
STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 2016

[^{F1}PART 6

APPEALS UNDER THESE REGULATIONS

[^{F1}Temporary admission to submit case in person

41.—(1) This regulation applies where—

- (a) a person (“P”) is subject to a decision to remove made under regulation 23(6)(b);
- (b) P has appealed against the decision referred to in sub-paragraph (a);
- (c) a date for P’s appeal has been set by the First-tier Tribunal or Upper Tribunal;
- (d) P wants to make submissions before the First-tier Tribunal or Upper Tribunal in person; and
- (e) P is outside the United Kingdom.

(2) P may apply to the Secretary of State for permission to be temporarily admitted ^{F2}... to the United Kingdom in order to make submissions in person.

(3) The Secretary of State must grant P permission, except when P’s appearance may cause serious troubles to public policy or public security.

(4) When determining when P is entitled to be given permission, and the duration of P’s temporary admission should permission be granted, the Secretary of State must have regard to the dates upon which P will be required to make submissions in person.

(5) Where—

- (a) P is temporarily admitted to the United Kingdom pursuant to this regulation;
- (b) a hearing of P’s appeal has taken place; and
- (c) the appeal is not finally determined,

P may be removed from the United Kingdom pending the remaining stages of the appeal (but P may apply to return to the United Kingdom to make submissions in person during the remaining stages of the appeal in accordance with this regulation).

(6) Where the Secretary of State grants P permission to be temporarily admitted to the United Kingdom under this regulation, upon such admission P is to be treated as if P were a person refused leave to enter under the 1971 Act for the purposes of paragraphs 8, 10, 10A, 11 [^{F3}and 16 to 18A] of Schedule 2 to the 1971 Act [^{F4}and the provisions of Schedule 10 to the 2016 Act apply accordingly].

(7) Where Schedule 2 to the 1971 Act so applies, it has effect as if—

- (a) the reference in paragraph 8(1) to leave to enter were a reference to admission to the United Kingdom under these Regulations; and

(b) the reference in paragraph 16(1) to detention pending a decision regarding leave to enter or remain in the United Kingdom were to detention pending submission of P’s case in person in accordance with this regulation.

(8) P is deemed not to have been admitted to the United Kingdom during any time during which P is temporarily admitted pursuant to this regulation.

[^{F5}(9) For the purposes of this regulation, a person (“P”) is temporarily admitted to the United Kingdom if P is admitted on bail under Schedule 10 to the 2016 Act without having otherwise been admitted, and the expression temporary admission is to be construed accordingly.]]

Textual Amendments

- F1** Regulations revoked (31.12.2020) by Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20), s. 9(1), Sch. 1 para. 2(2) (with s. 4(2)); S.I. 2020/1279, **reg. 4(c)** (with savings and modifications in: S.I. 2020/1209, **regs. 3(1)(2), 4(1)–(3), 5–10** in relation to a relevant person for the purposes of final determination of applications during the grace period; S.I. 2020/1210, **reg. 2, Sch.** for the purpose of removing a person who is protected by the citizens’ rights provisions; S.I. 2020/1309, **Sch. 3 paras. 1–6** in relation to deportation and exclusion orders, pending applications for documentation and existing appeal rights and appeals; and S.I. 2020/1309, **Sch. 4 paras. 1, 2, 4** in relation to access to benefits and services for persons who are members of the post-transition period group)
- F2** Words in reg. 41(2) omitted (15.1.2018) by virtue of [The Immigration Act 2016 \(Consequential Amendments\) \(Immigration Bail\) Regulations 2017](#) (S.I. 2017/1242), reg. 1, **Sch. para. 8(6)(a)**
- F3** Words in reg. 41(6) substituted (15.1.2018) by [The Immigration Act 2016 \(Consequential Amendments\) \(Immigration Bail\) Regulations 2017](#) (S.I. 2017/1242), reg. 1, **Sch. para. 8(6)(b)(i)**
- F4** Words in reg. 41(6) inserted (15.1.2018) by [The Immigration Act 2016 \(Consequential Amendments\) \(Immigration Bail\) Regulations 2017](#) (S.I. 2017/1242), reg. 1, **Sch. para. 8(6)(b)(ii)**
- F5** Reg. 41(9) inserted (15.1.2018) by [The Immigration Act 2016 \(Consequential Amendments\) \(Immigration Bail\) Regulations 2017](#) (S.I. 2017/1242), reg. 1, **Sch. para. 8(6)(c)**

Modifications etc. (not altering text)

- C1** Reg. 41 continued (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1209), **regs. 1(1), 3(1)(2), 4(1)–(3), 9**
- C2** Reg. 41 continued (31.12.2020) by [The Citizens’ Rights \(Restrictions of Rights of Entry and Residence\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1210), **regs. 1(1), 2, Sch. para. 14**
- C3** Reg. 41 continued (31.12.2020) by S.I. 2035/1309, **reg. 1(2), Sch. 3 paras. 4–6**

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 41.