

THE EQUALITY IMPACT ASSESSMENT REPORT – 2ND PHASE OF ROLLOUT OF IDENTITY CARDS FOR FOREIGN NATIONALS

Background:

On 25 November 2008, the Immigration (Biometric Registration) Regulations 2008 came into force introducing Identity Cards for Foreign Nationals (known in legislation as Biometric Immigration Documents). The regulations focused the rollout of identity cards, to those foreign nationals who are subject to immigration control in “student” and “marriage” categories. As part of the application process, a person must enrol their biometrics features in the form of a facial image and 10 fingerprints. The biometrics features are stored onto a UK Border Agency database fixing the applicant into one identity. Their biometrics are checked against a range of databases, as part of the application process. Where the application is granted, instead of producing a vignette (sticker) in the applicant’s passport, a card is issued which shows the applicant’s leave entitlement and any conditions attached to that leave.

Fixing a person to a single identity helps prevent fraudulent applications in multiple or different identities. The pilot enrolment programme which occurred from 28 April to 24 November 2008, tested the technology and processes and proved the systems work. UKBA proved it was able to match fingerprints and in doing so identified several applicants who had made fraudulent applications using different identities.

The biometric requirement extends to children – up to the age of six. A digital photograph is taken at the enrolment centre from 6 upwards, fingerprints are also given. In order to ensure that children are safeguarded biometrics are only taken from children and young people up to the age of 16 where they are accompanied by a responsible adult.

Since the rollout of the identity card for foreign nationals on 25 November 2008 applications have continued to be granted to a wide range of nationalities. UKBA has continued to invite applicants to complete the evaluation feedback form used in the pilot about the enrolment processes at all our enrolment centres. Initial findings suggest that applicants are generally satisfied with the process and the need to enrol their biometric features. No disproportionate impact on any specific nationality has been observed, neither has any complaint been received suggesting that any particular nationality is being targeted. There has been one disruption to services which has led to a complaint about the appointment booking process, this is being answered and another complaint made during the pilot about staff rudeness. In both instances, appropriate action was taken to remedy the problems.

The categories required to apply for an identity card for foreign nationals are now being expanded to update the student categories to reflect the introduction of Tier 4 of the Points Based System, and other categories of application (listed below) for extending stay in the UK.

- a) as a General Student

- b) as a student (child)
- c) Transferring of Conditions
- d) Academic Visitor
- e) Visitor undergoing private medical treatment
- f) Domestic worker in a private household
- g) Person with United Kingdom ancestry
- h) Retired persons of independent means
- i) Sole representatives

The impact of these regulations will only affect those who are **not** settled in the UK and only in cases where limited leave is being sought or limited leave, which has been granted needs to be transferred to a new document. There is no compunction to apply for a transfer of conditions from a previous passport or other document.

This phase of the rollout is not immediately linked with Earned Citizenship. However, we are already working with the policy leads in this area of work to ascertain how best we could use the card to encourage foreign nationals to engage with the Earned Citizenship programme and further develop the use of the card as part of the Government strategy of inclusion into the wider community.

The wider rollout for identity cards to the settled population is not presently scheduled and is expected to happen towards the end of our programme. In 2014/15 it is anticipated that 90% of all foreign nationals will have an identity card. It is not expected that there will be any impact on the wider community until that date.

The key objectives of the identity card for foreign nationals are to:

- **Contribute to the wider National Identity Scheme**

The issuing of identity cards for foreign nationals from 2008 forms an integral part of the National Identity Scheme, ensuring that eventually all UK residents will have some form of recorded biometrics linked to their identity, providing significant benefits in terms of reduced identity fraud, immigration offences and abuse of public funds

- **Improve immigration control**

Effective immigration control must be able to establish that an applicant seeking leave to enter or remain is the rightful holder of the identity and citizenship given in the document which they present. Identity cards for foreign nationals will be a highly secure polycarbonate stand alone card which will, for the first time, contain details about the holder's immigration status and entitlements in the UK, including their unique biometric data; this will enable us to tie an applicant to a fixed identity. It will also enable the holder to be confident that he or she can easily demonstrate that they have evidence of their legal right to be in the country.

- **Comply with EU legislation**

In June 2002, Council Regulation (EC) 1030/2002 laid down a uniform format for residence permits for third-country nationals. This set out the format and security features for residence permits, to be issued as a vignette sticker in a passport or as a card. These regulations were amended on 18 April 2008, by Council Regulation (EC) No 380/2008 and introduced a time-frame of 2 – 3 years from the agreement of technical standards to implement the regulation phasing-out of residence permits in the form of vignette stickers, requiring instead that residence permits are only issued as cards containing certain biometric information. The UK must comply with these regulations.

Methodology:

In order to communicate the new regulations and assess the impact of biometric requirement the following has been undertaken:

- A pilot to test the technology;
- Customer service feedback on the pilot developed and reviewed;
- Statistical analysis of cards issued;
- Wide ranging engagement with internal and external stakeholders;
- Questionnaires; and
- Provision of feedback facilities.

Consultation & Involvement:

Between May and December 2008, UKBA has been involved in over 80 different stakeholder events. These events have been internal and external and involved a wider range of people from different backgrounds. Audiences have included MPs, Communities and Local Government, Trade Unions and Regional stakeholders, educational and the care sector. UKBA has also engaged with international audiences including embassies and official overseas delegations. In addition, questionnaires have been issued to assess the impact that this policy is likely to have upon students and those in the marriage type categories and in the new categories who are applying for further leave or are transferring their conditions of leave.

Assessment & analysis

The pilot to test the technology and enrolment processes confirmed that they worked satisfactorily and policy and procedures around dealing sensitively with applicants was developed before the national rollout of the identity card for foreign nationals.

Customer service feedback suggested that foreign nationals accepted the need to enrol their biometric features and issue them with an identity card, but also generally appreciated that UKBA has taken steps to protect their identity.

The process drew one allegation of bad behaviour from staff and a few of comments about time delays and questioned why it was necessary to give biometrics twice - once when applying for entry clearance and now in connection with an application for further leave.

UKBA undertook a review of statistics around card issue to look for any impact on nationality. In terms of impacted nationalities, we have assessed the nationality types who have successfully applied for an identity card and the figures do not indicate that any nationalities have been adversely affected by the introduction of the identity card. However, only a small number of cards have been issued to date, so further monitoring of this data will be required as the rollout of the identity card for foreign nationals is expanded.

Engagement with internal and external stakeholders showed a desire that card readers should be made available to them as early as possible. Small employers were concerned about possible financial impacts, but were reassured there is not any requirement to buy equipment and that relevant information could be obtained through the employers' verification service.

Questionnaires were sent to a selected group of internal and external stakeholders followed up by telephone calls, no new concerns were identified, mainly because the first rollout has only just commenced it is difficult to assess the impact at this point. It is reasonable to expect further comments as the numbers involved grow. A:Gender and Liberty commented on the original questionnaire and raised a number of points:

- **A:Gender** was specifically concerned about a person's gender being "fixed" on the identity cards. UKBA in conjunction with IPS continues to work closely with A:Gender to develop the policies for transsexual and transgender people.
- **Liberty** raised a number of concerns, including the police targeting specific nationalities, management of personal information, any requirement to carry an identity card, making holders feel excluded from society, as victims or as if they were under surveillance; and reflected A:Gender's point about fixing identity.

UKBA has considered the points they raised. It will work with stakeholders to ensure their concerns are reflected in the manner the programme and policy is delivered.

There were numerous emails received with a wide range of queries ranging from requests for information on the process to when the biometric requirement and need to apply for a card might apply to a particular set of circumstances. UKBA has also received requests from foreign nationals who want to apply for an identity card.

Recommendations

The EIA has provided valuable input to UKBA's work on implementing identity cards for foreign nationals. Following the EIA and analysis of the concerns raised by the Stakeholders engaged the following recommendations are made:

- UKBA should continue with its work to introduce the identity card for foreign nationals, which will provide reassurance and identity protection to the many here legally who contribute to the prosperity of the UK.
- UKBA will continue its involvement with A:Gender, in liaison with IPS, to address concerns raised by them and Liberty about fixing identity, where gender is a concern, to remove the potential for having adverse affects on the transgender community but will continue to maintain its wider objectives.
- UKBA should ensure continued public access to information about the introduction of the identity card for foreign nationals, and should continue to monitor and review arrangements. Guidance and information about the identity card should be updated on a regular basis.
- UKBA should ensure that foreign nationals issued with the identity card are fully aware of the rights and obligations it carries. Sources of information should, such as internet pages, be kept updated.
- UKBA should continue to actively engage with the various Stakeholder groups and identify additional groups where appropriate.
- UKBA will use stakeholders to identify potential problems and help establish the impact of the programme on the wider community. UKBA will measure success on how its stakeholders feedback their experiences.
- Work with earned citizenship programme to develop the use of the identity card.
- To contact research group and establish empirical evidence around the impact of ICFN on applications and outcomes and identify any trends, which suggest negative or positive impacts on both the immigrant and wider communities.

Date of EIA Report: 28 January 2009

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