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) Regulations 2009

Made - - - -	***
Coming into force - -	***

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(**1**).

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.—(1) These Regulations may be cited as the Immigration (Biometric Registration) (Amendment) Regulations 2009 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

"the 2008 Regulations" means the Immigration (Biometric Registration) Regulations 2008(**2**).

Amendments to the Immigration (Biometric Registration) Regulations 2008

2. The 2008 Regulations shall be amended as follows.

3. For regulation 3 of the 2008 Regulations (Requirement to apply for a biometric immigration document) substitute—

"**Requirement to apply for a biometric immigration document**

3.—(1) A person subject to immigration control must apply for the issue of a biometric immigration document where he satisfies—

(a) one of the conditions in paragraph (2); and

(**1**) 2007 c.30.
(**2**) S.I. 2008/3048.

(b) the condition in paragraph (3).

(2) The conditions are that the person makes an application—

(a) for limited leave to remain under one of the categories of the immigration rules specified in regulation 4;

(b) for limited leave to remain as a dependant of a person who is applying for limited leave to remain under one of those categories; or

(c) whilst in the United Kingdom to replace his passport or other document in which there was a stamp, sticker or other attachment which indicated that he had been granted limited leave to enter, or remain in, the United Kingdom.

(3) The condition is that the person makes the application under paragraph (2) on the form specified for that purpose in accordance with the immigration rules.".

4. For regulation 4 of the 2008 Regulations (Specified categories) substitute—

"**Specified categories**

4. The specified categories under the immigration rules are—

(a) as a Tier 4 (General) Student;

(b) as a Tier 4 (Child) Student;

(c) as a postgraduate doctor or dentist;

(d) as an Academic Visitor granted leave in the United Kingdom for a period exceeding 6 months;

(e) as the spouse or civil partner of a person present and settled in the United Kingdom;

(f) as the unmarried or same-sex partner of a person present and settled in the United Kingdom;

(g) as a visitor for private medical treatment;

(h) as a domestic worker in a private household;

(i) on the grounds of United Kingdom ancestry;

(j) as a retired person of independent means;

(k) as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means;

(l) as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means; or

(m) as a sole representative.".

5. Subject to regulation 9, in regulation 13(4)(b) and (c) of the 2008 Regulations (Issue of a biometric immigration document) for "eighteen" substitute "sixteen".

6. In regulation 16(1) of the 2008 Regulations (Surrender of a biometric immigration document)—

(a) in sub-paragraph (g) omit "or"; and

(b) after sub-paragraph (h) insert—

"(i) the holder has failed to produce a valid passport or travel document when required to do so by an immigration officer; or

(j) the holder has proved that he is a British citizen or a Commonwealth citizen who has a right of abode in the United Kingdom as a result of section 2(1)