

## **Biometric Residence Permit (BRP) rollout to overseas applicants - FAQ**

### **Why is the Home Office rolling out BRPs to applicants who are abroad?**

EU Regulations require that Member States granting leave for more than six months to non EEA nationals do so using a Biometric Residence Permit. The BRP will be the sole form of evidence of the leave granted and as such will replace the current visa that is put in a travel document.

### **Which EU Regulations are being met by issuing BRPs?**

The specific EU Regulation relating to Member States and the requirement to issue BRPs is EU Regulation EC1030/2002 as amended by EC 380/2008.

### **Who will be required to obtain a BRP?**

Any non-EEA national applying from overseas for permission to stay in the UK for more than six months will be required to apply for a BRP and then to collect it within ten days of their first arrival in the UK.

### **What are the changes to the visa application process?**

The basic process remains largely unchanged but the applicant will be required to provide their intended date of travel, a UK address and post code. The UK post code submitted as part of the application process will be used to identify the branch of the Post Office to which the Biometric Residence Permit will be sent for collection by the applicant. Help will be provided as part of the application process to guide the applicant in selecting the most appropriate Post Office collection branch.

### **What do applicants receive when they are granted?**

Successful applicants will receive a letter informing them of the decision, which will also include notification that they must collect their BRP from the designated Post Office branch within 10 days of arrival in the UK. The passport or travel document will also be endorsed with a 30 day short validity (travel) vignette - which will be valid for thirty days from the expected date of travel provided by the applicant - to enable them to travel to the UK and to collect their BRP.

### **Will it cost more?**

No, there is no additional fee for the applicant. The visa application fee remains the same.

### **What happens if there is a mistake on the short validity vignette?**

As now, mistakes on vignettes should be corrected before travelling to the UK. This means that the applicant must contact the Visa Application Centre with details of the error and provide supporting documentation as required.

### **What happens if the applicant fails to travel within the 30 day short validity (travel) vignette period?**

Any applicant who does not travel to the UK within the 30-day period of their vignette must apply to the Entry Clearance Officer for a replacement short-term visa to enable them to travel to the UK.

### **What happens when the customer arrives at the UK border?**

When the customer arrives at the UK border, they will be required to present specific documents. These include their valid passport or travel document containing the 30 day short validity vignette, the decision letter and any other information requested by a border officer. The 30 day vignette allows them to enter the UK and collect their BRP. The vignette will be endorsed at the UK border to indicate the date of arrival. The customer must be in possession of their BRP within the set period of time which is 10 days of arrival in the UK.

### **How will applicants know where to collect their BRP?**

BRPs will be available from a designated Post Office branch in the UK and the details will be provided on the decision letter the applicant receives notifying them that their application for permission to enter the UK has been successful. Once someone has arrived in the UK it will be possible for them to request that their BRP be transferred to a different Post Office for collection. However, this will incur a charge and will delay the collection of the BRP. It is therefore important for an applicant to carefully identify the most convenient Post Office location when they are making their entry clearance application.

### **Can the BRP be used for Identity purposes?**

The Biometric Residence Permit proves a customer's immigration status and entitlements during their stay in the UK. Although it is not an identity card, it can be used for identification purposes.

### **Why do BRPs have to be collected in the UK?**

Whilst it would be ideal for customers to have their BRP before they travelled this is not practical for a number of reasons which would add cost to the vignette fee and a degree of inconvenience to the customer. The customer could not travel before they had received their BRP; the specialist security printing could not be done in Entry Clearance Posts; and the cost of secure courier delivery from the UK to each applicant would be prohibitively expensive. The education sector have raised concerns around the BRP collection process, as significant numbers will be collected at peak student course registration periods. There are ongoing discussions with the Education Sector Forum on the best approach to take that minimises inconvenience to students and difficulty to educational establishments.

### **What happens if the customer needs to travel (out of the UK) before they have collected their BRP?**

The customer can use their 30 day short validity (travel) vignette for multiple entries until it has expired, but need to be aware that they will not be able to return to the UK once the vignette has expired and they would then have to apply for a new short validity (travel) vignette.

### **What happens if there is an error on the BRP?**

Any errors identified on a BRP must be promptly corrected. Applicants must contact the Home Office immediately with details of the error and provide supporting documentation as required. Instructions on how to do this will be provided at the point the customer collects their BRP. In exceptional circumstances, applicants may be required to provide their fingerprints again

### **What happens if the travel document is lost before collecting the BRP?**

If an applicant loses their passport or travel document immediately after arriving in the UK they will be unable to collect their BRP in the usual way.

The applicant must notify the Home Office immediately by emailing [BRPCollection@homeoffice.gsi.gov.uk](mailto:BRPCollection@homeoffice.gsi.gov.uk)

### **What happens if an applicant loses their BRP?**

As now, applicants must report promptly the loss of their Biometric Residence Permit and comply with the process to replace it. All losses and thefts of BRPs must be reported to the police and the Home Office immediately. If an applicant is abroad when they lose their BRP they will need to apply for a short-term visa to re-enter the UK. If an applicant loses their BRP in the UK, they must follow the standard replacement process and pay the required fee.

### **How can the customer change the designated Post Office?**

The customer will need to contact the Post Office directly to make this request, and will have to pay a fee to the Post Office.

### **Can someone collect the BRP on behalf of someone else?**

The named individual or a family member who is 18 years or older who has travelled to the UK with that individual may collect the BRP on their behalf. They will need to provide evidence that they have travelled together.

We will also put in place a process to enable limited collections by pre-approved representatives.

### **When will this change come into effect?**

We will phase in the introduction of BRPs to people applying from overseas to come to the UK. This change will be delivered over a 4 month period between March and July 2015, subject to parliamentary approval.

### **Can someone work in the UK before they collect their BRP?**

Those non-EEA nationals coming to live in the UK for more than 6 months will be required under the BRP regulations to collect their BRP within 10 days of arrival. The vast majority of people will use their BRP to evidence their right to work if taking employment in the UK. If they need to start work before collecting their BRP, they will be able to evidence their right to work by producing the short validity (travel) vignette in their passport which they used to travel to the UK, and which must still be current. In these circumstances, an employer will need to ask to see their BRP when this vignette expires.

### **Won't this mean additional checks for employers to conduct?**

The rollout of BRPs overseas does not necessarily mean additional checks for employers. The existing regulations on preventing illegal working provide an employer with the flexibility to either:

- (i) require an employee to collect their BRP in order to conduct the right to work check before employment commences, which will be possible in most circumstances. This will mean that one check will take place at the start of employment using the BRP. The next check will be due when the employee's permission to be in the UK and work expires, as set out clearly on the BRP; or
- (ii) if employment needs to begin before the employee is able to collect their BRP, this will be possible. It will mean that the employer conducts a right to work check on the basis of the short term vignette in the passport and when this has expired, a further check on the basis of the BRP. The next check will take place when the permission to be in the UK and work expires.

### **Why is the BRP important in making right to work checks?**

The civil penalty regulations on the prevention of illegal working already include the biometric residence permit as one of the principal documents employers can accept when performing a right to work check. It is a secure document which allows the holder to easily demonstrate their entitlement to work. More than 1.8 million BRPs have been issued to people who have made an immigration application in the UK and employers are therefore familiar with them. We have made clear our intention to move progressively to a position where the BRP becomes the principal means by which non-EEA nationals evidence their right to work, in order to simplify and strengthen checks by employers and prevent the use of forged documents.

### **How will you ensure that these checking requirements work in practice?**

We are continuing to keep the illegal working regulations under review with a view to strengthening controls on illegal working whilst alleviating burdens on employers.