

SCHEDULE

Regulation 11

AMENDMENTS TO RELATED SECONDARY LEGISLATION

Amendment of the British Nationality (General) Regulations 2003

- 1.—(1) The British Nationality (General) Regulations 2003(1) are amended as follows.
(2) After regulation 7E insert—

“Power to use and retain existing biometric information

7EA.—(1) This regulation applies where—

- (a) a person makes an application for registration or naturalisation as a British citizen; and
- (b) the Secretary of State already has a record of the person’s fingerprints or a photograph of the person’s face in their possession (for whatever reason).

(2) Where this regulation applies, the Secretary of State may use or retain that information for the purposes of these Regulations.”.

- (3) In regulation 7G—

(a) in paragraph (1)—

- (i) for “ten” substitute “15”;
- (ii) for the words from “the date” to the end substitute—
“—

- (a) the date on which the fingerprints were provided; or
 - (b) the date on which they are reused in connection with a relevant application made by the person,
- whichever is the later.”;

(b) at the end insert—

- “(5) A relevant application for the purposes of paragraph (1) is an application for—
- (a) entry clearance;
 - (b) leave to enter;
 - (c) leave to remain; or
 - (d) registration or naturalisation as a British citizen.”.

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

- 2.—(1) The Immigration (Provision of Physical Data) Regulations 2006(2) are amended as follows.
(2) After regulation 8 insert—

“Power to use and retain existing biometric information

8A.—(1) This regulation applies where—

- (a) a person makes an application; and

(1) [S.I. 2003/548](#). Relevant amending instrument is [S.I. 2015/738](#).
(2) [S.I. 2006/1743](#). Relevant amending instrument is [S.I. 2015/737](#).

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- (b) the Secretary of State already has a record of the person's fingerprints or a photograph of the person's face in their possession (for whatever reason).
- (2) Where this regulation applies, the Secretary of State may use or retain that information for the purposes of these Regulations.”.
- (3) In regulation 10—
 - (a) in paragraph (1)—
 - (i) for “ten” substitute “15”;
 - (ii) for the words from “the date” to the end substitute—
 - “__
 - (a) the date on which the fingerprints were provided; or
 - (b) the date on which they are reused in connection with an application made by the person which comes within paragraph (5), whichever is the later.”;
 - (b) at the end insert—
 - “(5) An application comes within this paragraph if it is an application for—
 - (a) entry clearance;
 - (b) leave to enter;
 - (c) leave to remain; or
 - (d) registration or naturalisation as a British citizen.”.

Amendment of the Immigration (Biometric Registration) Regulations 2008

- 3.—(1) The Immigration (Biometric Registration) Regulations 2008(3) are amended as follows.
- (2) In regulation 2 insert in the appropriate places—
 - ““biometric card” means a card which forms part of a biometric immigration document and which is issued to a person who has made an application under regulation 3 or 3A recording the holder's immigration status;”;
 - ““biometric sticker” means a sticker which forms part of a biometric immigration document which—
 - (a) is issued to a person who has made an application under regulation 3 or 3A recording the holder's immigration status; and
 - (b) consists of a stamp or other attachment in a passport or other document which indicates that the holder has been granted entry clearance or limited or indefinite leave to enter or remain in the United Kingdom;”.
- (3) In regulation 11—
 - (a) in paragraph (1)—
 - (i) for “ten” substitute “15”;
 - (ii) for the words from “the date” to the end substitute—
 - “__
 - (a) the date on which the fingerprints were provided; or
 - (b) the date on which they are reused in connection with a relevant application made by the person,

(3) [S.I. 2008/3048](#). Relevant amending instruments are [S.I. 2009/819](#), [2012/594](#) and [2015/433](#).

- whichever is the later.”;
- (b) at the end insert—
- “(5) A relevant application for the purposes of paragraph (1) is an application for—
- (a) entry clearance;
 - (b) leave to enter;
 - (c) leave to remain; or
 - (d) registration or naturalisation as a British citizen.”.

(4) In regulation 13—

 - (a) in paragraph (1), omit “, known as a biometric residence permit,”;
 - (b) after paragraph (1) insert—

“(1A) The reference to the issue of a biometric immigration document in paragraph (1) includes allowing the person to view their biometric immigration document electronically.”;

 - (c) in paragraph (4)—
 - (i) in sub-paragraphs (b) and (c), for “immigration document” substitute “card or biometric sticker”;
 - (ii) in sub-paragraph (d), for “document” substitute “biometric card or biometric sticker where issued to the person”;
 - (d) at the end insert—

“(5) Where the person is issued with a biometric card or biometric sticker, the information contained on that card or sticker is to be read subject to the information on the person’s biometric immigration document.”.

(5) In regulation 13A—

 - (a) in paragraph (1), omit “, known as a biometric residence permit,”;
 - (b) after paragraph (1) insert—

“(1A) The reference to the issue of a biometric immigration document in paragraph (1) includes allowing the person to view their biometric immigration document electronically.”;

 - (c) in paragraph (6)—
 - (i) in sub-paragraphs (b) and (c), for “immigration document” substitute “card or biometric sticker”;
 - (ii) in sub-paragraph (d), for “document” substitute “biometric card or biometric sticker where issued to the person”;
 - (d) after paragraph (6) insert—

“(6A) Where the person is issued with a biometric card or biometric sticker, the information contained on that card or sticker is to be read subject to the information on the person’s biometric immigration document.”.

(6) Omit regulation 13B.

(7) In regulation 15—

 - (a) in paragraph (1) omit “on the face of the document”;
 - (b) after paragraph (1)(j) insert—

“(ja) other information connected with the holder’s immigration status or nationality.”.

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- (8) In regulation 16—
 - (a) in the heading, the opening words of paragraph (1), paragraph (1)(f) and paragraph (2), for “immigration document” substitute “card”;
 - (b) in paragraph (1)(a), (b), (c), (d) and (g), for “document” substitute “card”;
 - (c) in paragraph (1)(g), for “, 13A(5) or 13B(3)” substitute “or 13A(5)”.
- (9) After regulation 16 insert—

“Cancelling access to a biometric immigration document

16A. The Secretary of State may cancel access to a person’s biometric immigration document electronically if the Secretary of State thinks that—

- (a) the holder’s leave to enter or remain has been varied, cancelled or invalidated, or has lapsed; or
 - (b) another person has gained access to the biometric immigration document without the consent of the holder or of the Secretary of State.”.
- (10) In regulation 19, in paragraph (1), for “, 13A(1) or 13B(1)” substitute “or 13A(1)”.

- (11) In regulation 21—
 - (a) omit paragraph (3);
 - (b) after paragraph (5) insert—

“(5A) The references in paragraphs (1), (2) and (4) to the provision of a biometric immigration document include provision of evidence of the holder’s immigration status held electronically on their biometric immigration document.”.

- (12) After regulation 22 insert—

“Requirement to provide a new photograph

22A.—(1) This regulation applies where the holder of a biometric immigration document, other than in a case to which regulation 16A applies, satisfies an authorised person that they are unable to access their biometric immigration document electronically.

(2) An authorised person may require the holder of the biometric immigration document to provide an additional photograph of the holder’s face to that provided on the application for the document.”.

- (13) In regulation 23, in paragraphs (1)(b) and (4)(b), for “must” substitute “may”.