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STATUTORY INSTRUMENTS

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**2020 No. 1213**

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

**PART 4**

**Refusal of admission and removal**

**Decisions taken on grounds of public policy, public security and public health**

**18.**—(1) In this regulation, a “relevant decision” means a decision taken under these Regulations on the grounds of public policy, public security or public health.

(2) A relevant decision may not be taken to serve economic ends.

(3) A relevant decision may not be taken except on imperative grounds of public security in respect of a frontier worker who is under the age of 18, unless the relevant decision is in the best interests of the person concerned, as provided for in the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989<sup>(1)</sup>.

(4) The public policy and public security requirements of the United Kingdom include restricting rights otherwise conferred by these Regulations in order to protect the fundamental interests of society, and where a relevant decision is taken on grounds of public policy or public security it must also be taken in accordance with the following principles—

- (a) the decision must comply with the principle of proportionality;
- (b) the decision must be based exclusively on the personal conduct of the person concerned;
- (c) the personal conduct of the person must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society, taking into account past conduct of the person and that the threat does not need to be imminent;
- (d) matters isolated from the particulars of the case or which relate to considerations of general prevention do not justify the decision;
- (e) a person’s previous criminal convictions do not in themselves justify the decision; and
- (f) the decision may be taken on preventative grounds, even in the absence of a previous criminal conviction, provided the grounds are specific to the person.

(5) Before taking a relevant decision on the grounds of public policy or public security in relation to a frontier worker (“P”) the decision maker must take account of considerations such as the age, state of health, family and economic situation of P, P’s length of presence in the United Kingdom, P’s social and cultural integration into the United Kingdom and the extent of P’s links with P’s country of origin.

(6) In the case of a relevant decision taken on grounds of public health—

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<sup>(1)</sup> Treaty Series No. 44 (1992) Cmd 1976 at <http://treaties.fco.gov.uk/docs/pdf/1992/TS0044.pdf>.

- (a) a disease that does not have epidemic potential as defined by the relevant instruments of the World Health Organisation or is not a disease listed in Schedule 1 to the Health Protection (Notification) Regulations 2010<sup>(2)</sup>; or
  - (b) if the person concerned is in the United Kingdom, any disease occurring after the three month period beginning on the date on which the person arrived in the United Kingdom, does not constitute grounds for the decision.
- (7) A court or tribunal considering whether the requirements of this regulation are met must (in particular) have regard to the considerations contained in the Schedule (considerations of public policy, public security and the fundamental interests of society etc).

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(2) [S.I. 2010/659](#).