

# LIRA'S IMMIGRATION CORNER

**A** BIOMETRIC Residence Permit (BRP) is a card, the size of credit card, with various information relating to your immigration. See above photo.

It can be noted that your BRP will show:

- your name, date and place of birth
- your fingerprints and your photo
- your immigration status and any conditions of your stay
- whether you can access public funds, for example benefits and health services

The Home Office provides a useful description of its use:

*“A biometric residence permit (BRP) can be used to confirm your:*

- *identity*
- *right to study*
- *right to any public services or benefits you're entitled to*

*You cannot use your BRP to confirm your right to work or rent. You'll need to prove your right to work online or prove your right to rent online instead.”*

The Home Office goes on to say that a BRP will be issued if you:

*“apply to come to the UK for longer than 6 months*

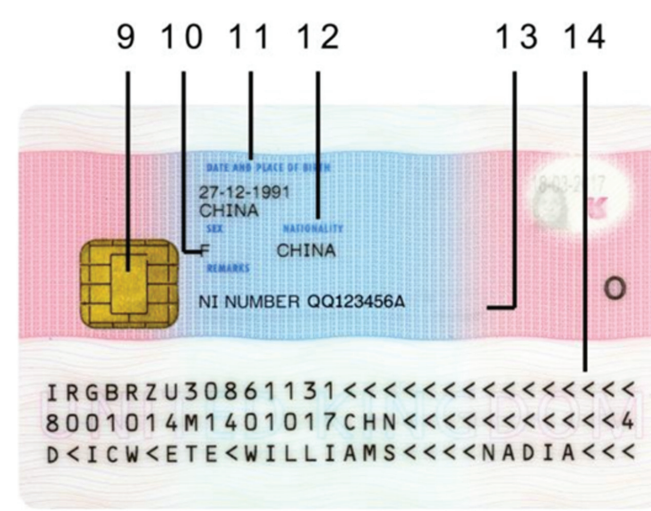
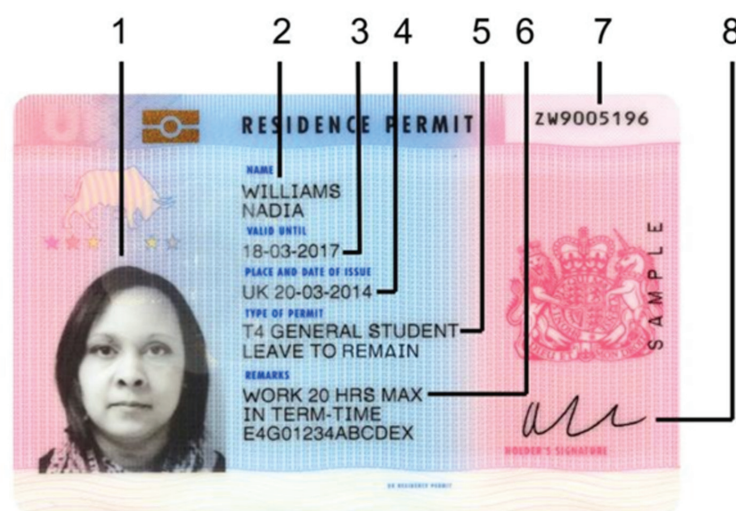
- *extend your visa to longer than 6 months*
- *apply to settle in the UK*
- *transfer your visa to a new passport*
- *apply for certain Home Office travel documents”*

Given the purpose of a BRP, it is important to know the process for obtaining a BRP. This differs depending on whether you are applying from outside or within the UK.

## Applying for a BRP from abroad

Once your application for entry visa (also referred to as vignette) into the UK is granted, and it is one that is for more than six months (so not a visit visa), your vignette is stamped on your passport. This is usually for no more than one month. You must enter the UK within the validity of your visa.

When you collect your passport back or receive this by courier this will be accompanied by a letter stat-



## What is a Biometric Residence Permit (BRP)?

ing the address of the Post Office where you will collect your BRP. If you have been granted a Skilled Worker Visa (previously Tier 2 or Work Permit) or you are entering the UK to study, you may have been given an “Alternative Collection Location (ACL)” code by your sponsor. This will mean you must collect your biometric residence permit from your sponsor.

If you are collecting from the post office beware that you must collect your BRP within the 30-day vignette expiry date or within 10 days of arrival in the UK, whichever is later. Clearly, not a lot of time is provided so you should prioritise your BRPs collection.

Wherever you are collecting your BRP you must bring your passport as this will be required to prove your identity. It is also advisable that you bring your Home Office decision letter in case this is requested.

## Applying for a BRP from within the UK

If your limited leave is about to expire, regardless of whether you are applying for indefinite leave to remain (also known as settlement), or simply seeking to further extend your visa you will need to make a further application to the Home Office before your visa expires. In the course of this process, you will also be required to enrol your biometric information.

Once your application for exten-

sion of your visa is granted, you will receive your BRP. This will be posted to you or your legal representative.

## BRP expiry on 31 December 2024

If you have recently been granted extension of your visa of a further 2.5 years or Indefinite Leave to Remain (ILR) you will have noticed that your BRP card has an expiry date of 31 December 2024, clearly short of the visa you have been granted. This is not a mistake but part of changes the Home Office will be implementing on the 1<sup>st</sup> of January 2025.

The first thing to remember is that the actual length of your visa will be noted on the Home Office’s letter granting your further visa. It is important that you keep this safe, and I would recommend taking a photo of this and your BRP so that you have a digital copy of both.

The government’s plan is that all visa information will be available online after the 31<sup>st</sup> of December 2024. Some, me included, have expressed scepticism about the practicality of this plan given the already difficult



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process travellers face when they do not have their BRP when travelling back to the UK. My experience is that whilst the information may be readily accessible once you are before an immigration officer in the UK, you need to travel beforehand. Airline staff are required to ensure that passengers must have valid leave to enter the UK, and this is presently done by your production of your BRP. Without this and after the 31<sup>st</sup> of December 2024, airline staff will be required to carry out the relevant immigration check. On a practical basis, I fear that will result in delay but more importantly, it is unclear what security measures the government will introduce to ensure that BRP information is secure. They have slightly shy of two years to ensure that a practical, efficient, and secure system is in place; I hope they can.

## Beware:

- You should not travel without your BRP. Leaving the UK without your BRP may not be an issue but you will likely not be permitted to board to return without one.
- Your BRP is no longer good proof of your right to rent or work in the UK. For proof you will need to provide your prospective employer or landlord with a “share code”, this can be obtained via the Home Office website by inputting your

information. Your landlord or employer will then input this into the Home Office checking service. That website will in turn confirm whether you have the right to work or rent. Employers and landlords are legally obliged to make these checks.

- If you lose your BRP you must report this immediately. This is done through the Home Office website (see link below). Failure to do so can result to a £1000 fine.  
<https://www.biometric-residence-permit.service.gov.uk/lost-stolen/where?hof-cookie-check>
- You can apply for a replacement BRP for a fee of £154.00.
- If you already have settlement status in the UK and this is only endorsed on your passport, I advise that you still apply for a BRP especially when travelling as you may find that many may view your “stamp” with some suspicion causing delay to your travel. ■

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Article written by Ms Lira Simon Cabatbat. Lira has been in practice as an Immigration and Family solicitor for over 29 years and is the principal of Douglass Simon Solicitors. She is an accredited Resolution (First for Family) specialist and is a fluent Tagalog speaker. Douglass Simon (tel. 0203 375 0555 • email: cabatbat@douglass-simon.com) has been established for over two decades and has been a centre of excellence, especially in the areas of Immigration, Family and Probate. We have received commendations from judges and clients alike. Please refer to our website for more details.