
STATUTORY INSTRUMENTS

2020 No. 1309

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 2

IMMIGRATION

Chapter 2

Amendment and savings of secondary legislation

Amendment and saving of the Immigration (Provision of Physical Data) Regulations 2006

32.—(1) The Immigration (Provision of Physical Data) Regulations 2006⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation), in the definition of “application” omit paragraph (d).

(3) In regulation 8 (use and retention of biometric information)—

- (a) at the end of sub-paragraph (2)(c), insert “and”;
- (b) omit sub-paragraph (2)(e) (and the “and” before it).

(4) In regulation 10 (retention of fingerprints)—

- (a) at the end of sub-paragraph (2)(d) insert “or”;
- (b) omit sub-paragraph (2)(f) (and the “or” before it);
- (c) in paragraph (3)—

- (i) omit “or (f)”;
- (ii) omit “or who no longer enjoys the right of permanent residence”;

(d) omit paragraph (4).

(5) The amendment made by paragraph (2) does not apply in respect of an application made before commencement day where a document was not issued before commencement day.

(6) Notwithstanding the amendment of regulation 8 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

⁽¹⁾ [S.I. 2006/1743](#), relevant amending instruments are [S.I. 2015/737](#), [2018/928](#), [2019/686](#), [2019/745](#) and [2020/1213](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens' rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.
- (7) The amendment of regulation 10 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.