
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Immigration (European Economic Area Nationals) (EU Exit) Order 2019

PART 2

Leave to enter or remain

Chapter 2

Appendix EU to the immigration rules

Grant of leave by virtue of Appendix EU to the immigration rules

7. The Secretary of State may give or refuse leave to enter the United Kingdom to any person who seeks leave to enter the United Kingdom by virtue of Appendix EU to the immigration rules⁽¹⁾.

Amendments to the Immigration (Leave to Enter and Remain) Order 2000

8.—(1) The Immigration (Leave to Enter and Remain) Order 2000⁽²⁾ is amended as follows.

(2) In article 1(3) (interpretation) at the appropriate places insert the following definitions—

““Crown service” means service of the Crown, whether within Her Majesty’s dominions or elsewhere, under Her Majesty’s government in the United Kingdom or in a Northern Ireland department or under the Scottish Administration or under the Welsh Government;”;

““Her Majesty’s Forces” has the same meaning as in the Armed Forces Act 2006⁽³⁾;”.

(3) In article 13(4) (lapsing of leave)—

(a) before sub-paragraph (a), insert—

“(za) where the holder has unlimited leave granted by virtue of Appendix EU to the immigration rules (including unlimited leave granted by virtue of Appendix EU before this paragraph comes into force), subject to article 13C, the unlimited leave lapses if the holder stays outside the United Kingdom and Islands for a continuous period of more than—

(i) four years, in the case of unlimited leave granted by virtue of Appendix EU to the immigration rules as a Swiss national or a family member of a Swiss national;

(ii) five years, in all other cases;”;

(b) in sub-paragraph (a), for “subject to articles 13A and 13B”, substitute “in any other case and subject to articles 13A, 13B and 13C”;

⁽¹⁾ Appendix EU was laid before Parliament on 20th July 2018 (CM 9675).

⁽²⁾ S.I. 2000/1161, as amended by S.I. 1993/1813, 2003/2818, 2004/475, 2005/1159, 2010/957, 2013/1749, 2015/434, and 2016/1132.

⁽³⁾ 2006 c. 52.

- (c) in both places, after “United Kingdom” insert “and Islands”.
- (4) In article 13A (partners and children of members of HM Forces)—
 - (a) in paragraph (1), after “United Kingdom” insert “and Islands”;
 - (b) omit paragraph (4).
- (5) In article 13B (partners and children of certain Crown servants etc)—
 - (a) in the heading, omit “certain”;
 - (b) in paragraph (1)(b), after “indefinite leave” insert “, other than unlimited leave granted by virtue of Appendix EU to the immigration rules”;
 - (c) in paragraph (2)(a), after “United Kingdom” insert “and Islands”;
 - (d) in paragraph (3), for sub-paragraph (b) substitute—
 - “(b) employment on Crown service.”.
- (6) After article 13B, insert—

“13C Crown servants etc with leave granted by virtue of Appendix EU to the immigration rules

(1) Any period of time spent outside the United Kingdom and Islands by a person to whom this article applies does not count towards the period mentioned in article 13(4)(za) or 13(4)(a).

(2) This article applies to a person who has leave granted by virtue of Appendix EU to the immigration rules and who is—

- (a) a member of Her Majesty’s Forces posted outside the United Kingdom and Islands;
- (b) a national of a member State, Iceland, Liechtenstein, Norway or Switzerland posted outside the United Kingdom and Islands in employment—
 - (i) on Crown service, or
 - (ii) in the British Council as a permanent member of that Council;
- (c) accompanying a person who is posted outside the United Kingdom and Islands—
 - (i) in employment on Crown service,
 - (ii) in employment in the British Council as a permanent member of that Council,
or
 - (iii) as a member of Her Majesty’s Forces.”.