



# 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 information about external physical characteristics of the applicant;
  - (b) enable an authorised person to require an individual who makes an immigration application to provide information about his external physical characteristics;
  - (c) enable an authorised person to require an entrant to provide information about his external physical characteristics.
- (2) In subsection (1) “immigration application” means an application for—
  - (a) entry clearance,
  - (b) leave to enter or remain in the United Kingdom, or
  - (c) variation of leave to enter or remain in the United Kingdom.
- (3) Regulations under subsection (1) may not—
  - (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—

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*Status: This is the original version (as it was originally enacted).*

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- (a) require, or enable an authorised person to require, the provision of 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 information is obtained or recorded;
  - (c) make provision about the effect of failure to provide 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;
  - (g) make provision about the use and retention of information provided (which may include provision permitting the use of information for specified purposes which do not relate to immigration);
  - (h) make provision which applies generally or only in specified cases or circumstances;
  - (i) make different provision for different cases or circumstances.
- (5) Regulations under subsection (1) must—
- (a) include provision about the destruction of information obtained or recorded by virtue of the regulations,
  - (b) require the destruction of information at the end of the period of ten years beginning with the day on which it is obtained or recorded in a case for which destruction at the end of another period is not required by or in accordance with the regulations, and
  - (c) include provision similar to section 143(2) and (10) to (13) of the Immigration and Asylum Act 1999 (c. 33) (fingerprints: destruction of copies and electronic data).
- (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.
- (9) In this section—
- “authorised person” has the meaning given by section 141(5) of the Immigration and Asylum Act 1999 (authority to take fingerprints),
  - “code” has the meaning given by section 145(6) of that Act (code of practice),

“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, and

“external physical characteristics” includes, in particular, features of the iris or any other part of the eye.