

## **Immigration Bill**

### **Factsheet: Biometrics (clauses 4 – 10)**

Immigration Minister Mark Harper:

“Our ability to take biometric details to check the identity of those who seek to come to, or stay in, this country, or become a British Citizen, is of vital importance if we are to keep our borders safe and secure.

“Of the 13 million non-EEA migrants there are a small percentage from whom, under current legislation, we are unable to obtain their biometrics.

“The changes we are introducing in the Immigration Bill will close this gap and give the Home Office the ability to establish identity and to prevent fraud and illegal immigration.”

### **Background**

Since 2008, all visa applicants have been required to give their fingerprints to an entry clearance officer before they enter the UK. At the border, the fingerprints of arriving passengers are checked to ensure the same person has travelled to the UK. In country applicants who are seeking to extend their stay also have to give their fingerprints and when Home Office immigration enforcement officers conduct operations in the UK they are equipped with mobile fingerprint scanners. Biometric information is an important element of our secure immigration system, designed to detect identity fraud and to ensure that when illegal migrants are encountered they can be identified and returned to their country of origin.

There are a few categories of migrants from outside the European Economic Area (EEA) from whom the Home Office does not have the power to take fingerprints. These include some transit passengers, non-EEA family members of EEA nationals applying for family permits or residence cards and persons applying to become a British citizen. Although these applications only account for a small proportion of the 13 million non-EEA migrants who come and go from the UK each year, it is nevertheless important that these gaps are closed.

When investigating immigration offences immigration officers can only take the fingerprints of persons suspected of being removable from the UK where they have been arrested. In all other cases, consent must first be given. Officers need additional powers equivalent to the powers the police have to ensure they can take biometrics and check identity.

### **What we are going to do:**

- Require those applying for all transit visas to provide biometric information before they travel so that if they fail to depart from the UK they can be identified;

- Require those applying to become British citizens to provide biometric information as part of their application so that we can confirm that they are the same person to whom we previously granted leave to remain;
- Require non-EEA family members of EEA nationals to provide biometrics when applying for EEA documentation, such as family permits and residence cards; and
- Enable immigration officers to conduct biometric checks on suspected immigration offenders.

#### **How we are going to do it:**

- Amend our existing legal powers to make it clear that foreign nationals are required to provide biometrics when applying for transit visas or applying for a family permit on the basis that they are coming to the UK as a non-EEA family member of an EEA national;
- Enable us to require persons applying to become a British citizen to provide biometrics. If British Citizenship is granted, the biometric record will be deleted (except for their photograph, which will be retained until a British passport has been issued); and
- Bring immigration officer powers to check fingerprints into alignment with equivalent police powers.

#### **Benefits:**

- Gaps will be closed in our biometric checking capability to enable an improved level of identity assurance; and
- The ability for immigration officers to be able to check biometrics of suspected immigration offenders will save time in identifying offenders.

#### **Next steps**

- The biometrics provision will be commenced by order. Our current intention is to implement changes from summer 2014.

#### **Q&A**

##### **If Immigration officers can already check biometrics from people they suspect to be immigration offenders, why do you need this new power to check biometrics without consent?**

Currently, where immigration officers suspect that a person may be an immigration offender, they can only check the person's fingerprints to verify their identity with their consent. If the person refuses to consent, the officer would have to arrest the person to enable their fingerprints to be checked.

This proposal brings immigration powers on checking fingerprints in line with the powers the police have to check the fingerprints of people who are suspected of committing criminal offences but whose identity might otherwise not be readily

ascertained or verified. This power will prevent unnecessary arrests as the identity and immigration status of those required to submit to a biometric check will be quickly established.

**What will happen to suspected immigration offenders' biometric information if the person is found to be lawfully in the UK?**

Unlike when we take fingerprints from foreign nationals who have been arrested, fingerprints taken under this power will not be retained.

**Given you plan to require those seeking to become British citizens provide biometric information, when do you plan to destroy such data?**

We will still destroy all fingerprints when a person becomes a British citizen. However, their photographs will be retained until they obtain their first British passport. This will ensure that biometric information is retained where it is likely to be of continued use for immigration or nationality purposes (i.e. to check that the passport application has been made by the same person granted British citizenship).

**Will the Home Office take DNA from migrants?**

No. The Immigration Bill excludes DNA from the definition of biometric information.

**Will the Home Office immigration biometrics database be under the oversight of the Biometrics Commissioner?**

We have no plans to place the Home Office's immigration biometric database under the oversight of the Biometrics Commissioner. Biometrics held on this database are recorded for different reasons to those held on the police biometric database. There are existing oversight arrangements including the Information Commissioner.

**Home Office  
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