
STATUTORY INSTRUMENTS

2019 No. 745

The Immigration, Nationality and
Asylum (EU Exit) Regulations 2019

PART 2

Immigration and Nationality

Chapter 1

Amendment of primary legislation

Amendment of the Nationality, Immigration and Asylum Act 2002

12.—(1) The Nationality, Immigration and Asylum Act 2002⁽¹⁾ is amended as follows.

(2) In section 109 (European Union and European Economic Area)⁽²⁾, in subsection (1), for “any of the EU treaties” substitute “retained EU law”.

(3) In section 126 (physical data: compulsory provision)⁽³⁾—

(a) in subsection (2)(e), for the words from “an enforceable EU right” to the end, substitute—
“—

(i) a retained enforceable EU right, or

(ii) any provision made under section 2(2) of the European Communities Act 1972 as that provision is modified from time to time.”;

(b) after subsection (2) insert—

“(2A) “Retained enforceable EU right” means a right that—

(a) was created or arose by or under the EU Treaties before the coming into force of this subsection, and

(b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time.”.

(4) In section 141 (EEA ports: juxtaposed controls)—

(a) in subsection (1), after “immigration control at” insert “a United Kingdom port or”;

(b) in subsection (6)—

(i) in the definition of “EEA port” omit “or from”;

(ii) after the definition of “specified area” insert—

(1) 2002 c. 41.

(2) Section 109 was amended by [S.I. 2011/1043](#).

(3) Section 126 was amended by section 8(2) of the Immigration Act 2014 ([c. 22](#)). There have been other amendments to this section which are not relevant to these Regulations.

““United Kingdom port” means a port in the United Kingdom from which passengers are commonly carried by sea to an EEA State.”.

- (5) In Schedule 3 (withholding and withdrawal of support)—
- (a) in paragraph 3 (exceptions)**(4)**, for “the EU treaties” substitute “retained EU law”;
 - (b) in paragraph 4 (first class of ineligible person: refugee status abroad), in sub-paragraph (2)
—
 - (i) in paragraph (a), after “EEA State” insert “and is not a British citizen”; and
 - (ii) in paragraph (b), omit “other than the United Kingdom”;
 - (c) in paragraph 5, in each of sub-paragraphs (a) and (b) (second class of ineligible person: citizen of other EEA states), omit “other than the United Kingdom” and in the italic heading before paragraph 5 omit “other”;
 - (d) in paragraph 7C(1)(c) (seventh class of ineligible person: primary carer without leave to enter or remain) (as inserted by paragraph 9 of Schedule 12 to the Immigration Act 2016**(5)**), for “another” substitute “an”.

(4) Paragraph 3 was amended by [S.I. 2011/1043](#).

(5) [2016 c. 19](#). Paragraph 9 of Schedule 12 is not yet in force.