

CHAPTER 10  
SECTION 1

## POLICE REGISTRATION

## 1. INTRODUCTION

The operation of the police registration scheme is governed by the Immigration (Registration with Police) Regulations 1972 (SI 1972/1758) (as amended) and the Immigration Rules (HC395) Part 10 (Paragraphs 325 and 326) and Appendix 2 (again, as amended). A fee, currently [December 2005] £34 is payable to the police on registering.

## 2. ADMINISTRATION OF THE POLICE REGISTRATION SCHEME

Paragraph 326 of the Rules states that a person should normally be required to register with the police if he is a "relevant foreign national" (see below) and he is given **limited** leave to enter for longer than 6 months or **limited** leave to remain which will allow him to stay for longer than 6 months from the date of his arrival (whether or not such a condition was imposed when he arrived), unless the leave is given:

- (a) as a seasonal agricultural worker;
- (b) as a private servant in a diplomatic household;
- (c) as a minister of religion, missionary or member of a religious order;
- (d) on the basis of marriage or civil partnership to a person settled in the United Kingdom or as the unmarried partner of a person settled in the United Kingdom;
- (e) as a person exercising access rights to a child resident in the United Kingdom;
- (f) as the parent of a child at school; or
- (g) following the grant of asylum.

A **relevant foreign national** is defined as a person aged 16 years or over who is: (i) a national or citizen of a country or territory listed in Appendix 2 to the Rules (reproduced at annex A to this Chapter), (ii) a stateless person, or (iii) a person holding a non-national travel document.

An immigration officer or entry clearance officer also has the discretion to impose the requirement in other circumstances where, exceptionally, he considers it necessary to ensure that the foreign national (aged 16 years or over) - whether a "relevant foreign national" or not - complies with the terms of his leave to enter. (When the requirement is imposed exceptionally, a report should be submitted or a note should be made on the landing card as to the reasons why this was considered necessary.)

## 2.1 Registration process

The requirement to register with the police may be imposed by an entry clearance officer, an immigration officer or an IND caseworker. The person subject to such a requirement has to register at the designated police station for the area where he is living within 7 days of arrival, where the requirement is imposed by an entry clearance officer; otherwise within 7 days of the requirement being imposed. (For anyone resident within the Metropolitan Police area, the designated station is the Overseas Visitors Registration Office (OVRO), Brandon House, 180 Borough High Street, London SE1 1LH).

In order to register, the person will need to produce his passport or identification document, Home Office letter (if applicable), and 2 passport-sized photographs, and pay the registration fee (currently £34).

On registering, the following details will be recorded:

- Full name
- Sex
- Marital status
- Date and country of birth
- Nationality
- Address in UK
- Last residence outside UK
- Date, place and mode of arrival in the UK
- Passport details
- Place of study (if applicable)
- Employment details (if applicable)
- Duration of leave and any conditions

Any changes in this information have to be reported to the relevant registration office. (Unlike the initial registration, this does not necessarily have to be done in person.)

## 2.2. On-entry

Where limited leave to enter for longer than 6 months is granted to a relevant foreign national by an entry clearance officer, a requirement to register with the police should normally be imposed unless the person concerned was given leave in one of the categories listed above as exempt. This may be done either by endorsing the passport, or by selecting the appropriate vignette.

Where a requirement to register with the police is imposed by an immigration officer, an endorsement to this effect should be placed in the passport of the person concerned.

## 2.3. After-entry: Not previously registered

As stated above, **subject to the exemptions listed in paragraph 2**, the requirement to register also applies to relevant foreign nationals who were not required to register with

the police on arrival, and who are subsequently granted limited leave to remain which will take their total period of stay beyond 6 months from the date of arrival. When granting further limited leave to a relevant foreign national, caseworkers should normally impose a requirement to register with the police (unless the leave is granted in one of the exempted categories or it does not extend the person's stay beyond 6 months). The requirement to register with police is included in the wording of the vignette granting further leave to remain. It is therefore particularly important that caseworkers specify the correct vignette.

#### 2.4 **After-entry: Previously required to register**

Where a person has previously registered with the police as required and the length of their leave or the conditions of their leave are varied, he should be required to report this to the police. The appropriately-worded vignette should be used for this purpose, and the PRC Stamp 2 (see paragraph 4.2 below) should be placed in the subject's police registration certificate.

#### 2.5 **Key points**

The main points to remember when imposing a requirement to register with the police are:

- ◆ the requirement should be imposed on all *relevant foreign nationals* given limited leave whose stay will exceed 6 months **unless** they are family members of an EEA national or are otherwise exempt from registration as listed in *paragraph 3* below;
- ◆ only a person who is aged 16 or over *at the date of decision* to grant leave to enter or remain should be required to register.
- ◆ the requirement does not apply to anyone granted indefinite leave to enter or remain;
- ◆ *dual nationals* should **not** be required to register **unless** both (or all) the nationalities held are the nationality or citizenship of a country listed in Appendix 2 to the Rules. (See paragraph 7 below).

"(Notes: (1) If an applicant holds a travel document issued by the Turkish Republic of Northern Cyprus, you will need to establish whether he is a citizen of the Republic of Cyprus or a Turkish national. (2) If an applicant holds a passport issued by the Special Administrative Region of either Hong Kong or Macao, he or she will be a Chinese national and should be treated as such for the purposes of police registration."

#### 2.6 **Dependants**

Dependants over the age of 16 of a foreign national who has been required to register with the police should also be required to register if they are the national or citizen of one

of the countries listed in Appendix 2 to the Rules. (*Note:* The advice above about dual nationals also applies to dependants.)

### 3. EXEMPTION FROM REGISTRATION

The following categories are exempt from the requirement to register:

- \* those granted indefinite leave to enter or remain;
- \* spouses, civil partners or unmarried partners of people settled here who are granted leave to enter or remain on that basis;
- \* family members of EEA and Swiss nationals;
- \*           \*           seasonal agricultural workers;
- \* private servants to staff of diplomatic missions;
- \* ministers of religion, missionaries and members of religious orders;
  
- \* those exercising access rights to a child resident in the UK;
- \* parents of a child at school in the UK who are granted leave to enter or remain on that basis;
  
- \* dependants of a person who is not required to register (except dependants of off-shore workers);
- \* members of non-NATO forces admitted for courses at British military establishments or with private companies;
- \* Community Service Volunteers;
- \* civilian components of NATO forces;
- \* non-visa nationals who are employees of contractors to US Armed Forces in the United Kingdom;
- \* non-visa nationals who are employees of the American Battle Monuments Commission.

#### 3.1 People who become exempt

Where a person who has been required to register subsequently becomes exempt, for example, on being granted indefinite leave to remain, the registration certificate should be endorsed "exempt from registration" and returned to him. Caseworkers should amend G-CID, which will ensure that the police are advised of this change in status.

#### 4. PROCEDURE

The registration scheme requires an individual to present himself to the relevant police office within 7 days of the requirement being imposed (or 7 days of arrival in the United Kingdom, if the requirement was imposed by an entry clearance officer). A registration requirement is a condition of leave and must be endorsed in the passport for it to have any effect. If there is no endorsement, the person has not been required to register.

##### 4.1 Endorsements: on-entry

The requirement to register with the police on entry is now printed on the entry clearance vignette in applicable cases. Previously, a separate ink stamp was used. This stamp was redesigned in 2000, and was used at ports from 30 July of that year. The stamp read *"Register with the Police within seven days"*, and was used only for the initial requirement to register. For obvious reasons, ports did not have an equivalent to the PRC Stamp 2 described in paragraph 4.2 below.

##### 4.2 Endorsements: after-entry

Before the introduction of the UKRP in November 2003, there were three police registration stamps used in after-entry casework:

- **PRC Stamp 1** (*"The holder is hereby required to register at once with the police"*) was used when someone was required to register for the first time and was placed in the holder's passport or identification document. This is now obsolete following the introduction of UKRP vignettes which include the requirement to register.
- **PRC Stamp 2** (*"The holder is hereby required to report the extension/variation of their conditions of stay in the United Kingdom"*) continues to be used when subsequent extensions of stay are granted. This is no longer endorsed separately in the holder's passport or identification document. (The appropriate UKRP vignette should be selected instead.) However, the stamp should still be placed in the Police Registration Certificate;
- **PRC Exemption** – when the holder is no longer required to be registered with the police, this stamp is placed on the Police Registration Certificate and a large diagonal cross (X) in red is drawn through the conditions printed on the PRC.

Where a requirement to register is imposed for the first time by a caseworker, an ICD 0005 should be enclosed informing the applicant that they are required to register. The UKRP used should include the words "register at once with the police".

Where a requirement is prolonged by the grant of further leave with a condition requiring registration, a vignette including the words "report extension to the police" should be used, and a suitably amended ICD 0005 should be used to return the passport. The Police Registration Certificate should be endorsed using PRC stamp 2.

*Transitional instructions, taking account of the phased introduction of the UKRP, have been issued separately.*

#### 4.3. **Fee**

A fee, currently [December 2005] £34, is levied by the police on registration. However, a person who is required to register with the police after having been out of the United Kingdom *less than one year* will not be liable to pay a further fee if he was subject to a requirement to register immediately before leaving the United Kingdom and had done so.

#### 4.4. **Replacement certificates**

Where a certificate has been lost or stolen, a new one must be obtained, and a new fee paid. The only exception would be where a new certificate would be required only to show that indefinite leave had been granted. In those circumstances, it would not be appropriate to require that person to pay a further fee and obtain a new certificate as they will become exempt from registration upon the grant of indefinite leave to remain. Caseworkers should provide the applicant with a Home Office letter confirming the situation to show to the police.

### 5. **FAILURE TO REGISTER**

Failure to register within the time specified without a reasonable excuse is an offence under section 26(1)(f) of the Immigration Act 1971. Where someone is required to register and fails to do so, the relevant police force is notified by a Landing Card Unit report. This is generated automatically by the CID system. It is therefore crucial that addresses - and any requirement to register - are clearly and correctly recorded on the landing card and on GCID.

CID also automatically produces letters informing the relevant police force where a person who is required to register is known to have moved from or into their area, of any change in the conditions attached to that person's leave, or where a person who was required to register becomes exempt.

Where a person who has failed to register applies for further leave to remain, the passport should be returned and the person advised that the application will not receive further consideration until he has registered as required. Once the requirement has been complied with, the applicant should be advised to re-submit the passport together with the police registration certificate. Where the applicant fails to do so within a reasonable time refusal should be considered under paragraph 322(3) of the Immigration Rules.

## 6. ERRONEOUS REQUIREMENT TO REGISTER

Where a person claims that he has been required to register with the police in error, caseworkers should first determine whether the requirement was imposed on or after-entry.

- \* on-entry cases (including those where the requirement was imposed by an entry clearance officer) should be sent to BCPI
- \* after-entry cases should be dealt with by the caseworking unit which imposed the requirement

The person's category, nationality and conditions at the time the requirement was imposed should be established (and in on-entry cases the VAF or landing card should be obtained). Where it is clearly an error advice on how to correct it should be sought from AJRU, AAPD and:

### **where the person has not registered**

- \* the passport with the registration endorsement deleted should be returned with a letter explaining that the endorsement was erroneously imposed; and
- \* GCID should be amended in order to ensure that the police are informed of the error

### **where the person has registered**

- \* the registration certificate should be obtained and the back page endorsed with "exempt from registration"; and
- \* the certificate and passport should be returned with a covering letter as above; and
- \* a letter should be sent to the OVRO/Chief Constable of the relevant police force explaining that the requirement was imposed erroneously, requesting that they consider refunding the fee. **See Annex B** (Where the person concerned lives outside the Metropolitan Police area, the address of the relevant police force can be found under Miscellaneous Information on the TBC system.); and
- \* GCID should be amended to reflect the correct status.

**ANNEX B (below)** *provides example letters to be used where a person is not liable to registration, becomes exempt or who has been required to register erroneously.*

## 7. DUAL NATIONALS

Dual nationals should only be required to register with the police if both (or, in the case of a person who has more than two nationalities, all) nationalities held are of countries or territories listed in Appendix 2 to the Rules (i.e. they are a relevant foreign national on both (or all) counts).

Where a dual national was admitted as a relevant foreign national and was required to register, and their other nationality is of a country which is *not* one of those listed in Appendix 2 to the Rules, the requirement should be considered to have been imposed in error. The action to be taken is as described in paragraph 6 above. Where such a person obtains his second nationality *after* he has entered, his police registration certificate should be endorsed as exempt, but the requirement should not be deleted from his passport as it was correctly imposed at the time of entry and any fee paid on registration is not refundable.

## 8. PEOPLE WHO LEAVE THE UNITED KINGDOM

Some people who intend to leave the United Kingdom permanently send their certificate to IND. In such cases, the certificate should be sent to General Registry who will forward it to the appropriate police force. The certificate will normally be retained by the police for 2 years.

### 8.1. Disposal of impounded police registration certificates

Certificates impounded from persons refused leave to enter or arrested as immigration offenders should be retained locally until the person has been removed. They should then be sent to General Registry, under cover of an immigration officer's report.

**IS enquiries to:** BCPI, 6<sup>th</sup> Floor, Green Park House

**After-entry enquiries to:** AJRU/AAPD, 3<sup>rd</sup> Floor, Apollo House