Draft Regulations laid before Parliament under section 126(8)(b) of the Nationality, Immigration and Asylum Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

IMMIGRATION

The Immigration (Provision of Physical Data) (Amendment) Regulations 2011

Made - - - -	***
Coming into force - -	*30th March 2012*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 126(1) of the Nationality, Immigration and Asylum Act 2002(**a**).

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

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Immigration (Provision of Physical Data) (Amendment) Regulations 2011.

(2) They come into force on 30th March 2012.

(3) They cease to have effect on 9th November 2012.

Amendment of the Immigration (Provision of Physical Data) Regulations 2006

2. The Immigration (Provision of Physical Data) Regulations 2006(**b**) are amended as follows.

3. In regulation 2, in the definition of "application"—

(a) at the end of paragraph (a) delete "or";

(b) at the end of paragraph (b) insert—

"(c) an application for leave to enter the United Kingdom made during the period commencing on 30th March 2012 and ending on 8th November 2012 where the person seeking leave to enter holds an accreditation card and would be required to obtain a visa to enter the United Kingdom under Appendix 1 to the immigration rules were that person not exempted from that requirement in accordance with the provisions of paragraph 2 of that Appendix applicable to holders of accreditation cards; or

(d) an application for leave to remain in the United Kingdom made during the period commencing on 30th March 2012 and ending on 8th November 2012 where—

(**a**) 2002 c.41.
(**b**) S.I. 2006/1743.

(i) the person has been granted leave to enter the United Kingdom following an application mentioned in paragraph (c);

(ii) an authorised person did not require a record of the person's fingerprints and photograph of the person's face to accompany that application for leave to enter; and

(iii) the person seeking leave to remain holds an accreditation card and would have been required to obtain a visa to enter the United Kingdom under Appendix 1 to the immigration rules were that person not exempted from that requirement in accordance with the provisions of paragraph 2 of that Appendix applicable to holders of accreditation cards;".

4. In regulation 2—

(a) before the definition of "application" insert—

""accreditation card" means an Olympic Identity and Accreditation Card or a Paralympic Identity and Accreditation Card issued by the London Organising Committee of the Olympic Games and Paralympic Games Limited(**a**);";

(b) after the definition of "Convention travel document" insert—

""immigration rules" means rules made under section 3(2) of the Immigration Act 1971;"

5. In regulation 6, for paragraph (2)(c) substitute—

"(c) attends any other place nominated by an authorised person where a record of his fingerprints or a photograph of his face is taken by an authorised person or by a person on behalf of an authorised person.".

Home Office
Date

Name
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Provision of Physical Data) Regulations 2006 (the "2006 Regulations") to enable biometric information to be taken from persons accredited for the 2012 London Olympic and Paralympic Games who would usually be required to apply for a visa and therefore have their biometric information taken as visa nationals. When Her Majesty's Government signed the Host City Contract for the Games it gave a commitment that in specified circumstances there would be no requirement for certain holders of an accreditation card to apply for a visa before travelling to the United Kingdom. As such, these Regulations are necessary to enable UK Border Agency to maintain the current level of checks of biometric information on all visa nationals.

Regulation 3 of these Regulations expands the definition of "application" in the 2006 Regulations to include the applications mentioned in regulation 3. A person making an application may be

(**a**) A limited company registered at Companies House under Company No. 05267819.

required to provide a record of their fingerprints and a photograph of their face in accordance with the 2006 Regulations.

Regulation 5 of these Regulations amends the process by which an applicant's fingerprints and photograph are obtained and recorded to allow an authorised person to take fingerprints or a photograph of the face at any place other than a British Diplomatic mission or British Consular post or a Diplomatic mission or Consular Post of another state.

An impact assessment of the effect that these Regulations will have on the costs of the public sector is available from UK Border Agency website at www.UKBA.homeoffice.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the Regulations on the OPSI website.

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