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STATUTORY INSTRUMENTS

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**2020 No. 1210**

**The Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020 and come into force when the EEA Regulations 2016 are revoked.

(2) In these Regulations “the EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(1).

**Commencement Information**

II [Reg. 1](#) in force at 31.12.2020 in accordance with [reg. 1\(1\)](#)

**Continued application of the EEA Regulations 2016**

2.—(1) Notwithstanding the revocation of the EEA Regulations 2016, the provisions of the EEA Regulations 2016 specified in the Schedule continue to have effect, but with the modifications set out in the Schedule, for the purpose of removing a person who is protected by the citizens' rights provisions.

(2) For the purposes of paragraph (1), a person is protected by the citizens' rights provisions if that person—

- (a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules(2);
- (b) is in the United Kingdom (whether or not they have entered within the meaning of section 11(1) of the Immigration Act 1971(3)) having arrived with entry clearance granted by virtue of relevant entry clearance immigration rules(4);
- (c) is in the United Kingdom (whether or not they have entered within the meaning of section 11(1) of the Immigration Act 1971) having arrived with entry clearance granted by virtue of Article 23 of the Swiss citizens' rights agreement(5); or
- (d) may be granted leave to enter or remain in the United Kingdom as a person who has a right to enter the United Kingdom by virtue of—

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(1) [S.I. 2016/1052](#); amended by [S.I. 2017/1](#), [2017/1242](#), [2018/801](#), [2019/468](#), [2019/745](#) and [2019/1155](#). The amendments made by [S.I. 2019/745](#) are not yet in force.

(2) “Residence scheme immigration rules” is defined at section 17(1) of the European Union (Withdrawal Agreement) Act 2020.

(3) [1971 c. 77](#); section 11 was amended by paragraphs 43 and 48 of Schedule 14 to the Immigration and Asylum Act 1999 ([c. 33](#)), section 62(8) of the Nationality, Immigration and Asylum Act 2002 ([c. 41](#)) and paragraphs 14 and 15 of Schedule 10 to the Immigration Act 2016 ([c. 19](#)) and [S.I. 1990/2227](#) and [1993/1813](#).

(4) “Relevant entry clearance immigration rules” is defined at section 17(2) of the European Union (Withdrawal Agreement) Act 2020.

(5) The “Swiss citizens' rights agreement” is defined at section 39(1) of the European Union (Withdrawal Agreement) Act 2020.

- (i) Article 32(1)(b) of the withdrawal agreement<sup>(6)</sup>;
  - (ii) Article 31(1)(b) of the EEA EFTA separation agreement<sup>(7)</sup>; or
  - (iii) Article 26a(1)(b) of the Swiss citizens' rights agreement,
- whether or not the person has been granted such leave.

(3) For the purposes of these Regulations, a person is also protected by the citizens' rights provisions if that person was protected by the citizens' rights provisions at the time that they became subject to a decision to remove them under regulation 23(6)(b) of the EEA Regulations 2016, including as those Regulations continue to have effect by virtue of these Regulations.

#### Commencement Information

**I2** [Reg. 2](#) in force at 31.12.2020 in accordance with [reg. 1\(1\)](#)

#### Amendment of the Immigration Act 1971

**3.—**(1) The Immigration Act 1971 is amended as follows.

(2) In section 3(10) (definition of “relevant person”)<sup>(8)</sup>, after paragraph (b) insert—

- “(ba) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1)) having arrived with entry clearance granted by virtue of Article 23 of the Swiss citizens' rights agreement,”.

#### Commencement Information

**I3** [Reg. 3](#) in force at 31.12.2020 in accordance with [reg. 1\(1\)](#)

#### Amendment of the UK Borders Act 2007

**4.—**(1) The UK Borders Act 2007<sup>(9)</sup> is amended as follows.

(2) In section 33(6C) (definition of “relevant person”)<sup>(10)</sup>, after paragraph (b) insert—

- “(ba) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1) of the Immigration Act 1971) having arrived with entry clearance granted by virtue of Article 23 of the Swiss citizens' rights agreement,”.

#### Commencement Information

**I4** [Reg. 4](#) in force at 31.12.2020 in accordance with [reg. 1\(1\)](#)

<sup>(6)</sup> The “withdrawal agreement” is defined at section 39(1) of the European Union (Withdrawal Agreement) Act 2020.

<sup>(7)</sup> The “EEA EFTA separation agreement” is defined at section 39(1) of the European Union (Withdrawal Agreement) Act 2020.

<sup>(8)</sup> Subsection (10) was inserted by section 10 of the European Union (Withdrawal Agreement) Act 2020.

<sup>(9)</sup> 2007 c. 30.

<sup>(10)</sup> Subsection (6C) was inserted by section 10 of the European Union (Withdrawal Agreement) Act 2020.

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**Changes to legislation:** There are currently no known outstanding effects for the The Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020. (See end of Document for details)

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Parliamentary Under Secretary of State  
Home Office

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There are currently no known outstanding effects for the The Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020.