Draft Regulations laid before Parliament under section 126(8)(b) of the Nationality, Immigration and Asylum Act 2002 (c. 41) and section 6(6)(e) of the UK Borders Act 2007 (c. 30), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

IMMIGRATION

The Immigration (Biometric Information etc.) (Amendment) Regulations 2025

Made - - - -	***
Coming into force - -	*27th March 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 126(1) of the Nationality, Immigration and Asylum Act 2002(**a**) ("the 2002 Act") and sections 5(1), 6(6), 7 and 8 of the UK Borders Act 2007(**b**) ("the 2007 Act").

In accordance with section 126(8)(b) of the 2002 Act and section 6(6)(e) of the 2007 Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration (Biometric Information etc.) (Amendment) Regulations 2025.

(2) These Regulations come into force on 27th March 2025.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(**a**) 2002 c. 41; section 126 was amended by sections 8(2), (3), (4) and 14(3) of, paragraph 3(2)(a) and (b), (3), (4) and (5) of Schedule 2 to, and paragraph 19(a), (b) and (c) of Schedule 9 to, the Immigration Act 2014 (c. 22), section 75(6) of the Nationality and Borders Act 2022 (c. 36) and S.I. 2020/1309.

(**b**) 2007 c. 30; there is an amendment to section 5 not relevant to these Regulations.

PART 2

Amendments to the Immigration (Provision of Physical Data) Regulations 2006

Amendments to the Immigration (Provision of Physical Data) Regulations 2006

2. The Immigration (Provision of Physical Data) Regulations 2006(**a**) are amended in accordance with regulations 3 to 11.

Amendment to regulation 2

3. In regulation 2 (interpretation)(**b**), in the definition of "application", omit paragraphs (a) and (b).

Amendment to regulation 3

4. In regulation 3 (power for an authorised person to require an individual to provide a record of his fingerprints and a photograph of his face), after "an individual who makes an application" insert "or an entrant(**c**)".

Amendment to regulation 4

5. In regulation 4 (provision in relation to applicants under the age of sixteen)(**d**)—

(a) in the heading, after "applicants" insert "and entrants";

(b) in paragraph (1), after "applicant" insert "or entrant";

(c) in paragraph (4), after "applicant" insert "or entrant".

Amendment to regulation 5

6. In regulation 5 (provision in relation to section 141 of the Immigration and Asylum Act 1999), after "applicant" insert "or entrant".

Amendment to regulation 6

7. In regulation 6 (process by which an individual's fingerprints and photograph may be obtained and recorded)(**e**)—

(a) in paragraph (1)—

(i) for "individual" in each place where it appears, substitute "applicant";

(ii) for "individual's" in each place where it appears, substitute "applicant's";

(iii) omit "and" at the end of sub-paragraph (c);

(iv) at the end of sub-paragraph (d), insert "and";

(v) after sub-paragraph (d) insert—

"(e) require the applicant to provide a record of the applicant's fingerprints or a photograph of the applicant's face by electronic means.";

(b) after paragraph (1), insert—

(**a**) S.I. 2006/1743.
(**b**) Regulation 2 was amended by S.I. 2015/737, 2018/928, 2019/686, 2020/1213, 2020/1309 and 2023/305.
(**c**) See the definition of "entrant" in section 126(9) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
(**d**) Regulation 4 was amended by S.I. 2015/737.
(**e**) Regulation 6 was substituted by S.I. 2015/737.

"(1A) An authorised person may require an entrant to provide a record of their fingerprints or a photograph of their face upon arrival in the United Kingdom.";

(c) after paragraph (2), insert—

"(3) An authorised person who requires an applicant or entrant to provide biometric information may require or permit that biometric information to be provided by automated means.".

Substitution of regulation 6A

8. For regulation 6A (documents recording biometric information)(**a**), substitute—

"Documents recording biometric information

6A. Biometric information provided under these Regulations may be recorded on any document issued as a result of—

(a) the application in relation to which the information was provided; or

(b) seeking to enter the United Kingdom on the occasion in relation to which the information was provided.".

Amendment to regulation 7

9. In regulation 7 (consequences of failure to comply with these Regulations)—

(a) in paragraph (1), for "individual" substitute "applicant";

(b) after paragraph (3), insert—

"(4) Where an entrant does not provide a record of his fingerprints or a photograph of his face in accordance with a requirement imposed under these Regulations, that entrant may be refused leave to enter the United Kingdom or any extant leave to enter or remain held by him may be cancelled.".

Amendment to regulation 8A

10. In regulation 8A (power to use and retain existing biometric information)(**b**), in paragraph (1)(a), after "application" insert "or seeks to enter the United Kingdom".

Amendment to regulation 10

11. In regulation 10 (retention of fingerprints)(**c**)—

(a) at the end of paragraph (1)(a), omit "or";

(b) in paragraph (1)(b), after "paragraph (5)", insert "; or";

(c) after paragraph (1)(b), insert—

"(c) the date on which they are reused in connection with seeking to enter the United Kingdom,";

(d) after paragraph (2)(a) insert—

(**a**) Regulation 6A was added by S.I. 2015/737.
(**b**) Regulation 8A was added by S.I. 2021/772.
(**c**) Regulation 10 was substituted by S.I. 2015/737 and paragraph (2) was amended by S.I. 2020/1309.

"(aa) the fingerprints of a person liable to arrest under paragraph 10(1)(b) of Schedule 10 to the Immigration Act 2016(**a**) for failing to comply with a condition of immigration bail of the kind mentioned in paragraph 2(1)(a) of that Schedule, subject to which the person's immigration bail was granted;".

PART 3

Amendments to the Immigration (Biometric Registration) Regulations 2008

Amendments to the Immigration (Biometric Registration) Regulations 2008

12. The Immigration (Biometric Registration) Regulations 2008(**b**) are amended in accordance with regulations 13 to 22.

Amendment to regulation 2

13. In regulation 2 (interpretation)(**c**)—

(a) after the definition of "dependant" insert—

""eVisa" means an online record of an individual's immigration status and conditions of leave to enter or remain in the United Kingdom;";

(b) in the definition of "humanitarian protection", for "paragraph 339C" substitute "Part 11".

Amendment to regulation 3

14. In regulation 3 (requirement to apply for biometric immigration document)(**d**)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), omit "limited";

(ii) omit sub-paragraph (b);

(iii) in sub-paragraph (h), omit "(b),";

(b) for paragraph (3) substitute—

"(3) Subject to paragraph (4), a person falls within this paragraph if that person has been notified on or after 1st December 2012 that the Secretary of State has decided to grant the person leave to enter or remain in the United Kingdom;".

Amendment to regulation 3A

15. In regulation 3A(2)(a) (applications for entry clearance)(**e**)—

(a) in paragraph (i), omit "for a limited period which exceeds 6 months";

(b) omit paragraph (ii);

(c) in paragraph (iii), for "or (ii); and" substitute "; or";

(d) after paragraph (iii), insert—

(**a**) 2016 c. 19. Schedule 10 makes provisions about immigration bail including, at paragraph 2, about conditions that can be attached to immigration bail and, at paragraph 10, about powers of arrest.
(**b**) S.I. 2008/3048.
(**c**) Regulation 2 was substituted by S.I. 2012/594 and amended by S.I. 2015/433, 2021/772 and 2022/571.
(**d**) Regulation 3 was substituted by S.I. 2012/594 and amended by S.I. 2015/433 and 2020/1309.
(**e**) Regulation 3A was inserted by S.I. 2015/433 and amended by S.I. 2015/897.

"(iv) to replace a letter, stamp, sticker or other attachment in a passport or other document which indicated that the person has been granted leave to enter or remain with another document that indicates the same information; or

(v) for leave to enter the United Kingdom where the person seeking leave to enter presents a Convention travel document endorsed with an entry clearance for that journey to the United Kingdom; and".

Amendment to regulation 8

16. In regulation 8(1) (process by which an individual's fingerprints and photograph may be obtained and recorded)(**a**)—

(a) omit "and" at the end of sub-paragraph (c);

(b) at the end of sub-paragraph (d), for "." substitute "; and";

(c) after sub-paragraph (d) insert—

"(e) require the individual to provide a record of the individual's fingerprints or a photograph of the individual's face by electronic means.".

Amendment to regulation 11

17. In regulation 11(2) (retention of fingerprints)(**b**), after sub-paragraph (a) insert—

"(aa) the fingerprints of a person liable to arrest under paragraph 10(1)(b) of Schedule 10 to the Immigration Act 2016(**c**) for failing to comply with a condition of immigration bail as specified in paragraph 2(1)(a) of that Schedule;".

Amendment to regulation 13

18. In regulation 13 (issue of a biometric immigration document: leave to enter the United Kingdom)(**d**)—

(a) in paragraph (1)—

(i) for sub-paragraph (a), substitute "grant leave to enter or remain to the person; or";

(ii) omit sub-paragraph (b);

(iii) for sub-paragraph (c), substitute "issue or replace a document to the person following an application mentioned in regulation 3(2)(g).";

(b) in paragraph (2), at the end insert "or if later, the date on which the leave to enter or remain specified in an eVisa has effect.".

Amendment to regulation 13A

19. In regulation 13A (issue of a biometric immigration document: entry clearance)(**e**)—

(a) for paragraph (1), substitute—

"(1) The Secretary of State may issue a biometric immigration document to a person who has applied in accordance with regulation 3A and has been granted entry clearance,

(**a**) Regulation 8 was substituted by S.I. 2015/433.
(**b**) Regulation 11 was substituted by S.I. 2015/433 and amended by S.I. 2020/1309 and 2021/772.
(**c**) 2016 c. 19.
(**d**) Regulation 13 was amended by S.I. 2009/819, 2012/594, 2015/433 and 2021/772.
(**e**) Regulation 13A was inserted by S.I. 2015/433, and paragraph (1) was amended by S.I. 2021/772.

which, by virtue of provision made under section 3A(3) of the Immigration Act 1971(**a**), has effect as leave to enter the United Kingdom.";

(b) in paragraph (4), at the end insert "or if later, the date on which the entry clearance specified in an eVisa has effect".

Amendment to regulation 18

20. In regulation 18 (requirement to notify Secretary of State)—

(a) the existing text is numbered as paragraph (1);

(b) in sub-paragraph (e) of the renumbered paragraph (1), for "consent or" substitute "consent and";

(c) after the renumbered paragraph (1), insert—

"(2) For the purposes of paragraph (1)(a), a facial image included in an eVisa is to be treated as becoming misleading information to which the duty to notify under paragraph (1) applies—

(a) in the case of a holder aged between 16 and 70, after a period of 10 years;

(b) in the case of a holder aged under 16, after a period of 5 years.".

Amendment to regulation 19

21. In regulation 19 (requirement to apply for replacement biometric immigration document)(**b**)—

(a) in paragraph (1)—

(i) after "person" insert "under the age of 70";

(ii) after "to apply" insert "under regulation 3 or 3A";

(b) in paragraph (2), for "3 months" substitute "18 months".

Amendment to regulation 23

22. In regulation 23 (consequences of failure to comply with a requirement of the Immigration (Biometric Registration) Regulations 2008)(**c**)—

(a) after paragraph (2)(a), insert—

"(aa) prevent the person from generating a share code until they have complied with the requirement;";

(b) in paragraph (3)—

(i) for "regulation 3(2)(a) or (b)" substitute "regulation 3(2)(a) or (f)";

(ii) for "3A(2)(a) or (b)" substitute "3A(2)";

(c) in paragraph (4)—

(i) omit ", (f)";

(ii) omit "or (f)";

(d) after paragraph (6) insert—

(**a**) 1971 c. 77. Section 3A was inserted by section 1 of the Immigration and Asylum Act 1999 (c. 33).
(**b**) Regulation 19(1) was amended by S.I. 2009/819, 2015/433 and 2021/772.
(**c**) Regulation 23 was substituted by S.I. 2012/594; paragraph (2) was amended by S.I. 2015/433, and paragraph (4) was amended by S.I. 2021/772.

"(7) In this regulation "share code" means an electronically generated code to allow a third party to access information about an individual's immigration status.".

PART 4

Further amendments

Amendment to the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021

23. After regulation 7(2)(a) (retention of fingerprints) of the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021(**a**), insert—

"(aa) the fingerprints of a person liable to arrest under paragraph 10(1)(b) of Schedule 10 to the Immigration Act 2016(**b**) for failing to comply with a condition of immigration bail of the kind mentioned in paragraph 2(1)(a) of that Schedule, subject to which the person's immigration bail was granted;".

Amendment to the Channel Tunnel (International Arrangements) Order 1993

24. In Schedule 4 (enactments modified) to the Channel Tunnel (International Arrangements) Order 1993(**c**), before paragraph 6 insert—

"5A. In regulation 6(1A) of the Immigration (Provision of Physical Data) Regulations 2006 (Process by which an individual's fingerprints and photograph may be obtained and recorded), after the words "arrival in the United Kingdom" insert "or entry into the control zone in France, Belgium or the Netherlands, or a supplementary control zone in France, seeking to arrive in the United Kingdom through the tunnel system".".

Amendment to the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003

25. In Schedule 2 (modification of applied enactments) to the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003(**d**), after paragraph 4, insert—

"The Immigration (Provision of Physical Data) Regulations 2006

4ZA. In regulation 6(1A) of the Immigration (Provision of Physical Data) Regulations 2006 (Process by which an individual's fingerprints and photograph may be obtained and recorded), after the words "arrival in the United Kingdom" insert "or entry into the control zone in France, seeking to arrive in the United Kingdom by entering a Control Zone".".

Name
Minister of State
Home Office

(**a**) S.I. 2021/772.
(**b**) 2016 c. 19.
(**c**) S.I. 1993/1813.
(**d**) S.I. 2003/2818.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Provision of Physical Data) Regulations 2006 (S.I. 2006/1743) ("the 2006 Regulations"), the Immigration (Biometric Registration) Regulations 2008 (S.I 2008/3048) ("the 2008 Regulations") and the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021 (S.I. 2021/772) ("the 2021 Regulations").

Regulation 3 amends the definition of "application" in the 2006 Regulations to remove references to entry clearance applications and applications for leave to enter the United Kingdom by someone with a Convention travel document endorsed with an entry clearance for that journey to the United Kingdom.

Regulation 4 amends regulation 4 of the 2006 Regulations to empower an authorised person to require an individual seeking to enter the United Kingdom (an "entrant") to provide a record of their fingerprints and a photograph of their face.

Regulations 7 and 16 make additional provision in the 2006 and 2008 Regulations (respectively) for the process by which an individual's fingerprints and photograph may be obtained and recorded, namely a requirement for the individual to provide these by electronic means.

Regulation 7 additionally amends regulation 6 of the 2006 Regulations to make provision about the process by which an entrant's fingerprints and photograph may be obtained and recorded when seeking to enter the United Kingdom.

Regulation 8 amends regulation 6A of the 2006 Regulations to provide that biometric information provided by an entrant under the 2006 Regulations may be recorded on any document issued as a result.

Regulation 9 amends regulation 7 of the 2006 Regulations to set out the consequences of an entrant failing to comply with the 2006 Regulations.

Regulation 13 inserts a definition of an "eVisa", which is an online record of an individual's immigration status and conditions of leave to enter or remain in the United Kingdom, into regulation 2 of the 2008 Regulations.

Regulation 14 amends regulation 3 of the 2008 Regulations, which sets out who must apply for a biometric immigration document when making an application for leave from within the United Kingdom. It removes the distinction between limited and indefinite leave, and removes the requirement that only individuals granted leave exceeding six months' duration must apply for a biometric immigration document.

Regulation 15 amends regulation 3A of the 2008 Regulations, which sets out when overseas applicants must apply for a biometric immigration document, removing the distinction between limited and indefinite leave, and removes the requirement that only individuals granted leave exceeding six months' duration must apply for a biometric immigration document.

Regulations 11, 17 and 23 make additional provision in the 2006, 2008 and 2021 Regulations (respectively) about the period for which a record of fingerprints may be retained where the individual has failed to comply with a condition of immigration bail as specified in paragraph 2(1)(a) of Schedule 10 to the Immigration Act 2016 (c. 19).

Regulations 18 and 19 amend regulations 13 and 13A of the 2008 Regulations to remove the distinction between limited and indefinite leave and removing the requirement that a biometric immigration document can only be issued where a grant of leave is to exceed six months' duration. They further clarify that where the biometric immigration document is an eVisa, it may take effect from the date that the leave to enter or remain specified in it has effect.

Regulation 20 amends regulation 18 of the 2008 Regulations to clarify that a facial image included in an eVisa is to be considered misleading after a period of 10 years, or for a child under 16, a period of 5 years, and that the duty to notify the Secretary of State applies after this period of time.

Regulation 21 amends regulation 19 of the 2008 Regulations to increase the time within which a person must apply for a replacement biometric immigration document where their original document has been cancelled, or ceased to have effect, from 3 months to 18 months and limits the persons to whom regulation 19 applies to those under the age of 70.

Regulation 22 amends regulation 23 of the 2008 Regulations to specify that a potential consequence of failing to comply with a requirement of the 2008 Regulations is that the person may be prevented from generating a share code (an electronically generated code to allow a third party to access information about a person's immigration status) until that requirement has been complied with.

Regulation 24 and 25 make consequential amendments to the Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813) and Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (S.I. 2003/2818).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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