
STATUTORY INSTRUMENTS

2020 No. 1213

The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020

PART 2

Frontier worker rights

Exemption from immigration control

5.—(1) Subject to paragraph (2), regulation 7 and Part 4 of these Regulations, a person does not require leave to enter or remain in the United Kingdom under the 1971 Act in any case in which that person is entitled to do so by virtue of their frontier workers' rights.

(2) This regulation does not apply to a person who is subject to a relevant restriction decision.

Right of admission

6.—(1) Subject to regulation 12, a frontier worker must be admitted to the United Kingdom on arrival if the frontier worker produces—

- (a) a valid identity document; and
- (b) a valid frontier worker permit.

(2) A frontier worker who is an Irish citizen is not required to produce a frontier worker permit.

Person claiming right of admission

7.—(1) This regulation applies to a person who claims a right of admission to the United Kingdom under regulation 6 where there is reason to believe—

- (a) that regulation 12 applies to that person; or
- (b) they are not entitled to be admitted under regulation 6.

(2) A person to whom this regulation applies is to be treated as if that person were a person seeking leave to enter the United Kingdom under the 1971 Act for the purposes of paragraphs 2, 3, 4, 7 and 16 to 18A of Schedule 2 to the 1971 Act (administrative provisions as to control on entry etc)⁽¹⁾ except that—

(1) The relevant parts of Schedule 2 were amended by Schedule 6 to the Criminal Justice Act 1972 (c. 71), paragraphs 2 and 3 of Schedule 4 to the British Nationality Act 1981 (c. 61), paragraphs 6, 8, 9 and 10 of the Schedule to the Immigration Act 1988 (c. 14), paragraphs 5, 7, 10 and 11 of Schedule 2, and Schedule 4 to the Asylum and Immigration Act 1996 (c. 49), paragraph 70 of Schedule 13 to the Access to Justice Act 1999 (c. 22), section 140, paragraphs 43, 56 and 58 to 63 of Schedule 14, and Schedule 16 to the Immigration and Asylum Act 1999 (c. 33), sections 63, 64 and 73 of, and paragraphs 3 and 4 of Schedule 7 to, the Nationality, Immigration and Asylum Act 2002 (c. 41), paragraph 149 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 1 of Schedule 2 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), sections 27 and 42 of, and Schedule 3 to the Immigration, Asylum and Nationality Act 2006 (c. 13), sections 5, 7, 9 and 13 of, paragraphs 1 and 2 of Schedule 1, paragraph 1 of Schedule 2, and paragraphs 1, 2 and 3 of Schedule 8 to the Immigration Act 2014 (c. 22), sections 46 and 60 of the Immigration Act 2016 (c. 19), and S.I. 2010/21.

- (a) the reference in paragraph 2(1) to the purpose for which the immigration officer may examine any persons who have arrived in the United Kingdom is to be read as a reference to the purpose of determining whether the person is to be granted admission under these Regulations;
 - (b) the reference in paragraph 3(1)(c) to the purpose for which the immigration officer may examine any persons embarking in the United Kingdom is to be read as a reference to the purpose of determining whether the person has exercised frontier workers' rights while in the United Kingdom;
 - (c) the reference in paragraph 7 to a person who is, or may be, given leave to enter are to be read as references to a person who is, or may be, granted admission under these Regulations;
 - (d) the reference in paragraph 16(1) to a decision to give or refuse leave to enter is to be read as a reference to a decision to grant or refuse admission under these Regulations; and
 - (e) a medical examination is not to be carried out under paragraph 2 or paragraph 7 as a matter of routine and may only be carried out within three months of the person's arrival in the United Kingdom.
- (3) For so long as a person to whom this regulation applies is detained under the powers conferred by Schedule 2 to the 1971 Act, or granted bail under Schedule 10 to the Immigration Act 2016⁽²⁾ whilst liable to be detained under the powers conferred by Schedule 2 to the 1971 Act, the person is deemed not to have been admitted to the United Kingdom.