

Regulations made by the Secretary of State laid before Parliament under section 4 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, for approval by resolution of each House of Parliament within forty days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution or prorogation, or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 0000

EXITING THE EUROPEAN UNION

IMMIGRATION AND ASYLUM

NATIONALITY

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

Made - - - - 2020

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the power conferred by sections 4 and 7(5) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(a).

Table of contents to be added.

PART 1

INTRODUCTION

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020.

(2) These Regulations come into force on the time and date when the Immigration (European Economic Area) Regulations 2016(b) are revoked except for —

(a) 2020 c. [].

(b) S.I. 2016/1052. Amended by S.Is 2017/1, 2017/1242, 2018/201, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force. S.I. 2016/1052 is revoked by section 1 of and paragraph 2(2) of Schedule 1 to, the Act.

- (a) regulations 48,49,62 and 63 which come into force immediately before that time and date;
- (b) regulation 20(7) and (8) which come into force on 1st December 2020;
- (c) regulations 3,7,12(3) and (4),14,16, 20(5) and (6), 32 and 39 to 43 which come into force on 1st July 2021.

(3) Any provision of these Regulations which amends, repeals or revokes an enactment has the same extent as the enactment amended, repealed or revoked (ignoring extent by virtue of an Order in Council under any of the Immigration Acts).

(4) Any saving, transitional or transitory provision in these Regulations has the same extent within the United Kingdom as the provision to which it relates.

Interpretation - General

2. In these Regulations—

“the 2020 Act” means the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020;

“commencement day” means the time and date on which the Immigration (European Economic Area) Regulations 2016 are revoked.

PART 2

IMMIGRATION

Chapter 1

Amendment and savings of primary legislation

Amendment of the Marriage Act 1949

3.—(1) The Marriage Act 1949(a) is amended as follows.

(2) In section 78 (interpretation), in subsection (1), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020

(b) (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;

(b) omit paragraphs (b) and (c).

Amendment and saving of the Aliens’ Employment Act 1955

4.—(1) The Aliens’ Employment Act 1955(c) is amended in accordance with paragraph (2).

(2) For section 1(5) (definition of a “relevant European”) substitute—

(a) 1949 (c. 76). The definition of “relevant national” was inserted by paragraphs 1 and 17 of Schedule 4 to the Immigration Act 2014 (c. 22) and amended by S.I. 2019/745. The amendment made by S.I. 2019/745 is not yet in force and is revoked by regulation 47 of these Regulations before it comes into force.

(b) S.I. 2020/ [].

(c) 1955 (c. 18). Relevant amendments were made by S.Is. 2007/617 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

“(5) In subsection (1)(c) “a relevant European” means—

- (a) a person who—
 - (i) has indefinite or limited leave to enter or remain in the United Kingdom within the meaning of the Immigration Act 1971 granted before commencement day; and
 - (ii) would be eligible for leave to enter or remain in the United Kingdom under residence scheme immigration rules;
- (b) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules;
- (c) a person who, immediately before commencement day, was entitled to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80; or
- (d) a person who falls within subsection (5A) and would have become entitled to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 of Decision 1/80 but for the provision made by [*Schedule 1, paragraph 6(1)*] of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

(5A) A person falls within this subsection if —

- (i) immediately before commencement day they had entry clearance, or leave to enter or remain in the United Kingdom, under the EC Association Agreement; or
- (ii) they have entry clearance, or leave to enter or remain in the United Kingdom, under the EC Association Agreement that was granted by virtue of an application made before commencement day; or
- (iii) they had entry clearance or leave to enter or remain in the United Kingdom, under the EC Association Agreement that was granted by virtue of an application made before commencement day and have been granted leave to enter or remain in the United Kingdom under Appendix ECAA of the immigration rules made under section 3 of the Immigration Act 1971.

(5B) For the purposes of subsection (5) and (5A)—

“commencement day” means the time and date on which the Immigration (European Economic Area) Regulations 2016 are revoked;

“Decision 1/80” means Decision 1/80 of 19 September 1980 of the Association Council set up by the EC Association Agreement;

“EC Association Agreement” means the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963;

“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020(a).”.

Amendment and saving of the Immigration Act 1971

5.—(1) The Immigration Act 1971(b) is amended in accordance with paragraphs (2) to (6).

(2) In section 25 (assisting unlawful immigration to member State) (c)—

(a) 2020 (c. 1).

(b) 1971 (c. 77).

(c) Section 25 was amended by S.I 2019/745. Those amendments are not yet in force and so far as they relate to section 25(1) are revoked by regulation 47 of these Regulations before they come into force.

- (a) in subsection (1), in both places it occurs, for “a citizen of the European Union” substitute “a national of the United Kingdom”;
- (b) in subsection (7), omit paragraph (b) (and the “and” before it).

(3) Section 25B (assisting entry to United Kingdom in breach of deportation or exclusion order)(a) is omitted.

(4) In Schedule 4 (integration with UK law of immigration law of the Islands), in paragraph 3 (deportation)(b) —

- (a) in sub-paragraph (2)—
 - (i) after paragraph (a) insert—

“(aa) an Irish citizen;”;
 - (ii) omit paragraphs (b) and (c) (and the “or” after paragraph (c));
 - (iii) at the appropriate place, insert—

“(ca) a relevant person (see paragraph 3A); or”;
 - (iv) in paragraph (d), for “such a citizen nor an EEA national” substitute “a British citizen nor an Irish citizen”;
- (b) in sub-paragraph (4), for “(b), (c)” substitute “(aa), (ca)”.

(5) In that Schedule, after paragraph 3, insert —

“3A(1) For the purposes of paragraph 3, a person is a “relevant person”—

- (a) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1)) having arrived with entry clearance granted by virtue of relevant entry clearance immigration rules,
- (b) if the person has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,
- (c) if the person may be granted leave to enter or remain in the United Kingdom as a person who has a right to enter the United Kingdom by virtue of —
 - (i) Article 32(1)(b) of the EU withdrawal agreement,
 - (ii) Article 31(1)(b) of the EEA EFTA separation agreement, or
 - (iii) Article 26(a)(1)(b) of the Swiss citizens’ rights agreement,whether or not the person has been granted such leave, or
- (d) if the person may enter the United Kingdom by virtue of regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020 (frontier workers), whether or not the person has entered by virtue of those regulations.

(2) In this paragraph—

“EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“Islands deportation order” means an order made under the immigration laws of any of the islands under which a person is, or has been, ordered to leave the Island and forbidden to return;

“relevant entry clearance immigration rules” and “residence scheme immigration rules” have the meanings given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(a) Section 25B was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Subsection (2) was substituted by paragraph 4(b) of Schedule 14 to the Immigration Act 2016 (c. 19). Subsection (3)(c) was amended by paragraph 4(c)(ii) of Schedule 14 to the Immigration Act 2016. There have been other amendments to this section which are not relevant to these Regulations.

(b) Paragraph 3 of Schedule 4 was substituted by paragraphs 43 and 70 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33).

(6) Notwithstanding its repeal by paragraph (3), section 25B of the Immigration Act 1971 continues to apply where an order is in force excluding an individual from the United Kingdom and the order—

- (a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or
- (b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

Amendment of the Rent Act 1977

6.—(1) The Rent Act 1977(a) is amended as follows.

(2) In Schedule 15 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies), in Part 1 (cases in which court may order possession), in Case 10A (case relating to disqualification as a result of immigration status), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
 - “(aa) an Irish citizen, or
 - (ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;
- (b) omit paragraphs (b) and (c).

Amendment of the Marriage (Scotland) Act 1977

7.—(1) The Marriage (Scotland) Act 1977(b) is amended as follows.

(2) In section 26 (interpretation), in subsection (2), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
 - “(aa) an Irish citizen, or
 - (ab) a person who is not an Irish citizen and who—
 - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
 - (ii) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection)(EU Exit)Regulations 2020(c)(applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;
- (b) omit paragraphs (b) and (c).

Amendment of the Housing Act 1988

8.—(1) The Housing Act 1988(d) is amended as follows.

(2) In Schedule 2 (grounds for possession of dwelling houses let on assured tenancies), in Ground 7B, in the definition of “relevant national”—

(a) 1977 (c. 42).
(b) 1977 (c. 15). The definition of “relevant national” was inserted by S.I. 2015/316 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.
(c) S.I. 2020/ [].
(d) 1988 (c. 50). Ground 7B was inserted by section 41 of the Immigration Act 2016

- (a) after paragraph (a) insert—
 - “(aa) an Irish citizen, or
 - (ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;
- (b) omit paragraphs (b) and (c).

Amendment and saving of the Housing (Northern Ireland) Order 1988

9.—(1) The Housing (Northern Ireland) Order 1988(a) is amended in accordance with paragraph (2).

- (2) In Article 7A (persons not eligible for housing assistance)—
 - (a) in paragraph (4), for “paragraph (4A)” substitute “a class specified in an order under section 119(1) of the Immigration and Asylum Act 1999”;
 - (b) omit paragraph (4A).
- (3) The amendments made by paragraph (2) do not apply in determining for the purposes of Part 2 of the Housing (Northern Ireland) Order 1988 whether a person within paragraph (4) —
 - (a) is homeless or threatened with homelessness, or
 - (b) has a priority need for accommodation.
- (4) A person is within this paragraph if immediately before commencement day the person was—
 - (a) a national of an EEA state or Switzerland; and
 - (b) lawfully resident in the United Kingdom.

Amendment and saving of the Housing Act 1996

10.—(1) The Housing Act 1996(b) is amended in accordance with paragraph (2).

- (2) In section 185 (persons from abroad not eligible for housing assistance)—
 - (a) in subsection (4), for “falling within subsection (5)” substitute “of a class prescribed by regulations made under subsection (2)”;
 - (b) omit subsection (5).
- (3) The amendments made by paragraph (2) do not apply in determining for the purposes of Part 7 of the Housing Act 1996 whether a person in paragraph (4) —
 - (a) is homeless or threatened with homelessness; or
 - (b) has a priority need for accommodation.
- (4) A person is within this paragraph if immediately before commencement day the person was—
 - (a) a national of an EEA state or Switzerland; and
 - (b) lawfully resident in the United Kingdom.

Amendment of the Special Immigration Appeals Commission Act 1997

11.—(1) The Special Immigration Appeals Commission Act 1997(c) is amended as follows.

- (2) In section 2C (jurisdiction: reviews of certain exclusion decisions)—
 - (a) in subsections (1) and (2), for “non-EEA national or relevant person”, in each place it occurs, substitute “person”;

(a) S.I. 1988/1990 (N.I. 23), relevant amendments were made by Schedule 15(2) paragraph 18(2)(3) of the Housing and Regeneration Act 2008 (c.17).

(b) 1996 (c. 52) as amended by Schedule 15(1) paragraph 4(2) and 4(3) of the Housing and Regeneration Act 2008 (c. 17) for the purposes specified in SI 2009/415; not yet in force otherwise.

(c) 1997 (c. 68). Section 2C was inserted by section 15 of the Justice and Security Act 2013 (c. 18) and amended by S.I. 2020/61.

- (b) in subsection (5), omit the words from the beginning to the second “and”.

Amendment and saving of the Immigration and Asylum Act 1999

12.—(1) The Immigration and Asylum Act 1999(a) is amended in accordance with paragraphs (2) to (8).

(2) In section 10 (removal of persons unlawfully in the United Kingdom) (b), in subsection (5), for the words from “neither” to the end substitute “none of the following—

- (a) British citizen;
- (b) an Irish citizen;
- (c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.”.

(3) In section 24 (duty to report suspicious marriages) (c), in subsection (6), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
 - “(aa) an Irish citizen, or
 - (ab) a person who is not an Irish citizen and who—
 - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
 - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;

(b) omit paragraphs (b) and (c).

(4) In section 24A (duty to report suspicious civil partnerships)(d), in subsection (5A), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
 - “(aa) an Irish citizen; or
 - (ab) a person who is not an Irish citizen and who—
 - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
 - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(5) In section 82 (interpretation of Part V)(e), in subsection (1), in the definition of “relevant matters” omit paragraphs (e), (f) and (g).

(a) 1999 (c. 33).

(b) Section 10(5) was amended by section 1 Immigration Act 2014 (c. 22) and S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are in so far as they are relevant to these Regulations revoked by regulation 47 of these Regulations.

(c) The definition of “relevant national” was substituted by section 55 of the Immigration Act 2014 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(d) Section 24A was inserted by Schedule 27 paragraph 162 of the Civil Partnership Act 2004; subsection (5A) was substituted by section 55 of the Immigration Act 2016 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(e) Section 82 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force. There have been other amendments to this section which are not relevant to these Regulations.

(6) In section 115 (exclusion from benefits)(a), in subsection (9), omit “who is not a national of an EEA State and”.

(7) In section 119 (homelessness: Scotland and Northern Ireland)(b)—

(a) in subsection (1)—

(i) in paragraph (1) after “subject to immigration control” insert “(P)”

(ii) in sub-paragraph (b) after “unless”, for “he” substitute “P”; and

(iii) in the full out words for “subsection (1A)” substitute, “a class specified in an order made by the Secretary of State”; and

(b) omit subsection (1A).

(8) In section 167 (interpretation)(c), in subsection (1), at the appropriate place insert—

““residence scheme immigration rules” has meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”.

(9) The amendments made by paragraph (7) do not apply in determining for the purposes of “the homelessness provisions” within the meaning of section 119(3) of the Immigration and Asylum Act 1999 whether a person within paragraph (10) —

(a) is homeless or threatened with homelessness; or

(b) has a priority need for accommodation.

(10) A person is within this paragraph, if immediately before commencement day, the person was—

(a) a national of an EEA state or Switzerland; and

(b) lawfully resident in the United Kingdom.

Amendment and saving of the Nationality, Immigration and Asylum Act 2002

13.—(1) The Nationality, Immigration and Asylum Act 2002(d) is amended in accordance with paragraphs (2) to (4).

(2) In section 58 (voluntary departure from the UK)—

(a) in subsection (1)(a), omit “or an EEA national”;

(b) omit subsection (4).

(3) In section 126(2) (physical data: compulsory provision)—

(a) at the end of paragraph (c) insert “or”;

(b) omit paragraph (e)(e) (and the “or” before it).

(4) In Schedule 3 (withholding and withdrawal of support)—

(a) in paragraph 3 (exceptions)(f), omit sub-paragraph (b) (and the “or” before it);

(b) omit paragraph 5 (second class of ineligible person: citizen of EEA state);

(c) in paragraph 8 omit “or 5”.

(5) The amendments made by paragraph (3) do not affect the operation of any regulations made under section 126(2) of the Nationality, Immigration and Asylum Act 2002 before commencement day in relation to any application for a document referred to in section 126(2)(e) that was made before commencement day.

(a) There have been amendments to section 115 but none are relevant to these Regulations.

(b) Section 119 was amended by the Housing and Regeneration Act 2008 (c. 17) Sch.15(2) para.22(2) and (3) (March 2, 2009 for purposes specified in SI 2009/415 art.3; not yet in force otherwise.

(c) There have been amendments to section 167 but none are relevant to these Regulations.

(d) 2002 c. 41.

(e) Section 126(2)(e) was inserted by section 8(2) of the Immigration Act 2014 (c. 22). Relevant amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force .

(f) Paragraph 3 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

Amendment of the Marriage (Northern Ireland) Order 2003

14.—(1) The Marriage (Northern Ireland) Order 2003(a) is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), in the definition of “relevant national” —

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (b)(applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;

(b) omit paragraphs (b) and (c).

Amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004

15.—(1) The Asylum and Immigration (Treatment of Claimants, etc) Act 2004(c) is amended as follows.

(2) In section 2 (offences to do with entering the United Kingdom without a passport) (d)—

(a) in subsection (4)—

(i) for paragraph (a) substitute—

“(a) to prove that he is —

(i) an Irish citizen,

(ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(iii) is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020(e).”;

(ii) omit paragraph (b);

(b) in subsection (5)—

(i) for paragraph (a) substitute—

“(a) to prove that the child is—

(i) an Irish citizen,

(ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(iii) is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020.”;

(ii) omit paragraph (b);

(c) in subsection (12)—

(i) omit the definition of “EEA national”;

(a) S.I. 2003/413 (N.I. 3). Article 2 was amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(b) S.I. 2020/ [].

(c) 2004 c. 19.

(d) Section 2 was amended by S.Is. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force. There have been other amendments that are not relevant to these Regulations.

(e) S.I. 2020/

- (ii) in the definition of “immigration document” omit the “and” after paragraph (b);
- (iii) after the definition of “leave or asylum interview” insert—
““residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

Amendment of the Civil Partnership Act 2004

16.—(1) The Civil Partnership Act 2004 (a) is amended as follows.

(2) In section 9 (evidence)(b) after subsection (1) insert—

“(1A) If a party to the proposed civil partnership is a relevant national within the meaning of section 30A(ab) the notice of proposed civil partnership under section 8 must, in addition, be accompanied

- (a) where the party falls within section 30A(ab)(i), by an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the party falls within section 30A(ab)(ii)—
 - (i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
 - (ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.

(3) In section 30A (meaning of “relevant national”) (c)—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

- (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
- (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (d)(applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

Amendment and saving of UK Borders Act 2007

17.—(1) The UK Borders Act 2007(e) is amended in accordance with paragraphs (2) and (3).

(2) In section 33(exceptions to automatic deportation), omit subsection (4).

(3) In section 56A (no rehabilitation for certain immigration or nationality purposes) (f), omit subsection (3).

(a) 2004 (c. 33).

(b) Section 9 was substituted by paragraphs 18 and 21 of Schedule 4 to the Immigration Act 2014.

(c) Section 30A was inserted by Schedule 4, paragraphs 18 and 27 of the Immigration Act 2014 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 49 of these Regulations before they come into force.

(d) S.I. 2020/ [].

(e) 2007 (c. 30).

(f) Section 56A was inserted by section 140 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and was amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(4) The amendment made by paragraph (3) does not apply in relation to a relevant immigration decision or a relevant nationality decision made before commencement day.

(5) In paragraph (4) “relevant immigration decision” and “relevant nationality decision” have the meaning given in section 56A of the UK Borders Act 2007 as it had effect immediately before commencement day.

Amendment of the Criminal Justice and Immigration Act 2008

18.—(1) The Criminal Justice and Immigration Act 2008(a) is amended as follows.

(2) In section 130 (designation for purposes of special immigration status) (b), in subsection (5), omit paragraph (b) (and the “or” before it).

(3) In section 136 (end of designation) (c)—

- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (3), omit “or (b)”.

Amendment of the Identity Documents Act 2010

19.—(1) The Identity Documents Act 2010(d) is amended as follows.

(2) In section 7 (meaning of “identity document”)—

(a) in subsection (2), for paragraph (a) substitute—

“(a) a document used for confirming—

- (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom, or
- (ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the United Kingdom.”;

(b) after subsection (2)(a) insert—

“(2A) In subsection 2(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.”.

Amendment of the Immigration Act 2014

20.—(1) The Immigration Act 2014(e) is amended as follows.

(2) In section 21 (persons disqualified from renting or with limited right to rent)—

(a) omit subsection (4)(b)(ii) (and the “and” before that);

(b) in subsection (5)—

(i) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;

(ii) omit paragraphs (b) and (c).

(a) 2008 (c. 4).

(b) Section 130 was amended by S.Is 2011/1043 and 2019/745. The amendments made by S.I 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(c) Section 136 was amended by S.Is 2011/1043 and 2019/745. The amendments made by S.I 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(d) 2010 (c. 40).

(e) 2014 (c. 22).

(3) In section 27 (eligibility period in relation to person with limited right to rent), omit subsection 6 (a) (and the “or” at the end of it).

(4) In section 39 (related provision: charges for health services)—

(a) in subsection (1)(b), after “limited period” insert “unless that leave was granted by virtue of residence scheme immigration rules”;

(b) after subsection (2) insert—

“(3) For the purposes of subsection (1) “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(5) In section 49 (meaning of “exempt person” in relation to investigations into sham marriages), omit subsection (2)(a).

(6) In section 62 (interpretation of Part 4, relating to marriage and civil partnership), in subsection (1), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen;

(ab) a person who is not an Irish citizen who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (a)(applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;

(b) omit paragraphs (b) and (c).

(7) In section 70A (power to impose a charge on sponsors who make immigration skills arrangements) (b)—

(a) in subsection (6)—

(i) after paragraph (a) insert—

“(aa) an Irish citizen;”;

(ii) for paragraph (b) substitute—

“(b) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules.”;

(iii) omit paragraphs (c) and (d);

(b) in subsection (7) after “1971” insert “and “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(8) The amendments made by paragraph (7) do not affect the operation of any regulations which were made under section 70A of the Immigration Act 2014 before 1 December 2020.

Amendment and saving of the Housing (Wales) Act 2014

21.—(1) The Housing (Wales) Act 2014(c) is amended in accordance with paragraph (2).

(2) In Schedule 2 (eligibility for help under Chapter 2 of Part 2), for paragraph 1(6) substitute—

“(6) A person falls within this sub-paragraph if the person falls within a class prescribed by regulations made under sub-paragraph (2).”.

(3) The amendment made by paragraph (2) does not apply in determining for the purposes of Chapter 2 of Part 2 of the Housing (Wales) Act 2014 whether a person within paragraph (4)—

(a) S.I. 2020/ [].

(b) Section 70A was inserted into the 2014 Act by sections 85(1) and (2) of the Immigration Act 2016 (c.19) and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(c) 2014 anaw 7.

- (a) is homeless or threatened with homelessness; or
 - (b) has a priority need for accommodation.
- (4) A person is within this paragraph if immediately before commencement day the person was—
- (a) a national of an EEA state or Switzerland; and
 - (b) lawfully resident in the United Kingdom.

Amendment of the Specialist Printing Equipment and Materials (Offences) Act 2015

22.—(1) The Specialist Printing Equipment and Materials (Offences) Act 2015(a) is amended as follows.

(2) In section 2 (meaning of “specialist printing equipment”)—

(a) in subsection (3), for paragraph (a) substitute—

“(a) a document used for confirming—

- (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom, or
- (ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the United Kingdom.”;

(b) after subsection (3)(a) insert—

“(3A) In subsection 3(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.”.

Amendment of the Immigration Act 2016

23.—(1) The Immigration Act 2016(b) is amended as follows.

(2) In Schedule 12 (availability of local authority support: amendments to Schedule 3 to the Nationality, Immigration and Asylum Act 2002) in paragraph 9, omit inserted paragraph 7C and the italic heading before inserted paragraph 7C.

Provision consequential on Chapter 1

24. Schedule 1 has effect.

Chapter 2

Amendment and savings of secondary legislation

Interpretation

25. In this chapter—

- (a) “EEA decision” has the same meaning as in regulation 2 of the EEA Regulations 2016—
 - (i) as those Regulations had effect immediately before they were revoked; and

(a) 2015 (c. 16).

(b) 2016 (c. 19).

- (ii) as those Regulations are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(a) or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020(b);
- (b) "EEA Regulations 2016" means the Immigration (European Economic Area) Regulations 2016(c) —
 - (i) in regulations 24, 25 and 28—
 - (aa) as those Regulations had effect immediately before they were revoked; and
 - (bb) as those Regulations are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;
 - (ii) in regulations 32, 34, 37 and 38—
 - (aa) as those Regulations had effect immediately before they were revoked; and
 - (bb) as those Regulations are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(d) or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020

Amendment and saving of the Immigration (Control of Entry through Republic of Ireland) Order 1972

26.—(1) The Immigration (Control of Entry through Republic of Ireland) Order 1972(e) is amended as follows.

- (2) In article 2 (interpretation)(f)—
 - (a) omit the definition of "EEA national";
 - (b) omit the definition of "EEA State".
- (3) In article 3(1)(b) (persons excluded from section 1(3) of the Act)(g)—
 - (a) at the end of paragraph (iii) insert "or";
 - (b) omit paragraph (iv);
 - (c) omit paragraph (v).
- (4) In article 4 (restrictions and conditions on entry through Ireland)(h)—
 - (a) in paragraph (1)—
 - (i) for "EEA national" substitute "Irish citizen";
 - (ii) omit "or a person who is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972";
 - (b) omit paragraph (8).

(a) S.I. 2020/

(b) S.I. 2020/

(c) S.I. 2016/1052 amended by S.Is. 2017/1, 2017/1242, 2018/201, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

(d) S.I. 2020/

(e) S.I. 1972/1610.

(f) The definitions of "EEA national" and "EEA State" were inserted by S.I. 2014/2475.

(g) Paragraphs (i) and (v) of article 3(1)(b) were amended and inserted respectively by S.I. 2014/2475; paragraph (vi) was inserted by regulation 2(3) of S.I. 2019/468.

(h) Relevant amendments were made to paragraphs (1) and (8) of article 4 by S.I. 2014/2475. Paragraphs (2A) and (8A) were inserted by regulation 2(4) of S.I. 2019/468. Paragraph (9) was inserted by regulation 24(c) of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 (S.I. 2019/745).

(5) Notwithstanding the revocation of article 3(1)(b)(v) by this regulation, that article continues to apply as if not amended by these Regulations where an order is in force excluding an individual from the United Kingdom and the order—

- (a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or
- (b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

Amendment and saving of the Channel Tunnel (International Arrangements) Order 1993

27.—(1) The Channel Tunnel (International Arrangements Order 1993(a) is amended in accordance with paragraph (2).

(2) In Schedule 4 (enactments modified) (b), omit paragraph 5.

(3) The amendment made by paragraph (2) does not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

Amendment and saving of the Immigration (Leave to Enter and Remain) Order 2000

28.—(1) The Immigration (Leave to Enter and Remain) Order 2000(c) is amended in accordance with paragraph (2).

(2) In article 13B (partners and children of Crown servants etc.) (d), in paragraph (2)(b)—

- (a) at the end of sub-paragraph (i), insert “or”;
- (b) omit sub-paragraph (iii) (and the “or” before it).

(3) The amendment made by paragraph (1) does not apply in respect of persons who are accompanying a partner or parent who before 1st July 2021 had a right of permanent residence in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972.

Amendment and saving of the Immigration (Notices) Regulations 2003

29.—(1) The Immigration (Notices) Regulations 2003(e) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), omit the definition of “EEA decision”.

(3) In regulation 4 (notice of decisions), in paragraph (1), omit the words “, any EEA decision”.

(4) The amendments made by paragraphs (2) and (3) do not apply to an EEA decision made under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020.

(a) S.I. 1993/1813.

(b) Paragraph 5 was inserted by S.I. 2001/3707. Relevant amending instruments are 2006/1003, 2007/3579, 2012/1547 and 2013/3032.

(c) S.I. 2000/1161.

(d) Article 13B was inserted by S.I. 2016/1132 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(e) S.I. 2003/658 as amended by S.I. 2012/1547 and S.I. 2014/2768; there are other amending instruments, but none are relevant.

Amendment and saving of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003

30.—(1) The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003(a) is amended in accordance with paragraphs (2) and (3).

(2) In article 11 (enactments having effect in a Control Zone in France), omit paragraph (1)(e);

(3) In Schedule 2 (modification of applied enactments), omit paragraph 5.

(4) The amendments made by paragraphs (2) and (3) do not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020).

(5) Where the regulations continue to apply to a person by virtue of paragraph (4) they apply subject to the modification that in Schedule 2, paragraph 5(c) "and (5)" is omitted.

Amendment of the Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003

31.—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003(b) is amended as follows.

(2) In article 2 (interpretation), omit the definitions of "EEA national" and "family member of an EEA national".

(3) In article 3(1) omit paragraph (c) and the "or" immediately preceding that paragraph.

Amendment of the Civil Partnership (Registration Provisions) Regulations 2005

32.—(1) The Civil Partnership (Registration Provisions) Regulations 2005(c) are amended as follows.

(2) In Schedule 3 (evidence), in paragraph 2 (evidence of name, surname, date of birth and nationality), omit sub-paragraph (1)(b).

Amendment and saving of the Immigration (Provision of Physical Data) Regulations 2006

33.—(1) The Immigration (Provision of Physical Data) Regulations 2006(d) are amended as follows.

(2) In regulation 2 (interpretation)(e), in the definition of "application" omit paragraph (d).

(3) In regulation 8 (use and retention of biometric information) (f)—

(a) at the end of sub-paragraph (2)(c), insert "and";

(b) omit sub-paragraph (2)(e) (and the "and" before it).

(4) In regulation 10 (retention of fingerprints) (g)—

(a) at the end of sub-paragraph (2)(d) insert "or";

(b) omit sub-paragraph (2)(f) (and the "or" before it);

(c) in paragraph (3)—

(i) omit "or (f)";

(a) S.I. 2003/2818. Relevant amendments are made by S.I. 2006/1003.

(b) S.I. 2003/3214. Relevant amendments are made by S.I. 2006/1003.

(c) S.I. 2005/3176. Schedule 3 was inserted by S.I. 2015/177.

(d) S.I. 2006/1743. Relevant amendments are made by S.I. 2015/737 and S.I. 2018/928.

(e) The definition of "application" was amended by S.I. 2019/686, 2019/745 and 2020/. The definition of "retained enforceable EU right" was inserted by regulation 33(2)(b) of S.I. 2019/745.

(f) Regulation 8 was substituted by regulation 7 of S.I. 2015/737.

(g) Regulation 10 was substituted by regulation 7 of S.I. 2015/737.

- (ii) omit “or who no longer enjoys the right of permanent residence”;
- (iii) omit paragraph (4).

(5) The amendment made by paragraph (2) does not apply in respect of an application made before commencement day where a document was not issued before commencement day.

(6) Notwithstanding the amendment of regulation 8 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens’ rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(7) The amendment of regulation 10 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

Amendment and saving of the Tribunal Procedure (Upper Tribunal) Rules 2008

34.—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008^(a) are amended as follows.

(2) In rule 1 (citation, commencement, application and interpretation), in the definition of “immigration case”, omit “regulation 26 of the Immigration (European Economic Area) Regulations 2006, regulation 36 of the Immigration (European Economic Area) Regulations 2016”.

(3) In rule 17A (appeal treated as abandoned or finally determined in an asylum case or an immigration case)—

- (a) in sub-paragraph (1)(b), after the semi-colon insert “or”;
- (b) omit sub-paragraph (1)(d) (and the “or before it”);
- (c) in paragraph (2) omit “or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006”.

(4) The amendments made by paragraph (2) and paragraph (3) do not apply in relation to—

- (a) any appeal which has been brought under the EEA Regulations 2016 and has yet to be finally determined;
- (b) any EEA decision (whether taken before or after commencement day), in respect of which an appeal has not been brought before the commencement of these Regulations until the time limit for appealing expires (ignoring any possibility of an appeal out of time with permission).

(5) For the purposes of paragraph (4) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

Amendment and saving of the Immigration (Biometric Registration) Regulations 2008

35.—(1) The Immigration (Biometric Registration) Regulations 2008^(b) are amended as follows.

(2) In regulation 3 (requirement to apply for biometric immigration document) after sub-paragraph (6) insert—

(a) S.I. 2008/2698. Relevant amendments are made by S.I. 2010/46.
(b) S.I.2008/3048. Relevant amendments are made by S.Is 2012/594, 2015/433 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

“(7) This regulation does not apply to a person who makes an application for, or has been granted, leave to enter or remain under residence scheme immigration rules.

(8) “Residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In regulation 9 (use and retention of biometric information)—

- (a) insert “and” after sub-paragraph (2)(c);
- (b) omit sub-paragraph (2)(e) (and the “and” before it).

(4) In regulation 11 (retention of fingerprints)—

- (a) after sub-paragraph (2)(d), insert “or”;
- (b) omit sub-paragraph (2)(f) (and the “or” before it);
- (c) in paragraph (3)—
 - (i) omit “or (f)”;
 - (ii) omit “or who no longer enjoys the rights of permanent residence”;
 - (iii) omit paragraph (4).

(5) Notwithstanding the amendment of regulation 9 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens’ rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(6) The amendment of regulation 11 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

Amendment and saving of the Appeals (Excluded Decisions) Order 2009

36.—(1) The Appeals (Excluded Decisions) Order 2009(a) are amended in accordance with paragraph (2).

(2) In article 3 (Excluded decisions), in paragraph (m), omit “, or regulation 26 of the Immigration (European Economic Area) Regulations 2006”.

(3) The amendment made by paragraph (2) does not apply in relation to—

- (a) any appeal which has been brought under the EEA Regulations 2016 and has yet to be finally determined;
- (b) any EEA decision (whether taken before or after commencement day), for which the time limit for appealing has yet to expire (ignoring any possibility of an appeal out of time with permission).

(4) For the purposes of paragraph (3) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

(a) S.I. 2009/275 relevant amendments are made by S.I. 2010/41.

Amendment and saving of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011

37.—(1) The First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011(a) are amended in accordance with paragraph (2).

(2) In article 5 (exemption from fees), omit sub-paragraph (1)(a)(ii).

(3) The amendment made by paragraph (2) does not apply in relation to—

- (a) any appeal which has been brought under the EEA Regulations 2016 and has yet to be finally determined; and
- (b) any EEA decision (whether taken before or after commencement day), for which the time limit for appealing has yet to expire (ignoring any possibility of an appeal out of time with permission).

(4) For the purposes of paragraph (3) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

Amendment and saving of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

38.—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014(b) are amended in accordance with paragraphs (2) to (4).

(2) In rule 1 (Citation, commencement, application and interpretation), omit the definition of the 2006 Regulations.

(3) In rule 16 (Appeal treated as abandoned or finally determined), —

- (a) after paragraph (b) insert “or”;
- (b) omit paragraph (1)(d), and the “or” before it; and
- (c) in paragraph (3), the words “or was sent the document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations, as the case may be”.

(4) In rule 23 (Response: entry clearance cases), omit—

- (a) in paragraph (1), the words “refusal of an EEA family permit (which has the meaning given in regulation 2(1) of the 2006 Regulations)”;
- (b) in paragraph (2), the words “or a refusal of an EEA family permit”.

(5) The amendments made by paragraphs (2) to (4) do not apply in relation to—

- (a) any appeal which has been brought under the EEA Regulations 2016 and has yet to be finally determined; and
- (b) any EEA decision (whether taken before or after commencement day) for which the time limit for appealing has yet to expire (ignoring any possibility of an appeal out of time with permission).

(6) For the purposes of paragraph (4) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

Amendment of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014

39. In the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(c) in Schedule 1 omit paragraph 1(a)(iii).

(a) S.I. 2011/2841. Relevant amendments are made by 2016/928.

(b) S.I. 2014/2604. There are amending instruments, but none are relevant.

(c) S.I. 2014/3181.

Amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015

40.—(1) The Referral of Proposed Marriages and Civil Partnerships Regulations 2015(a) are amended as follows.

(2) In Schedule 1 (evidence of immigration status) omit paragraph 1 (permanent residence).

Amendment of the Registration of Marriage Regulations 2015

41.—(1) The Registration of Marriage Regulations 2015(b) are amended as follows.

(2) In Schedule 3 (evidence)—

(a) in paragraph 2 (evidence of relevant nationality)—

(i) in the title for “evidence of relevant nationality” substitute “evidence of being a relevant national -British or Irish citizen”;

(ii) in sub paragraph (a) for “, EEA or Swiss national” substitute “or Irish national”; and

(iii) omit sub paragraph 2(b).

(b) after paragraph 2 insert—

“2A Evidence of being a relevant national -European Union Settlement Scheme

For the purposes of (as applicable) section 8(1)(b), or section 16(1C) of the Act, the following must be provided by each of the parties (P) to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.

Where P—

(a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules within the meaning of section 17 of the European Union (Withdrawal Agreement) Act 2020, an electronic certificate which confirms that such leave has been granted; or

(b) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(c)(applications which have not been finally determined by the deadline)—

(i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and

(ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired must be provided by each of the parties to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.”;

(c) in paragraph 3 (evidence of name, surname, date of birth and nationality) omit sub-paragraph (b).

Amendment of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015

42.—(1) The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015(d) are amended as follows.

(2) In regulation 18 (prescribed information about the investigation)—

(a) S.I. 2015/123. Relevant amendments are made by S.I.2019/745. The amendments made by S.I.2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(b) S.I. 2015/207.

(c) S.I. 2020/ [].

(d) S.I. 2015/397. Relevant amendments are made by S.I.2019/745. The amendments made by S.I.2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

- (a) in paragraph (1)(e) for “, indefinite leave or a European residence document” substitute “or indefinite leave”;
- (b) in paragraph (1)(f) for “, indefinite leave or a European residence document” substitute “or indefinite leave”;
- (c) omit sub-paragraph (2)(b)(ii) (and the “and” before it).

Amendment of the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015

43.—(1) The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015(a) are amended as follows.

(2) In Schedule 1 (evidence of particular immigration status), omit paragraph 1 (permanent residence).

Amendment of the Immigration and Nationality (Fees) Order 2016

44.—(1) The Immigration and Nationality (Fees) Order 2016(b) is amended as follows.

(2) In article 2 (interpretation), omit the definition of “European residence document”.

(3) In article 6 (documents and administration), in table 3, omit the entry at row 3.1.8 (European residence document).

Amendment of the Immigration and Nationality (Fees) Regulations 2018

45.—(1) The Immigration and Nationality (Fees) Regulations 2018(c) are amended as follows.

(2) In Schedule 3 (documents and administration)—

- (a) in paragraph 1 omit the definition of “the 2016 Regulations”;
- (b) in Table 10, omit rows 10.5 and 10.5.1;
- (c) in Table 12, omit row 12.2.3.

Amendment of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019

46.—(1) The Immigration (European Economic Area Nationals) (EU Exit Order) 2019(d) is amended as follows.

(2) In article 1 (citation and commencement), omit paragraph (2).

(3) In Part 2 (leave to enter or remain), omit Chapter 1 (grant of leave to EEA and Swiss nationals).

Amendment of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019

47.—(1) The Immigration, Nationality and Asylum (EU Exit) Regulations 2019(e) are amended as follows.

(2) The following provisions are omitted—

- (a) regulation 3 (amendment of the Aliens’ Employment Act 1955);
- (b) regulation 4(3)(b) (amendment of the Immigration Act 1971);
- (c) regulation 6 (amendment of the Rent Act 1977);
- (d) regulation 8 (amendment of the Immigration Act 1988);

(a) S.I. 2015/404. Relevant amendments are made by S.I.2019/745. The amendments made by S.I.2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(b) S.I. 2016/177. Relevant amendments are made by S.I.2019/745. The amendments made by S.I.2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(c) S.I. 2018/330. Relevant amendments are made by S.I.2019/475.

(d) S.I. 2019/686.

(e) S.I. 2019/745.

- (e) regulation 9 (amendment of the Housing Act 1988);
- (f) regulation 11(2),(3)(b),(4)(b) and (5)(amendment of the Immigration and Asylum Act 1999);
- (g) regulation 12(2), (3), 5(a), (c) and (d) (amendment of the Nationality, Immigration and Asylum Act 2002);
- (h) regulation 14 (amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004);
- (i) regulation 17(3) and (4) (amendment of the UK Borders Act 2007);
- (j) regulation 18 (amendment of the Criminal Justice and Immigration Act 2008);
- (k) regulation 20 (amendment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012);
- (l) regulation 21(2), (3),(5),(6) and (7) (amendment of the Immigration Act 2014);
- (m) regulation 24 (amendment of the Immigration (Control of Entry through Republic of Ireland) Order 1972);
- (n) regulation 25 (amendment of the Immigration (Leave to Enter and Remain) Order 2000);
- (o) regulation 30(2),(3),(4),(5) and (6)(a) and (c) (amendment of the British Nationality (General Regulations) 2003);
- (p) regulation 33 (amendment of the Immigration (Provision of Physical Data) Regulations 2006);
- (q) regulation 34 (amendment of the Immigration (Biometric Registration) Regulations 2008);
- (r) regulation 38 (amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015);
- (s) regulation 39 (amendment of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015);
- (t) regulation 40 (amendment of the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015);
- (u) regulation 42 (amendment of the Immigration and Nationality (Fees) Order 2016);
- (v) regulation 43 (amendment of the Immigration (European Economic Area) Regulations 2016);
- (w) regulation 49 (disapplication of rights);
- (x) paragraphs 4 and 5 of Schedule 2 and regulation 56 (saving and transitional provision) in so far as it relates to those provisions.

Amendment of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020

48.—(1) The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020(a) are amended as follows.

(2) After regulation 20(misuse of frontier workers' rights), insert—

“Exemption for Irish citizens

21A. Regulations 7 and 13 to 20 do not apply to a frontier worker who is an Irish citizen unless any of paragraphs (2) to (4) of section 3ZA of the 1971 Act also apply to that Irish citizen.”.

(a) S.I. 2020/

CHAPTER 3

Revocation of secondary legislation

Revocation of the Immigration (European Economic Area) (Amendment) Regulations 2017

49. The Immigration (European Economic Area) (Amendment) Regulations 2017(a) are revoked.

Revocation of the Immigration (European Economic Area) (Amendment) Regulations 2018

50. The Immigration (European Economic Area) (Amendment) Regulations 2018(b) are revoked.

Revocation of the Immigration (Amendment) (EU Exit) Regulations 2019

51. The Immigration (Amendment) (EU Exit) Regulations 2019(c) are revoked.

PART 3

Access to benefits and services

Amendment of the Income Support (General) Regulations 1987

52.—(1) The Income Support (General) Regulations 1987(d) are amended as follows.

(2) In regulation 21AA (special cases- supplemental persons from abroad) in paragraph (3)—

- (a) at the end of sub-paragraph (b)(ii) insert “or”;
- (b) omit sub-paragraphs (c) to (e).

Amendment of the Income Support (General) Regulations (Northern Ireland) 1987

53.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(e) are amended as follows.

(2) In regulation 21AA (special cases: supplemental—persons from abroad) in paragraph (3)—

- (a) at the end of sub-paragraph (b)(ii) insert “or”;
- (b) omit sub-paragraphs (c) to (e).

Amendment of the Jobseeker’s Allowance Regulations 1996

54.—(1) The Jobseeker’s Allowance Regulations 1996(f) are amended as follows.

(2) In regulation 85A (special cases: supplemental – persons from abroad) in paragraph (3)—

- (a) at the end of sub-paragraph (a) insert “or”;
- (b) omit sub-paragraphs (b) and (c).

(a) S.I. 2017/1.

(b) S.I. 2018/801.

(c) S.I.2019/1383.

(d) S.I. 1987/1967. Regulation 21AA was inserted by S.I. 2006/1026. Relevant amendments are made by S.Is. 2012/2587, 2018/801, 2019/872 and 2020/683.

(e) S.R. 1987 No. 459. Regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No. 178. Relevant amendments are made by S.R. 2012 No. 380, S.I. 2018/1085 and S.R. 2019 No. 90.

(f) S.I. 1996/207. Regulation 85A was inserted by S.I. 2006/1026. Relevant amendments are made by S.Is 2012/2587, 2014/902, 2019/872 and 2020/683.

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

55.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(a) are amended as follows.

- (2) In regulation 85A (special cases: supplemental—persons from abroad) in paragraph (3)—
- (a) at the end of sub-paragraph (a) insert “or”;
 - (b) omit sub-paragraphs (b) and (c).

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

56.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (b) are amended as follows.

(2) In Part II of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act), omit paragraph 1.

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000

57.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) (c) are amended as follows.

(2) In Part II of the Schedule (persons not excluded from certain benefits section 115 of the Immigration and Asylum Act), omit paragraph 1.

Amendment of the State Pension Credit Regulations 2002

58.—(1) The State Pension Credit Regulations 2002(d) are amended as follows.

- (2) In regulation 2 (persons not in Great Britain) in paragraph (3)—
- (a) at the end of sub-paragraph (b)(ii) insert “or”; and
 - (b) omit sub-paragraphs (c) to (e).

Amendment of the State Pension Credit Regulations (Northern Ireland) 2003

59.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(e) are amended as follows.

- (2) In regulation 2 (persons not in Northern Ireland) in paragraph (3)—
- (a) at the end of sub-paragraph (b)(ii) insert “or”; and
 - (b) omit sub-paragraphs (c) to (e).

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

60.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(f) are amended as follows.

- (2) In regulation 7 (funeral payments: entitlements), for paragraph (10) substitute—
- “(10) This paragraph applies where the responsible person or the responsible person's partner is—

(a) S.R. 1996 No. 198. Regulation 85A was inserted by regulation 4(3) of S.R. 2006 No. 178. Relevant amendments are made by S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 Nos. 246 and 308, S.R. 2014 Nos. 133 and 263 and S.R. 2019 No. 90.

(b) S.I. 2000/636. Relevant amendments are made by S.I.s 2002/2497, 2008/3108, 2013/388 and 2013/1474.

(c) S.R. 2000 No. 71. Relevant amendments are made by S.R. 2002 No. 323, S.R. 2013 No. 167 and S.R. 2016 No. 228.

(d) S.I. 2002/1792. Regulation 2 was substituted by S.I. 2006/1026. Relevant amendments are made by S.I.s 2012/1809, 2012/2587, 2016/1052, 2019/872 and 2020/683.

(e) S.R. 2003 No. 28. Regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178. Relevant amendments are made by S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133 and S.R. 2019 No. 90.

(f) S.I. 2005/3061. Relevant amendments are made by S.I.s. 2006/1026 and 2019/1060.

- (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations; or
- (d) a person who has a right to reside permanently in the UK by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations.”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005

61.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(a) are amended as follows.

(2) In regulation 7 (funeral payments: entitlement) for paragraph (10) substitute—

“(10) This paragraph applies where the responsible person or the responsible person’s partner is—

- (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations; or
- (d) a person who has a right to reside permanently in the UK by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations.”.

Amendment of the Housing Benefit Regulations 2006

62.—(1) The Housing Benefit Regulations 2006(b) are amended as follows.

(2) In regulation 10 (persons from abroad) in paragraph (3A)—

- (a) at the end of sub-paragraph (b)(ii) insert “or”; and
- (b) omit sub-paragraphs (c) to (e).

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

63.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(c) are amended as follows.

(2) In regulation 10 (persons from abroad) in paragraph (4)—

- (a) at the end of sub-paragraph (b)(ii) insert “or”; and
- (b) omit sub-paragraphs (c) to (e).

(a) S.R. 2005 No. 506. Regulation 7(10) was substituted by S.R. 2006 No. 178.

(b) S.I. 2006/213. Relevant amendments are made by S.Is 2006/1026, 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

(c) S.I. 2006/214. Relevant amendments are made by S.Is 2006/1026, 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

64.—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(a), are amended as follows.

(2) In regulation 5 (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act), in paragraph (2)—

(a) for sub-paragraph (a) substitute

““a migrant worker” is—

(a) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules who has taken up activity in the United Kingdom as an employed person;

(b) a person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment.”;

(b) after sub-paragraph (a) insert—

“(aa)“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”;

(c) omit sub-paragraphs (b) and (c).

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

65.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(b) are amended as follows.

(2) In regulation 10 (persons from abroad) in paragraph (4)—

(a) at the end of sub-paragraph (b)(ii) insert “or”; and

(b) omit sub-paragraphs (c) to (e).

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

66.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(c) are amended as follows.

(2) In regulation 10 (persons from abroad) in paragraph (4)—

(a) at the end of sub-paragraph (b)(ii) insert “or”; and

(b) omit sub-paragraphs (c) to (e).

Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006

67.—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 (d)are amended as follows.

(2) In regulation 5 (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act), in paragraph (2)—

(a) for sub-paragraph (a)(i) substitute-

“(i) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules who has taken up activity as an employed person in the United Kingdom;”;

(a) S.I. 2006/373. Relevant amendments are made by S.I.2020/667.

(b) S.R. 2006 No. 405. Relevant amendments are made by S.R. 2012 No. 380 and S.R. 2019 No. 90.

(c) S.R. 2006 No. 406. Relevant amendments are made by S.R. 2012 No. 380 and S.R. 2019 No. 90.

(d) S.I. 2006/1715 (W. 177).

(b) after sub-paragraph (a) insert-

“(ab) “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”;

(c) omit sub-paragraphs (b) and (c).

Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

68.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(a) are amended as follows.

(2) In regulation 2 (interpretation), at paragraph (1), for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”.

(3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) –

(a) in sub-paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1) ”;

(b) in sub-paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;

(c) omit sub-paragraph (1)(b)(iv);

(d) for paragraph (c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”.

(4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—

(a) in sub-paragraph (1)(b)(iii) for “regulation 15A(1) ” substitute “regulation 16(1) ”;

(b) in sub-paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5) ”;

(c) omit sub-paragraph (1)(b)(iv);

(d) for paragraph (c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”.

Amendment of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006

69.—(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006(b) are amended as follows.

(2) In regulation 2 (interpretation), at paragraph (1), for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”.

(3) In regulations 3(persons from abroad who are ineligible for an allocation of housing accommodation) —

(a) in sub-paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1) ”;

(b) in sub-paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;

(c) omit sub-paragraph (1)(b)(iv);

(d) for paragraph (c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”.

(4) In regulation 4 (persons from abroad who are ineligible for housing assistance)—

(a) in sub-paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1) ”;

(b) in sub-paragraph (1)(b)(iii) for “regulation 15A(4A) ” substitute “regulation 16(5)”;

(a) S.I. 2006/1294. Relevant amendments are made by S.I. 2012/2588, 2019/861 and 2020/667.

(b) S.R. 2006/397. Relevant amendments are made by S.R. 2012 No. 429 and 2019/86.

- (c) omit sub-paragraph (1)(b)(iv);
- (d) for paragraph (c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”.

Amendment of the Employment and Support Allowance Regulations 2008

70.—(1) — The Employment and Support Allowance Regulations 2008(a) are amended as follows.

- (2) In regulation 70 (special cases: supplemental – persons from abroad) in paragraph (3)—
 - (a) at the end of sub-paragraph (b)(ii) insert “or”; and
 - (b) omit sub-paragraphs (c) to (e).

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008

71.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(b) are amended as follows.

- (2) In regulation 70 (special cases: supplemental – persons from abroad) in paragraph (3)—
 - (a) at the end of sub-paragraph (b)(ii) insert “or”; and
 - (b) omit sub-paragraphs (c) to (e).

Amendment of the Universal Credit Regulations 2013

72.—(1) The Universal Credit Regulations 2013(c) are amended as follows.

- (2) In regulation 9(3) (persons treated as not being in Great Britain)—
 - (a) in sub-paragraph (a) omit “or Article 6 of Council Directive No. 2004/38/EC”; and
 - (b) in sub-paragraph (b) omit “or article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European citizen)”.

Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

73.—(1) The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014(d) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”.

(3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) –

- (a) in sub-paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;
- (b) in sub-paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5) ”;
- (c) omit sub-paragraph (1)(b)(iv);
- (d) for paragraph (c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”.

(a) S.I. 2008/794. Relevant amendments are made by S.I. 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

(b) S.R. 2008 No. 280. Relevant amendments are made by S.R. 2012 No. 380 and S.R. 2019 No. 90.

(c) S.I. 2013/376. Relevant amendments are made by S.Is 2015/546, 2019/872 and 2020/683.

(d) S.I. 2014/2603 (W. 257). Relevant amendments are made by S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183) and S.I. 2019/1149 (W. 199).

- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in sub-paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;
 - (b) in sub-paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;
 - (c) omit sub-paragraph (1)(b)(iv);
 - (d) for paragraph (c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”.

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

74.—(1) The Universal Credit Regulations (Northern Ireland) 2016(a) are amended as follows.

- (2) In regulation 9(3) (persons treated as not being in Northern Ireland)—
- (a) in sub-paragraph (a) omit “or Article 6 of Council Directive No. 2004/38/EC”; and
 - (b) in sub-paragraph (c) omit “or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European citizen)”.

PART 4

Nationality

CHAPTER 1

Amendment of primary legislation

Amendment of the British Nationality Act 1981

75.—(1) The British Nationality Act 1981(b) is amended as follows.

- (2) In section 50A (meaning of references to being in breach of immigration laws)(c)—
- (a) in subsection (4)—
 - (i) after paragraph (b) insert—

“(ba) is not an Irish citizen and who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971);”;
 - (ii) omit paragraphs (d) and (e);
 - (b) omit subsection (5).

Amendment of the Borders, Citizenship and Immigration Act 2009

76.—(1) The Borders, Citizenship and Immigration Act 2009(d) is amended as follows.

- (2) In section 39(2), in paragraph 1(2) inserted into Schedule 1 to the British Nationality Act 1981 (“the 1981 Act”), in paragraph (d)—
- (a) for “a qualifying CTA entitlement” substitute “the relevant status as an Irish citizen”;
 - (b) omit “or a permanent EEA entitlement”.
- (3) In section 39(11), in paragraph 2A(1) inserted into Schedule 1 to the 1981 Act—
- (a) for paragraph (d) substitute—

“(d) the relevant status as an Irish citizen, or”; and
 - (b) omit paragraphs (e) and (f).

(a) S.R. 2016 No. 216. Relevant amendments are made by S.R. 2019 No. 89.

(b) 1981. (c. 61).

(c) Section 50A was inserted by section 48(1) of the Borders, Citizenship and Immigration Act 2009 c. 11.

(d) 2009 (c. 11).

(4) In section 40(3), in paragraph 3(2)(d)(ii) inserted into Schedule 1 to the 1981 Act for “a qualifying CTA entitlement” substitute “the relevant status as an Irish citizen”.

(5) In section 40(5), in paragraph 4A(1) inserted into Schedule 1 to the 1981 Act, for paragraph (d) substitute—

“(d) the relevant status as an Irish citizen; or”.

(6) In section 49(3), in paragraph 11 inserted into Schedule 1 to the 1981 Act—

(a) for sub-paragraph (5) substitute—

“(5) A person has the relevant status as an Irish citizen if the person is an Irish citizen who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971).”;

(b) omit sub-paragraphs (7) and (8).

Chapter 2

Amendment of secondary legislation

Amendment and saving of the British Nationality (General) Regulations 2003

77.—(1) The British Nationality (General) Regulations 2003(a) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), omit the following definitions—

(a) “document certifying permanent residence”;

(b) “permanent residence card”;

(c) “residence document issued under the Immigration (European Economic Area) Regulations 2000”; and

(d) “residence permit issued under the Immigration (European Economic Area) Regulations 2000”.

(3) In regulation 7E (use and retention of biometric information), in paragraph (2)—

(a) at the end of sub-paragraph (c) insert “and”;

(b) omit sub-paragraph (e) (and the “and” before it).

(4) In regulation 7G (retention of fingerprints)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (d) insert “or”;

(ii) omit sub-paragraph (f) (and the “or” before it);

(b) in paragraph (3)—

(i) omit “or (f)”;

(ii) omit “or who no longer enjoys the right of permanent residence”;

(c) omit paragraph (4).

(5) In Schedule 2 (particular requirements as respects applications) omit paragraphs 7(1A), 13(1A) and 14(1A).

(6) Notwithstanding the amendment made by paragraph (5) Schedule 2 continues to apply as if not amended by these Regulations in relation to any application made under the British Nationality Act 1981 before commencement day.

(a) S.I. 2003/548 amended by S.I. 2015/738, 2015/1806 and 2019/745; the amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 49 of these Regulations before they come into force. There are other amending instruments, but none are relevant.

PART 5

EC Association Agreement with Turkey

78. Schedule 2 has effect.

PART 6

Savings provision in connection with the EEA Regulations

79. Schedule 3 has effect.

PART 7

Savings provision in connection with access to benefits

80. Schedule 4 has effect.

PART 8

Transitional Provision

81. Schedule 5 has effect.

Date

Name
Minister of State
Home Office

SCHEDULES

SCHEDULE 1

Regulation 24

Provision consequential on or connected with Part 2 Chapter 1

Provision consequential or connected with regulation 5 (amendment of the Immigration Act 1971)

1. In the Immigration Act 1971—

- (a) in the following provisions, for “, 25A or 25B” substitute “or 25A”—
 - (i) section 25C(1);

- (ii) section 25C(1)(5)(b);
 - (iii) section 25D(1);
 - (iv) section 28(2A);
 - (v) section 28A(3)(a);
 - (vi) section 28C(1);
 - (vii) section 28 M(2)(a);
 - (viii) section 28N(2)(a);
 - (ix) section 28O(2)(a);
 - (x) paragraphs 2(1)(a),13(1)(a), 14(1)(a), 14(1)(a), 15(1)(a),24(1)(a),25(1)(a) and 26(1) of Schedule 4A.
- (b) in section 28C (11) omit subsection (5);
 - (c) in section 28D(4) omit “25B,”;
 - (d) in section 28F(1) omit “,25B”.
2. In the Police Act 1997(a), in Schedule 8B, in paragraph 69 (immigration etc), omit paragraph (e).
3. In the following provisions of the Proceeds of Crime Act 2002(b), for “,25A or 25B” substitute “or 25A”—
- (a) Schedule 2, paragraph 4(1);
 - (b) Schedule 4, paragraph 4(1);
 - (c) Schedule 5, paragraph 4(1);
4. In the Serious Crime Act 2007(c)—
- (a) in Schedule 1, in each of paragraphs 2(1), 16B(1) and 18(1), for “, 25A or 25B” substitute “or 25A”;
 - (b) in Schedule 3 omit paragraph 12.

Provision consequential or connected with regulation 6 (amendment of the Rent Act 1977) and regulation 8 (amendment of the Housing Act 1988)

5. In section 42 of the Immigration Act 2016 (extension to Wales, Scotland and Northern Ireland of certain provisions to do with residential tenancies), the reference in the definition of “the residential tenancies provisions” in subsection (5) to the amendments made by section 41 of the Immigration Act 2016 is to be read as a reference to those amendments as further amended by regulations 6 and 8 of these Regulations.

Provision consequential or connected with regulation 13 (amendment of the Nationality, Immigration and Asylum Act 2002)

6. In Schedule 12 to the Immigration Act 2016 (availability of local authority support: amendments to Schedule 3 to the Nationality, Immigration and Asylum Act 2002)—
- (a) paragraph 2(2), in inserted paragraph 1(1)(ga), omit “, 5”;
 - (b) in paragraph 2(4), in inserted paragraph 1(2A), omit “, 5”;
 - (c) in paragraph 10, in inserted paragraph 10A(1) and (9)(a), omit “or 7C(1)”;
 - (d) in paragraph 13, in the amendments to paragraph 14, for “, 7B or 7C” substitute “or 7B”.

(a) 1997 (c. 50). Schedule 8B was inserted in relation to Scotland by S.S.I 2015/423.

(b) 2002 (c. 29).

(c) 2007 (c. 27).

SCHEDULE 2

Regulation 78

EC Association Agreement with Turkey

1. Notwithstanding [*Schedule 1, paragraph 6(1)*] of the 2020 Act, the Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12th September 1963 (“EC Association Agreement”) and its Additional Protocol signed at Brussels on 23rd November 1970, continues to apply for the purposes —

- (a) of a valid application for entry clearance or leave to enter or remain in the United Kingdom made by virtue of that agreement before commencement day until that application is finally determined; and
- (b) the restriction of rights to enter or remain in the United Kingdom of a relevant person (“P”), where that restriction is imposed by virtue of P’s conduct that took place before commencement day.

2. In this paragraph “relevant person” means a person —

- (i) who had entry clearance, leave to enter or remain in the United Kingdom by virtue of the EC Association Agreement immediately before commencement day, or
- (ii) who has made an application falling within sub-paragraph 1(a).

SCHEDULE 3

Regulation 79

Savings provision in connection with the EEA Regulations

1. In this Schedule references to the EEA Regulations 2016 in paragraphs 3, 4 and 5 are to those Regulations as they had effect immediately before they were revoked (a).

Deportation and exclusion orders

2.—(1) Any deportation order made or treated as having been made by virtue of the EEA Regulations 2016(b) as they had effect immediately before they were revoked continues to apply for the period specified in the order or until revoked.

(2) Any deportation order made by virtue of the EEA Regulations 2016 as they are continued in effect by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(c) continues to apply for the period specified in the order or until revoked.

(3) Any exclusion order made or treated as having been made by virtue of the EEA Regulations 2016(d) as they had effect immediately before they were revoked continues to apply for the period specified in the order or until revoked.

(4) Any exclusion order made by virtue of the EEA Regulations 2016 as they are continued in effect by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 continues to apply for the period specified in the order or until revoked.

(5) Regulations 34(3) to (6) of the EEA Regulations 2016 (revocation of deportation and exclusion orders) as they had effect immediately before they were revoked continue to apply—

(a) S.I. 2016/1052. Amended by S.Is 2017/1, 2017/1242, 2018/801, 2019/1383, 2019/468, 2019/745 (the amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 49 of these Regulations before they come into force) and 2019/1155. To be revoked by Schedule 1, paragraph 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

(b) Deportation orders made under the Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003 are treated as being made under the EEA Regulations by virtue of paragraph 5(2) of Schedule 6 to the EEA Regulations.

(c) S.I. 2020/

(d) Exclusion orders made under the Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003 are treated as being made under the EEA Regulations by virtue of paragraph 5(4) of Schedule 6 to the EEA Regulations.

- (a) in respect of any deportation order or exclusion order within sub-paragraph (1) or (3) as if after “deportation or exclusion order” there were inserted “made on the grounds of public policy, public security or public health in accordance with regulation 27”;
- (b) in respect of any deportation order or exclusion order within sub-paragraph (2) or (4) with the modifications that—
 - (i) in paragraph (3), after “deportation or exclusion order” there were inserted “made on the grounds of public policy, public security or public health in accordance with regulation 27”;
 - (ii) after paragraph (6) there were inserted—

“(7) An application for revocation of a deportation order made on conducive grounds in accordance with regulation 27A is to be considered in accordance with the immigration rules that apply in relation to an application for revocation of a deportation order made by virtue of section 3 of the Immigration Act 1971.”.

Pending applications for documentation under the EEA Regulations 2016

3.—(1) Regulation 12 of the EEA Regulations (issue of EEA family permit)(**a**), continues to apply for the purposes of considering and, where appropriate, granting an application for a family permit which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(2) Regulation 12 of the EEA Regulations also continues to apply for the purposes of considering and, where appropriate, granting an application for a family permit which was validly made in accordance with the EEA Regulations 2016 after commencement day by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(3) Regulation 17 of the EEA Regulations (issue of registration certificate)(**b**), continues to apply for the purposes of considering and, where appropriate, granting an application for a registration certificate which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(4) Regulation 18 of the EEA Regulations (issue of residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a residence card which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(5) Regulation 19 of the EEA Regulations (issue of a document certifying permanent residence and a permanent residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a registration certificate which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(6) Regulation 20 of the EEA Regulations (issue of a derivative residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a residence card which was validly made in accordance with the EEA Regulations 2016 before commencement day.

4.—(1) The provisions of the EEA Regulations 2016 specified in sub-paragraph (2) continue to have effect (despite the revocation of those Regulations) with the modifications specified for the purposes of determining whether an application referred to in paragraph 3 should be granted.

(2) The specified provisions of the EEA Regulations are—

(a) regulation 2 (general interpretation) with the following modifications—

(i) as if all instances of the words “or any other right conferred by the EU Treaties”—

(aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;

(a) Relevant amendments are made by S.I. 2018/801.

(b) Relevant amendments are made by S.I. 2017/1.

- (bb) in so far as they relate to things done on or after commencement day, were omitted;
- (ii) as if all instances of the words “or the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;
- (iii) as if, at the end of the definition of “deportation order”, there were inserted “or under section 5(1) of the Immigration Act 1971”;
- (iv) as if, in the definition of “EEA State”, the words “, other than the United Kingdom” were omitted so far as relevant to things done after exit day; and
- (v) as if, at the end of the definition of “exclusion order”, there were inserted “or directions issued by the Secretary of State for a person not to be given entry to the United Kingdom on the grounds that the person’s exclusion is conducive to the public good”;
- (b) regulation 3 (continuity of residence) with the modification that, at the end of paragraph (3)(c), there were inserted “or the Immigration Acts”;
- (c) regulation 4 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), for “in accordance with” there were substituted “within the meaning of”;
- (d) regulation 5 (“worker or self-employed person who has ceased activity”);
- (e) regulation 6 (“qualified person”) with the following modifications—
 - (i) in paragraph (4C), “and having a genuine chance of being engaged” were omitted;
 - (ii) in paragraph (6), after “employment and” there were inserted “, where that person is a jobseeker”;
 - (iii) in paragraph (7), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker”;
- (f) regulation 7 (“family member”);
- (g) regulation 8 (“extended family member”);
- (h) regulation 9 (family members and extended family members of British citizens) with the following modifications—
 - (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
 - (ii) sub-paragraph (a) of paragraph (3) were omitted;
 - (iii) paragraph (7) were omitted;
- (i) regulation 9A (dual national: national of an EEA State who acquires British citizenship);
- (j) regulation 10 (“family member who has retained the right of residence”) with the following modifications—
 - (i) in paragraph (2)(b), in so far as it applies to residence in the United Kingdom after commencement day, for “in accordance with these Regulations” there were substituted “lawfully”;
 - (ii) in paragraph (5)(a), “the initiation of proceedings for” were omitted;
- (k) regulation 11 (right of admission to the United Kingdom);
- (l) regulation 21 (procedure for applications for documentation under this Part and regulation 12);
- (m) regulation 22 (verification of a right of residence);

- (n) regulation 24(1), (3),(4), (6) and (7) (refusal to issue or renew and revocation of residence documentation), with the modification that references to revocation are omitted;
- (o) regulation 27 (decisions taken on grounds of public policy, public security and public health) with the modification that after regulation 27 there were inserted—

“Decisions taken on conducive grounds

27A.— (1) An EEA decision may be taken on the ground that the decision is conducive to the public good.

(2) But a decision may only be taken under this regulation in relation to a person as a result of conduct of that person that took place after commencement day.”;

- (p) regulation 28(application of Part 4 to a person with a derivative right to reside)in so far as it applies to a person within regulation 28(1)(c), and
- (q) Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.) with the modification that for paragraph 1 there were substituted—

“1. The United Kingdom enjoys considerable discretion, acting within the parameters set by the law, to define its own standards of public policy and public security, for purposes tailored to its individual context from time to time.”.

Existing appeal rights and appeals

5.—(1) Subject to sub-paragraph (4), the provisions of the EEA Regulations 2016 specified in paragraph (2) continue to apply—

- (a) to any appeal which has been brought under the EEA Regulations and has not been finally determined before commencement day,
- (b) to any appeal which is brought under the EEA Regulations after commencement day by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020, or
- (c) in respect of any EEA decision (see regulation 2 of the EEA Regulations 2016), whether taken before or after commencement day, for which the time limit for appealing has yet to expire.

(2) The specified provisions are—

- (a) regulation 35 (interpretation of Part 6) in respect of the interpretation of the provisions which continue to apply by virtue of this regulation;
- (b) regulation 36 (appeal rights);
- (c) regulation 37 (out of country appeals);
- (d) regulation 38 (appeals to the Commission);
- (e) regulation 39 (national security: EEA decisions);
- (f) regulation 40 (effect of appeals to the First-tier Tribunal or Upper Tribunal);
- (g) regulation 41 (temporary admission to submit case in person);
- (h) regulation 42 (alternative evidence of identity and nationality);
- (i) Schedule 2 (appeals to the First-tier Tribunal) with the modifications that each of paragraphs 1 and 2(4) is to be read as if, for the words “the EU Treaties”, there were substituted “the Immigration (European Economic Area) Regulations 2016”.

(3) For the purposes of paragraph (1)—

- (a) an appeal is not to be treated as finally determined while a further appeal may be brought and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned; and
- (b) an appeal is not to be treated as abandoned solely because the appellant leaves the United Kingdom.

(4) This paragraph does not apply to the extent that the provisions of the EEA Regulations specified in paragraph (2) continue to apply to an appeal or EEA decision by virtue of Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 apply.

Nationality, Immigration and Asylum Act - saving in relation to appeals

6. The repeal of section 109 of the Nationality, Immigration and Asylum Act 2002 (power to make regulations about appeals against immigration decisions in respect of persons having, or claiming to have, EU rights), by paragraph 2(1) of Schedule 1 to the 2020 Act, does not affect the operation of any regulations which were made under that section before commencement day.

SCHEDULE 4

Regulation 80

Savings provision in relation to access to benefits

1. In this Schedule “member of the post-transition period group” means a person who has limited leave to enter, or remain in, the United Kingdom granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.

2. For the purposes of the provisions specified in paragraph 3 the provisions of the EEA Regulations 2016 specified in paragraph 4 continue to have effect in relation to a person who is a member of the post-transition period group, with the specified modifications, despite the revocation of those Regulations by the 2020 Act.

3. The provisions specified in this paragraph are—

- (a) regulation 21AA (special cases: supplemental—persons from abroad) of the Income Support (General) Regulations 1987(a);
- (b) regulation 21AA (special cases: supplemental—persons from abroad) of the Income Support (General) Regulations (Northern Ireland) 1987(b);
- (c) regulation 85A (special cases: supplemental—persons from abroad) of the Jobseeker's Allowance Regulations 1996(c);
- (d) regulation 85A (special cases: supplemental—persons from abroad) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(d);
- (e) article 3 (housing authority accommodation—England, Scotland and Northern Ireland), of the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(e)

(a) S.I. 1987/1967. Regulation 21AA was inserted by S.I. 2006/1026. Relevant amendments are made by S.Is 2012/2587, 2018/801, 2019/872 and 2020/683.

(b) S.R. 1987 No. 459. Regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No. 178. Relevant amendments are made by S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.I. 2018/1085, S.R. 2019 No. 90 and S.R. 2020/149.

(c) S.I. 1996/207. Regulation 85A was inserted by S.I. 2006/1026. Relevant amendments are made by S.Is 2012/2587, 2014/902, 2019/872 and 2020/683.

(d) S.R. 1996 No. 198. Regulation 85A was inserted by regulation 4(3) of S.R. 2006 No. 178. Relevant amendments are made by S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 Nos. 246 and 308, S.R. 2014 Nos. 133 and 263, S.R. 2019 No. 90 and S.R. 2020 No. 149.

(e) S.I. 2000/706. Relevant amendments are made by S.Is 2006/2521, 2008/1768, 2018/729 and 2020/.

- (f) regulation 2 (persons not in Great Britain) of the State Pension Credit Regulations 2002(a);
- (g) regulation 2 (persons not in Northern Ireland) of the State Pension Credit Regulations (Northern Ireland) 2003(b);
- (h) regulation 3 (circumstances in which a person is treated as not being in the United Kingdom) of the Tax Credits (Residence) Regulations 2003(c);
- (i) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(d);
- (j) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(e);
- (k) regulation 10 (persons from abroad) of the Housing Benefit Regulations 2006(f);
- (l) regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(g);
- (m) regulation 10 (persons from abroad) of the Housing Benefit Regulations (Northern Ireland) 2006(h);
- (n) regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(i);
- (o) regulations 23 (circumstances in which person treated as not being in Great Britain) and 27 (circumstances in which person treated as not being in Northern Ireland) of the Child Benefit (General) Regulations 2006(j);
- (p) regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(k);
- (q) regulation 2 (interpretation), 3 (Persons from abroad who are ineligible for an allocation of housing accommodation) and 4 (Persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006(l);
- (r) regulation 70 (special cases: supplemental – persons from abroad) of the Employment and Support Allowance Regulations 2008(m);
- (s) regulation 70 (special cases: supplemental – persons from abroad) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(n);
- (t) regulation 16 (persons not entitled to a council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (Scotland) Regulations 2012(o);

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- (a) S.I. 2002/1792. Regulation 2 was substituted by S.I. 2006/1026. Relevant amendments are made by S.Is 2012/1809 and 2587, 2016/1052, 2019/872 and 2020/683.
 - (b) S.R. 2003 No. 28. Regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178. Relevant amendments are made by S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.
 - (c) S.I. 2003/654. Relevant amendments are made by S.Is. 2004/1243, 2012/2612, 2019/364, 2019/867 and 2020/672.
 - (d) S.I. 2005/3061. Relevant amendments are made by S.Is. 2006/1026 and 2019/1060.
 - (e) S.R. 2005 No. 506. Relevant amendments are made by S.R. 2006 No. 178, S.R. 2008 No. 286, S.R. 2016 No. 236, S.R. 2017 Nos. 55 and 176 and S.I. 2019/1060.
 - (f) S.I. 2006/213. Relevant amendments are made by S.Is 2012/1809 and 2587, 2019/872 and 2020/683.
 - (g) S.I. 2006/214. Relevant amendments are made by S.Is 2012/1809 and 2587, 2019/872 and 2020/683.
 - (h) S.R. 2006 No. 405. Relevant amendments are made by S.R. 2008 No. 378, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 Nos. 98, and 133 and S.R. 2019 No. 90.
 - (i) S.R. 2006 No. 406. Relevant amendments are made by S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.
 - (j) S.I. 2006/223. Relevant amendments are made by S.Is. 2007/2150, 2012/2612, 2019/364, 2019/867 and 2020/672.
 - (k) S.I. 2006/1294. Relevant amendments are made by S.I. 2012/2588, S.I. 2019/861 and 2020/667.
 - (l) S.R. 2006 No. 397
 - (m) S.I. 2008/794. Relevant amendments are made by S.Is. 2012/1809 and 2587, 2014/902, 2019/872 and 2020/683.
 - (n) S.R. 2008 No. 280. Relevant amendments are made by S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.
 - (o) S.S.I. 2012/303. Relevant amendments are made by S.S.I. 2015/46.

- (u) regulation 16 (persons not entitled to a council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(a);
- (v) regulation 12 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(b);
- (w) regulations 2 (interpretation) and 9 (persons treated as not being in Great Britain) of the Universal Credit Regulations 2013(c);
- (x) regulation 28 of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013(d);
- (y) paragraph 19 of the Schedule (class of persons excluded from this scheme: persons treated as not being in Great Britain) to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013(e);
- (z) regulation 2 (interpretation), regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and regulation 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014(f);
- (aa) regulation 14C of the National Health Service (Charges to Overseas Visitors) Regulations 2015 (family members of British citizens of Northern Ireland)(g); and
- (bb) regulations 2 (interpretation) and 9 (persons treated as not being in Northern Ireland) of the Universal Credit Regulations (Northern Ireland) 2016(h).

4. The following provisions of the EEA Regulations 2016 are, with the modifications provided for, specified for the purposes of paragraph 2—

- (a) regulation 2 (general interpretation) with the following modifications—
 - (i) as if all instances of the words “or any other right conferred by the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;
 - (ii) as if all instances of the words “or the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;
 - (iii) as if, at the end of the definition of “deportation order”, there were inserted “or under section 5(1) of the Immigration Act 1971”;
 - (iv) as if, in the definition of “EEA State”, the words “, other than the United Kingdom” were omitted so far as relevant to things done after exit day;

(a) S.S.I. 2012/319. Relevant amendments are made by S.S.I. 2015/46.

(b) S.I. 2012/2885. Relevant amendments are made by S.Is. 2013/3181, 2014/3312 and 2020/23.

(c) S.I. 2013/376. Relevant amendments are made by S.Is. 2015/546, 2019/872 and 2020/683.

(d) S.I. 2013/3029 (W.301). Relevant amendments are made by S.I. 2014/66 (W.6), S.I. 2015/44 (W.3) and S.I. 2020/16 (W.2).

(e) S.I. 2013/3035 (W.303). Relevant amendments are made by S.I. 2014/66 (W.6), S.I. 2015/44 (W.3) and S.I. 2020/16 (W.2).

(f) S.I. 2014/2603 (W. 257). “Relevant amendments are made by S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183) and S.I. 2019/1149 (W. 199).

(g) S.I. 2015/238. Relevant amendments are made by S.I. 2020/654.

(h) S.R. 2016 No. 216. Relevant amendments are made by S.R. 2019 No. 89 and S.R. 2020 No. 130.

- (v) as if, at the end of the definition of “exclusion order”, there were inserted “or directions issued by the Secretary of State for a person not to be given entry to the United Kingdom on the grounds that the person’s exclusion is conducive to the public good”;
- (b) regulation 3 (continuity of residence) with the modification that, at the end of paragraph (3)(c), there were inserted “or the Immigration Acts”;
- (c) regulation 4 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), “in accordance with” there were substituted “within the meaning of”;
- (d) regulation 5 (“worker or self-employed person who has ceased activity”);
- (e) regulation 6 (“qualified person”) with the following modifications—
 - (i) in paragraph (4C), “and having a genuine chance of being engaged” were omitted;
 - (ii) in paragraph (6), after “employment and” there were inserted “, where that person is a jobseeker”;
 - (iii) in paragraph (7), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker”;
- (f) regulation 7 (“family member”);
- (g) regulation 8 (“extended family member”) with the modification that paragraph (8) were omitted;
- (h) regulation 9 (family members and extended family members of British citizens) with the following modifications—
 - (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
 - (ii) sub-paragraph (a) of paragraph (3) were omitted;
 - (iii) paragraph (7) were omitted;
- (i) regulation 9A (dual national: national of an EEA State who acquires British citizenship);
- (j) regulation 10 (“family member who has retained the right of residence”) with the following modifications—
 - (i) in paragraph (2)(b), in so far as it applies to residence in the United Kingdom after commencement day, for “in accordance with these Regulations” there were substituted “lawfully”;
 - (ii) in paragraph (5)(a), “the initiation of proceedings for” were omitted;
- (k) regulation 13 (initial right of residence) with the modification that in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (l) regulation 14 (extended right of residence) with the modification that in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (m) regulation 15 (right of permanent residence) with the following modifications—
 - (i) in so far as it applies to residence in the United Kingdom after commencement day , as if the EEA Regulations 2016 (with the modifications set out in this paragraph) had been in force at all relevant times and as if for the words “in accordance with these Regulations” in each place they occur there were substituted “lawfully”;
 - (ii) in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (n) regulation 16 (derivative right to reside) with the following modifications—
 - (i) in paragraph (5)(c), for “another” there were substituted “an”;

- (ii) in paragraph (12), for the words from “where the Secretary of State” to “or 31(1), unless that decision” there were substituted “if that person is subject to a deportation order or exclusion order unless that order”.

Continued application of section 7(1) of the Immigration Act 1988 for purposes of housing legislation

5. Notwithstanding the repeal of section 7 of the Immigration Act 1988 (exemption from requirement for leave to enter or remain for persons exercising EU Rights etc.)(a) by paragraph 1 of Schedule 1 to the 2020 Act, a member of the post-transition group is not to be treated as “a person subject to immigration control” for the purposes of the application of section 13 of the Asylum and Immigration Act 1996 (short title, interpretation, commencement and extent)(b) to the exercise of the functions specified in paragraph 6.

6. The functions specified in this paragraph are—

- (a) determining whether a person is ineligible for an allocation of social housing in England under section 160ZA(2) (allocation only to eligible and qualifying persons: England)(c) or for housing assistance in England under section 185(2) of the Housing Act 1996 (persons from abroad not eligible for housing assistance)(d);
- (b) determining whether a person is ineligible for an allocation of housing accommodation by a local housing authority in Wales under section 160A(3) of the Housing Act 1996 (allocation only to eligible persons: Wales);
- (c) determining whether a person is eligible for help under Chapter 2 of Part 2 of the Housing (Wales) Act 2014 (homelessness)(e);
- (d) determining whether a person is eligible for an allocation of social housing in Northern Ireland under Article 22A(1)(a) of the Housing (Northern Ireland) Order 1981 (allocation only to eligible persons)(f);
- (e) determining whether a person is eligible for homelessness assistance in Northern Ireland under Article 7A(1)(a) of the Housing (Northern Ireland) Order 1988 (persons not eligible for housing assistance)(g).

SCHEDULE 5

Regulation 81

Transitional Provision

PART 1

Transitional provision in relation to the immigration status of Irish citizens

1.—(1) Paragraph (2) applies in respect of an Irish citizen who—

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- (a) 1988. (c. 14). Amended by S.Is 2011/1043 and 2019/745. The amendments made by S.I 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.
- (b) 1996. (c. 49).
- (c) 1996. (c. 52). Section 160ZA was inserted by section 146 of the Localism Act 2011 and amended by S.I. 2013/630.
- (d) There have been amendments to section 185 but none are relevant.
- (e) 2014 anaw7. There have been amendments to Chapter 2 of Part 2 but none are relevant.
- (f) S.I. 1981/156 (N.I. 3); Article 22A was inserted by Article 124 of S.I. 2003/412 (N.I. 2). There are amending instruments, but none are relevant.
- (g) S.I. 1988/1990 (N.I. 23); Article 7A was inserted by Article 137 of S.I. 2003/412 (N.I. 2). There are amending instruments, but none are relevant.

- (a) immediately before commencement day, was (or was treated as), subject to an exclusion order made under regulation 23(5) of the EEA Regulations 2016; or
- (b) is subject to an exclusion order made under regulation 23(5) of the EEA Regulations 2016 as they are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(2) Unless the Secretary of State directs otherwise, the Irish citizen is to be treated for the purposes of section 3ZA of the Immigration Act 1971 as a person to whom section 3ZA(3) applies.

Transitional provisions (general)

2. Any transitional provision that relates to a provision of the EEA Regulations 2016 that, by virtue of these Regulations continues to apply after commencement of section 1 of the 2020 Act, continues to apply on and after commencement day.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 4(1) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ("the Act"), in order to make provision in consequence of or in connection with Part 1 of that Act which (amongst other things), makes provision to end rights to free movement under EU retained law. In particular these Regulations are made in accordance with sections 4(2), 4(3), 4(4) and 4(5) of the Act.

These Regulations make amendments to legislation in the fields of immigration (including access to benefits and services), and nationality.

Part 2 makes amendments in relation to immigration; provision for amendments to primary legislation is made in Chapter 1 and for amendment to secondary legislation in Chapter 2.

Part 3 makes amendments in relation to access to benefits and services.

Part 4 makes amendments in relation to nationality; provision for amendments to primary legislation is made in Chapter 1 and for amendment to secondary legislation in Chapter 2.

Part 5, in conjunction with Schedule 1, makes saving provision in relation to the EC Association Agreement with Turkey.

Part 6, in conjunction with Schedule 2, makes savings in connection with the EEA Regulations.

Part 7, in conjunction with Schedule 3, makes provision about access to benefits.

Part 8, in conjunction with Schedule 4, makes transitional and transitory provision.