

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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

- (a) amend the conditions under which children who are under 21 or dependants may be treated as family members notwithstanding that the EEA national parent from whom they derive their rights has ceased to be a qualified person on ceasing to reside in the United Kingdom (regulation 2(2));
- (b) provide that the right of appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”) (general right of appeal) is abandoned if the appellant is issued with a residence permit or a residence document (regulation 2(3)(a));
- (c) amend the right to appeal against the rejection of an asylum claim where a person has a right to reside in the United Kingdom under the 2000 Regulations by making it subject to the condition that where the person is an EEA national such a right only exists if the Secretary of State does not certify that the asylum claim is clearly unfounded (regulation 2(3)(b)); and
- (d) insert a revised Schedule 2 to the 2000 Regulations so that it includes a reference to sections 105 and 106 of the 2002 Act and the regulations and rules made thereunder; this will allow regulations requiring a person to be given written notice in respect of an immigration decision and rules regulating the exercise of appeals under the 2002 Act to apply to appeals under the 2000 Regulations (regulation 2(4)).