

**2009 No. 3321**

**IMMIGRATION**

**The Immigration (Biometric Registration) (Amendment No. 2)  
Regulations 2009**

*Made* - - - - - *15th December 2009*

*Coming into force* - - - - - *6th January 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 5 and 6(6) of the UK Borders Act 2007(a).

In accordance with section 6(6)(e) of that Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Immigration (Biometric Registration) (Amendment No. 2) Regulations 2009 and shall come into force on 6th January 2010.

**Amendments to the Immigration (Biometric Registration) Regulations 2008**

2. The Immigration (Biometric Registration) Regulations 2008(b) are amended as follows.

3. In regulation 2 (Interpretation) for the definition of “dependant” substitute—

““dependant” means a spouse, a civil partner, an unmarried or same-sex partner, or a child.”.

4. In paragraph (2)(b) of regulation 3 (Requirement to apply for a biometric immigration document) after “applying” insert “, or has applied on or after 25th November 2008,”.

5. In regulation 4 (Specified categories)—

(a) after paragraph (l) omit “or”;

(b) in paragraph (m) for “sole representative” substitute “representative of an overseas business;”; and

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(a) 2007 c.30.

(b) S.I. 2008/3048 as amended by S.I. 2009/819.

(c) after paragraph (m) insert—

“or

(n) as a Tier 2 Migrant making an application under that category for leave to remain for a period which, together with any preceding period of leave, exceeds a cumulative total of 6 months leave in the UK as a Tier 2 Migrant.”.

Home Office  
15th December 2009

*Meg Hillier*  
Parliamentary Under-Secretary of State

## **EXPLANATORY NOTE**

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

These Regulations amend the Immigration (Biometric Registration) Regulations 2008 (“the 2008 Regulations”).

Regulation 3 amends regulation 2 of the 2008 Regulations to extend the definition of dependants to include unmarried and same-sex partners.

Regulation 4 ensures those dependants applying for leave under one of the categories specified in regulation 4 of the 2008 Regulations are required to also apply for a biometric immigration document in circumstances when their application for leave is made after that of the primary applicant.

Regulation 5 reflects the changes made to the immigration rules in respect of Sole Representatives and extends the categories of persons who are required to apply for a biometric immigration document to Tier 2 Migrants.

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STATUTORY INSTRUMENTS

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