



European Union (Withdrawal Agreement) Act 2020

2020 CHAPTER 1

PART 3

CITIZENS' RIGHTS

Rights in relation to entry and residence

11 Appeals etc. against citizens' rights immigration decisions

- (1) A Minister of the Crown may by regulations make provision for, or in connection with, appeals against citizens' rights immigration decisions of a kind described in the regulations.
- (2) For the purposes of this section, each of the following is a "citizens' rights immigration decision"—
 - (a) a decision made in connection with entry clearance by virtue of relevant entry clearance immigration rules (see section 17);
 - (b) a decision made in connection with leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules (see section 17);
 - (c) a decision made in connection with entry clearance for the purposes of acquiring leave to enter or remain in relation to a healthcare right of entry;
 - (d) a decision made in connection with leave to enter or remain in the United Kingdom in relation to a healthcare right of entry;
 - (e) a decision made in connection with a right to enter or remain in the United Kingdom by virtue of regulations made under section 8 (frontier workers);
 - (f) a decision to make, or a refusal to revoke, a deportation order under section 5(1) of the Immigration Act 1971 in relation to a relevant person;
 - (g) any other decision made in connection with restricting the right of a relevant person to enter the United Kingdom.

- (3) A Minister of the Crown may also by regulations make provision for, or in connection with, reviews (including judicial reviews) of decisions within subsection (2)(g).
- (4) The power to make regulations under subsection (1) or (3) may (among other things) be exercised by modifying any provision made by or under an enactment.
- (5) Such regulations may, for example, apply with or without modifications any enactment which applies in relation to appeals under section 82 of the Nationality, Immigration and Asylum Act 2002 or section 2 of the Special Immigration Appeals Commission Act 1997.
- (6) For the purposes of subsection (2), a “healthcare right of entry” is a right to enter the United Kingdom that a person has by virtue of—
- (a) Article 32(1)(b) of the withdrawal agreement,
 - (b) Article 31(1)(b) of the EEA EFTA separation agreement, or
 - (c) Article 26a(1)(b) of the Swiss citizens’ rights agreement.
- (7) For the purposes of subsection (2)(f) and (g), a person is a “relevant person” if—
- (a) Article 20 of the withdrawal agreement, Article 19 of the EEA EFTA separation agreement or (as the case may be) Articles 17 or 20(3) of the Swiss citizens’ rights agreement (restrictions of the rights of entry and residence) applies to the person, or
 - (b) the person is not within paragraph (a) but—
 - (i) has entry clearance granted by virtue of relevant entry clearance immigration rules,
 - (ii) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, or
 - (iii) otherwise has leave to enter granted after arriving with entry clearance granted by virtue of relevant entry clearance immigration rules.
- (8) In subsection (7)(b), references to a person who has entry clearance or leave to enter or remain include references to a person who would have had entry clearance or leave to enter or remain but for—
- (a) the making of a deportation order under section 5(1) of the Immigration Act 1971, or
 - (b) the making of any other decision made in connection with restricting the right of the person to enter the United Kingdom.