
EXPLANATORY NOTE

(This note is not part of the Order)

On 20th July 1994 section 7(1) of the Immigration Act 1988 comes into force. It provides that a person does not require leave to enter or remain in the United Kingdom in any case in which he is entitled to do so by virtue of an enforceable Community right or any provision made under section 2(2) of the European Communities Act 1972, which is amended by the European Economic Area Act 1993.

This Order makes provision for such persons by implementing the relevant Community obligations which are set out below. These obligations apply to nationals of States which are parties to the European Economic Area Agreement which came into force on 1st January 1994. Those states are the 12 European Community Member States together with Austria, Finland, Iceland, Norway and Sweden. Liechtenstein is also a party to the Agreement but it is not yet in force in relation to that State.

The Order provides that an EEA national and the family member of such a person may enter the United Kingdom on production of a valid EEA identity card or passport. Family members who are not EEA nationals and who are seeking to instal themselves in the United Kingdom require an EEA family permit. Family members who are visa nationals also require such a permit. Those EEA nationals exercising Community rights and their family members are entitled to reside in the United Kingdom and, subject to certain exceptions, to be issued with a residence permit or residence document.

The Order also provides for EEA nationals and family members to be excluded and removed from the United Kingdom on public policy grounds. Those who cease to exercise Community rights may be removed. There are rights of appeal against removal and exclusion exercisable under the relevant provisions of the Immigration Act 1971.

This Order implements the following EC Council Directives which have effect in relation to nationals of States which are parties to the European Economic Area Agreement:

- (a) Council Directive [64/221/EEC](#);
- (b) Council Directive [68/360/EEC](#);
- (c) Council Directive [72/194/EEC](#);
- (d) Council Directive [73/148/EEC](#);
- (e) Council Directive [75/34/EEC](#);
- (f) Council Directive [75/35/EEC](#);
- (g) Council Directive [90/364/EEC](#);
- (h) Council Directive [90/365/EEC](#); and
- (i) Council Directive [93/96/EEC](#).