

## Biometric Residence Permits for Foreign Nationals

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### Introduction

From 25 November 2008, in a rolling programme, the United Kingdom Border Agency (UKBA) will change the way it issues permission to stay in the United Kingdom. Biometric residence permits for foreign nationals will be a form of residence permit, and will replace the vignettes previously placed in passports.

UKBA informs us the permits will be issued only to nationals of countries outside the European Economic Area who are granted leave to remain in the United Kingdom, as either a student or on the basis of marriage or partnership. More immigration categories will switch from vignettes to permit at a later date on a rolling programme. The roll out of permits will be phased according to the immigration category under which the migrant is granted leave to stay in the United Kingdom. Anyone who applies for an extension of stay as a student or on the basis of marriage or partnership after 25 November 2008 will be required to apply for a biometric residence permit for foreign nationals. Both vignettes and permits will remain in circulation for the foreseeable future.

Eventually all foreign nationals aged six and over will be required to give biometrics when they apply for an immigration document. These will be scans of all 10 fingerprints and a digital photograph. Children under six will not need to provide fingerprints. There will be no endorsement in the foreign passport.

The grant of leave to stay in the United Kingdom will be issued as a standalone permit.

The permit is proof of the holder's right to stay, work or study in the United Kingdom. It can also be used as a form of identification, for example if they wish to open a bank account in the UK.

The permit for foreign nationals is not a travel document. Therefore if the holder travels abroad they will still need to hold a passport issued by their country's Government. They will need to take both their permit and their passport as evidence that they are entitled to return to the United Kingdom.

The permit will initially be issued to those with conditions attached to their stay. At present, UKBA will not be issuing permits to those who have been granted indefinite leave to remain (ILR). Once roll out has been completed, if the holder has been granted permission to settle in the United Kingdom – that is granted ILR – the permit will either be valid for 5 years or for 10 years.

## **IPS policy principle**

Because the permit will be held only by those with a time limit on their stay, the introduction of these documents will not for the present affect the way in which we deal with passport applications from foreign nationals.

## **First time applicants**

Foreign nationals applying for naturalisation have to be free of immigration conditions when they apply (and normally for 12 months before that) in addition to meeting the requirements on residence in the UK. Therefore it will be some time before any holders of the biometric residence permits will be in a position to be naturalised and apply for their first British passport. We will discuss with UKBA the potential use to be made of the permits in first time passport applications and issue further guidance in due course.

## **Potential nationality claims under Section 1(1)(b) BNA 81**

As UKBA started issuing biometric residence permits on 25 November 2008 only to those with conditions attached to their stay, there will be no instances initially where a biometric residence permit issued by UKBA will be evidence of Indefinite Leave to Remain (ILR) at the time of a child's birth.

The holder's immigration conditions are shown on both the front and the back of the permit. In addition, the permit will be valid for the time specified in the conditions of stay.

Once roll out has been completed, permits valid for 5 years or 10 years will be issued to those granted ILR. The date of expiry and the date of issue will follow each other on the permit. A permit with a validity of 5 years or 10 years will be acceptable as evidence of ILR.

For children born before the introduction of the new UKBA biometric residence permit, the parent will still be required to provide usual evidence that they had ILR at the time of the child's birth.

## **Out of date permits / overstayers**

Where an out of date permit comes into IPS possession, or the permit has expired because the conditions of stay has lapsed, it should be returned to the holder with the advice to apply for a new permit. In addition UKBA should be informed. Please see Immigration and Right of Abode - Overstayers for details of how to inform UKBA.

## **Return of permits**

Permits issued by UKBA and forwarded to IPS as part of a passport application should be returned by Secure Delivery in the same way that any valid British passport will be returned.

Where permits are sent to us by a third party they should be returned to UKBA in line with our retention and destruction of documents policy.

## **Enquiries by members of the public**

Members of the public making any enquiries about the biometric residence permits issued by UKBA, including those wishing to report the loss of the permit, should be referred to the UKBA, telephone number 0300 123 2412.

## **Permit design and security**

The permit's design is set by European Union (EU) regulation. It is a standard credit card size (86mm x 54mm) and will look similar to identity cards issued by other EU countries. The permit contains a chip to make it more secure against forgery and abuse.

There are a number of security features on the permit.

The UKBA permit verification helpline is available for employers and other Government Departments to verify whether the permit is valid. This service should not be used routinely but only in cases where there is doubt over the authenticity of the permit.