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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 2**

Immigration and Nationality

Chapter 1

Amendment of primary legislation

**Amendment of the UK Borders Act 2007**

17.—(1) The UK Borders Act 2007<sup>(1)</sup> is amended as follows.

(2) In section 32 (automatic deportation), in subsection (1)(a), after “British citizen” insert “or an Irish citizen”.

(3) In section 33 (exceptions to automatic deportation)<sup>(2)</sup>, for subsection (4) substitute—

“(4) Exception 3 is where—

(a) the foreign criminal—

(i) was lawfully resident in the United Kingdom immediately before commencement day by virtue of the EU Treaties, or

(ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, and

(b) the offence of which the foreign criminal was convicted as mentioned in section 32(1)(b) consisted of or included conduct that took place before commencement day.

(4A) For the purposes of exception 3, a person is to be treated as having been resident in the United Kingdom—

(a) at any time which would be taken into account for the purposes of calculating periods when the person was continuously resident for the purposes of the Immigration (European Economic Area) Regulations 2016 ([S.I. 2016/1052](#)) (see regulation 3);

(b) at any time at which the person has a right of permanent residence in the United Kingdom under those Regulations (see regulation 15).

(4B) For the purposes of exception 3—

“commencement day” means the time when the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 come into force;

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<sup>(1)</sup> 2007 c. 30.

<sup>(2)</sup> Section 33 was amended by [S.I. 2011/1043](#). There have been other amendments to this section which are not relevant to these Regulations.

“residence scheme immigration rules” means—

- (a) Appendix EU to the immigration rules<sup>(3)</sup> except those rules, or changes to that Appendix, which are identified in the immigration rules as not having effect in connection with the residence scheme that operates in connection with the withdrawal of the United Kingdom from the European Union, and
- (b) any other immigration rules which are identified in the immigration rules as having effect in connection with the withdrawal of the United Kingdom from the European Union.”

(4) In section 56A (no rehabilitation for certain immigration and nationality purposes)<sup>(4)</sup>, in subsection (3), for “any provision made under section 2(2) of the European Communities Act 1972, or of EU law,” substitute “any retained EU law”.

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(3) Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix EU was laid before Parliament on 20th July 2018 (CM 9675).

(4) Section 56A was inserted by section 140 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).