
STATUTORY INSTRUMENTS

2019 No. 745

**The Immigration, Nationality and
Asylum (EU Exit) Regulations 2019**

PART 2

Immigration and Nationality

Chapter 2

Amendment of subordinate legislation

Amendment of the Immigration (European Economic Area) Regulations 2016

- 43.**—(1) The Immigration (European Economic Area) Regulations 2016 are amended as follows.
- (2) In regulation 2 (general interpretation)—
- (a) in each of the definitions of “civil partnership of convenience”, “durable partnership of convenience” and “marriage of convenience”—
 - (i) for “other right” substitute “right”;
 - (ii) for “the EU Treaties” in each place it appears substitute “retained EU law”;
 - (b) in the definition of “EEA State”, in paragraph (a), omit “, other than the United Kingdom”.
- (3) In regulation 13 (initial right of residence), in paragraph (4), after “26(3) (misuse of right to reside)” insert “, 27A (decisions taken on conducive grounds)”.
- (4) In regulation 14 (extended right of residence), in paragraph (4), after “26(3)” insert “, 27A”.
- (5) In regulation 23 (exclusion and removal from the United Kingdom)—
- (a) in paragraph (1), after “regulation 27”, insert “or on conducive grounds in accordance with regulation 27A”;
 - (b) in paragraph (5), after “regulation 27”, insert “or on conducive grounds in accordance with regulation 27A”;
 - (c) in paragraph (6)(b), after “regulation 27”, insert “, on conducive grounds in accordance with regulation 27A or has made a deportation order in relation to the person by virtue of section 32 of the UK Borders Act 2007”;
 - (d) in paragraph (7)(b), after “regulation 27”, insert “, on conducive grounds in accordance with regulation 27A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007”.
- (6) In regulation 24 (refusal to issue or renew and revocation of residence documentation)—
- (a) in paragraph (1), after “public health” insert “in accordance with regulation 27, or on conducive grounds in accordance with regulation 27A”;
 - (b) in paragraph (6)(a), after “public health” insert “in accordance with regulation 27 or on conducive grounds in accordance with regulation 27A”;

(c) omit paragraph (7).

(7) In regulation 25 (cancellation of a right of residence), in paragraph (2)(b), after “regulation 27”, insert “or on conducive grounds in accordance with regulation 27A”.

(8) In regulation 26 (misuse of a right to reside), in paragraph (1)(a) omit “(as determined by reference to Council [Directive 2004/38/EC](#) and the EU Treaties)”.

(9) After regulation 27 insert—

“Decisions taken on conducive grounds

27A.—(1) An EEA decision may be taken on the ground that the decision is conducive to the public good.

(2) But a decision may only be taken under this regulation in relation to a person as a result of conduct that took place at or after the time when this regulation comes into force.”.

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

(a) at the end of sub-paragraph (a)(iii), insert “or”;

(b) omit “or” from the end of sub-paragraph (a)(iv);

(c) omit sub-paragraph (a)(v).

(11) In regulation 32 (person subject to removal), in paragraph (5), after “public health” insert “in accordance with regulation 27 or on conducive grounds under regulation 27A”.

(12) In Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.), for paragraph (1) substitute—

“(1) The United Kingdom enjoys considerable discretion, acting within the parameters set by the law, to define its own standards of public policy and public security, for purposes tailored to its individual context from time to time.”.

(13) In Schedule 2 (appeals to the First-tier Tribunal), in paragraphs 1 and 2(4), for “the EU Treaties”, substitute “retained EU law”.

(14) 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, Nationality and Asylum (EU Exit) Regulations 2019.”;

(b) in the table at the end of the paragraph, in the second column (corresponding provision in the 2016 Regulations), for “24(7)” substitute “24(1) to (6)”.