
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require certain persons subject to immigration control to apply for a biometric immigration document. They require holders of the document to use it in certain circumstances and when they do so, to provide information for comparison with the biometric information provided as part of the original application for the document.

Regulation 3 sets out who must apply for a biometric immigration document. A person who applies for leave to remain in the UK in one of the specified categories under the immigration rules set out in regulation 4 must apply for a document, as must his dependants. This is provided the person applies for leave to remain on the appropriate form. The specified categories under the immigration rules concern some student applications and some family applications.

Regulation 5 permits an authorised person to require a person who applies for a biometric immigration document to provide biometric information, that is, a record of his fingerprints and a photograph of his face. An authorised person is defined in section 141(5) of the Immigration and Asylum Act 1999.

Regulation 6 allows the Secretary of State to use fingerprints or photographs relating to the person which he already has in his possession, rather than requiring the person to provide them again.

Regulation 7 provides certain safeguards in respect of children under 16. Regulation 8 sets out the various processes which an authorised person may require a person to submit to so that his fingerprints or photograph can be recorded.

Regulations 9 to 12 make provision for the use, retention and destruction of biometric information provided under these Regulations.

Regulation 13 makes provision for the issue of a biometric immigration document, including provision for its expiry. Regulation 14 provides that the Secretary of State may require the surrender of other documents relating to immigration or nationality, for example, documents which previously granted the holder leave to enter or remain in the UK and which are to be replaced by the biometric immigration document.

Regulation 15 makes provision for the content of the biometric immigration document, which includes information and other items which may be contained in an electronic chip embedded in the document.

Regulations 16 and 17 provide when the Secretary of State can require the surrender of a biometric immigration document, or cancel a document. Regulation 18 sets out when the holder of a document must notify the Secretary of State of certain circumstances.

Regulations 19 and 20 provide for when a person is required to apply for a replacement document, and that these Regulations apply to a person who makes an application for a replacement document just as they apply to a person applying for a document for the first time, with one modification.

Regulations 21 and 22 set out when a person must use the document and provide information for comparison.

Regulation 23 provides for the consequences of a failure to comply with a requirement of the Regulations.

Regulation 24 revokes the Immigration (Biometric Regulation) (Pilot) Regulation 2008 and makes transitional provision.