Draft Regulations laid before Parliament under section 6(6)(e) of the UK Borders Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

IMMIGRATION

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

Made - - - -	***
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, commencement and interpretation

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.

2. In these Regulations—

"the 2008 Regulations" means the Immigration (Biometric Registration) Regulations 2008(**b**).

Amendments to the Immigration (Biometric Registration) Regulations 2008

3. The 2008 Regulations are amended as follows.

4. 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.".

5. In sub-paragraph (2)(b) of regulation 3 of the 2008 Regulations (Requirement to apply for a biometric immigration document) after "applying" insert ", or has applied," and after "categories" insert "after 25th November 2008".

6. In regulation 4 of the 2008 Regulations (Specified categories)—

(a) in paragraph (l) omit "or";

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

(c) after paragraph (m) insert—

(**a**) 2007 c.30.
(**b**) S.I. 2008/3048 as amended by S.I. 2009/819.

"or

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

Home Office
Date

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

Regulation 5 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 6 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.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Draft Regulations laid before Parliament under section 6(6)(e) of the UK Borders Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

IMMIGRATION

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

£4.00

E5111 11/2009 195111T 19585