
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Biometric Registration) Regulations 2008 [S.I. 2008/3048](#), (“the 2008 Regulations”) so as to extend the categories of persons who are required to apply for a biometric immigration document and make certain other necessary changes for the effective operation of the scheme.

Regulation 3 substitutes in its entirety regulation 3 of the 2008 Regulations to extend the requirement to apply for a biometric immigration document to those individuals who are subject to immigration control and who opt or are required to update or replace their passport or travel document containing a stamp, sticker or other attachment which evidences that they have been granted limited leave to enter, or remain in, the United Kingdom.

Regulation 4 substitutes in its entirety regulation 4 of the 2008 Regulations to extend the categories of limited leave to which the 2008 Regulations apply and to reflect changes made to the immigration rules.

Regulation 5 amends regulation 13 of the 2008 Regulations to lower the age which determines the date on which a biometric immigration document ceases to have effect. In the case of a biometric immigration document which was issued to a person aged sixteen or over, it will cease to have effect after the expiry of ten years beginning with the date of issue. In the case of a person aged under sixteen, it will cease to have effect after the expiry of five years beginning with the date of issue.

Regulation 6 amends regulation 16 of the 2008 Regulations to include a further two instances when the Secretary of State may require a holder of a biometric immigration document to surrender it. The first of these is where the holder has failed to produce a valid passport or travel document when required to do so by an immigration officer. Secondly where an individual demonstrates he is a British citizen or a Commonwealth citizen who has a right of abode in the United Kingdom as a result of section 2(1)(b) of the Immigration Act 1971.

Regulation 7 amends regulation 17 of the 2008 Regulations to enable the Secretary of State to cancel a biometric immigration document in circumstances where an individual has proved he is a British citizen or a Commonwealth citizen who has a right of abode in the United Kingdom as a result of section 2(1)(b) of the Immigration Act 1971.

Regulation 8 amends regulation 19 of the 2008 Regulations to reflect the amendments made to Regulation 17. A person who has proved he has British or Commonwealth citizenship need not apply for a replacement biometric immigration document.

Regulation 9 saves the provisions of regulation 13(4)(b) and (c) as originally enacted in relation to biometric identity documents issued before these Regulations come into force.