration and Asylum Act 1999 (fingerprints: children).
- (7) In so far as regulations under subsection (1) enable an authorised person to require an individual under the age of 16 to submit to a process, the regulations must make provision similar to section 141(3) to (5), (12) and (13) of that Act (fingerprints: children).
- (8) Regulations under subsection (1)—
- (a) must be made by statutory instrument, and
 - (b) shall not be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.
- [^{F15}(8A) Section 8 of the UK Borders Act 2007 (power to make regulations about use and retention of biometric information) applies to biometric information provided in accordance with regulations under subsection (1) as it applies to biometric information provided in accordance with regulations under section 5(1) of that Act.]
- (9) In this section—

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“authorised person” has the meaning given by section 141(5) of the Immigration and Asylum Act 1999 (authority to take fingerprints),

[^{F16}“ biometric information ” has the meaning given by section 15 of the UK Borders Act 2007,]

“code” has the meaning given by section 145(6) of that Act (code of practice),

[^{F17}“ 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),]

“entrant” has the meaning given by section 33(1) of the Immigration Act 1971 (c. 77) (interpretation),

“entry clearance” has the meaning given by section 33(1) of that Act,

^{F18}
...

Textual Amendments

- F1** Words in s. 126(1)(a) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(2)(a)**; [S.I. 2014/1820](#), art. 3(z)
- F2** Words in s. 126(1)(b) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(2)(b)**; [S.I. 2014/1820](#), art. 3(z)
- F3** Words in s. 126(1)(c) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(2)(b)**; [S.I. 2014/1820](#), art. 3(z)
- F4** S. 126(2)(za) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 75(6)**, 87(1); [S.I. 2022/590](#), reg. 2, **Sch. 1 para. 26**
- F5** Word in s. 126(2)(b) omitted (1.3.2015) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 19(a)**; [S.I. 2015/371](#), art. 3(b)
- F6** Word in s. 126(2)(c) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **13(3)(a)** (with reg. 13(5))
- F7** S. 126(2)(d)(e) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 8(2)**, 75(3); [S.I. 2014/1820](#), art. 3(g)
- F8** S. 126(2)(e) and word omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **13(3)(b)** (with reg. 13(5))
- F9** Word in s. 126(4)(a) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(3)**; [S.I. 2014/1820](#), art. 3(z)
- F10** Word in s. 126(4)(b) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(3)**; [S.I. 2014/1820](#), art. 3(z)
- F11** Word in s. 126(4)(c) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(3)**; [S.I. 2014/1820](#), art. 3(z)
- F12** S. 126(4)(fa) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 8(3)**, 75(3); [S.I. 2014/1820](#), art. 3(g)
- F13** S. 126(4)(g) omitted (1.3.2015) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 19(b)**; [S.I. 2015/371](#), art. 3(b)
- F14** S. 126(5) omitted (1.3.2015) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 19(c)**; [S.I. 2015/371](#), art. 3(b)
- F15** S. 126(8A) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 14(3)**, 75(3); [S.I. 2014/1820](#), art. 3(m)
- F16** Words in s. 126(9) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(4)**; [S.I. 2014/1820](#), art. 3(z)

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- F17** Words in s. 126(9) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 8(4)**, 75(3); S.I. 2014/1820, art. 3(g)
- F18** Words in s. 126(9) omitted (28.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 3(5)**; S.I. 2014/1820, art. 3(z)

Modifications etc. (not altering text)

- C1** S. 126 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Guernsey\) Order 2020 \(S.I. 2020/1560\)](#), arts. 1(1), **3**, **Schs. 2, 2A**
- C2** Ss. 126-128 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Biometric Information\) \(Jersey\) Order 2018 \(S.I. 2018/1358\)](#), art. 3, **Sch. 2**
- C3** S. 126 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(j)
- C4** S. 126(4)-(7) applied by 1981 c. 61, s. 41(IZB) (as inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 10(3)**, 75(3); S.I. 2014/1820, art. 3(i))

127 Physical data: voluntary provision

- (1) The Secretary of State may operate a scheme under which an individual may supply, or submit to the obtaining or recording of, [^{F19}biometric information] to be used (wholly or partly) in connection with entry to the United Kingdom.
- (2) In particular, the Secretary of State may—
- require an authorised person to use [^{F20}biometric] information supplied under a scheme;
 - make provision about the collection, use and retention of [^{F20}biometric] information supplied under a scheme (which may include provision requiring an authorised person to have regard to a code);
 - charge for participation in a scheme.
- (3) In this section the following expressions have the same meaning as in section 126—
- “authorised person”,
 - [^{F21}(aa) biometric information”, and]
 - (b) “code”, ^{F22}...
 - ^{F23}(c)

Textual Amendments

- F19** Words in s. 127(1) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 4(2)**; S.I. 2014/1820, art. 3(z)
- F20** Word in s. 127(2)(a)(b) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 4(3)**; S.I. 2014/1820, art. 3(z)
- F21** S. 127(3)(aa) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 4(4)(a)**; S.I. 2014/1820, art. 3(z)
- F22** Word in s. 127(3)(b) omitted (28.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 4(4)(b)**; S.I. 2014/1820, art. 3(z)
- F23** S. 127(3)(c) omitted (28.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 2 para. 4(4)(c)**; S.I. 2014/1820, art. 3(z)

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Modifications etc. (not altering text)

- C2** Ss. 126-128 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Biometric Information\) \(Jersey\) Order 2018 \(S.I. 2018/1358\), art. 3, Sch. 2](#)
- C5** S. 127 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Guernsey\) Order 2020 \(S.I. 2020/1560\), arts. 1\(1\), 3, Schs. 2, 2A](#)

128 Data collection under Immigration and Asylum Act 1999

- (1) The following shall be added at the end of section 144 of the Immigration and Asylum Act 1999 (c. 33) (collection of data about external physical characteristics) (which becomes subsection (1))—

“(2) In subsection (1) “external physical characteristics” includes, in particular, features of the iris or any other part of the eye.”

- (2) The following shall be inserted after section 145(2) of that Act (codes of practice)—

“(2A) A person exercising a power under regulations made by virtue of section 144 must have regard to such provisions of a code as may be specified.”

Modifications etc. (not altering text)

- C2** Ss. 126-128 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Biometric Information\) \(Jersey\) Order 2018 \(S.I. 2018/1358\), art. 3, Sch. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(1A) substituted for s. 18(1) by [2016 c. 19 Sch. 11 para. 31\(2\)](#)
- s. 22A inserted by [2022 c. 36 s. 13\(7\)](#)
- s. 27(ba) inserted by [2022 c. 36 s. 13\(10\)](#)
- s. 51(2)(d) and word inserted by [2016 c. 19 Sch. 11 para. 26\(6\)](#)
- s. 55(2)(aa) inserted by [2016 c. 19 Sch. 11 para. 26\(7\)](#)
- s. 62(3A) inserted by [2023 c. 37 s. 11\(8\)](#)
- s. 80A(5A) inserted by [2023 c. 37 s. 10\(8\)](#)
- s. 82A inserted by [2022 c. 36 s. 23\(1\)](#)
- s. 94(6B) inserted by [2006 c. 13 s. 13](#)
- s. 106(2)(ua) inserted by [2007 c. 30 s. 19\(3\)](#)
- s. 107(2A) inserted by [2022 c. 36 Sch. 3 para. 5\(a\)](#)
- s. 126(2A) inserted by [S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 1(1)(ga) inserted by [2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(a))
- Sch. 3 para. 1(2A) inserted by [2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(b))
- Sch. 3 para. 1A inserted by [2016 c. 19 Sch. 12 para. 3](#)
- Sch. 3 para. 2(1)(ca) inserted by [2016 c. 19 Sch. 12 para. 4\(3\)](#)
- Sch. 3 para. 2A inserted by [2016 c. 19 Sch. 12 para. 5](#)
- Sch. 3 para. 3A-3C inserted by [2016 c. 19 Sch. 12 para. 6](#)
- Sch. 3 para. 7B7C and cross-headings inserted by [2016 c. 19 Sch. 12 para. 9](#)
- Sch. 3 para. 10A10B inserted by [2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(c))
- Sch. 3 para. 15(aa) inserted by [2016 c. 19 Sch. 12 para. 14\(2\)](#)
- Sch. 3 para. 15(d)-(f) inserted by [2016 c. 19 Sch. 12 para. 14\(4\)](#)
- Sch. 3 para. 7C(1)(c) word substituted by [S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 5 para. 3(1) Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) by [2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(2)-(4) inserted by [2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(1) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))