

SCHEDULE 1

Amendments to the 2006 Regulations

Schedule 2 (effect on other legislation)

16. In Schedule 2, in paragraph 4 (appeals under the Nationality, Immigration and Asylum Act 2002 and previous immigration Acts)—

- (a) omit sub-paragraphs (1) to (7) and (9);
- (b) for sub-paragraph (8), substitute—

“(8) Section 120 of the 2002 Act applies to a person (“P”) if an EEA decision has been taken or may be taken in respect of P and, accordingly, the Secretary of State or an immigration officer may by notice require a statement from P under subsection (2) of that section, and that notice has effect for the purpose of section 96(2) of the 2002 Act ^{M1}.

(9) Where section 120 of the 2002 Act so applies, it has effect as though—

- (a) subsection (3) also provides that a statement under subsection (2) need not repeat reasons or grounds relating to the EEA decision under challenge previously advanced by P; and
- (c) subsection (5) also applies where P does not have a right to reside in the United Kingdom under these Regulations, or only has such a right to reside by virtue of regulation 15B of these Regulations (continuation of a right of residence).

(10) For the purposes of an appeal brought pursuant to section 82(1) of the 2002 Act, subsections (2) and (6)(a) of section 85 (matters to be considered) have effect as though section 84 included a ground of appeal that the decision appealed against breaches the appellant's rights under the EU Treaties in respect of entry to or residence in the United Kingdom.”.

Marginal Citations

M1 Section 96(2) was amended by paragraph 41(3) of Schedule 9 to the Immigration Act 2014.

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) (Amendment) Regulations 2015, Paragraph 16.