

## STATUTORY INSTRUMENTS

# 2020 No. 1213

## The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020

### PART 5 U.K.

#### Administrative review and appeals

##### Administrative review U.K.

- 21.**—(1) A person (“P”) may apply to the Secretary of State for a review of an eligible decision.
- (2) An eligible decision is a decision to—
- (a) refuse to issue or renew a frontier worker permit; or
  - (b) revoke a frontier worker permit under regulation 11(3),
- on the grounds that P is not a frontier worker.
- (3) Where a valid application is made in accordance with regulation 22 the Secretary of State must withdraw the eligible decision and make a new decision where satisfied that P is a frontier worker.
- (4) A person may not apply for a review where they have waived their right to do so by signing an administrative review waiver form.
- (5) A person may only apply for a review of an eligible decision once.
- (6) Where the Secretary of State withdraws the eligible decision a further application for administrative review may be made in respect of any new eligible decision.
- (7) The Secretary of State must not consider whether the applicant is entitled to leave to enter or remain in the United Kingdom on some other basis and nothing in these Regulations shall be taken to mean that the applicant may make or vary an application for leave, or make a protection or human rights claim, by seeking an administrative review.

##### Commencement Information

**11** Reg. 21 in force at 4.11.2020, see [reg. 1\(2\)](#)

##### Applications for administrative review U.K.

- 22.**—(1) An application for review under regulation 21 must—
- (a) be made online, submitted electronically using the relevant pages of [www.gov.uk](http://www.gov.uk);
  - (b) be submitted within 28 calendar days of the date of issue of the eligible decision (except where paragraph (5) applies), not including the date of issue;
  - (c) be accompanied by—
    - (i) the fee, if any, required to be paid by virtue of regulations made under section 68 of the Immigration Act 2014<sup>M1</sup>; and

(ii) a valid identity document.

(2) An application submitted otherwise than in accordance with this regulation must be rejected as invalid and must not be considered.

(3) An applicant may withdraw an application at any time prior to decision.

(4) An application is deemed to be withdrawn where an applicant submits a further application for a frontier worker permit under regulation 8.

(5) Where the applicant is present in the United Kingdom and is held in immigration detention on the date of the eligible decision the application must be submitted within 7 calendar days of the eligible decision.

#### Commencement Information

**I2** Reg. 22 in force at 4.11.2020, see [reg. 1\(2\)](#)

#### Marginal Citations

**M1** 2014 c. 22.

### Removal pending review **U.K.**

**23.**—(1) A person who has submitted a valid application under regulation 22, or who has not yet submitted an application but is within time to do so, may not be removed from the United Kingdom until that application has been determined or rejected as invalid.

(2) This regulation does not apply to a person who has withdrawn their application under regulation 22(3).

#### Commencement Information

**I3** Reg. 23 in force at 4.11.2020, see [reg. 1\(2\)](#)

### Amendment of the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 **U.K.**

**24.**—(1) The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020<sup>M2</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “the 2002 Act”, insert—

““the 2020 Regulations” means the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;”;

(ii) after the definition of “appellant”, insert—

““frontier worker” has the meaning given in regulation 3 of the 2020 Regulations; “frontier worker permit” has the meaning given in regulation 2 of the 2020 Regulations;”;

(iii) after the definition of “the Tribunal”, insert—

““valid identity document” means—

(a) a valid national identity card issued by an EEA state, or

- (b) a valid passport issued by an EEA state.”;
- (b) after paragraph (1), insert—
  - “(1A) For the purposes of the definition of “valid identity document”, “EEA state” means—
    - (a) a member State, or
    - (b) Iceland, Liechtenstein, Norway or Switzerland.”.
- (3) In Part 2, after the heading to Chapter 1 of that Part, insert— “ Decisions other than those relating to frontier workers ”.
- (4) In regulation 6 (right of appeal against decisions to make a deportation order), in the heading, after “order” insert “ in respect of a person other than a person claiming to be a frontier worker ”.
- (5) After regulation 6, insert—

*“Decisions relating to frontier workers*

**Right of appeal against decisions relating to issue, renewal or revocation of frontier worker permits**

- 6A.** A person may appeal against a decision—
  - (a) to refuse to issue a frontier worker permit to them,
  - (b) to refuse to renew their frontier worker permit, or
  - (c) to revoke their frontier worker permit.

**Right of appeal against decisions to refuse frontier workers admission to the United Kingdom**

- 6B.—**(1) A person may appeal against a decision made under regulation 12 of the 2020 Regulations (a “refusal of admission decision”).
  - (2) But a person cannot bring an appeal under paragraph (1) without producing—
    - (a) a valid identity document, or
    - (b) where paragraph (3) applies, sufficient evidence to satisfy the Secretary of State that they are a frontier worker.
  - (3) This paragraph applies where—
    - (a) the refusal of admission decision was made before 1st July 2021, or
    - (b) the person bringing the appeal is an Irish citizen.

**Right of appeal against decision to revoke admission to the United Kingdom**

- 6C.—**(1) A person who has been admitted to the United Kingdom under regulation 6 of the 2020 Regulations may appeal against a decision under regulation 14 of those Regulations to revoke that admission.
  - (2) But a person cannot bring an appeal under paragraph (1) without producing a valid identity document.

### **Right of appeal against certain decisions to remove frontier workers from the United Kingdom**

**6D.**—(1) A frontier worker who has entered the United Kingdom may appeal against a decision to remove that person taken by virtue of regulation 15(1)(a) or (c) of the 2020 Regulations.

(2) But a person cannot bring an appeal under paragraph (1) without producing a valid identity document.

### **Right of appeal against decisions to make deportation order in respect of frontier workers**

**6E.**—(1) A frontier worker who has entered the United Kingdom may appeal against a decision to make a deportation order under section 5(1) of the 1971 Act in respect of them.

[<sup>F1</sup>(2) But paragraph (1) does not apply to a person if the decision to remove that person was taken—

(a) under regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016 (“the 2016 Regulations”), where the decision to remove was taken before the revocation of the 2016 Regulations, or

(b) otherwise, under regulation 23(6)(b) of the 2016 Regulations as it continues to have effect by virtue of the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020 or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.]

(3) In addition, a person cannot bring an appeal under paragraph (1) without producing—

(a) a valid identity document, and

(b) if they do not have a valid frontier worker permit, sufficient evidence to satisfy the Secretary of State that they are a frontier worker.

(4) For the purposes of paragraph (3)(b), a person is to be treated as having a valid frontier worker permit if they would hold such a permit but for its revocation following a decision to make a deportation order under section 5(1) of the 1971 Act in respect of them.

### **Alternative evidence of identity and nationality**

**6F.** Where a provision of this Part requires a person to hold or produce a valid identity document, the Secretary of State may accept alternative evidence of identity and nationality where the person is unable to obtain or produce the required document due to circumstances beyond the person's control.”

(6) In regulation 8 (grounds of appeal)—

(a) in paragraph (2)—

(i) in paragraph (a), for “or 25(2)” substitute “, 24(3), 25(2) or 25(3)”;

(ii) in paragraph (b), for “or 24(2)” substitute “, 23(3), 24(2) or 24(3)”;

(b) in paragraph (3), after sub-paragraph (d), insert—

“(e) where the decision is mentioned in regulation 6A, 6B, 6C or 6D, it is not in accordance with regulation 9, 11, 12, 14, 15(1)(a) or 15(1)(c) of the 2020 Regulations (as the case may be);

(f) where the decision is mentioned in regulation 6E, it is not in accordance with section 3(5) or 3(6) of the 1971 Act, or regulation 15(1)(b) of the 2020 Regulations (as the case may be).”

(7) In regulation 13 (pending appeal), after paragraph (4), insert—

“(4A) An appeal under regulation 6A is to be treated as abandoned if the appellant is issued with a frontier worker permit.

(4B) An appeal under regulation 6B is to be treated as abandoned if the appellant is admitted to the United Kingdom under regulation 6 of the 2020 Regulations.”.

#### Textual Amendments

**F1** Words in reg. 24(5) substituted (22.12.2020) by [The Immigration \(Citizens' Rights etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1372\)](#), regs. 1(2)(c), 7(3)

#### Commencement Information

**I4** Reg. 24 in force at 4.11.2020 for specified purposes and on IP completion day in so far as not already in force, see reg. 1(2)(3)

#### Marginal Citations

**M2** [S.I. 2020/61](#).

### Amendment of the Special Immigration Appeals Commission (Procedure) Rules

**2003** **U.K.**

**25.**—(1) The Special Immigration Appeals Commission (Procedure) Rules 2003<sup>M3</sup> are amended as follows.

(2) In rule 8(4E) (time limit for appealing), for the definition of “relevant rules” substitute—  
““relevant rules” means—

- (a) residence scheme immigration rules or relevant entry clearance immigration rules (within the meanings given in section 17 of the European Union (Withdrawal Agreement) Act 2020), or
- (b) the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (see regulations 21 to 23 of those Regulations).”.

#### Commencement Information

**I5** Reg. 25 in force at 4.11.2020, see [reg. 1\(2\)](#)

#### Marginal Citations

**M3** [S.I. 2003/1034](#). Amended by [S.I. 2007/1285](#), [S.I. 2013/2995](#) and [S.I. 2020/61](#).

### Amendment of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

**U.K.**

**26.**—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014<sup>M4</sup> are amended as follows.

(2) In rule 19 (notice of appeal), for paragraph (3E), substitute—

“(3E) In this rule, “the relevant rules” means—

- (a) residence scheme immigration rules or relevant entry clearance immigration rules (within the meanings given in section 17 of the European Union (Withdrawal Agreement) Act 2020), or

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**Changes to legislation:** There are currently no known outstanding effects for the The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, PART 5. (See end of Document for details)

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(b) the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (see regulations 21 to 23 of those Regulations).”.

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**Commencement Information**

**I6** Reg. 26 in force at 4.11.2020, see [reg. 1\(2\)](#)

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**Marginal Citations**

**M4** [S.I. 2014/2604](#): Amended by [S.I. 2020/61](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, PART 5.