

**EXPLANATORY MEMORANDUM TO THE  
IMMIGRATION (EUROPEAN ECONOMIC AREA) (AMENDMENT) (NO. 2)  
REGULATIONS 2005**

**2005 No.671**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This instrument amends the Immigration (European Economic Area) Regulations 2000 (S.I. 2000/2326) to take account of the changes made to the immigration appeal system by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 The instrument makes changes to the Immigration (European Economic Area) Regulations 2000 (“the 2000 Regulations”) which are consequential to changes to the appeals system in the Nationality Immigration and Asylum Act 2002 (“the 2002 Act”) made by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (“the 2004 Act”).

4.2 The 2004 Act amends the 2002 Act so that appeals are no longer made to an adjudicator but to the new Asylum and Immigration Tribunal. The 2000 Regulations provided for appeals under those regulations to be made to an adjudicator appointed under the 2002 Act. Consequently, these Regulations amend the 2000 Regulations so that references to appeals to adjudicators are changed to references to the Asylum and Immigration Tribunal and so that the new procedural provisions in the 2002 Act apply to appeals under the 2000 Regulations, in place of the old procedural provisions relating to appeals to adjudicators.

**5. Extent**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

Not applicable

## **7. Policy background**

7.1 The 2002 Act provided that there should be, in appropriate cases, a right of appeal against an immigration decision to an adjudicator of the Immigration Appellate Authority with onward avenues of appeal to the Immigration Appeal Tribunal. The 2004 Act modified the appeal structure to provide a single tier of appeal to the new Asylum and Immigration Tribunal (the AIT). This instrument amends the 2000 Regulations so that appeals against immigration decisions made by EEA nationals and their family members can be made to the AIT in the same way as all other immigration appeals. This maintains the position that existed under the 2002 Act.

There is no public interest in this measure.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is to maintain the existing position for the determination of immigration appeals made by EEA nationals and their family members

## **9. Contact**

Pam Culley at the Asylum and Appeals Policy Directorate, Immigration and Nationality Directorate Tel: 0208 760 8605 or e-mail: Pamela.Culley@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.