

NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

EXPLANATORY NOTES

SUMMARY

Part 6 - Immigration Procedure

12. **Part 6** of the Act contains provisions that allow a fee to be set for work permit applications, and bring work permit advice within the remit of the Office of the Immigration Services Commissioner.
13. The Act also contains provisions to introduce a scheme to require physical data, such as iris or facial images, to accompany applications to enter or remain in the United Kingdom. The Secretary of State may also operate a scheme to allow people voluntarily to provide such data to assist their entry into the United Kingdom. There is also provision which allows the introduction of an Authority- to-carry ("ATC") scheme. This provides for regulations to require carriers to check the details of passengers against a Home Office database to confirm that they pose no known immigration or security risk.
14. The Secretary of State will also be able to require an employer, financial institution, or local authority to supply him with specified information. The Inland Revenue will be able to supply specified information to the Secretary of State for certain purposes, and port medical inspectors and staff working under their direction will be able to disclose information to specified health service bodies where necessary for certain medical purposes. The disclosure gateway at section 20 of the 1999 Act is also extended.
15. This Part also introduces Schedule 8, which amends the existing carriers' liability provisions in Part II of the 1999 Act. This establishes a more flexible penalty regime, introduces a statutory right of appeal and modifies the provisions for the detention of transporters. The provisions also apply to the rail freight regime (section 39 of the 1999 Act) and the carriers' liability regime (sections 40 to 42 of the 1999 Act).
16. **Part 6** also includes provision for a power that would allow the UK to operate immigration and other frontier controls at an European Economic Area sea port such as Calais, subject to an international agreement. In addition, it would allow the Secretary of State to make any necessary legislative arrangements to accommodate French immigration control in UK Channel ports such as Dover.