
STATUTORY INSTRUMENTS

2019 No. 1383

The Immigration (Amendment) (EU Exit) Regulations 2019

Amendment of the Immigration (European Economic Area) Regulations 2016

2.—(1) The Immigration (European Economic Area) Regulations 2016⁽¹⁾ are amended as follows.

- (2) In regulation 2 (general interpretation), after the definition of “residence card” insert—
- ““residence scheme immigration rules” means—
- (a) Appendix EU to the immigration rules⁽²⁾ except those rules, or changes to that Appendix, which are identified in the immigration rules as not having effect in connection with the residence scheme that operates in connection with the withdrawal of the United Kingdom from the European Union, and
- (b) any other immigration rules which are identified in the immigration rules as having effect in connection with the withdrawal of the United Kingdom from the European Union;”.
- (3) In regulation 7(4) (“family member”), omit all of the words after “national”.
- (4) Regulation 9 (family members and extended family members of British citizens) is omitted.
- (5) In regulation 11 (right of admission to the United Kingdom)—
- (a) omit subparagraph (2)(a) and the “or” at the end of that sub-paragraph;
- (b) in paragraph (3) for “, a permanent residence card or a qualifying EEA State residence card” substitute “or a permanent residence card”;
- (c) omit paragraph (4).
- (6) After regulation 15 (right of permanent residence) insert—

“No right of permanent residence for admissions after EU exit

15A.—(1) A person who is admitted to the United Kingdom at or after the time this regulation comes into force cannot acquire a right of permanent residence under regulation 15 unless they fall within paragraph (2).

(2) A person falls within this paragraph if they are an EEA national or are the family member or extended family member of an EEA national and—

- (a) they were lawfully resident in the United Kingdom under these Regulations immediately before the time that this regulation comes into force, or
- (b) they have leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.

(3) A person is to be treated as resident for the purposes of sub-paragraph (2)(a) at any time which would be taken into account for the purposes of calculating periods when the person was continuously resident under regulation 3.”.

⁽¹⁾ [S.I. 2016/1052](#); amended by [S.I. 2017/1](#), [2017/1242](#), [2018/801](#), [2019/468](#), [2019/745](#) and [2019/1155](#).

⁽²⁾ Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix EU was laid before Parliament on 20th July 2018 (CM 9675).

(7) In regulation 16(7A) (derivative right to reside), for “Appendix EU to the immigration rules” substitute “residence scheme immigration rules”.

(8) Regulation 22(7) (verification of a right of residence), is omitted.

(9) After regulation 27 (decisions taken on grounds of public policy, public security and public health), insert—

“Decisions taken on conducive grounds

27A.—(1) Subject to paragraphs (2) and (3), an EEA decision may be taken on the ground that it is conducive to the public good.

(2) A decision may only be taken under this regulation in relation to a person who falls within paragraph (4) as a result of post-commencement conduct.

(3) A decision may only be taken under this regulation in relation to a person who falls within paragraph (5) as a result of pre-commencement conduct if the condition in paragraph (6) is satisfied.

(4) A person falls within this paragraph if they are—

(a) a national of Iceland, Liechtenstein, Norway or Switzerland or the family member of such a national and —

(i) they were lawfully resident in the United Kingdom under these Regulations immediately before the time that this regulation comes into force, or

(ii) they have leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules.

(5) A person falls within this paragraph if they are an EEA national (other than a national of Iceland, Liechtenstein, Norway or Switzerland), or are the family member of such an EEA national, and—

(a) they were lawfully resident in the United Kingdom under these Regulations immediately before the time that this regulation comes into force, or

(b) they have leave to enter or remain in the United Kingdom under residence scheme immigration rules.

(6) The condition in this paragraph is that the person has been convicted of an offence that did not consist of or include pre-commencement conduct and was sentenced to a period of imprisonment.

(7) A person is to be treated as resident for the purposes of paragraphs (4)(a)(i) or (5)(a) at any time which would be taken into account for the purposes of calculating periods when the person was continuously resident under regulation 3.

(8) In this regulation—

“period of imprisonment” does not include a reference to a suspended sentence (unless a court subsequently orders that the sentence or any part of it (of whatever length) is to take effect);

“pre-commencement conduct” means conduct that took place at or before the time that this regulation comes into force;

“post-commencement conduct” means conduct that takes place after the time that this regulation comes into force.”.

(10) In regulation 29(1) (person claiming right of admission)—

(a) after paragraph (a)(iii) insert “or”;

(b) omit paragraph (a)(v) and the “or” immediately before that sub-paragraph.

- (11) In regulation 36(6) (appeal rights)—
 - (a) in the opening words, for “regulation 9 (family members or extended family members of British citizens),” substitute “regulation 9 (family members or extended family members of British citizens) or under regulation 4 (saving provision in relation to family members and extended family members of British citizens) of the Immigration (Amendment) (EU Exit) Regulations 2019.”;
 - (b) in sub-paragraph (c)(ii)(aa), after “regulation 9(1A)(b)” insert “(as continued in force by regulation 4 of the Immigration (Amendment) (EU Exit) Regulations 2019)”.
- (12) In Schedule 3 (effect on other legislation), in paragraph 3 omit “, a qualifying EEA State residence card.”.
- (13) In Schedule 7 (consequential modifications)—
 - (a) in paragraph 1, after sub-paragraph (3) insert—
 - “(4) In this paragraph references to these Regulations are to these Regulations as last amended by the Immigration (Amendment) (EU Exit) Regulations 2019.”;
 - (b) in the table at the end of paragraph 1, omit the entries in relation to regulation 9 and regulation 11.