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IMMIGRATION DIRECTORATE INSTRUCTIONS

SECTION CONTENTS

CHAPTER 1, SECTION 6A

REPLACEMENT IDENTITY CARD FOR FOREIGN NATIONALS

1. Application form and fee

1.1. Applications for replacement cards should be made on Form ICFN (RC). This is a specified form, so applications may be rejected as invalid in accordance with paragraph 34A and 34B of the immigration rules. Where the evidence or information provided is incomplete, enquiries should be made to obtain the missing item(s).

1.2. The prescribed fee is £30 by post. This is not available as a premium service PEO application. The fee must be paid in all cases in order for the application to be valid and one form is required to be completed per card holder.

1.3. The form should be completed by:

- Those required to replace lost or stolen cards.
- Those required to replace a damaged card
- Those required to replace a cancelled card (after it was found or confiscated in the possession of a third party)
- Those applying for a replacement card following a name change
- Those applying for a replacement card following a nationality change
- Those applying for a replacement card following gender change.

1.4. The form does not cover :

- those seeking to replace a vignette format Biometric Immigration Document issued during the biometric enrolment pilot as this is not necessary.
- those who are seeking a card to replace /transfer existing leave in the form of UKRP vignette in a passport or vignette on an immigration status document (ISD) . Such applicants should apply on a TOC/NTL form.
- those applying for further leave to remain or indefinite leave to remain. Applicants should apply on the application form relevant to the category they are applying under.

2. Documents Required

2.1. Change of Name

2.1.1. The applicant is required to submit evidence of having obtained a new name (deed poll document or marriage/civil partnership certificate) together with their new passport in their new name.

2.2. Change of Nationality

2.2.1. The applicant will be required to produce evidence of having obtained a new nationality and their passport in their new nationality. As a rule, those holding dual nationality or duplicate passports will only receive one card confirming their current leave to enter or remain.

2.3. Gender Change

2.3.1. The applicant will be required to produce a gender recognition certificate and their new passport in their new name and gender. Caseworkers must not discuss these cases with other staff. Staff should consult Chapter 1, section 16 (Gender Recognition) of the IDIs to be aware of their obligations under the Gender Recognition Act 2004.

2.4. Change of Appearance

2.4.1. Applications are required from those who have had facial cosmetic surgery that has significantly changed their facial appearance. The applicant will be required to produce evidence as to how and why they have changed their appearance; a letter from a treating clinician such as a plastic surgeon.

2.5. Lost and Stolen Cards

2.5.1. A lost or stolen card is a serious matter and a police report or crime reference number must be provided by the applicant before the issue of a replacement card can be considered.

3. Consideration

3.1. The following checks must be made in all cases:

- Has the applicant booked and attended their biometric appointment to have their (new) biometrics recorded?
- Have their biometrics matched those given in the original grant of leave application and confirmed identity on enrolment (check CID admin events from biometric supervisor and ICFN system)?
- Is there satisfactory evidence of the previous issue of a **card format Biometric Immigration Document** – check ICFN system and CID?
- Has the applicant returned their original card with their application (except lost/stolen)?
- If it has not been returned, has an explanation been provided with any supporting evidence (crime ref number if the card has been stolen) and any other documentary evidence of leave, (e.g. copy of card Home Office letter notifying the grant of LTR and card issue)?

- Have necessary security check been completed in line with guidance and has this indicated that there is a reason to withhold the issue of a replacement card?
- 3.2. If these checks confirm that leave to remain on a card format biometric immigration document was granted and the biometrics have matched , caseworkers must be satisfied that:
- the applicant has not lost their status as a result of their leave being revoked
 - the applicant is not subject to removal directions
 - the applicant is not subject to a foreign national prisoner deportation order
 - there is no existing evidence that they have breached their conditions of stay that would merit the consideration of curtailment of their leave
 - the applicant is requesting a change to the card for a valid reason according to the criteria on the application form
 - the applicant has extant leave with not less than 28 days of that leave remaining
- 3.3. If you are satisfied about the claim for a replacement card, after all these checks, then the application should be granted.

4. Refusing card re-issue – the procedure

- 4.1. If the application is to be refused because of insufficient evidence proving the existence of a previous card, documentation which is not genuine, no leave remaining on the previous card, or an invalid reason for change, there is no right of appeal (as this does not constitute an immigration decision as defined in Section 82(2) of the Nationality, Immigration and Asylum Act 2002).
- 4.2. Proceed as follows: Update CID, refuse card re-issue.
- 4.3. Issue a letter (ICD.1100) giving reasons for the decision and explaining that there is no right of appeal. If in doubt about the appropriate wording, consult your Senior Caseworker.

5. Cancelling the card.

- 5.1. Before issuing the new card, it will be necessary to check the old card has been cancelled. In the case of lost and stolen cards this will in most cases have been previously cancelled by the Biometric Immigration Document Management Unit (BIDMU). Caseworkers must refer to the ICFN user guide on cancelling a card on the ICFN system.
- 5.2. Further to cancelling the card, caseworkers should **hole-punch through the chip** (on the reverse of the card) to show that it is a cancelled card – to distinguish it from 'live' cards.
- 5.3. If the card has been returned because of a fault (for example it did not read at the border or the chip has fallen out) do not hole punch through the chip. It should be cancelled and sent to BIDMU in the same condition as it was received from the migrant.

6. Sending the Card to BIDMU for destruction

6.1. You need to log a card event on the ICFN system, please refer to the ICFN user guide.

If you wish you can send the cancelled cards to BIDMU in batches. However, for security reasons you must cancel the cards and hole-punch through the chip straightaway and make sure that you update the ICFN System (as directed by the guidance) so that it is correctly reflects the cancelled status.

All batched cancelled cards **must** be securely locked away so they do not get lost or mislaid before sending to BIDMU for destruction.