
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Immigration, Nationality and
Asylum (EU Exit) Regulations 2019**

PART 2

Immigration and Nationality

Chapter 1

Amendment of primary legislation

Amendment of the Immigration Act 1971

4.—(1) The Immigration Act 1971(1) is amended as follows.

(2) In section 2 (statement of right of abode in United Kingdom)(2), in subsection (2), for “and section 5(2)” substitute “, section 5(2) and section 25”.

(3) In section 25 (assisting unlawful immigration to member State)(3)—

(a) in the heading, after “member State” insert “or the United Kingdom”;

(b) in subsection (1)—

(i) in each place where it appears, for “not” substitute “neither”;

(ii) in each place where it appears, after “citizen of the European Union” insert “nor a national of the United Kingdom”;

(c) in subsection (2)—

(i) after “member State” insert “or the United Kingdom”;

(ii) after “of the State” insert “or, as the case may be, of the United Kingdom”;

(iii) in paragraphs (a), (b) and (c), after “the State” insert “or the United Kingdom”;

(d) after subsection (2), insert—

“(2A) In subsections (1) and (2), “national of the United Kingdom” means—

(a) a British citizen;

(b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981(4) and who has the right of abode in the United Kingdom; or

(1) 1971 c. 77.

(2) Section 2 was substituted by section 39(2) of the British Nationality Act 1981 (c. 61). Subsection (2) was amended by section 3(3) of the Immigration Act 1988 (c.14). There have been other amendments to this section which are not relevant to these Regulations.

(3) Section 25 was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Subsection (1) was amended by paragraph 2 of Schedule 14 to the Immigration Act 2016 (c. 19). Subsections (7) and (8) were inserted by section 1(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) and amended by S.I. 2011/1043. There have been other amendments to this section which are not relevant to these Regulations.

(4) 1981 c.61.

- (b) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”;
 - (e) in subsection (7)(a), for the words from “a State” to the end substitute “Norway or Iceland”;
 - (f) in subsection (7)(b), for “a State on that list”, substitute “Norway or Iceland”;
 - (g) omit subsection (8).
- (4) In section 25C (forfeiture of vehicle, ship or aircraft)(**5**), in subsection (9)(a), after “a member State” insert “or the United Kingdom”.

(5) Section 25C was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002. Subsection (9)(a) was amended by section 1(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. There have been other amendments to this section which are not relevant to these Regulations.