
STATUTORY INSTRUMENTS

2001 No. 865

IMMIGRATION

The Immigration (European Economic Area) (Amendment) Regulations 2001

<i>Made</i>	- - - -	<i>8th March 2001</i>
<i>Laid before Parliament</i>		<i>12th March 2001</i>
<i>Coming into force</i>	- -	<i>2nd April 2001</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to rights of entry into, and residence in, the United Kingdom, in exercise of the powers conferred on him by the said section 2(2), and of the powers conferred on him by section 80 of the Immigration and Asylum Act 1999⁽³⁾, hereby makes the following Regulations:

1. These Regulations may be cited as the Immigration (European Economic Area) (Amendment) Regulations 2001 and shall come into force on 2nd April 2001.
2. The Immigration (European Economic Area) Regulations 2000⁽⁴⁾ are amended as follows.
- 3.—(1) In paragraph (1)(b)(ii) of regulation 4 (“self-employed person who has ceased activity”), after “terminated his activity”, there is inserted “there”.
(2) In paragraph (3) of that regulation, for “paragraph (1)(a) and (b)”, there is substituted “paragraph (1)(a), (b) and (c)”.
4. In regulation 6 (“family member”), paragraph (3) is omitted.
5. In paragraph (4) of regulation 10 (dependants and members of the household of EEA nationals), after “person”, there is inserted “is a relative of an EEA national or his spouse and”.
- 6.—(1) In paragraph (3) of regulation 27 (interpretation of Part VII), after “Part”, there is inserted “—

(1) S.I.2000/1813.
(2) 1972 c. 68.
(3) 1999 c. 33.
(4) S.I. 2000/2326.

- (a) a decision-maker racially discriminates against a person if he acts, or fails to act, in relation to that other person in a way which is unlawful by virtue of section 19B of the Race Relations Act 1976⁽⁵⁾; and
- (b)”.
 - (2) In paragraph (2) of regulation 29 (appeal rights), after “that person’s human rights”, there is inserted “or racially discriminated against that person”.
 - (3) In paragraph 2 of Schedule 2, for “paragraphs 1 to 9”, there is substituted “paragraphs 1 to 9A”.

Home Office
8th March 2001

Barbara Roche
Minister of State

(5) 1976 c. 74. Section 19B is inserted by section 1 of the Race Relations (Amendment) Act 2000 (c. 34).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (European Economic Area) Regulations 2000 (the “main Regulations”).

Regulations 3 and 4 correct minor errors in the main Regulations, in the definitions of “self-employed person who has ceased activity” (regulation 4) and “family member” (regulation 6), by making it clear that the activity referred to in regulation 4(1)(b)(ii) is activity in the United Kingdom, and that the deeming provision of regulation 4(3) also applies to sub-paragraph (c) of regulation 4(1), and by removing the unnecessary duplication in paragraphs (3) and (4) of regulation 6.

Regulation 5 amends regulation 10(4) of the main Regulations in order to limit the potential beneficiaries of that regulation to relatives of the relevant EEA national or his spouse, in accordance with Article 10(2) of Council Regulation (EEC) No. 1612/68 and Article 1(2) of Council Directive 73/148/EEC.

Regulation 6 amends regulations 27 and 29 and paragraph 2 of Schedule 2 to the main Regulations to take account of amendments to section 65 of, and Schedule 4 to, the Immigration and Asylum Act 1999 and section 2A of the Special Immigration Appeals Commission Act 1997 by the Race Relations (Amendment) Act 2000. These amendments give a right of appeal to a person who alleges that an authority has, in taking any decision under the Immigration Acts relating to that person’s entitlement to enter or remain in the United Kingdom, racially discriminated against him. These amendments also insert a new paragraph 9A into Schedule 4 to the Immigration and Asylum Act 1999 which provides that where a person brings an appeal on race discrimination grounds, the Secretary of State may certify that appeal as manifestly unfounded. If the adjudicator agrees with the certificate, the person is prevented from appealing against the adjudicator’s decision to the Immigration Appeal Tribunal.

The amendments introduced by regulation 6 to the main Regulations create a similar right of appeal for those appealing against EEA decisions and apply the paragraph 9A certification procedure to such appeals.