#### DRAFT STATUTORY INSTRUMENTS

## 2019 No.

# EXITING THE EUROPEAN UNION IMMIGRATION NATIONALITY

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

*Made - - - - \*\*\** 

Coming into force in accordance with regulation 1

# THE IMMIGRATION, NATIONALITY AND ASYLUM (EU EXIT) REGULATIONS 2019

#### PART 1

#### Introduction

1. Citation, commencement, extent and interpretation

#### PART 2

Immigration and Nationality

#### Chapter 1

#### Amendment of primary legislation

- 2. Amendment of the Marriage Act 1949
- 3. Amendment of the Aliens' Employment Act 1955
- 4. Amendment of the Immigration Act 1971
- 5. Amendment of the Marriage (Scotland) Act 1977
- 6. Amendment of the Rent Act 1977
- 7. Amendment of the British Nationality Act 1981
- 8. Amendment of the Immigration Act 1988
- 9. Amendment of the Housing Act 1988
- 10. Amendment of the Police Act 1997
- 11. Amendment of the Immigration and Asylum Act 1999
- 12. Amendment of the Nationality, Immigration and Asylum Act 2002

- 13. Amendment of the Marriage (Northern Ireland) Order 2003
- 14. Amendment of the Asylum and Immigration (Treatment of Claimants, etc.)
  Act 2004
- 15. Amendment of the Civil Partnership Act 2004
- 16. Amendment of the Serious Crime Act 2007
- 17. Amendment of the UK Borders Act 2007
- 18. Amendment of the Criminal Justice and Immigration Act 2008
- 19. Amendment of the Borders, Citizenship and Immigration Act 2009
- Amendment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- 21. Amendment of the Immigration Act 2014
- 22. Amendment of the Modern Slavery Act 2015

#### Chapter 2

#### Amendment of subordinate legislation

- 23. Amendment of the Special Constables Regulations 1965
- 24. Amendment of the Immigration (Control of Entry through Republic of Ireland) Order 1972
- 25. Amendment of the Immigration (Leave to Enter and Remain) Order 2000
- 26. Amendment of the Detention Centre Rules 2001
- 27. Amendment of the Police Trainee Regulations (Northern Ireland) 2001
- 28. Amendment of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003
- 29. Amendment of the Police Regulations 2003
- 30. Amendment of the British Nationality (General) Regulations 2003
- 31. Amendment of the Police Reserve Trainee Regulations (Northern Ireland) 2004
- 32. Amendment of the Police Service of Northern Ireland Regulations 2005
- 33. Amendment of the Immigration (Provision of Physical Data) Regulations 2006
- 34. Amendment of the Immigration (Biometric Registration) Regulations 2008
- 35. Amendment of the Police Service of Scotland Regulations 2013
- 36. Amendment of the Police Service of Scotland (Special Constables) Regulations 2013
- 37. Amendment of the Immigration (Passenger Transit Visa) Order 2014
- 38. Amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015
- 39. Amendment of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015
- 40. Amendment of the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015
- 41. Amendment of the Immigration (Health Charge) Order 2015
- 42. Amendment of the Immigration and Nationality (Fees) Order 2016
- 43. Amendment of the Immigration (European Economic Area) Regulations 2016
- 44. Amendment of the Short-term Holding Facility Rules 2018

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Immigration, Nationality and Asylum (EU Exit) Regulations 2019 No. 745

#### Chapter 3

#### Revocation of subordinate legislation

- 45. Revocation of the Immigration (Assisting Unlawful Immigration) (Section 25 List of Schengen Acquis States) Order 2004
- 46. Revocation of the Accession (Immigration and Worker Authorisation) Regulations 2006

#### Chapter 4

Revocation of retained direct EU legislation etc.

- 47. Revocation of retained direct EU legislation relating to immigration and nationality
- 48. Disapplication of inconsistent retained EU rights etc.

#### Chapter 5

EC Association Agreement with Turkey

49. Disapplication of rights etc.

PART 3

Asylum

Chapter 1

#### Amendment of primary legislation

- 50. Amendment of the Nationality, Immigration and Asylum Act 2002
- 51. Amendment of the Immigration Act 2014

#### Chapter 2

#### Revocation of subordinate legislation

- 52. Revocation of the Displaced Persons (Temporary Protection) Regulations 2005
- 53. Revocation of the Transfer for Determination of an Application for International Protection (Detention) (Significant Risk of Absconding Criteria) Regulations 2017

#### Chapter 3

### Revocation of retained direct EU legislation

54. Revocation of retained direct EU legislation

#### Chapter 4

#### **International Agreements**

55. Revocation of rights etc.

#### PART 4

#### Supplementary

- 56. Saving and transitional provisions
- 57. Amendments consequential on revocation of the Displaced Persons (Temporary Protection) Regulations 2005
  Signature

SCHEDULE 1 — Revocations of retained direct EU legislation

PART 1 — Revocations related to immigration and nationality

- 1. The provisions of retained direct EU legislation specified in the...
- 2. In this Part "the 1990 Schengen Convention" means the Convention...

PART 2 — Revocations related to asylum

3. The following provisions of retained direct EU legislation are revoked—...

SCHEDULE 2 — Saving and transitional provisions

PART 1 — Interpretation

- 1. Meaning of "commencement day"
  - PART 2 Saving and transitional provisions in relation to immigration and nationality
- 2. British Nationality Act 1981
- 3. Immigration and Asylum Act 1999
- 4. Nationality, Immigration and Asylum Act 2002
- 5. UK Borders Act 2007
- 6. Detention Centre Rules 2001
- 7. Short-term Holding Facility Rules 2018

PART 3 — Saving provisions in relation to asylum

- 8. Regulation (EU) No 439/2010
- 9. Requests for taking charge and taking back made to the UK before commencement day
- 10. Eurodac
- 11. Data transmitted to the UK before commencement day
- 12. Data transmitted by the UK before commencement day

SCHEDULE 3 — Amendments consequential on revocation of the Displaced Persons (Temporary Protection) Regulations 2005

**Explanatory Note**