
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (d), (e), (f) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

They also make saving and transitional provision under paragraph 21 of Schedule 7 to the 2018 Act. These Regulations make amendments to legislation in the field of immigration, nationality and asylum.

Part 2 makes amendments relating to immigration and nationality as follows:

Chapter 1 amends primary legislation.

Chapter 2 amends subordinate legislation.

Chapter 3 revokes subordinate legislation.

Chapter 4 and Part 1 of Schedule 1 revoke retained direct EU legislation. Chapter 4 also disapplies EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures that are inconsistent with provision made in Part 1 of these Regulations.

Chapter 5 partially disapplies rights related to immigration derived from the EC association agreement with Turkey that would otherwise continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018. The effect of the amendment is to provide that those rights no longer apply in relation to the imposition of restrictions on residence rights (including deportation) by reference to conduct that takes place on or after the day on which these Regulations come into force.

Part 3 makes amendments relating to asylum as follows:

Chapter 1 amends primary legislation.

Chapter 2 revokes secondary legislation.

Chapter 3 and Part 2 of Schedule 1 revoke retained direct EU legislation.

Chapter 4 revokes those rights etc. derived from certain international agreements that would otherwise continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018.

Part 4 (supplementary) introduces Schedule 2 which makes saving and transitional provision and Schedule 3 which makes amendments consequential on the revocation of the Displaced Persons (Temporary Protection) Regulations 2005.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.