



Home Office

eVisas

Applying the “Code of Practice about the sanctions for non-compliance with the biometric registration regulations”

Version 1.0

Policy guidance on how sanctions will be applied under the Immigration (Biometric Registration) Regulations 2008.

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About this guidance

For the purpose of this guidance:

- **“You”** means a decision maker who is an:
 - immigration, nationality or asylum caseworker
 - authorised person within the meaning of section 141(5) of the Immigration and Asylum Act 1999
 - immigration or border force officer
- **“Senior official”** means any official of at least Senior Executive Officer (SEO) grade, or its equivalent
- **“person/people”** means applicants, claimants, customers and individuals
- **“Biometric enroller”** means either an officer or commercial partner engaged to enrol biometrics
- **“Third party”** means a “representative”, “carer”, “solicitor”, “helper”, “proxy”, “guardians”, “parents” or a designated adult acting on behalf of a person
- **“Third party checker”** means employer, landlord, financial institution or other person or organisation undertaking identity and status checks

The Code sets out how sanctions may be applied on holders of biometric immigration documents who fail to comply with one or more requirements of the Immigration (Biometric Registration) Regulations 2008 (2008 Regulations).

Scope

This policy guidance covers parts of the Home Office responsible for biometric immigration documents:

- Border Force
- Immigration Enforcement
- UK Visas and Immigration

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors then email the Identity Security team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**

- published for Home Office staff on **27 March 2025**

Changes from last version of this guidance

This is new guidance.

Related content

[Contents](#)

Introduction

The eVisa is replacing physical forms of immigration status documents. People can access their eVisa by signing into their UKVI account at <https://www.gov.uk/view-prove-immigration-status>. The eVisa displays the person's immigration permission in the UK and any conditions which apply, and as it displays the person's facial image, including their name, nationality and date of birth, and it can also be used for identification purposes.

Holders of eVisas need to ensure the personal information, displayed on their eVisa is accurate and their facial image continues to resemble them. This is to protect their identity and avoid situations where they could be refused access to employment, rental accommodation, and other benefits and services where identity and status may be relevant. For example, obtaining financial services where the person may need to satisfy the service provider about their identity.

Holders of biometric immigration documents (BIDs) must comply with requirements set out in the 2008 Regulations, or they may become subject to one or more of the sanctions set out in the [Code](#).

In most circumstances, sanctions will consist of either:

- treating applications as invalid under Regulation 23 of the Immigration (Biometric Registration) Regulations 2008 where a person fails to comply with a requirement to provide biometric information
- being prevented from getting a share code if they fail to notify us about changes to their personal information, particularly their facial image

Although the 2008 Regulations and the Code allow for civil penalties to be imposed or for immigration permission to be curtailed or varied, you must only use them as a last resort. This guidance sets out the circumstances when you may consider imposing such a penalty.

Related content

[Contents](#)

Related external links

[View and prove your immigration status: get a share code](#)

[Check someone's immigration status: use their share code](#)

[Non-compliance with the biometric registration regulations](#)

Application requirements

This section contains information about how applications may be treated and any steps that must be completed where a person has failed to comply with one or more of the application requirements. You **must** have regard to the [Code](#) when considering whether a person has failed to comply with an application requirement.

The application requirements are:

- apply for a biometric immigration document (BID) when required to do so; for example, where the applicant is also applying for a new permission to enter, stay in the UK or for settlement
- surrender any requested documents connected with immigration or nationality when required as part of the permission application and the issuance of a BID
- follow any process specified by an authorised person in respect of the particular application that has been made, including a record of their fingerprints and photograph of their face by a specified date

Enrolling biometrics overseas

People who are applying for entry clearance from overseas must complete their application online via GOV.UK and provide any relevant supporting documents and payment of fees, where applicable. People will normally have 240 days to book and attend an appointment at a Visa Application centre (VAC). They should book their appointment to attend a VAC at the earliest opportunity and no later than 10 days before the end of the 240-day period to ensure they can be offered an appointment.

Unable to enrol biometrics overseas

People must notify you at the earliest opportunity if they consider they cannot attend a VAC to enrol their biometric information. Where they consider it is unsafe for them to travel to a VAC they must follow the approach set out in the [Unable to travel to a Visa Application Centre to enrol biometrics \(overseas applications\) guidance](#).

People who consider they cannot attend a VAC to enrol their biometrics for other reasons should [contact UK Visas and Immigration](#) after they have submitted their application. There may be a charge for this service. Further guidance can be found in the [Biometric enrolment: policy guidance](#).

Where a person has made a request to be excused from having to attend a VAC within 240 days of making their application to enrol their biometrics or for their application to be predetermined, the application must be triaged to the correct team that is responsible for the application. You need to consider the request in time for the person to travel to the VAC where required. The threshold for predetermining an application or excusing the requirement to attend a VAC is high because of the role biometrics play in protecting public safety.

Warning notification – overseas

People will normally receive at least one electronic written notification 60-days after the person submitted their application online.

The warning notification will include guidance on the steps the person needs to take to complete their application. It will also remind them about the consequences for not complying with the application requirements.

You must issue the notification to the person they have nominated for receiving correspondence.

Failure to enrol biometrics overseas

In most circumstances, where a person is required to book an appointment and attend a VAC to enrol their biometrics and fails to do so within 240 days of making an application for entry clearance to come to the UK, you must treat their application as invalid under the 2008 Regulations. You must notify the person in writing about your decision and inform them about how they can request any refund of application fees they may have paid. Guidance about how the person can request a refund of their application fees can be found in the Fees guidance.

Where a decision maker approves a request for an application to be predetermined, the person must still attend a VAC to enrol their biometrics within 240 days of making their application. If they fail to attend the VAC to enrol their biometrics, you must treat their application as invalid under the 2008 Regulations.

Where a decision maker decides to excuse or defer the requirement for the person to obtain biometrics until they arrive in the UK, arrangements will be made to issue them with an entry clearance vignette, and they will not need to book an appointment to attend a VAC overseas. You may require them to book and attend a biometric enrolment event after they have arrived in the UK, if they are coming to stay in the country for more than 6 months.

Children

Ordinarily, where there is an instance of a child not attending a VAC to enrol their biometrics overseas, you must treat their application as invalid under the 2008 Regulations because you will not be able to ascertain their identity and background. Granting children entry clearance without capturing their biometric information could expose them to a risk of exploitation and trafficking. Where a child has requested to be excused from having to attend a VAC to enrol their biometrics or to have their application predetermined before they are required to attend a VAC to enrol their biometrics, you must follow the guidance in Biometric enrolment: policy guidance and Unable to travel to a Visa Application Centre to enrol biometrics (overseas applications).

Enrolling biometrics country within the UK

People who are making an application within the UK are normally required to book an appointment within 45 days of submitting their application. In some cases, the person will be informed that they do not need to book an appointment to attend a UK Visa and Citizen Services (UKVCAS) centre or a Service and Support Centre (SSC), as they will be able to upload a new facial image remotely and we are able to reuse their previously enrolled fingerprints. This is set out in the Biometric reuse guidance.

Where they are in the UK and are using the ID check app, they must follow the instructions set out on the online application form.

Unable to enrol biometrics in the UK

People must notify you at the earliest opportunity if they consider they cannot attend a UKVCAS centre or a SSC to enrol their biometric information. Where they consider they cannot enrol their biometric information in the UK they must [contact UK Visas and Immigration](#) after they have submitted their application. There may be a charge for this service.

You can find guidance in the Biometric enrolment: policy guidance on treating such requests, including the provision of mobile enrolment services for those unable to travel, temporarily deferring the requirement to enrol their biometrics or permanently excusing them from the requirement to enrol biometrics.

Warning notification in the UK

You must provide people with at least one written notification 14 days before the 45 days for enrolling their biometric information expires. Ordinarily, the warning notification must be sent to the person or their proxy, using the contact details they provided as part of their application.

The warning notification must include guidance on the steps the person needs to take to complete their application. It will also remind them about the consequences for not complying with the application requirements.

Failure to enrol biometrics in the UK

In most circumstances, where a person fails to respond to the warning notification by either attending a biometric appointment or providing a reasonable explanation about why they are unable to book and attend a biometric appointment, within the required timeframe, you must treat their application as invalid under the 2008 Regulations.

You must notify the person in writing about your decision to treat their application as invalid under the 2008 Regulations and inform them about any refund of application fees they may have paid, using the template. Guidance about requesting a refund of application fees can be found at Fees guidance.

Failure to follow the process for enrolling biometric information

You may invalidate or refuse the application under the 2008 Regulations where a person fails to follow the process for enrolling their biometric information depending upon the nature of the breach.

Failure to bring required supporting documents

Where the person fails to bring any of the documents they were told to bring to the biometric enrolment event, they may be offered another opportunity to attend a biometric enrolment event on another occasion, so they are able to bring the documents with them. This may not be possible where the person booked an appointment towards the end of the period for enrolling their biometric information.

The types of documentation the person may be required to bring with them includes:

- biometric enrolment appointment letter
- passport or other travel document
- letter of authority when accompanying an unrelated child
- any other supporting document that relates to the person's identity the decision maker asked the person to bring to the biometric enrolment event

You may excuse the person from needing to bring a document where the person provided a satisfactory reason for not having a passport, travel document or other form of identification at the time they made their application, and the decision maker has accepted the explanation.

You cannot excuse a person for failing to produce their appointment letter or not having a letter of authority when accompanying an unrelated child to the biometric enrolment event. This is to ensure the correct person attends the biometric enrolment event and to safeguard children.

Normally, where a person fails to comply with a requirement to bring supporting documentation to their biometric enrolment event before the period for enrolling biometrics expires, without a reasonable excuse, you must treat their application as invalid under the 2008 Regulations.

Failure to follow the biometric enrolment process

People are expected to attend the biometric appointment they have booked to attend, unless they have already made arrangements with UKVI or the VCAS centre to attend another event. When they attend their appointment with the required supporting documents, they are expected to provide a digitised facial image and enrol up to 10 fingerprints, if aged over 5 years and are physically capable of doing so.

Ordinarily, where the person fails to attend a booked appointment within the period for enrolling biometrics and has not arranged an alternative appointment within the

enrolment period, you must treat their application as invalid under the 2008 Regulations.

Where the person attends the appointment but refuses, either wholly or partially, to cooperate with the biometric enroller, the person will be given a verbal warning about the consequences of not following the enrolment process, which is likely to result in their application being treated as invalid or refused. The verbal warning must reflect the contents of the appropriate warning letter template. This may include situations where the person has agreed to allow their facial image to be enrolled, but not their fingerprints and have not provided evidence they are either exempt or should be excused from the requirement.

The biometric supervisor / enroller **must** record the warning and when it was issued and inform the decision maker about the non-compliance. Where the decision maker is satisfied the person failed to enrol their biometric information as required without a reasonable excuse, they **must** refuse the person's application. In such cases, the person will **not** be entitled to a refund of their application fee but may be entitled to request a review or to appeal the decision.

Surrender of documents

Where, as part of a person's application for permission and issue of a BID, you have required them to surrender documents that relate to immigration or nationality and, without obtaining your agreement, they fail to do so, you may treat their application as invalid under the 2008 Regulations. Ordinarily, they **must** comply with the requirement before the time the period for attending a biometric enrolment appointment has passed.

You **must** write out to them to explain what the person needs to do to comply with the requirement or what evidence they need to provide if they claim they are unable to comply. For example, their passport is currently held by the Home Office, or they provide evidence they have reported their documents as lost or stolen and cannot obtain a replacement.

Children

You **must** consider the best interests of the child under Section 55 of the Borders, Citizenship and Immigration Act 2009 (section 55) when considering whether to impose a sanction on a child who has failed to comply with a requirement of the 2008 Regulations.

You must consider the circumstances surrounding the child's non-compliance with an application requirement and whether it is the result of the actions or inactions of the responsible adult. Where the child is making an application for permission to stay or to replace an immigration document, you need to consider whether there are steps you can take to ensure the child complies with the requirements of the 2008 Regulations.

If a child is at risk of losing their immigration status due to the actions of their parent or carer, you must be satisfied that you are acting in the interest of the child and record on the child's records that the circumstances for them having their status curtailed or varied and that the decision should not be used against the child should they make a future application in their own right. You **must** also consider whether to issue a civil penalty to the responsible adult, where the child's parent or carer should have ensured the child complied with a requirement of the regulations and did not have a reasonable explanation for not doing so.

Related content

Biometric information: enrolment

Fees guidance

Identity checks and biometrics

[Contents](#)

Related External Links

[Non-compliance with the biometric registration regulations](#)

[Contact UK Visas and Immigration for help](#)

Maintenance requirements

This section contains information about how people who hold a biometric immigration document may be treated and any steps that must be completed where they fail to comply with one or more of the maintenance requirements. Decision makers **must** have regard to the [Code](#) when considering whether a person has failed to comply with one or more of the maintenance requirements.

The maintenance requirements are:

- update a facial image that has either significantly changed following surgery or for some other reason
- update their facial image at least once every 10 years (or 5 years if aged under 16) from the date they last uploaded their facial image, until they reach 70 years of age or are already aged over 70 years or become a British citizen
- notify the Secretary of State when they suspect that the information provided in connection with their application for a biometric immigration document (BID), such as their name, date of birth, sex-marker or nationality, was or has become false, misleading or incomplete
- notify the Secretary of State when they suspect their BID to be used by a person who has not been authorised by them or the Secretary of State
- apply for a BID, where the person already has valid permission to enter or stay in the UK or settlement, when required to do so by the regulations
- surrender to the Secretary of State when required to do so any physical BID in the person's possession
- comply with other requirements specified in the 2008 Regulations

Updating information provided in connection with an application for a BID

It is important for people to ensure the information on their eVisa, which is accessed via a UKVI account, is accurate. This protects the person's identity and helps to prevent immigration abuse and identity related criminality, such as fraud. Facial images need to be regularly updated as they are used to confirm a person's identity, and they change as a person ages.

Facial images

People under 70 **should** update their facial image at least once before 10 years (or 5 years if aged under 16), starting from April 2025, until they reach 70 years of age or if they consider their appearance has changed significantly. This requirement reflects the approach taken for other documents that can be used for identification purposes, such as the UK passport, the biometric residence permit (BRP) and biometric residence card (BRC) and UK photo driving licences. This is to ensure third-party checkers can easily undertake checks on people presenting to them. This is particularly of importance to third party checkers who risk facing significant financial penalties if [right to work](#) and right to rent checks are not completed correctly.

People should update their facial image using the [Update your UK Visas and Immigration account details](#) service or create a UKVI account to access their eVisa via www.gov.uk/eVisa. They can then update their facial image using [Update your UK Visas and Immigration account details](#) if they consider their facial appearance has changed significantly. For example, the person has:

- undergone a surgical procedure to their face which has resulted in a change to their appearance
- recently shaved off facial hair resulting in a significant change to their appearance
- changed their gender

This list is not exhaustive and is a matter for the person to decide whether they need to update their facial image before 5 or 10 years. Where a person updates their image before 5 or 10 years, the period for requiring their facial image to be updated will be restarted unless they reach the age of 70 years of age.

The written notification will also be sent to any third party who are acting as a proxy on behalf of the person to enable the person to comply with the requirement. Where you are aware the person is vulnerable, you must follow the process set out in the [Vulnerable person](#) section.

Vulnerable people can access help to update their facial image on your UKVI account here: <https://www.gov.uk/guidance/online-immigration-status-evisa#if-you-need-help>. After a person who reaches 70 years of age they will not be required to update their facial image, although people aged over 70 may update it if they consider it to be necessary.

This will not affect the person's immigration status, which will continue to persist, but the person may find it more difficult to prove their identity and status in the UK or engage in international travel if they fail to maintain their personal details. Where there are system-to-system data sharing arrangements, such as with the DWP and the NHS, they will continue to operate as normal, regardless of whether the person has failed to update their facial image.

When a person updates their facial image, they will be able to get share codes to enable them to prove their identity and status in the UK.

Replacing expired or cancelled biometric immigration documents

Where you encounter a person under 70 with valid permission and whose BID was cancelled or has expired, you need to inform them that they must create a UKVI account within 18-months from the date of the cancellation or expiration of their BID using the letter template.

Where the person aged under 70-years has not created their UKVI account to access their eVisa and it is over 18-months since their BRP expired, you must not

consider issuing a civil penalty to them, unless you are satisfied that the person has outstanding immigration permission, was aware that their BID was cancelled or had expired and knew they were required to create a UKVI account to access their eVisa. You will need to establish whether UK Visas and Immigration has communicated to them using their correct contact details and preferred form of communication. Where a person claims they were unaware they needed to create a UKVI account to access their eVisa, you must accept this at face value unless you can evidence that you have previously explained to them in writing the steps they need to follow to create their UKVI account to access their eVisa. In addition, you must ensure they know where they can find support if they claim they are unable to create their UKVI account because they state that they do not have suitable technology or claim to lack digital skills.

Where you have notified a person in writing about creating their UKVI account, but they fail to do so within the period specified in the written notification, which must not be less than 90-days, you **must** issue them with a civil penalty warning letter giving them at least 14-days to create their UKVI account. You **must** not seek to curtail or vary their immigration permission. Where a person is unable to create a UKVI account or access their eVisa, you must not impose a sanction. Instead, you **must** direct the person to where they can find assistance to create an UKVI account or to access their eVisa.

Where you decide to issue a civil penalty, you must obtain the agreement of the grade 7 who is responsible for your team before issuing a civil penalty notice. You must evidence the steps that have been taken to ensure the person knows what steps they need to take to create their UKVI account and access their eVisa. The civil penalty notice must include advice on how it can be cancelled.

Where the person is aged over 70-years and has valid permission, but has not created a UKVI account, even where it is over 18-months since their BRP expired – you must only issue written advice on how they can create their UKVI account and where they can access support if they cannot do so themselves.

Replacing legacy immigration documents

Where a person, with valid permission, who holds a legacy immigration document, such as a passport ink-stamp, makes a No-Time Limit or a Transfer of Conditions application, but fails to complete the application process, including failing to book an appointment and enrol biometric information when required you may only refuse to issue them with a BID. Although, we want people who hold legacy immigration documents to replace their document with a BID, by creating a UKVI account to access their eVisa, they are not required to do so. You must not issue a civil penalty or cancel or vary their immigration permission because they failed to complete their application. They will not be able to get a share code because they will not have a UKVI account and access to an eVisa.

Ensuring other data is accurate or notifying UKVI if an unauthorised person has obtained their BRP or gained access to their UKVI account and eVisa

People should keep all their data on their documents up to date and take steps to prevent unauthorised people obtaining their BRP or gaining access to their UKVI account and eVisa. This is to prevent crime and abuse of our immigration laws and to avoid creating difficulties for the person when they need to prove their identity and eligibility to access services and benefits. For example, carriers may refuse to board a person whose details do not match their passport or travel document details.

You should only take action where the person has failed to update their biographical and/ or other relevant data, and you have grounds to suspect the document is being misused either by the person or another unauthorised person. In such circumstances, you **must** issue the person with a warning letter setting out the possible consequences for not complying with the requirement to notify UK Visas and Immigration (UKVI) of any changes to their personal details or about information relating to unauthorised use of a BRP or UKVI account and eVisa. You must allow the person at least 14 days from the date you issue the warning letter before you may impose a sanction on them.

Where you consider that the person has failed to provide accurate information about themselves, you may impose one of the following sanctions:

Refuse to issue a BID in the form of an eVisa until you are satisfied the information submitted about the person is accurate:

- suspend the ability to get a share code, until the person uses Update your UK Visas and Immigration account details: <https://www.gov.uk/update-uk-visas-immigration-account-details> service and provides accurate information about themselves or takes steps to recover control of their UKVI account and eVisa by contacting the UKVI Resolution Centre at:
 - telephone: +44 (0)300 790 6268 - select option 3
 - telephone: +44 (0)203 875 4669, if the person is unable to dial 0300 numbers
 - Monday to Friday, 8am to 8.30pm
 - Saturday and Sunday, 9:30am to 4:30pm

Information about call charges can be found at: <https://www.gov.uk/call-charges>.

Where the person holds a UKVI account and eVisa, which you consider contains inaccurate information, this exposes other government departments, such as the Department for Work and Pensions (DWP), Agencies, such as the Driver and Vehicle Licensing Agency (DVLA) or the National Health Service (NHS) or other public bodies to a significant risk of fraud. You must seek the approval of a senior official, who is of at least deputy director grade (grade 5 or above) and is responsible for the decision-making team before cancelling the eVisa (BID). The decision maker must notify the person of their decision and advise them about the steps they must

take for their eVisa to be reinstated, making it clear that their immigration status is unaffected. The eVisa in the form of a BID is simply the evidence of status.

Failure to apply for a BID when permission to enter or stay is granted

Where a person is notified that they have been granted permission to enter or stay and are told how to create an account so they can access their eVisa. They may not be able to prove their status in the UK if they are unable to access their eVisa. Where a person is notified that they have been granted permission to enter or stay they are told if a UKVI account was created as part of the application process, or if not, how to create a UKV account so they can access their eVisa. If someone fails to create a UKVI account, they may not be able to prove their status in the UK if they are unable to access their eVisa.

Fail to surrender a BRP

Where an Immigration Enforcement or Border Force Officer requires a person hand over or return a BRP to UK Visas and Immigration, and the person fails to comply without a reasonable excuse, ordinarily, you **must** cancel the BRP. Where the person still has immigration status in the UK, you **must** require them to create a UKVI account to access their eVisa.

Ordinarily, the requirement to surrender a BRP, will only apply to people who have become British citizens and are no longer entitled to hold a BID, as they are no longer subject to immigration control.

Other requirements

Where a person fails to comply with one of the other maintenance requirements contained in the Immigration (Biometric Registration) Regulations 2008, you **must** consider the nature of the non-compliance whether it is linked to criminality or abuse of our immigration laws.

Where you consider the non-compliance is linked to abuses of our immigration laws or criminality, you **must** refer the matter to a senior official. The senior official will consider whether the non-compliance should be dealt with by means of a civil penalty or revocation or cancellation of the person's immigration status.

Children

Where a child has failed to comply with one or more of the maintenance requirements of the 2008 Regulations, you **must** consider the best interests of the child under Section 55 when considering whether to impose a sanction on a child or an adult who is responsible for the child.

You must consider the circumstances surrounding the child's non-compliance with a maintenance requirement and whether it is the result of the actions or inactions of the responsible adult. Where you are satisfied the non-compliance is not the

responsibility or action of the child, you must consider whether to issue a civil penalty to the responsible adult. You must take account of whether the non-compliance places the child at a risk of harm and whether it is in the interest of the child to issue a civil penalty on the responsible adult. For example, where a child has not updated their facial image within the last 5 years and there is suspicion their account is being misused by the responsible adult or another person.

You must consider whether imposing another sanction on the child is in their best interest. For example, where a child has not updated their facial image and there is a risk their status and eVisa may be abused, it might be in their interest to prevent them or their proxy from getting a share code until they have updated their facial image.

Young adults

Where a person has recently become an adult but has not complied with one of more of the maintenance requirements of the 2008 Regulations, while they were a child, you must give them a reasonable opportunity to comply with the requirements. Where you think the person needs assistance because they lack access to suitable technology or they lack digital skills, you must treat them as a [vulnerable person](#) so they are able to comply with the requirement.

Where you are satisfied that they have chosen not to comply with one or more of the maintenance requirements, you may consider whether to impose one or more sanction against the person.

Related content

Right to Rent: landlords' penalties

[Contents](#)

Related external links

[Non-compliance with the biometric registration regulations](#)

[Update your UK Visas and Immigration account details](#)

[Biometric Residence Permit Replacement Service](#)

[Get help to recover your UK Visas and Immigration Account - Update your details \(update-your-details.homeoffice.gov.uk\)](#)

Warning notices – maintenance

This section tells you about what you must consider when issuing a warning notice where a person fails to comply with one or more of the maintenance requirements. As a minimum you must provide a person who fails to comply with a requirement of the regulations a warning notice at least 14-days ahead of taking any action. Where the sanction could have a significant impact on the person, ordinarily you should provide the person with a longer warning period.

Nature of the sanction

Where the sanction would have significant impact on the person and any dependant's life in the UK, ordinarily you must provide them with a longer period to comply with a requirement. This is to ensure the person is given every reasonable opportunity to comply with the requirement, especially if the non-compliance is due to the person being physically unable to comply. For example, they are in hospital or were out of the country for a while.

The aim of any sanction is to encourage compliance rather than punish people and we should give them every reasonable opportunity to comply.

Stopping share code

This is the lowest level of sanction that may be applied and as a minimum, you must issue a warning notice at least 14-days before you can consider stopping a person from getting a share code until they have complied with the requirement.

Where there is evidence that the person is [vulnerable](#), you must consider extending the warning period to give them more time to comply. For example, a person who needs additional support to upload a new facial image may find it more difficult to access a suitable service such as Assisted Digital.

Civil penalty

This is a more serious sanction, that must only be imposed where the non-compliance is significant. As a minimum the warning period should be no less than 14-days. However, you must consider a longer period, such as 28-days where the person is either [vulnerable](#) or has dependent children.

Refusing to issue an eVisa

This is another serious sanction as without an eVisa a person is unable to prove their status in the UK, even though they have valid immigration permission. Except where a sanction is being applied for failure to comply with an application requirement, the minimum warning period must not be less than 21-days and where a person is [vulnerable](#) it should normally be for a longer period.

Variation or curtailment of permission

This is the most significant sanction as it means the person and any dependants will lose their immigration status in the UK. In most circumstances the minimum warning period must not be less than 21-days, and where the person is [vulnerable](#), has dependent children or has settled status the warning period should be for a longer period.

Settled status

Where a person has settled status, and you are proposing to curtail or vary their immigration permission, in most circumstances, you **must** issue the warning notice at least 28-days ahead of taking any action. In circumstances you consider it necessary to reduce the warning period, you **must** explain your reasons to the Home Office minister through a submission.

Where the person is [vulnerable](#) or has dependent children, you must consider providing a longer warning period, unless there are strong reasons for not doing so.

Related content

[Contents](#)

Refusal to issue a BID in the form of an eVisa

This section contains information about the circumstances when you **must** not issue a biometric immigration document (BID) and the steps people **must** follow to enable a BID in the form of a UKVI account and eVisa to be created.

Application

People are expected to create a UKVI account to access their eVisa and prove their immigration status. For some people this will be as part of their initial visa application process; for others, they will be advised how to create a UKVI account when they are issued with their decision notification. A small number of customers, including those granted refugee status will have the UKVI account created for them by caseworkers. Where someone fails to create their UKVI account, they will not be able to access their eVisa or create a share code to prove their rights.

There are other circumstances when they must apply for a BID or create a UKVI account which include:

- when applying to transfer an existing condition to a new immigration document, which includes indefinite permission to no time limit
- when permission to enter or stay is given to a person without status and they are now required to apply for a BID or create a UKVI account
- when replacing an expired or cancelled biometric residence permit (BRP) or eVisa

Reasons for refusal to issue an eVisa

There are only certain reasons you may refuse to issue a BID or an eVisa. In most cases, this will be as part of a decision to refuse entry clearance, permission to enter or stay or as part of a claim for asylum.

The other reasons you may refuse to issue an eVisa, which is evidence of their status, is where the non-compliance with the Immigration (Biometric Registration) Regulations 2008 is linked to the maintenance requirements and the need to prevent crime, protect our national security or avoid abuse to our immigration laws.

These include:

- where you have cancelled a person's BRP or eVisa because you are satisfied the information contained on it is inaccurate and the person has failed to provide you with the correct information - for example, where the person is suspected to be using false identity details on their application
- where you have cancelled a person's BRP or eVisa because you are satisfied the card or access to the UKVI account is in the possession or control of an

unauthorised person who has failed to surrender the card or relinquish control of the account and eVisa

Home Office Travel Documents

Where a person has applied for a Home Office travel document but has failed to create a UKVI account or enable an account to be created on their behalf to obtain a BID in the form of an eVisa, you may refuse to issue the Travel Document if you cannot be satisfied about their identity as you are unable to check their biometrics.

Related content

[Contents](#)

Related external links

[Non-compliance with the biometric registration regulations](#)

Imposing civil penalties

This section contains information about imposing civil penalties on people who fail to comply with one or more of the requirements of the 2008 Regulations. Decision makers **must** follow the process set out within the [Code](#) when imposing a civil penalty.

Circumstances for issuing a civil penalty

Civil penalties may only be issued where a person has failed to comply with one of the maintenance requirements set out in the [Code](#) that may attract a civil penalty. These include when a person:

- has failed to update their facial image following a change in appearance, or after 10 years (or 5 years if aged under 16) from the last time they uploaded their facial image and they are aged under 70 years of age
- has failed to notify the Secretary of State that an unauthorised person has obtained their biometric immigration document (BID) or gained control of it
- who is not authorised to possess another person's BID has obtained it without authority and failed to return it to the status holder or the Secretary of State
- has gained access to a person's BID without the authority of the status holder and the Secretary of State and fails to relinquish control of the BID when required
- has existing permission and the Secretary of State has decided not to impose an immigration sanction for that failure to comply
- failed to provide accurate data to enable the issue of a BID

In most circumstances, you **must** demonstrate that you have provided the person reasonable opportunities to encourage them to comply with the requirements, which can include preventing them from sharing their status before considering issuing a civil penalty. You **must** check whether the person is a vulnerable person and whether alternative arrangements have been made available to enable them to comply with the requirements of the regulations.

You **must** only issue a civil penalty where you are satisfied the non-compliance would enable the person or an unauthorised person an opportunity to commit an act which could be an offence under the Identity Documents Act 2010 or to be able to commit other offences where identity is an enabler, such as under the Fraud Acts, or whether the person has acted recklessly or wilfully to enable such criminality to occur.

You **must** check whether a warning notification was sent to the person at least 14-days before any civil penalty notice is issued. Where the person responds to the warning notification and they comply with the requirements of the 2008 Regulations, you must not issue a civil penalty. Where they provide a reasonable explanation for not having complied with a requirement, such as they were detained in hospital, then

you must agree new arrangements to enable them to comply, this might include giving them more time to update their facial image.

You **must** seek obtain approval of a senior official, who is of at least grade 7 or above and is responsible for the decision-making team before issuing a civil penalty notice.

Children

You **must** not issue a civil penalty to a child as any debt is unenforceable. However, subject to completing a section 55 assessment you may apply other sanctions on the child, where it is in the best interest of the child.

Where a child who is aged under 16 and is being looked after by a local authority has failed to comply with one or more requirements of the 2008 Regulations, you **must** not issue a civil penalty. Instead, you should make arrangements with children's services to encourage the child to comply with the requirements of the 2008 Regulations.

Civil penalty amounts

The level of civil penalty you may impose depends on whether it is an initial penalty, whether the person is entitled to a 50% discount because they are responsible for a child that has failed to comply with one or more of the requirements or a person in receipt of means tested benefits or is a subsequent penalty following continued non-compliance with the Regulations. The table below shows the amount of penalties that may be awarded.

Initial penalty	Second penalty	Subsequent penalties
£250	£500	£1000 (Maximum)
With 50% discount £125	With 50% discount £250	With 50% discount £500

The maximum amount of a penalty you may issue is £1000 per penalty. Where non-compliance continues, you may consider whether to issue further penalties of up to £1000 against the person, so long as the non-compliance continues, and they can no longer object to or appeal against the previous civil penalty notice.

Process for issuing the civil penalty

The process for issuing the civil penalty is set out in the [Code](#). You **must** issue the penalty notice in writing using the template. The level of civil penalty cannot exceed the amount set out in the [Code](#) and you **must** take account of any discount the [Code](#) provides.

The penalty notice must include the following:

- the grounds on which the Secretary of State considers the person to have failed to comply with a requirement of the regulations
- the level of penalty and how it was calculated

- the date before which the penalty must be paid
- the methods of payment by which the civil penalty may be paid
- how the penalty can be amended or cancelled
- ways the person can object to and appeal against a civil penalty
- where they can find the specified form for objecting
- where they can find guidance and a copy of the [Code](#) about the civil penalty scheme
- ways in which the civil penalty may be enforced
- where they can obtain independent legal advice

You **must** use the template letter when issuing the civil penalty, which can be done electronically, unless the person's circumstances mean that it needs to also be issued on paper and sent by post.

Where you think the person either lacks digital skills or lacks suitable technology, because they were allowed to apply using a paper application or their UKVI account was created by UKVI, you **must** issue the penalty notice on paper and include a copy of the Code of Practice, the template for objecting the penalty notice, and the guidance for objection and/ or appealing the penalty notice, which you can print-off from: <https://www.gov.uk/government/publications/non-compliance-with-the-biometric-registration-regulations>.

You **must** only issue one penalty for each instance of non-compliance regardless of the number of requirements of the 2008 Regulations the person has failed to comply with.

You may only issue a new civil penalty when:

- there is a new and unrelated incidence of non-compliance with the regulations by the person, which warrant the issuance of a separate civil penalty notice
- the person has continued to fail to comply with the original incidence of not complying with one or more of the requirements of the regulations, which resulted in you issuing a civil penalty, and any right to object or appeal against the previous penalty has ended

You **must** cancel any civil penalty where the person has complied with the requirement before the time for appealing against the penalty has ended.

Process for handling an objection

Where a person wants to dispute the penalty, including the amount due, they can appeal and/or object. There is no charge for objecting to a civil penalty. Decision makers within the Biometric Immigration Document Management Unit (BIDMU) will consider any objections made against a decision to impose a Civil Penalty.

A person who wants to object to a penalty **must** follow the process stipulated by the [Code](#) and use the [specified form](#) for objecting. They must submit their objection within 32 working days beginning with the date of the civil penalty notice, otherwise it will not be accepted. The timing for completing the objection takes account of posting

by mail. Where a person fails to use the specified form then you should notify them and direct them to where they can find the correct form.

The decision maker who considers the objection **must** not be the same decision maker who issued the civil penalty. You **must** refer any objection against a civil penalty you have issued to BIDMU. They must respond to the objection within 90 days of receiving the objection, otherwise the civil penalty will be deemed to have been automatically cancelled.

When you (BIDMU) consider an objection to a civil penalty issued by another decision maker, you **must** have regard to the [Code](#) which includes guidance on whether to cancel, increase or decrease the penalty. You **must** treat it as a new consideration taking account of any new evidence the person has provided. This may include evidence to show they:

- have complied with the requirement of the regulations
- are in receipt of means tested benefits
- are a child

Where you have considered the person's objection, you **must** notify the person of the outcome of the objection in writing and reply either by email or by post within 90-days of the receipt of the objection by using the Maintain or Adjust a civil penalty following an objection or cancellation of penalty.

Appealing the penalty

Where you are informed that the person has appealed the penalty, you **must** refer the matter to the BID Civil Penalty Compliance Team.

Payment of penalty

The person can pay the pay the penalty issued by the Secretary of State using one of the following options:

- online: Use the link Make a payment - Pay Home Office (payments.service.gov.uk) to make a payment online, providing reference number [insert reference number contained on the penalty notice]
- phone: Call 0345 0100 122 with your credit or debit card details and providing reference number [insert reference number contained on the penalty notice]
- bank: Through your online business banking or in branch: Home Office bank details: Nat West, Sort code: 60-70-80, Account number: 10012672, Account name: Home Office, Reference: [relevant reference number contained on the penalty notice]
- post: Send a cheque made payable to 'The Accounting Officer' quoting the reference number [relevant number contained on the penalty notice] to: Order to Cash Team, Shared Services Connected Limited, HO Box 5003, Newport, Gwent NP20 9BB

Instalments

The person may request to pay the penalty by way of an instalment plan by Direct Debit. If they wish to take up this option they should contact the Shared Services Connected Limited by email to Order-to-cash@homeoffice.gov.uk or telephone on 0345 0100 122 stating that they wish to request an instalment plan. Alternatively, the person can write to the Order to Cash Team at: Order to Cash Team, Shared Services Connected Limited, HO Box 5003, Newport, Gwent, NP20 9BB.

We do not set up instalment plans where payment is made under the Fast Payment Option.

Related content

[Contents](#)

Template – Notice of Liability to a civil penalty

Related external links

[Non-compliance with the biometric registration regulations](#)

Varying or curtailing permission

This section sets out information about the circumstances when decision makers may consider varying or curtailing a person's permission to enter or stay, where they have failed to comply with one or more of the requirements of the 2008 Regulations. You **must** follow the process set out within the [Code](#) when considering varying or curtailing immigration permission.

You **must** only consider curtailing or varying a person's permission under Regulation 23 of the 2008 Regulations in the most serious of circumstances, both:

- where criminality is involved
- where it would not breach domestic laws or our international obligations.

Ordinarily, you **must** not seek to curtail permission of a person with indefinite permission unless there has been significant non-compliance with the 2008 Regulations. Examples of significant non-compliance could include where a settled person has knowingly allowed their eVisa to be used by an unauthorised person to enable them to facilitate illegal entry into the UK or to commit other criminal acts, where it would be an offence under section 4 of the Identity Documents Act 2010 or where the sentence would mean the person could face automatic deportation (Section 32 of the UK Borders Act 2007). Curtailment must not breach our international obligations, such as those that arise from the European Convention on Human Rights.

You **must not** impose a civil penalty notice on a person who is subject to an immigration sanction.

Application requirement

Where a person was granted entry clearance and allowed to travel to the UK before being required to enrol their biometrics and subsequently failed to comply with a requirement to enrol their biometrics following their arrival in the UK, you **must** consider varying or curtailing the person's permission to enter. However, this must not be imposed where it would breach domestic laws or our international obligations.

You **must** ensure the person was given a reasonable opportunity to enrol their biometrics. The biometric enrolment guidance sets out the steps a decision maker must follow where a person is in the UK and claims to be unable to attend a UK Visa and Citizenship Application Services (UKVCAS) centre or a Shared Service Centre (SSC) to enrol their biometric information.

Maintenance requirement

Ordinarily, curtailing or varying permission may only be applied as a last resort, where:

- criminality is involved;
- where it would **not** breach domestic laws or our international obligations
- other efforts to encourage compliance have failed to persuade the person to comply with one or more of the following maintenance requirements to:
 - update their facial image following a change in appearance, or after 10 years (or 5 years if aged under 16) from the last time they uploaded their facial image and they are aged under 70 years
 - notify the Secretary of State that an unauthorised person has obtained their biometric immigration document (BID) or gained control of it
 - provide accurate data to enable the issue of a BID

Before you consider cancelling or varying the person's permission, you **must** check whether the person was given reasonable opportunities to comply with the requirements, and that the imposition of other sanctions have not already resulted in the person complying with the regulations, or whether other sanctions are unlikely to ensure the person complies with the 2008 Regulations. This includes checking whether the person is a vulnerable person and ensuring alternative arrangements were made available to enable them to comply with the requirements of the regulations.

You may only seek to vary or curtail permission where you are satisfied that the circumstances surrounding the non-compliance are so significant that no other sanction would be appropriate to address the non-compliance. For example, where non-compliance has enabled a person or an unauthorised person the opportunity to commit an act which would either be an offence under section 4 of the Identity Documents Act 2010 or to commit other serious offences which upon conviction would mean they could be subject to automatic deportation.

Process

Where you consider the person's non-compliance with the 2008 Regulations and the circumstances surrounding the non-compliance are so significant to warrant that their permission is curtailed or varied under the regulations, you **must** seek advice from a senior caseworker within the status review unit before you seek the approval of a Home Office minister. Where a person is settled, you should seek policy advice before seeking the approval of a minister. Where the minister approves the decision to cancel or vary the person's permission you **must** pass the case onto the Status Review Unit to process.

Related content

Biometric information: enrolment

[Contents](#)

Related external links

[Non-compliance with the biometric registration regulations](#)

Vulnerable people

This section sets out information dealing with vulnerable people, who are required to comply with one or more of the requirements of the 2008 Regulations. You **must** take account of the [Code](#) before when imposing a civil penalty.

Application requirements

When you consider claims from people who state they are unable to enrol their biometrics you **must** refer to the biometric enrolment guidance before considering imposing a sanction against the person.

Overseas applications

In most cases, people who are applying from outside of the UK **must** attend a visa application centre (VAC) as part of the application process. Decision makers must follow the relevant sections within the biometric enrolment guidance and unsafe journeys guidance, which explains how people who claim they cannot attend a VAC overseas can enrol their biometrics. The guidance also explains the approach on seeking authorisation from Ministers to excuse or defer enrolling biometric information until the person has arrived in the UK.

Applications made within the UK

In most circumstances people who make an application for an immigration product within the UK **must** enrol their biometric information. Where they are required to enrol fingerprints, they need to attend a UK Visa and Citizenship Application Services (UKVCAS) centre or a Shared Service Centre (SSC) to enrol their biometric information.

Where you consider a person may have vulnerabilities, you **must** follow the relevant sections within the biometric enrolment guidance, to encourage the person to comply with the requirement to provide their biometric information. Where we already hold a person's fingerprints and other options to enrol their biometrics are not suitable, consideration must be given to reusing their biometric information. Guidance on reusing biometrics can be found in the Biometric reuse guidance.

Maintenance requirements

You **must** ensure people who you consider to be or are identified as vulnerable are able to comply with the maintenance requirements. You **must** have regard to the [Code](#) when considering whether to impose a sanction on a vulnerable person.

You **must** communicate with the person using the preference they provided on their application form. Warning notifications and notifications about sanctions should be provided in a similar manner. Where a person has a proxy, you **must** also share any notifications with them.

You **must** ensure people who lack digital skills or have limited access to suitable technology are afforded every reasonable opportunity to comply with the maintenance requirements, before issuing a sanction. This may include directing them to places where they can obtain support.

Vulnerable people may be at serious risk from people who may attempt to abuse their status in the UK. You **must** consult senior officers where you have concerns about a person.

You **must** act in the best interest of any child in the UK who has failed to comply with one or more of the maintenance requirements, as required under section 55.

You **must** make sure individuals who lack digital skills or access to suitable technology, can access assistance, by directing them to suitable services including telephone contact details.

You **must** consider people with other vulnerabilities who may need support to enable them to comply with a requirement of the 2008 Regulations.

Details on how to access the Assisted Digital services are available on GOV.UK here: <https://www.gov.uk/assisted-digital-help-online-applications> (We Are Group).

We Are Group

visa@wearegroup.com

Text 'VISA' and a number to call you on to 07537 416 944 Telephone: 03333 445 675

Monday to Friday, 9am to 6pm

[Find out about call charges](#)

You **must** also refer someone whose circumstances are set out on: [get help setting up access to your eVisa if you're vulnerable](#) to the webpage so they can access support. Alternatively, provide them with a telephone number or an address from the webpage to enable them to seek assistance.

Related content

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Official – sensitive: start of section

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