EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (PROVISION OF PHYSICAL DATA) (AMENDMENT) REGULATIONS 2011

2011 No. [XXXX]

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the Immigration (Provision of Physical Data) (Amendment) Regulations 2011 ("2011 Regulations") is to enable the collection of fingerprints and a facial image from persons accredited for the 2012 London Olympic and Paralympic Games, who would normally be required to apply for a visa and therefore have their biometric information taken as visa nationals. However due to their holding an Olympic or Paralympic Identity and Accreditation Card ("accreditation card") they will not require a visa to enter the UK and so the normal powers to take biometrics will not apply.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The Immigration (Provision of Physical Data) Regulations 2006 requires an application for entry clearance to be accompanied by the applicant's fingerprints and facial image. These are collected as part of the visa application process overseas. Under the immigration rules persons who are a national or citizen of a country listed in Appendix 1 are normally required to apply for a visa (entry clearance) before travelling to the UK (subject to exemptions set out in paragraph 2 to Appendix 1).

4.2 These Regulations amend the Immigration (Provision of Physical Data) Regulations 2006 to enable biometric information to be taken upon an application for leave to enter or remain from persons accredited for the 2012 London Olympics and Paralympic Games. These persons would usually be required to apply for a visa and 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 the accreditation card to apply for a visa before travelling to the UK. These Regulations will enable the

UK Border Agency to maintain current level of checks of biometric information on all visa nationals.

4.3 Similar amendments are intended to be made to the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 to allow an authorised person to collect the fingerprints and facial images of the same category of accreditation card holder when they apply for leave to enter the UK at the UK's Juxtaposed Seaport Controls in France. Later in 2011, amendments are also intended to be made to the Channel Tunnel (International Arrangements Order) 1993 and the Channel Tunnel (Miscellaneous Provisions) Order 1994 in order to allow an authorised person to collect the facial image and fingerprints of the same category of the accreditation card holder when they apply for leave to enter the UK at the UK's other Juxtaposed Controls in France and Belgium.

4.4 An amendment to the immigration rules will be made to allow certain holders to use the accreditation card in lieu of a visa. The card will also have to be used for entry by a specified time in order for holders to continue to be entitled to a visa waiver. The immigration rules will also be amended to create a new category of leave to facilitate accreditation card holders' entry and stay in the UK during the Accreditation Period of the Games.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom

6. European Convention on Human Rights

Damian Green, Minister of State for Immigration has made the following statement regarding Human Rights.

In my view the provisions of the 2011 Regulations are compatible with the Convention rights.

7. Policy background

7.1 The purpose of the 2011 Regulations is to help the UK deliver a safe and secure Olympic and Paralympic Games. It does this by enabling the UK Border Agency to maintain a proportionate level of usual security checks on visa national accreditation card holders between 30 March 2012 and 8 November 2012.

7.2 Visa nationals are nationals of specified countries who require a visa to lawfully enter the UK. Since 2008, visa nationals have been required to provide fingerprints and a facial image as part of the visa application process. The fingerprints are checked against Government databases and verified when the visa national seeks entry through the border

control of an equipped UK port to ensure the person seeking entry is the same person who applied for the visa.

7.3 The London Organising Committee for the Olympic and Paralympic Games (LOCOG) will issue the accreditation card to individuals associated with the Games such as athletes, umpires, technical and support staff and broadcasters and other individuals. These people are referred to as Games Family Members (GFM).

7.4 Approximately 20,000 visa national GFMs will be able to use their accreditation card instead of applying for a visa. It is estimated that up to a further 2,000 visa nationals GFM's whilst having an accreditation card will not be entitled to use the card as a visa waiver and will need to apply for a visa before travelling to the UK.

7.5 As part of the usual visa application process, applicants would normally be required to provide their fingerprints and a facial image to the UK Border Agency prior to travelling to the UK. To address this and to maintain a business as usual approach for visa nationals and preserve its security checks, the UK Border Agency needs to be able to collect the fingerprints and facial images of visa national GFM at the UK border and as a contingency inland.

7.6 The 2011 Regulations provide for this by allowing persons authorised under the 2006 Regulations to request a visa national GFM to provide their fingerprints and facial image when they apply for leave to enter on arrival in the UK or, if they were not required to provide them on arrival when they apply for leave to remain between 30 March 2012 and 8 November 2012.

7.7 The UK Border Agency will only use the provisions of the 2011 Regulations to collect the fingerprints and photographs of visa national GFM who are identified as having not previously provided them to the UK Border Agency.

8. Consultation outcome

8.1 The UK Border Agency consulted LOCOG who have not objected to the collection of visa national GFM fingerprints and facial images, provided that the process for doing so is communicated very clearly to applicants in advance.

8.2 A formal consultation exercise has not been undertaken because the 2011 Regulations do not place a new requirement on all visa nationals to provide fingerprints and facial images to the UK Border Agency. Visa nationals already have to provide their fingerprints and facial image when they apply for a visa. The 2011 Regulations essentially change the locations where a certain limited group of visa nationals' fingerprints and facial images can be collected for a restricted period during a one-off event.

9. Guidance

9.1 The UK Border Agency will provide instructions and guidance to its officers to ensure the fingerprints and facial images are efficiently collected. The UK Border Agency will also engage with LOCOG to ensure countries' National Organising Committee for the Olympics and Paralympics Games are aware of the collection prior to the commencement of the Accreditation Period.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is an impact on the public sector. An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk

11. Regulating small business

11.1 The legislation will not apply to small business.

12. Monitoring & review

12.1 The UK Border Agency will keep the impact of the collection of visa national GFM fingerprints and facial images under review and will evaluate the collection at the end of the Accreditation Period. These Regulations will cease to have effect on 9 November 2012.

13. Contact

The following UK Border Agency official is able to answer queries regarding the instrument

Laurence Jessup, 020 8760 2166 or 07789 946132
Laurence.Jessup4@homeoffice.gsi.gov.uk

Title:	Impact Assessment (IA)
OLYMPICS 2012: CAPTURING VISA NATIONAL GAMES FAMILY MEMBERS' (GFM) BIOMETRICS **Lead department or agency:** UK Border Agency **Other departments or agencies:** Home Office, [FCO], DCMS	**IA No:** HO0041 **Date:** 01/05/2011 **Stage:** Final **Source of intervention:** Domestic **Type of measure:** Secondary Legislation **Contact for enquiries:** Laurence Jessup and Catherine Lewis McNulty

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

The UK Border Agency is committed to maintaining a proportionate level of business as usual security checks on visa national Olympic Games Family Members (athletes, broadcasters, coaches, support staff etc) during the accreditation period of the Olympic and Paralympic Games (30/03/12 to 08/11/12). Visa nationals require a visa to lawfully enter the UK. Since 2008, all visa nationals have been required to provide their biometrics (fingerprints and a digital photograph) as part of the visa application process. The fingerprints are checked against existing Government databases, stored and then verified when they present themselves at the border control of an equipped UK port. Visa national GFM will be able to use their Olympics/Paralympic Identity Card in lieu of a visa, and will therefore not need to provide their biometrics to the Agency prior to travelling to the UK. We expect the total number of visa national GFM to be in the order of 20-25,000 of whom some will have obtained a visa prior to travel. The Agency therefore needs to collect biometrics from the remainder at the UK border and at the UK's juxtaposed controls to meet its commitment of maintaining a proportionate level of business as usual security checks on visa national GFM.

What are the policy objectives and the intended effects?

Policy Objective

To maintain a proportionate level of business as usual security checks on visa national GFM during the accreditation period of the Olympic and Paralympic Games, which includes

- Collecting the biometrics of visa national GFM who are identified as not having previously provided their biometrics to the UK Border Agency
- Verifying visa national GFM biometrics in line with business as usual processes

Intended Effects

The biometric collection will enable the Agency to:

- Check an individual's biometrics against immigration and security databases
- On future entries, verify an individual's identity if they have previously provided their biometrics
- Fix an individual's biometrics to a single biographical identity, securing it against abuse

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 – Do Nothing. Option 2 – Amend legislation. The UK Border Agency needs to able to require visa national GFM to provide their biometrics to ensure a proportionate level of business as usual security checks is maintained. It is assessed that relatively few visa national GFM would be likely to provide their biometrics on a voluntary basis. Therefore a voluntary collection of biometrics would result in an unacceptable lowering of border security. The Agency needs to amend legislation (option 2) to enable the collection visa national GFMs' biometrics on a mandatory basis. The policy options are outlined in more detail in the 'Evidence Base' section.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 11/2012 **What is the basis for this review?** PIR. **If applicable, set sunset clause date:** 09/11/2012	
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	Yes

SELECT SIGNATORY Sign-off For final proposal stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister: Damian Green ..... Date: 19/05/11

Summary: Analysis and Evidence

Policy Option 1

Description:

Do Nothing

Price Base Year 2011	PV Base Year 2011	Time Period Years 5	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	**High:** 0	**Best Estimate: 0**

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	0	**0**
High	0		0	**0**
Best Estimate	0		0	**0**

Description and scale of key monetised costs by 'main affected groups'

No additional costs of option 1

Other key non-monetised costs by 'main affected groups'

No additional costs of option 1

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0	**0**
High	0		0	**0**
Best Estimate	0		0	**0**

Description and scale of key monetised benefits by 'main affected groups'

No additional benefits of option 1

Other key non-monetised benefits by 'main affected groups'

No additional benefits of option 1

Key assumptions/sensitivities/risks **Discount rate (%)** 3.5

Key assumptions include:

- There will be 20,000-25,000 visa national GFM seeking entry to the UK;
- Visa national GFMs who are identified as having previously provided their biometrics to UKBA will need to have them verified in line with business as usual;
- Visa national GFM who are identified as having not previously provided their biometrics will have them collected. It is assumed that 50% of visa national GFM will need their biometrics collected. Collection is estimated to take 60 seconds per person;
- Around 2,000 UK Border Force staff will require training

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	**Benefits:** 0	**Net:** 0	No	NA

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			United Kingdom and Europe		
From what date will the policy be implemented?			30/03/12		
Which organisation(s) will enforce the policy?			UK Border Agency		
What is the annual change in enforcement cost (£m)?			0		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			N/A		
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)			**Traded:** 0	**Non-traded:** 0	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			**Costs:** 0	**Benefits:** 0	
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	**Micro** 0	**< 20** 0	**Small** 0	**Medium** 0	**Large** 0
Are any of these organisations exempt?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on…?	**Impact**	**Page ref within IA**
Statutory equality duties[1] Statutory Equality Duties Impact Test guidance	Yes	12
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	
Small firms Small Firms Impact Test guidance	No	
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

[1] Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Summary: Analysis and Evidence

Policy Option 2

Description:

Collection and verification of visa national Games Family Members' (GFM) biometrics

Price Base Year 2011	PV Base Year 2011	Time Period Years 5	Net Benefit (Present Value (PV)) (£m)		
			Low: -2.26	**High:** -2.39	**Best Estimate: -2.33**

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	2.27	2	0.00	**2.26**
High	2.38		0.01	**2.39**
Best Estimate	2.33		0.00	**2.33**

Description and scale of key monetised costs by 'main affected groups'

UKBA IT set up costs (circa £2 million in year 1 and £0.2 million in year 2)
UKBA Border Force staff training and familiarisation costs (£114k in year 1)
UKBA process costs for collecting biometrics of visa national GFM (£5k in year 1 only)

Other key non-monetised costs by 'main affected groups'

Wider costs to GFM of the time to provide their biometrics

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0	**0**
High	0		0	**0**
Best Estimate	0		0	**0**

Description and scale of key monetised benefits by 'main affected groups'

No additional monetised benefits

Other key non-monetised benefits by 'main affected groups'

Wider benefits to the UK public of a reduction in risk of immigration or security abuse during the Olympic Games;
Wider benefits to the UK public of increased confidence in the UK immigration system and UK Border Agency.

Key assumptions/sensitivities/risks **Discount rate (%)** 3.5

Key assumptions include:

- There will be 20,000-25,000 visa national GFMs;
- Visa national GFM who are identified as having previously provided their biometrics to UKBA will need to have them verified in line with business as usual;
- Visa national GFM who are identified as having not previously provided their biometrics to UKBA will have them collected. It is assumed that 50% of visa national GFM will need their biometrics collected. Collection is estimated to take 60 seconds per person;
- Around 2,000 UK Border Force staff will require training

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	**Benefits:** 0	**Net:** 0	No	NA

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			United Kingdom and Europe		
From what date will the policy be implemented?			30/03/12		
Which organisation(s) will enforce the policy?			UK Border Agency		
What is the annual change in enforcement cost (£m)?			£0		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			N/A		
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)			**Traded:**	**Non-traded:**	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			**Costs:** 100%	**Benefits:** 100%	
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	**Micro** 0	**< 20** 0	**Small** 0	**Medium** 0	**Large** 0
Are any of these organisations exempt?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

Specific Impact Tests: Checklist

Does your policy option/proposal have an impact on…?	**Impact**	**Page ref within IA**
Statutory equality duties[1] Statutory Equality Duties Impact Test guidance	Yes	12
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	
Small firms Small Firms Impact Test guidance	No	
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

[1] Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

References

No.	Legislation or publication
1	The Immigration (Provision of Physical Data) Regulations 2006 No.1743
2	The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 No. 2818
3	The Channel Tunnel Order (International Arrangements) 1993 No. 1813
4	The Channel Tunnel Order (Miscellaneous Provisions) Order 1994 No. 1405

+ Add another row

Evidence Base

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y_0	Y_1	Y_2	Y_3	Y_4	Y_5	Y_6	Y_7	Y_8	Y_9
Transition costs	2.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Annual recurring cost	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total annual costs	2.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transition benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Annual recurring benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total annual benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

* For non-monetised benefits please see summary pages and main evidence base section

Evidence Base

Rationale for collecting biometrics

Central to the work of the UK Border Agency is developing a robust foundation for every identity it deals with, and specifically for those subject to immigration control. Being sure about the consistency and reliability of an individual's identity information leaves the Agency better placed to determine whether or not a person qualifies for admission or permission to remain in the UK. It helps the Agency process asylum applications more quickly and to remove those whose applications have been rejected. Unique identifiers, such as fingerprints and facial photographs allow the Agency to fix an individual more reliably to an identity. The Agency's experience to date with biometric applications, and their increasing use by international partners, shows clearly their value in raising identity assurance standards, thereby protecting the border and helping us detect those who cause harm.

Since 2008, all visa applicants, save for those benefiting from a limited number of exemptions and exceptions, are required to provide their fingerprints and a digital photograph as part of the application process. Biometrics enable the Agency to check if people have an adverse record in the UK under the same or a different biographic identity in advance of their entry and to ensure that (where applicable) a visa is being used by the person to whom it was issued and for whom it was intended.

As at February 2011 8.5 million fingerprints have been enrolled. More than 50,000 individuals have been matched to biometrics taken in the UK in connection with previous asylum applications or other immigration matters. More than 6,500 people who have "swapped" biographical details have been detected.

Biometrics are particularly important for higher risk groups, such as visa nationals, asylum applicants and foreign national prisoners, where we might otherwise have difficulty in reliably establishing identity. This can be for a variety of reasons, including the lack of identity document security that may prevail in some visa countries, to the high incidence of asylum applicants who destroy travel and identity documents before making a claim. Biometric information is used to detect and deter fraud, reduce illegal access to benefits and public services, as well as impacting on organised crime and terrorism. This approach supports the Agency's strategic objectives to secure the border and exercise effective immigration controls. There would be a risk to UK immigration control and security if the Agency did not collect the biometrics of visa national GFM it does not already possess.

Policy Options

There are two options under consideration:

Option 1: **Do nothing**: - Under this option the Agency fails to maintain its policy objective of maintaining a proportionate level of business as usual security checks on visa national GFM. This option is therefore unviable.

Option 2: **Amend secondary legislation**: - The Agency amends the Immigration (Provision of Physical Data) Regulations 2006 to enable the collection of visa national GFM biometrics when they make application for leave to enter or remain. The Agency also amends the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 and the Channel Tunnel Orders (International Arrangements) Order 1993 and the Channel Tunnel (Miscellaneous Provisions) Order 1994 to enable the collection when a visa national GFM makes a leave to enter application at the UK's Juxtaposed Controls in France and Belgium.

Option 2 centres upon extending the types of application for leave to enter and remain for which biometrics can be collected to include applications made by visa national GFM made during the accreditation period at the UK border and at the UK's Juxtaposed Controls.

Most visa national GFMs will arrive at the UK's main airports or via the Juxtaposed Controls and will make leave to enter applications when they present themselves at border control. The Agency should therefore be able to collect most of the biometrics at the border control of UK mainland ports and its Juxtaposed Controls. Verification as a business as usual function will only take place at ports currently equipped with the established Secure ID Process. Some visa national GFM may arrive at small airfields

and marinas. The Agency will use mobile equipment to collect their biometrics or will grant them a short period of leave to enter and collect their biometrics in-country when they make a leave to remain application.

Options previously considered included but discounted amending primary legislation to enable the collection the biometrics of any visa national GFM present in the UK during the accreditation period. This option was considered too far reaching and disproportionate to the risk posed by visa national GFM. The Agency therefore discounted this option. It has therefore not been included in this impact assessment

Costs and Benefits

General Assumptions

The key volume and impact assumptions are set out below:

- The impact will only occur during the accreditation period of the Olympic and Paralympic Games: 30/03/12 -08/11/12. The Impact Assessment looks at 5 year impacts, but assumes there are no impacts after years 1 and 2;

- There will be approximately 20,000 to 25,000 Visa National GFM entering the UK

- 50% of the visa national GFM will have already provided their biometrics to the Agency in connection with an extant visa or extant Biometric Resident Permit. Therefore of the order of 10,000 -12,500 GFM will need to have their biometrics captured at the UK border;

- There is some uncertainty around these assumptions, and hence ranges are used in the sensitivity analysis to show the high and low case scenarios (from 25% to75%);

- Currently verification of a visa national's biometrics takes an average of 22 seconds for the biometric process. The collection of ten prints and a facial image from a visa national GFM is estimated to take 60 seconds;

- 2,000 UK Border Agency Officers will require around 2 hours training to collect visa national GFM biometrics (the range is 1,500 to 2,500 staff requiring training).

Groups Affected

There are two key groups affected by the proposals:

- Olympic and Paralympic visa national Games Family Members
- The UK Border Agency

Costs and Benefits

The key costs and benefits are set out below:

Costs to the UK Border Agency:

There will be three main cost impacts on the UK Border Agency:

- Set up costs for the IT solution and mobile biometric collection facilities: the technical solution for capturing biometrics of visa national GFM is estimated to cost **circa £2m** in year 1 and **around £0.2m** in year 2. This includes:
    - Costs for a Biometric Enrolment Station
    - Costs for changes to the Immigration & Asylum Biometrics System (IABS) – the database on which storage and matching of fingerprints will take place.

- Set up costs of training and familiarising border force staff around the collection of GFM biometrics: These are non-financial costs. We assume that there are 2,000 Border Force staff

who will require around 2hrs training. Assuming an hourly wage of £28.60, (including staff on-costs for non-pay reasons), the time costs of training are estimated at **around £114k** in year 1.

- Ongoing costs of collecting the biometrics of visa national GFM during 2012, both at the border and in country: Assuming there are between 20,000 and 25,000 GFM who are visa nationals and 50% require collection of biometrics, we estimate of a collection time of 60 seconds per person with hourly staff costs at £28.60 (including on costs) total costs are estimated at **around £5k** in Year 1.

    - Note - we expect that the vast majority of visa national GFM biometrics will collected on arrival at the border. In the rare circumstances where that is not possible visa national GFM biometrics will be collected exceptionally in country.

Costs to visa national GFM:

- There will be time costs to visa national GFM who will need to spend time allowing their biometrics to be taken. This is not monetised as they are not UK residents, so we do not price the social cost of their time as we would for UK residents.

Risks and assumptions

Key Assumptions:

- The key assumptions are set above in the 'General Assumptions' section. Given the uncertainties, we have set out a range for the key costs.

Key Risks:

- The collection of biometrics may result in unduly delayed passing through border control;

- Delays to non-Olympic travellers. Dedicated lanes and the time taken to collect the biometrics of GFM may result in delays to non-Olympic passenger journeys.

Wider impacts

The key wider impacts are set out below:

- There are some wider impacts on the visa national GFM who will need to provide their biometric details to the UK Border Agency, imposing a time cost on them. We do not monetise this impact as they are non-UK residents and individuals, and hence outside the scope of the Impact Assessment appraisal.

- In addition, there are potential wider impacts on the UK public and any visitors to the UK during the Olympic Games, as there will be a greater amount of scrutiny and control over which visa national GFM are allowed to enter and remain in the UK. This will reduce the risk of any breaches of security or immigration control, and will increase public confidence in the UK Border Agency.

Summary and preferred option

Summary Costs and Benefits

The table below sets out the summary costs and benefits of option 2 over 5 years:

Summary Impacts	**5 year total**
Set up costs	
Staff training costs	£ 114,000
IT set up costs	£ 2,213,000
Ongoing costs	
Biometric collection costs	£ 5,000

Total costs	**£ 2,333,000**
Total costs (present value)	£ 2,326,000
Total benefits	**£0**
Total benefits (present value)	£0
Net Impacts	**-£ 2,333,000**
Net Impacts (present value)	-£ 2,326,000

The preferred option is option 2. Whilst there is a negative net present value, there are a number of benefits that can not be monetised that justify the costs of the proposals, over and above the do nothing option.

Sensitivity Analysis and Range:

The table below sets out the key assumptions and the central, low and high assumptions used for the modelling and the net present value under each scenario:

Assumptions	**Central case**	**Low case**	**High case**
Volumes of Games Family Members	22,500	20,000	25,000
%ge that will need biometrics collected	50%	25%	75%
Volume of Border Force staff affected	4,000	4,000	4,000
Hourly wage of staff (including on-costs)	£28.60	£28.60	£28.60
%ge of staff that will need training	50%	25%	75%
Training time required	2	2	2
Time taken to collect biometrics (seconds)	60	45	85
Hours required to collect biometrics (hrs)	0.017	0.013	0.024
5 year net present value (£ million)	**-2.33**	**-2.26**	**-2.39**

Implementation

The proposals will be implemented in time for the Olympic Games in 2012 to ensure that visa national GFM and their families will be allowed to enter and remain in the UK during the period of the Olympic Games, whilst allowing the UK Border Agency to obtain their biometrics and maintain a proportionate level of business as usual security checks.

Monitoring and Evaluation

The collection of visa national GFM biometrics will be monitored through the IABS database. This will allow the Agency to monitor:

- The volume of visa national GFM from whom biometrics are collected;
- The characteristics of the visa national GFM such as nationality, age, gender;
- Evidence of any biometric “hits” and matches that lead to further checks or enforcement activity.

Key Success Criteria will include:

- Maintaining border security in the build up and during the Olympic and Paralympic Games;
- The enhancement of the UK Border Agency’s reputation to effectively manage the border and work with partners in an effective and collaborative manner;
- Maintain the flow of visa national GFM through the ports.

Annexes

Annex 1: Post Implementation Review (PIR) Plan

Basis of the review: [The basis of the review could be statutory (forming part of the legislation), i.e. a sunset clause or a duty to review , or there could be a political commitment to review (PIR)];
Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]
Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]
Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]
Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]
Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection systematic collection of monitoring information for future policy review]
Reasons for not planning a review: [If there is no plan to do a PIR please provide reasons here] The biometric collection of visa national GFM biometrics is a limited one-off policy due to the Olympic Games. The legislative changes will only allow the biometrics to be collected during the Accreditation Period 30/03/12 – 08/11/12 of the Games when the OPIAC can be used in lieu of a visa, mitigating the need for visa national GFM to provide their biometrics overseas as part of the usual visa application process. Given the limited nature of the collection a formal PIR is not planned. However the Agency will review the success and effectiveness of the collection as part of an overall evaluation of its performance on the Olympics and Paralympics Games.

Annex 2: Equality Impact Assessment

HOME OFFICE
FULL EQUALITY IMPACT ASSESSMENT TEMPLATE

Directorate	UK Border Agency - Policy & Strategy Group
Unit	Border Policy - Olympics and Project Development Team
Date	13/04/11

Name of Policy/Guidance/Operational activity

The collection of visa national Olympic and Paralympic Games Family Members' biometrics (fingerprints and facial images) at the UK border and at the UK's Juxtaposed Controls.

What are the aims, objectives & projected outcomes?

Aim

To maintain a proportionate level of business as usual security checks on visa national Olympic Games Family Members during the Accreditation Period of the Olympic and Paralympic Games (30/03/12 to 08/11/12), by mirroring the usual process for collecting a visa national's biometrics.

Objective

To achieve this aim the UK Border Agency ('the Agency') needs to collect the biometrics of visa national Olympic and Paralympic Games Family Members (GFM) unless they are identified as having previously provided them to the Agency.

Projected Outcomes

1. The Agency will verify the biometrics of all visa national GFM with extant or expired leave for which biometrics were provided at arrival locations where verification equipment is currently available
2. The Agency will collect a visa national GFM biometrics unless the Agency identifies that it already has the individual's biometrics
3. A proportionate business as usual level security checks on visa nationals will be maintained during the Games

Legislative Changes

The Agency needs to amend the Immigration (Physical Data) Regulations 2006 and the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003, the Channel Tunnel (International Arrangements) Order 1993 and the Channel Tunnel (Miscellaneous Provisions) Order 1994 to collect the biometrics.

1 SCOPE OF THE EIA

1.1 Scope of the EIA work

Background

Visa nationals require a visa to lawfully enter the UK. Since 2008, visa nationals have been required to provide their biometrics (fingerprints and a facial image) as part of the visa application process. The fingerprints are stored and then verified when they present themselves at the border control of a UK port where this is business as usual.

20,000 visa national GFM will be able to use their Olympics or Paralympic Identity Card (OPIAC) in lieu of a visa, and will therefore not need to provide their biometrics to the Agency prior to travelling to the UK.

The Agency to achieve the policy aim is changing its current biometric collection policy to enable the collection of visa national GFM biometrics at the UK border and at the UK's Juxtaposed Controls. The policy amendment is not imposing a new biometric requirement on visa national GFM, but simply changing the locations at which their biometrics can be collected to facilitate this requirement.

All visa national GFM regardless of nationality, race, religious beliefs or sexual orientation, will have their biometrics collected or if appropriate verified at the UK border and the UK's Juxtaposed Controls.

Methodology

The EIA was completed by the Agency's Border Policy, Olympics & Project Development Team. In completing the EIA the team reviewed the current exemptions from biometric collection, consulted partners and used information provided in a previous Agency EIA: 'Rollout of Biometric Residence Permits (BRP) to in-country extensions of leave under Tiers 1 and 5 of the Points Based System (PBS)' dated 13/09/10 ('the 2010 BRP EIA').

1.2 Will there be a procurement exercise?

Hardware and software is to be provided through existing contracts. The requirements for collection specifically emphasise the need for the process to be capable of engagement with visa national GFM of all abilities and this is clearly understood to be a crucial requirement.

2 COLLECTING DATA

2.1 What relevant quantitative and qualitative data do you have? **This may include national research, surveys or reports, or research done by colleagues in similar areas of work.** Please list any evidence in the boxes below (complaints, satisfaction surveys, focus groups, questionnaires, meetings, email, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy/guidance/operational area.	
Race	The policy change will affect visa nationals. Visa nationals are nationals of countries requiring a visa to enter the UK regardless of their purpose of stay in the UK. Visa national GFM will have to provide their biometrics whereas non-visa national GFM will not. Visa national GFM might therefore argue they are being unfairly treated because of their nationality and race. The Agency's ability to impose and maintain visa requirements on nationals of specified countries is well established in law and is based on the risk those nationalities collectively pose to border security, and not on ethnicity or race. The collection of visa nationals' biometrics as part of the visa application process is equally well established in law and has been taking place since 2008.
Religion/ belief & non belief	The requirement for visa national GFM to provide their biometrics is solely based on nationality. Religious and personal beliefs do not factor in the requirement. Agency staff will receive appropriate training to ensure they take the religious & personal beliefs of GFM into account when taking facial images.
Disability	The biometric collection could have an adverse impact on those who are differently abled unless the Agency ensures: - • Those differently abled can understand the collection process • Those differently abled can easily access the collection equipment • The equipment is capable of collecting biometrics from differently abled visa national GFM • Its staff recognise the particular needs of those with differently abled and respond sensitively to them The Agency is therefore working closely with LOCOG Paralympics and with Home Office Disability and Equality & Diversity Teams to ensure it can provide comprehensive and suitable arrangements for those who are differently abled. Visa national GFM with one or no fingers or medical conditions preventing the collection of suitable fingerprints will be exempt from providing their fingerprints, although their facial image will still be required.

Gender	The requirement for visa national GFM to provide their biometrics is solely upon based on nationality. Gender does not factor in the requirement and the collection process will be same regardless of a person's gender
Gender Identity	The 2010 BRP EIA identified concerns previously raised by Gender Identity and other groups. These groups were concerned that a person's gender on a Biometric Resident Permit (BRP) would be 'fixed', thus potentially causing an adverse impact on an individual who subsequently changed gender. The 2010 EIA BRP indicated the Agency was consulting and undertaking further research on this issue. This issue does not affect the collection of visa national GFM biometrics because the UK Border Agency will not be issuing a GFM with a document outlining their gender such as a BRP. However the Agency needs to be mindful that the gender assigned to a GFM visa national's biometric record will be taken from their travel document. There could be an adverse impact on a visa national GFM who subsequently switched gender. However the GFM fingerprints will remain unchanged allowing the Agency's officer to establish the record relates to the same person.
Sexual Orientation	The requirement for visa national GFM to provide their biometrics is solely upon based on nationality. Sexual orientation does not factor in the requirement and the collection process will be same regardless of a person's sexual orientation.
Age	The Agency currently takes fingerprints of children aged 5 and over for visas and Entry Clearance and 6 and over for Biometric Residence Permits (BRP). The Agency in line with the current visa policy will collect and where appropriate verify the biometrics of visa national GFM over the age of 5. There are likely to be a number of GFM aged between 15 and 16 (e.g. female gymnasts). The Agency recognises those under 16 will need to have a responsible adult present when their biometrics are verified or collected.
Welfare of Children [UKBA ONLY]	Visa national GFM who are under 18 should be accompanied to the UK by an appropriate adult. However if this is not the case or Agency officers have concerns for a child's welfare they will use powers under Section 55 of the Borders, Citizenship and Identity Act 2009 to ensure the child's welfare and safety. The Agency recognises that visa national GFM under 16 will need to have a responsible adult present when their biometrics are verified or collected.
Socio-economic	Visa national GFM will not be charged for the biometric collection at the UK border. The requirement for visa national GFM to provide their biometrics is solely based on nationality. Socio-economic background does not factor in the requirement and the collection process will be the same regardless of a person's

	socio-economic background.
Human Rights	Previous studies have indicated that only a small number of people responded negatively to their biometric capture for the purposes of a BRP. The Agency has no evidence indicating the same will not apply to the collection of visa national GFM biometrics. The collection process will be rapid, clean and use electronic equipment. The collecting officer will not need to touch the GFM to facilitate the collection.

2.2 What are the overall trends/patterns in this data?

- There is some perception of discrimination on the basis of nationality and race
- There is some perception of discrimination on the basis transgender and transexuality
- The Agency needs to ensure its collection processes and equipment are easily accessible to visa national GFM who are differently abled and adaptable to those with particular religious or personal beliefs

2.3 Please list the specific equality issues and data gaps that may need to be addressed through consultation and/or further research?

This EIA builds on the research undertaken as part of the 2010 BRP EIA and internal consultation and consideration. The policy change is not major but simply a change in locations where visa national GFM biometrics can be taken; as such there are no significant equality or data gaps to address.

3 INVOLVING AND CONSULTING STAKEHOLDERS

3.1 Internal consultation and Involvement: e.g. with Other Government Departments, Staff (including support groups), Agencies & NDPBs

The collection of visa national GFM biometrics will affect staff at the border control of UK and Juxtaposed Ports, particularly at Heathrow Airport where most visa national GFM are expected to arrive.

Agency staff have been consulted on the policy change through face to face meetings and correspondence. Staff are primarily concerned with the volume of passengers passing through the border during the Games period and the time biometric collection will add to passenger transactions times.

The Agency's Olympics Biometrics Project is engaging with the Home Office Disability Service to ensure those differently abled can access the biometric collection process and equipment.

The Olympics Biometric Project will continue to consult internal partners throughout the duration of the project.

3.2 External consultation and involvement: strand specific organisations e.g. charities, local community groups, third sector

The UK Border Agency has consulted LOCOG about the collection of visa national GFM biometrics. Consultations took place during initial host city contract talks between Her Majesty's Government (HMG) and the International Olympics Committee (IOC). The Agency since then has continued to engage with LOCOG through meetings.

LOCOG recognise the Agency is collecting visa national GFM biometrics to maintain a proportionate level of business as usual security checks during Games times and have not raised objections.

The Agency has also consulted senior French officials including the Director of Immigration within the French Interior Ministry about the policy change who have also not raised objections.

4 ASSESSING IMPACT

4.1 Assessment of the impact
Visa nationals require a visa to enter the UK and provide their biometrics as part of the visa application process. The change in policy therefore does not impose a new biometric requirement on visa national GFM, but simply changes the locations where their biometrics can be collected. There is therefore no differential impact due to nationality or race. Similarly there is no differential impact on account of gender, sexual orientation or socio-economic background. However there will be a potential differential impact in the collection of biometrics from GFM under 16 years old and those with disabilities. Under 16 year olds will require a responsible adult to be present during the collection. Whilst those who are differently abled may need the collection process and equipment configured differently to meet their particular needs or may be exempt from the requirement to provide their fingerprints. The impact is not adverse, but specific to the needs of these groups of people. There may also be a potential adverse impact on transgender and transsexual individuals who switch gender after the collection of their biometrics. In such circumstances the gender assigned to the GFM biometric record will be the gender stated in the travel document the GFM used to enter the UK when their biometrics were collected. The likelihood of the impact materialising is low however the Agency will consult internal Gender Identity support groups.

5 REPORT, ACTION PLANNING AND SIGN OFF

5.1 Sign-off

Now submit your EIA and related evidence for clearance

Date of completion of EIA	13/04/11
Compiled by	Laurence Jessup
SCS sign-off	Philip Astle
I have read the Equality Impact Assessment and I am satisfied that all available evidence has been accurately assessed for its impact on equality strands. Mitigations, where appropriate, have been identified and actioned accordingly.	
Review date	08/11/12

ANNEX A

EQUALITY IMPACT ASSESSMENT ACTION PLAN: COLLECTION OF VISA NATIONAL GFM BIOMETRICS

ACTION / ACTIVITY	OWNER AND INTERESTED STAKEHOLDERS	DEPENDENCIES / RISKS / CONSTRAINTS	COMPLETION DATE	PROGRESS UPDATE
Ensuring GFM with disabilities understand the collection process and can easily access the collection equipment	Owner: - UK Border Agency – Olympics Biometrics Project Corporate Partners: - LOCOG HODS		March 2012	GREEN
Ensuring there is clear policy and staff guidance regarding the collection of biometrics from GFM who have switched identity	Owner: UK Border Agency - Border Policy Olympics & Project Development Team Corporate Partners		March 2012	GREEN
Ensure there is a clear guidance in place for collection of unaccompanied children & vulnerable adults	Owner: UK Border Agency - Border Policy Olympics & Project Development Team Corporate Partners		March 2012	GREEN