
STATUTORY INSTRUMENTS

2012 No. 594

**The Immigration (Biometric Registration)
(Amendment) Regulations 2012**

Amendments to the 2008 Regulations

10. For regulation 23 substitute—

“Consequences of a failure to comply with a requirement of these Regulations

23.—(1) Subject to paragraphs (3) and (4), where a person who is required to make an application for the issue of a biometric immigration document fails to comply with a requirement of these Regulations, the Secretary of State—

- (a) may take any, or any combination, of the actions specified in paragraph (2); and
- (b) must consider giving a notice under section 9 of the UK Borders Act 2007.

(2) The actions specified are to—

- (a) refuse an application for a biometric immigration document;
- (b) treat the person’s application for leave to remain as invalid;
- (c) refuse the person’s application for leave to remain; and
- (d) cancel or vary the person’s leave to enter or remain.

(3) Where a person is required to apply for a biometric immigration document under regulation 3(2)(a) or (b) or as a dependant of a person who has made an application in accordance with regulation 3(2)(a) or (b) and fails to comply with a requirement of these Regulations, the Secretary of State—

- (a) must refuse the person’s application for a biometric immigration document;
- (b) must treat the person’s application for leave to remain as invalid; and
- (c) may cancel or vary the person’s leave to enter or remain.

(4) Where a person is required to apply for a biometric immigration document under regulation 3(2)(e), (f) or (g) or as the dependant of a person who has made an application in accordance with regulation 3(2)(e) or (f) and fails to comply with a requirement of these Regulations the Secretary of State—

- (a) may refuse the application for a biometric immigration document; and
- (b) must consider giving a notice under section 9 of the UK Borders Act 2007.

(5) Where any person apart from a person referred to in paragraph (1), (3) or (4) fails to comply with a requirement of these Regulations, the Secretary of State must consider giving a notice under section 9 of the UK Borders Act 2007.

(6) The Secretary of State may designate an adult as the person responsible for ensuring that a child complies with the requirements of these Regulations.”