
STATUTORY INSTRUMENTS

2020 No. 1309

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 2

IMMIGRATION

Chapter 1

Amendment and saving of primary legislation

Amendment of the Immigration and Asylum Act 1999

12.—(1) The Immigration and Asylum Act 1999(1) is amended as follows.

(2) In section 10 (removal of persons unlawfully in the United Kingdom)(2), in subsection (5), for the words from “neither” to the end of that subsection substitute none of the following—

- “(a) a British citizen,
- (b) an Irish citizen,
- (c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.”.

(3) In section 24 (duty to report suspicious marriages)(3), in subsection (6), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
 - “(aa) an Irish citizen, or
 - (ab) a person who is not an Irish citizen and who—
 - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
 - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;
- (b) omit paragraphs (b) and (c).

(1) 1999 c. 33.

(2) Section 10(5) was substituted by section 1 of the Immigration Act 2014 and S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There are other amendments, but none are relevant.

(3) The definition of “relevant national” was amended by section 55 of the Immigration Act 2014 and amended by S.I. 2019/745.

(4) In section 24A (duty to report suspicious civil partnerships)(4), in subsection (5A), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen; or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(5) In section 82 (interpretation of Part V)(5), in subsection (1), in the definition of “relevant matters” omit paragraphs (e), (f) and (g).

(6) In section 115 (exclusion from benefits)(6), in subsection (9), omit “who is not a national of an EEA State and”.

(7) In section 119 (homelessness: Scotland and Northern Ireland)(7) for subsection (1A)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

(ii) within a class specified in an order under subsection (1) which had effect at that time.”.

(8) In section 167 (interpretation)(8), in subsection (1), after the definition of “the Refugee Convention” at the appropriate place insert—

“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”.

(4) Section 24A was inserted by paragraph 162 of, Schedule 27 to, the Civil Partnership Act 2004 (c.33); subsection (5A) was substituted by section 55 of the Immigration Act 2014 and amended by S.I. 2019/745. There are other amendments, but none are relevant.

(5) The definition of “relevant matters” was amended by section 123 of the Nationality, Immigration and Asylum Act 2002 (c. 41), S.I. 2010/22, 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There have been other amendments to section 82, but none are relevant.

(6) There have been amendments to section 115 but none are relevant.

(7) Section 119 was amended by paragraph 22 of, Schedule 15 to, the Housing and Regeneration Act 2008 but those amendments are in force only for the purposes of applications for an allocation of social housing or housing assistance (homelessness) made on or after 2nd March 2009 (see S.I. 2009/415).

(8) There have been amendments to section 167 but none are relevant.