
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (European Economic Area) Regulations 2006, which implement Directive [2004/38/EC](#) of the European Parliament and the Council of 29th April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The 2006 Regulations confer free movement rights on EEA nationals and their family members. “EEA nationals” includes European Union citizens from other Member States and nationals from Norway, Iceland, Liechtenstein and Switzerland, nationals from these States benefiting from free movement rights by virtue of agreements with the European Community.

The amendments to the 2006 Regulations are set out in *Schedule 1* to these Regulations. The amendments can be grouped into those relating to the provision of exclusion orders and minor procedural amendments.

Regulation 19 of the 2006 Regulations is being amended to enable the Secretary of State to make *exclusion orders* on the grounds of public policy, public security or public health prohibiting an EEA national or family member of an EEA national from entering the UK under the 2006 Regulations. An exclusion order will be issued against a person who has not entered the UK. Deportation orders will continue to be used against EEA nationals and their family members who have entered the UK where their exclusion and removal is justified on grounds of public policy, public security or public health. A number of related changes have been made to regulations 20 to 24 of the 2006 Regulations, including a power to detain a person where there are reasonable grounds for suspecting that the person may be removable under regulation 19. And a new regulation – regulation 24A – has been inserted into the 2006 Regulations providing for the revocation of deportation and exclusion orders.

Schedule 1 contains a number of *additional amendments* relating to the above amendments or making minor changes to the 2006 Regulations.

Schedule 2 contains consequential amendments to other legislation. The amendments are consequential on the 2006 Regulations.