
STATUTORY INSTRUMENTS

2020 No. 1213

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

PART 5

Administrative review and appeals

Amendment of the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020

24.—(1) The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020⁽¹⁾ 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.

(2) But paragraph (1) does not apply to a person if the decision to remove that person was taken under regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016.

(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.”.