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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require certain persons subject to immigration control to apply for a biometric immigration document.

Regulation 3 sets out who must apply for a biometric immigration document. A person who applies for leave to remain in the UK in one of the specified categories under the immigration rules set out in regulation 4 must apply for a document, as must his dependant. This is provided that the person lives in one of the specified areas if he is applying for leave to remain by post, or if he applies for leave to remain in person at the public enquiry unit of the Home Office in Croydon. This is also provided he makes the application for leave to remain on one of the dates specified in regulation 5.

The specified categories under the immigration rules concern some student applications and some family applications.

Regulation 6 permits an authorised person to require a person who applies for a biometric immigration document to provide biometric information, that is, a record of his fingerprints and a photograph of his face.

Regulation 7 allows the Secretary of State to use fingerprints or photographs relating to the person which he already has in his possession, rather than requiring the person to provide them again.

Regulation 8 provides certain safeguards in respect of children under 16. Regulation 9 sets out the various processes which an authorised person may require a person to submit to so that his fingerprints or photograph can be recorded.

Regulations 10 to 13 make provision for the use, retention and destruction of biometric information provided under these Regulations.

Regulation 14 and 15 make provision about the issue and content of a biometric immigration document.

Regulation 16 and 17 make provision about the surrender and cancellation of a biometric immigration document.

Regulation 18 makes provision about the consequences of a failure to comply with a requirement of the Regulations. These do not include the imposition of a civil penalty under section 9 of the UK Borders Act 2007.