EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (REGISTRATION WITH POLICE) (REVOCATION) REGULATIONS 2022

2022 No. 1063

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This Statutory Instrument revokes the Immigration (Registration with Police) Regulations 1972 which require a person, unless exempt, to register with the police and to subsequently notify the police of any changes to their address or personal details.

2.2 Regulation 3 clarifies that where a person has already been required to register with the police before this instrument comes into effect, that requirement no longer exists.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is all of the United Kingdom.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is all of the United Kingdom.

5. European Convention on Human Rights

5.1 As this Statutory Instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 Section 3(1)(c)(iii) of the Immigration Act 1971 provides for a grant of leave to enter or remain to be subject to a condition to register with the police within seven days of arriving in the UK. This requirement to register with the police is provided for in Part 10 of the Immigration Rules (paragraphs 325 and 326), for those who are from the specific nationalities listed in Appendix 2 and who are applying to enter or remain in the UK for more than six months, unless an exemption applies.

6.2 The Immigration (Registration with Police) Regulations 1972 sit alongside Part 10 of the Immigration Rules and set out the necessary requirements for registration with the police. This Statutory Instrument revokes the Immigration (Registration with Police) Regulations 1972.

7. Policy background

What is being done and why?

7.1 The Police Registration Scheme was originally designed to monitor the presence of foreign aliens in the UK but is outdated in its current format and no longer provides any public protection benefit on behalf of either the Home Office or the police.

7.2 The scheme itself has not changed since 1998 and the same data collected by the police is already captured electronically by the Home Office at the visa application stage. Changes to the Immigration Rules and the wider immigration system since the scheme was introduced now mean that more individuals are screened before travel to the UK so those of concern can be identified earlier in their interaction with the Home Office. There is therefore little or no need for the police to collect the same data after a person has already entered the UK. As well as creating duplication, once this information is captured by the police, it is held indefinitely and not looked at again in the vast majority of cases.

7.3 Abolition of the police registration scheme is supported by the police who are able to access Home Office data via other means. It is not considered that the decision to abolish the scheme will have any adverse effects either in terms of immigration operations or crime and security. It will also reduce costs and the administrative burden on the police, the Home Office and the migrant themselves.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 This instrument does not consolidate existing legislation, nor does it give rise to a need for future consolidation.

10. Consultation outcome

10.1 The changes in this Statutory Instrument have not been the subject of a formal public consultation, as this would be disproportionate given the nature of the changes.

11. Guidance

11.1 Guidance relating to the removal of Police Registration has been published on GOV.UK.

12. Impact

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

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because no impact on the private, voluntary or public sector is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 As this instrument relates to the revocation of the Immigration (Registration with Police) Regulations 1972 subsequent monitoring is not required.

15. Contact

15.1 Sarah Slater in the Enforcement and Criminality Policy Unit at the Home Office can be contacted with any queries regarding this instrument at criminalitypolicyguidancequeries@homeoffice.gov.uk.

15.2 Matthew Bligh, Deputy Director for the Enforcement and Criminality Policy Unit at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Tom Pursglove MP, Minister of State for Immigration at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.