
STATUTORY INSTRUMENTS

2020 No. 61

The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020

PART 2

Appeals in respect of citizens' rights immigration decisions

CHAPTER 1

Appeals: general

[^{F1}Decisions other than those relating to frontier workers]

Textual Amendments

F1 Pt. 2 Ch. 1 cross-heading inserted (4.11.2020 for specified purposes, 31.12.2020 in so far as not already in force) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), **24(3)**

Right of appeal against decisions relating to leave to enter or remain in the United Kingdom made by virtue of residence scheme immigration rules

- 3.—(1) A person (“P”) may appeal against a decision made on or after exit day—
- (a) to vary P's leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules^{M1}, so that P does not have leave to enter or remain in the United Kingdom,
 - (b) to cancel P's leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,
 - (c) not to grant any leave to enter or remain in the United Kingdom in response to P's relevant application, or
 - (d) not to grant indefinite leave to enter or remain in the United Kingdom in response to P's relevant application (where limited leave to enter or remain is granted, or P had limited leave to enter or remain when P made the relevant application).

[^{F2}(2) In this regulation, “relevant application” means an application for leave to enter or remain in the United Kingdom made under residence scheme immigration rules—

- (a) on or after exit day, or
- (b) before exit day if a decision is made on that application on or after 8th May 2023.]

Changes to legislation: There are currently no known outstanding effects for the The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020, Cross Heading: Decisions other than those relating to frontier workers. (See end of Document for details)

Textual Amendments

- F2** Reg. 3(2) substituted (8.5.2023) by [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/441\)](#), regs. 1(2), 3

Commencement Information

- I1** Reg. 3 in force at 31.1.2020 on exit day, see reg. 1(2) and [2018 c. 16, s. 20\(1\)-\(5\)](#)

Marginal Citations

- M1** See section 17(1) of the EUWAA for the meaning of “residence scheme immigration rules”.

Right of appeal against decisions under section 76 of the 2002 Act to revoke indefinite leave to enter or remain by virtue of residence scheme immigration rules

4. A person may appeal against a decision made on or after exit day under section 76(1) or (2) of the 2002 Act ^{M2} to revoke their indefinite leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.

Commencement Information

- I2** Reg. 4 in force at 31.1.2020 on exit day, see reg. 1(2) and [2018 c. 16, s. 20\(1\)-\(5\)](#)

Marginal Citations

- M2** Section 76(2) was amended by paragraph 3(3)(a) of Schedule 9 to the [Immigration Act 2014 \(c. 22\)](#).

Right of appeal against decisions made in connection with scheme entry clearance

5. A person may appeal against a decision made on or after exit day—
- where the person applies for scheme entry clearance on or after exit day, to refuse their application,
 - to cancel or revoke their scheme entry clearance,
 - where they have scheme entry clearance, to refuse them leave to enter the United Kingdom under article 7(1) of the Immigration (Leave to Enter and Remain) Order 2000 ^{M3}, or
 - to cancel or vary leave to enter the United Kingdom which they have by virtue of having arrived in the United Kingdom with scheme entry clearance.

Commencement Information

- I3** Reg. 5 in force at 31.1.2020 on exit day, see reg. 1(2) and [2018 c. 16, s. 20\(1\)-\(5\)](#)

Marginal Citations

- M3** [S.I. 2000/1161](#); to which there are amendments not relevant to these Regulations.

Right of appeal against decisions to make a deportation order [^{F3}in respect of a person other than a person claiming to be a frontier worker][^{F4} or a person with a healthcare right of entry]

6.—(1) A person to whom paragraph (2) applies may appeal against a decision, made on or after exit day, to make a deportation order under section 5(1) of the 1971 Act in respect of them.

(2) This paragraph applies to a person who—

- (a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, or
- (b) is in the United Kingdom (whether or not the person has entered within the meaning of section 11(1) of the 1971 Act ^{M4}) having arrived with scheme entry clearance.

[^{F5}(3) But paragraph (2) 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.]

(4) The references in paragraph (2) to a person who has leave to enter or remain include references to a person who would have had leave to enter or remain but for the making of a deportation order under section 5(1) of the 1971 Act.

Textual Amendments

- F3** Words in reg. 6 heading inserted (4.11.2020 for specified purposes, 31.12.2020 in so far as not already in force) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), **24(4)**
- F4** Words in reg. 6 heading inserted (31.12.2020 immediately after IP completion day) by [The Immigration \(Citizens' Rights etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1372\)](#), regs. 1(2)(a)(3)(a), **2(4)(a)**
- F5** Reg. 6(3) substituted (31.12.2020 immediately after IP completion day) by [The Immigration \(Citizens' Rights etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1372\)](#), regs. 1(2)(a)(3)(a), **2(4)(b)**

Commencement Information

- I4** Reg. 6 in force at 31.1.2020 on exit day, see reg. 1(2) and [2018 c. 16, s. 20\(1\)-\(5\)](#)

Marginal Citations

- M4** Section 11(1) was amended by the [Immigration and Asylum Act 1999 \(c. 33\)](#), [Schedule 14](#), paragraph 48, the [Nationality, Immigration and Asylum Act 2002](#), section 62(8), and the [Immigration Act 2016 \(c. 19\)](#), [Schedule 10](#), paragraph 15.

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020, Cross Heading: Decisions other than those relating to frontier workers.