

**2020 No. 1309**

**EXITING THE EUROPEAN UNION**

**IMMIGRATION AND ASYLUM**

**NATIONALITY**

The Immigration and Social Security Co-ordination (EU  
Withdrawal) Act 2020 (Consequential, Saving, Transitional and  
Transitory Provisions) (EU Exit) Regulations 2020

*Approved by both Houses of Parliament*

*Made - - - - 17th November 2020*

*Laid before Parliament 18th November 2020*

*Coming into force in accordance with regulation 1*



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The Secretary of State makes the following Regulations in exercise of the power conferred by sections 5 and 8(5) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(a).

## PART 1

### INTRODUCTION

#### **Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020.

(2) These Regulations come into force at the time and on the date when paragraph 2(2) of, Schedule 1 to, the 2020 Act comes into force for all purposes except for —

- (a) regulations 47, 48 and 49 which come into force immediately before that time and date;
- (b) regulation 20(7) and (8) which come into force on 1st December 2020;
- (c) regulations 3, 7, 12(3) and (4), 14, 15(3), 16, 20(5) and (6), 31, 36, 37 and 40 to 44 which come into force on 1st July 2021.

(3) Any provision of these Regulations which amends, repeals or revokes an enactment has the same extent as the enactment amended, repealed or revoked (ignoring extent by virtue of an Order in Council under any of the Immigration Acts).

(4) Any saving, transitional or transitory provision in these Regulations has the same extent within the United Kingdom as the provision to which it relates.

#### **Interpretation - General**

**2.** In these Regulations—

“the 2020 Act” means the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020;

“commencement day” means the time at and date on which the Immigration (European Economic Area) Regulations 2016 are revoked for all purposes.

## PART 2

### IMMIGRATION

#### Chapter 1

#### *Amendment and saving of primary legislation*

#### **Amendment of the Marriage Act 1949**

**3.**—(1) The Marriage Act 1949(b) is amended as follows.

(2) In section 78 (interpretation), in subsection (1), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
  - “(aa) an Irish citizen, or

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(a) 2020 c. 20.

(b) 1949 c. 76. The definition of “relevant national” was inserted by paragraphs 1 and 17 of, Schedule 4 to, the Immigration Act 2014 (c. 22) and amended by S.I. 2019/745.

- (ab) a person who is not an Irish citizen and who—
  - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020<sup>(a)</sup>, or
  - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020<sup>(b)</sup> (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;
- (b) omit paragraphs (b) and (c).

**Amendment of the Aliens’ Employment Act 1955**

4.—(1) The Aliens’ Employment Act 1955<sup>(c)</sup> is amended in accordance with paragraph (2).

(2) For section 1(5) (definition of a “relevant European”) substitute—

“(5) In subsection (1)(c) a “relevant European” means—

- (a) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules;
- (b) a person who—
  - (i) has leave to enter or remain in the United Kingdom which was granted before IP completion day otherwise than by virtue of residence scheme immigration rules, but
  - (ii) immediately before IP completion day, could have met the eligibility requirements for leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if the person were to have made an application for such leave at that time;
- (c) a person who—
  - (i) falls within subsection (5A), and
  - (ii) immediately before IP completion day had a Decision 1/80 entitlement; or
- (d) a person who—
  - (i) falls within subsection (5A), and
  - (ii) would at the relevant time have had a Decision 1/80 entitlement but for the coming into force of paragraph 6(1) of Schedule 1 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (repeal of EU-derived rights etc).

(5A) A person falls within this subsection if—

- (a) the person has entry clearance, or leave to enter or remain in the United Kingdom, by virtue of the EC Association Agreement which was granted before IP completion day;
- (b) the person has entry clearance, or leave to enter or remain in the United Kingdom, by virtue of the EC Association Agreement that was granted by virtue of an application made before IP completion day; or
- (c) the person—
  - (i) had the entry clearance or leave described in paragraph (a) or (b), and

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(a) 2020 c. 1.

(b) S.I. 2020/1209.

(c) 1955 c. 18. Relevant amendments were made by S.I. 2007/617 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.



- (ii) has leave to remain in the United Kingdom granted by virtue of either Appendix ECAA (Extension of Stay) or Appendix ECAA (Settlement), to the immigration rules(a).

(5B) For the purposes of subsections (5) and (5A)—

“a Decision 1/80 entitlement” means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the EC Association Agreement;

“EC Association Agreement” means the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963

“eligibility requirements for leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements for such leave in accordance with paragraph EU11, EU12 or EU14 of Appendix EU to the immigration rules;

“entry clearance” and “immigration rules” have the meaning given by section 33(1) of the Immigration Act 1971(b);

“leave to enter or remain in the United Kingdom” means limited leave or indefinite leave within the meaning given by section 33(1) of the Immigration Act 1971;

“the relevant time” means the time at which the question whether the person is a relevant European is under consideration;

“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020 (c).”.

### **Amendment and saving of the Immigration Act 1971**

- 5.**—(1) The Immigration Act 1971 is amended in accordance with paragraphs (2) to (6).
- (2) In section 9 (further provisions as to common travel area) (d), in subsection (4)(a) —
- (a) omit “written”;
  - (b) omit “as being in the interests of national security”.
- (3) In section 25 (assisting unlawful immigration to member State)(e)—
- (a) in subsection (1), in both places it occurs, for “a citizen of the European Union” substitute “a national of the United Kingdom”;
  - (b) in subsection (7), omit paragraph (b) (and the “and” before it).
- (4) Section 25B (assisting entry to United Kingdom in breach of deportation or exclusion order)(f) is omitted.

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(a) Rules laid down as mentioned in section 3(2) of the Immigration Act 1971. Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix ECAA (Extension of Stay) and Appendix ECAA (Settlement) were laid before Parliament on 22nd October 2020.

(b) 1971 c. 77.

(c) 2020 c. 1.

(d) Section 9(4) was amended by paragraph 2 of, Schedule 4 to, the British Nationality Act 1981 (c. 61).

(e) Section 25 was amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and in so far as they relate to section 25(1) are revoked by regulation 48 of these Regulations before they come into force.

(f) Section 25B was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Subsection (2) was substituted by paragraph 4(b) of, Schedule 14 to, the Immigration Act 2016 (c. 19). Subsection (3)(c) was amended by paragraph 4(c)(ii) of, Schedule 14 to, the Immigration Act 2016. There have been other amendments to this section which are not relevant.

(5) In Schedule 4 (integration with United Kingdom law of immigration law of Islands), in paragraph 3 (deportation)(a) —

(a) in sub-paragraph (2)—

(i) after paragraph (a) insert—

“(aa) an Irish citizen;”;

(ii) omit paragraphs (b) and (c) (and the “or” after paragraph (c));

(iii) at the appropriate place, insert—

“(ca) a relevant person (see paragraph 3A); or”;

(iv) in paragraph (d), for “such a citizen nor an EEA national” substitute “a British citizen nor an Irish citizen”;

(b) in sub-paragraph (4), for “(b), (c)” substitute “(aa), (ca)”.

(6) In that Schedule, after paragraph 3, insert —

### **“3A Relevant person for purposes of paragraph 3**

(1) For the purposes of paragraph 3, a person is a “relevant person”—

(a) 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 relevant entry clearance immigration rules;

(b) if the person has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;

(c) if the person 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 —

(i) Article 32(1)(b) of the EU withdrawal agreement;

(ii) Article 31(1)(b) of the EEA EFTA separation agreement, or

(iii) Article 26(a)(1)(b) of the Swiss citizens’ rights agreement, whether or not the person has been granted such leave, or

(d) if the person may enter the United Kingdom by virtue of regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020 (frontier workers), whether or not the person has entered by virtue of those regulations.

(2) In this paragraph—

“EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“relevant entry clearance immigration rules” and “residence scheme immigration rules” have the meanings given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(7) Notwithstanding its repeal by paragraph (4), section 25B of the Immigration Act 1971 continues to apply where an order is in force excluding an individual from the United Kingdom and the order—

(a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or

(b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

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(a) Paragraph 3 of Schedule 4 was substituted by paragraphs 43 and 70 of, Schedule 14 to, the Immigration and Asylum Act 1999 (c. 33).

### **Amendment of the Rent Act 1977**

6.—(1) The Rent Act 1977(a) is amended as follows.

(2) In Schedule 15 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies), in Part 1 (cases in which court may order possession), in Case 10A (case relating to disqualification as a result of immigration status), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;

(b) omit paragraphs (b) and (c).

### **Amendment of the Marriage (Scotland) Act 1977**

7.—(1) The Marriage (Scotland) Act 1977(b) is amended as follows.

(2) In section 3(1) (notice of intention to marry: documents etc to be produced), after paragraph (c) insert—

“(ca) if the party falls within paragraph (ab)(i) of the definition of “relevant national” in section 26(2), an electronic certificate which confirms that the leave referred to in that provision has been granted;

(cb) if the party falls within paragraph (ab)(ii) of the definition of “relevant national” in section 26(2)—

(i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and

(ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired;”.

(3) In section 26(2) (interpretation), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection)(EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;

(b) omit paragraphs (b) and (c).

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(a) 1977 c. 42. Case 10A was inserted by section 41(6) of the Immigration Act 2016 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(b) 1977 c. 15. Section 3(1) was amended by paragraphs 1 and 3 of, Schedule 2 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraph 43(a) of Schedule 48 to the Civil Partnership Act 2004 (c. 33). The definition of “relevant national” was inserted into section 26 by S.I. 2015/396 and amended by S.I. 2019/745. There are other amendments but none are relevant.

### **Amendment of the Housing Act 1988**

**8.**—(1) The Housing Act 1988(a) is amended as follows.

(2) In Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies), in Ground 7B, in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;

(b) omit paragraphs (b) and (c).

### **Amendment of the Housing (Northern Ireland) Order 1988**

**9.**—(1) The Housing (Northern Ireland) Order 1988(b) is amended as follows.

(2) In Article 7A (persons not eligible for housing assistance), for paragraph (4A)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

(ii) within a class specified in an order under section 119(1) of the Immigration and Asylum Act 1999(c) which had effect at that time.”.

### **Amendment of the Housing Act 1996**

**10.**—(1) The Housing Act 1996(d) is amended as follows.

(2) In section 185 (persons from abroad not eligible for housing assistance), for subsection (5)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

(ii) within a class prescribed by regulations made under subsection (2) which had effect at that time.”.

### **Amendment of the Special Immigration Appeals Commission Act 1997**

**11.**—(1) The Special Immigration Appeals Commission Act 1997(e) is amended as follows.

(2) In section 2C (jurisdiction: review of certain exclusion decisions)—

(a) in subsections (1) and (2), for “non-EEA national or relevant person”, in each place it occurs, substitute “person”;

(b) in subsection (5), omit the words from the beginning to the second “and”.

---

(a) 1988 c. 50. Ground 7B was inserted by section 41 of the Immigration Act 2016.

(b) S.I. 1988/1990 (N.I. 23). Relevant amendments were made by paragraph 18(3) of, Schedule 15 to, the Housing and Regeneration Act 2008 (c. 17) but are in force only for the purposes of applications for an allocation housing assistance made on or after 2nd March 2009 (see S.I. 2009/415).

(c) 1999 c. 33.

(d) 1996 c. 52. Relevant amendments were made by paragraph 4(3) of, Schedule 15 to, the Housing and Regeneration Act 2008 but are in force only for the purposes of applications for an allocation of social housing or housing assistance (homelessness) made on or after 2nd March 2009 (see S.I. 2009/415).

(e) 1997 c. 68. Section 2C was inserted by section 15 of the Justice and Security Act 2013 (c. 18) and amended by S.I. 2020/61.

## Amendment of the Immigration and Asylum Act 1999

12.—(1) The Immigration and Asylum Act 1999(a) is amended as follows.

(2) In section 10 (removal of persons unlawfully in the United Kingdom)(b), in subsection (5), for the words from “neither” to the end of that subsection substitute—

(3) none of the following—

“(a) a British citizen,

(b) an Irish citizen,

(c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.”.

(4) In section 24 (duty to report suspicious marriages)(c), in subsection (6), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

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

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;

(b) omit paragraphs (b) and (c).

(5) In section 24A (duty to report suspicious civil partnerships)(d), in subsection (5A), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen; or

(ab) a person who is not an Irish citizen and who—

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

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(6) In section 82 (interpretation of Part V)(e), in subsection (1), in the definition of “relevant matters” omit paragraphs (e), (f) and (g).

(7) In section 115 (exclusion from benefits)(f), in subsection (9), omit “who is not a national of an EEA State and”.

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(a) 1999 c. 33.

(b) Section 10(5) was substituted by section 1 of the Immigration Act 2014 and S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There are other amendments, but none are relevant.

(c) The definition of “relevant national” was amended by section 55 of the Immigration Act 2014 and amended by S.I. 2019/745.

(d) Section 24A was inserted by paragraph 162 of, Schedule 27 to, the Civil Partnership Act 2004 (c.33); subsection (5A) was substituted by section 55 of the Immigration Act 2014 and amended by S.I. 2019/745. There are other amendments, but none are relevant.

(e) The definition of “relevant matters” was amended by section 123 of the Nationality, Immigration and Asylum Act 2002 (c. 41), S.I. 2010/22, 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There have been other amendments to section 82, but none are relevant.

(f) There have been amendments to section 115 but none are relevant.

(8) In section 119 (homelessness: Scotland and Northern Ireland)(a) for “subsection (1A)(b)” substitute—

“(b) is not a person who, immediately before IP completion day, was—

- (i) a national of an EEA State or Switzerland, and
- (ii) within a class specified in an order under subsection (1) which had effect at that time.”.

(9) In section 167 (interpretation)(b), in subsection (1), after the definition of “the Refugee Convention” at the appropriate place insert—

“(a) residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”.

### **Amendment and saving of the Nationality, Immigration and Asylum Act 2002**

**13.**—(1) The Nationality, Immigration and Asylum Act 2002(c) is amended in accordance with paragraphs (2) to (4).

(2) In section 58 (voluntary departure from the United Kingdom)—

- (a) in subsection (1)(a), omit “or an EEA national”;
- (b) omit subsection (4).

(3) In section 126(2) (physical data: compulsory provision)—

- (a) at the end of paragraph (c) insert “or”;
- (b) omit paragraph (e)(d) (and the “or” before it).

(4) In Schedule 3 (withholding and withdrawal of support)—

- (a) in paragraph 3 (exceptions)(e), omit sub-paragraph (b) (and the “or” before it);
- (b) omit paragraph 5 (second class of ineligible person: citizen of EEA state)(f);
- (c) in paragraph 8 (travel assistance) omit “or 5”.

(5) The amendments made by paragraph (3) do not affect the operation of any regulations made under section 126(1) of the Nationality, Immigration and Asylum Act 2002 before commencement day in relation to any application for a document referred to in section 126(2)(e) that was made before commencement day.

### **Amendment of the Marriage (Northern Ireland) Order 2003**

**14.**—(1) The Marriage (Northern Ireland) Order 2003(g) is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), in the definition of “relevant national”—

- (a) after paragraph (a) insert—
  - “(aa) an Irish citizen, or
  - (ab) a person who is not an Irish citizen and who—

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(a) Section 119 was amended by paragraph 22 of, Schedule 15 to, the Housing and Regeneration Act 2008 but those amendments are in force only for the purposes of applications for an allocation of social housing or housing assistance (homelessness) made on or after 2nd March 2009 (see S.I. 2009/415).

(b) There have been amendments to section 167 but none are relevant.

(c) 2002 c. 41.

(d) Section 126(2)(e) was inserted by section 8(2) of the Immigration Act 2014. Relevant amendments are made by S.I. 2019/745. Those amendments are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(e) Paragraph 3 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(f) Paragraph 5 was amended by S.I. 2019/745. Those amendments are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(g) S.I. 2003/413 (N.I. 3). The definition of “relevant national” was inserted by S.I. 2015/395 and amended by S.I. 2019/745.

- (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
  - (ii) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;"
- (b) omit paragraphs (b) and (c).

**Amendment of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004**

**15.**—(1) The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(a) is amended as follows.

(2) In section 2 (offences to do with entering the United Kingdom without a passport)(b)—

(a) in subsection (4)—

(i) for paragraph (a) substitute—

“(a) to prove that he is —

- (i) an Irish citizen,
- (ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
- (iii) is a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020(c);”;

(ii) omit paragraph (b);

(b) in subsection (5)—

(i) for paragraph (a) substitute—

“(a) to prove that the child is—

- (i) an Irish citizen,
- (ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
- (iii) is a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;”;

(ii) omit paragraph (b);

(c) in subsection (12)—

(i) omit the definition of “EEA national”;

(ii) in the definition of “immigration document” omit the “and” after paragraph (b);

(iii) after the definition of “leave or asylum interview” insert—

““residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In section 19 (England and Wales)(d)—

(a) in subsection (2)(a) (procedure for marriage: England and Wales)—

(i) after “district” insert “which is”;

(ii) after “State” insert “and is the appropriate registration district”;

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(a) 2004 c. 19.

(b) Section 2 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There have been other amendments to section 2 but none are relevant.

(c) S.I. 2020/1213.

(d) There are amendments to section 19 but none are relevant to these Regulations.

(b) after subsection (2) insert—

“(2A) For the purposes of subsection (2) “the appropriate registration district” means—

- (a) if the parties have resided in the same specified registration district for the period of seven days immediately before the giving of the notice (“the 7 day period”), that specified registration district,
- (b) if one or both of the parties have resided in a specified registration district (but not the same specified registration district) for the 7 day period, the specified registration district in which one of them has resided for that period, or
- (c) if neither of the parties has resided in a specified registration district for the 7 day period, any specified registration district.

(2B) In subsection (2A), “specified registration district” means a registration district specified for the purposes of subsection (2)(a) by regulations made under that provision.”.

#### **Amendment of the Civil Partnership Act 2004**

16.—(1) The Civil Partnership Act 2004(a) is amended as follows.

(2) In section 9 (evidence: England and Wales)(b) after subsection (1) insert—

“(1A) If a party to the proposed civil partnership is a relevant national within the meaning of section 30A(ab) the notice of proposed civil partnership under section 8 must also be accompanied—

- (a) where the party falls within section 30A(ab)(i), by an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the party falls within section 30A(ab)(ii)—
  - (i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.

(3) In section 30A (meaning of “relevant national”)(c)—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

- (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
- (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(4) In section 88 (notice of proposed civil partnership: Scotland)(d), after subsection (2) insert—

“(2A) If an intended civil partner is a relevant national as defined in section 30A(ab)(i) or (ii) the intended civil partner must also submit—

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(a) 2004 c. 33.

(b) Section 9 was substituted by paragraphs 18 and 21 of, Schedule 4 to, the Immigration Act 2014.

(c) Section 30A was inserted by paragraphs 18 and 27 of, Schedule 4 to, the Immigration Act 2014 and amended by S.I. 2019/745.

(d) Section 88(2) was amended by section 52 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (2006 asp 14).



- (a) where the intended civil partner falls within section 30A(ab)(i), an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the intended civil partner falls within section 30A(ab)(ii)—
  - (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.

(5) In paragraph 4 of Schedule 23 (immigration control and formation of civil partnerships - procedure for giving notice of proposed civil partnership: England and Wales)(a)—

- (a) in subparagraph (1)(a)—
  - (i) after “authority” insert “which is”;
  - (ii) after “State” insert “and is the appropriate registration authority”;
- (b) in subparagraph (2), for “specified” substitute “appropriate”;
- (c) after subparagraph (3) insert—

“(3A) For the purposes of this paragraph, “the appropriate registration authority” means—

- (a) if the proposed civil partners have resided in the area of the same specified registration authority for the period of 7 days immediately before the giving of the notice (“the 7 day period”), that specified registration authority, or
- (b) if one or both of the proposed civil partners have resided in the area of a specified registration authority (but not the same specified registration authority) for the 7 day period, the specified registration authority of the area in which one of them has resided for that period, or
- (c) if neither of the proposed civil partners has resided in the area of a specified registration authority for the 7 day period, any specified registration authority.

(3B) In sub-paragraph (3A), “specified registration authority” means a registration authority specified for the purposes of sub-paragraph (1)(a) by regulations made under that provision.”.

### **Amendment and saving of UK Borders Act 2007**

17.—(1) The UK Borders Act 2007(b) is amended in accordance with paragraphs (2) and (3).

(2) In section 33 (exceptions to automatic deportation)(c), omit subsection (4).

(3) In section 56A (no rehabilitation for certain immigration or nationality purposes) (d), omit subsection (3).

(4) The amendment made by paragraph (3) does not apply in relation to a relevant immigration decision or a relevant nationality decision made before commencement day.

(5) In paragraph (4) “relevant immigration decision” and “relevant nationality decision” have the meaning given in section 56A of the UK Borders Act 2007 as it had effect immediately before commencement day.

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(a) Paragraph 4 of Schedule 23 was amended by S.I. 2005/2000 and 2011/1158.

(b) 2007 c. 30.

(c) Section 33(4) was amended by S.I. 2011/1043 and substituted together with new subsections (4A) and (4B) by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(d) Section 56A was inserted by section 140 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and was amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### **Amendment of the Criminal Justice and Immigration Act 2008**

**18.**—(1) The Criminal Justice and Immigration Act 2008(a) is amended as follows.

(2) In section 130 (designation for purposes of special immigration status)(b), in subsection (5), omit paragraph (b) (and the “or” before it).

(3) In section 136 (end of designation)(c)—

- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (3), omit “or (b)”.

### **Amendment of the Identity Documents Act 2010**

**19.**—(1) The Identity Documents Act 2010(d) is amended as follows.

(2) In section 7 (meaning of “identity document”)—

(a) in subsection (2), for paragraph (a) substitute—

“(a) a document used for confirming—

- (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom, or
- (ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the United Kingdom.”;

(b) after subsection (2)(a) insert—

“(2A) In subsection 2(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.”.

### **Amendment and saving of the Immigration Act 2014**

**20.**—(1) The Immigration Act 2014(e) is amended in accordance with paragraphs (2) to (7).

(2) In section 21 (persons disqualified from renting or with limited right to rent)—

(a) omit subsection (4)(b)(ii) (and the “and” before that);

(b) in subsection (5)—

(i) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;

(ii) omit paragraphs (b) and (c).

(3) In section 27 (eligibility period in relation to person with limited right to rent)(f), omit subsection 6(a) (and the “or” at the end of it).

(4) In section 39 (related provision: charges for health services)—

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(a) 2008 c. 4.  
(b) Section 130 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.  
(c) Section 136 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.  
(d) 2010 c. 40.  
(e) 2014 c. 22.  
(f) Section 27(6)(a) was amended by S.I. 2019/745. Those amendments are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

- (a) in subsection (1)(b), after “limited period” insert “unless that leave was granted by virtue of residence scheme immigration rules”;
- (b) after subsection (2) insert—
  - “(3) For the purposes of subsection (1) “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.
- (5) In section 49 (meaning of “exempt person” in relation to investigations into sham marriages)(a), omit subsection (2)(a).
- (6) In section 62 (interpretation of Part 4, relating to marriage and civil partnership)(b), in subsection (1), in the definition of “relevant national”—
  - (a) after paragraph (a) insert—
    - “(aa) an Irish citizen;
    - (ab) a person who is not an Irish citizen who—
      - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
      - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;
  - (b) omit paragraphs (b) and (c).
- (7) In section 70A (power to impose a charge on sponsors who make immigration skills arrangements)(c)—
  - (a) in subsection (6)—
    - (i) after paragraph (a) insert—
      - “(aa) an Irish citizen;”;
    - (ii) for paragraph (b) substitute—
      - “(b) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules.”;
    - (iii) omit paragraphs (c) and (d);
  - (b) in subsection (7) after “1971” insert “and “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.
- (8) The amendments made by paragraph (7) do not affect the operation of any regulations which were made under section 70A of the Immigration Act 2014 before 1st December 2020.

#### **Amendment of the Housing (Wales) Act 2014**

**21.—**(1) The Housing (Wales) Act 2014(d) is amended as follows.

(2) In Schedule 2 (eligibility for help under Chapter 2 of Part 2)—

(a) in the English language text, for paragraph 1(6)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

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(a) Section 49(2) was amended by S.I. 2019/745.

(b) The definition of “relevant national” in section 62 was amended by S.I. 2019/745.

(c) Section 70A was inserted by section 85(1) and (2) of the Immigration Act 2016 and amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(d) 2014 anaw 7.

- (ii) within a class prescribed by regulations made under sub-paragraph (2) which had effect at that time.”;
- (b) in the Welsh language text, for paragraph 1(6)(b) substitute—
  - “(b) os nad yw’r person yn berson a oedd, yn union cyn diwrnod cwblhau’r cyfned gweithredu—
    - (i) yn wladolyn un o wladwriaethau’r Ardal Economaidd Ewropeaidd neu’r Swistir, a
    - (ii) o fewn dosbarth a ragnodwyd gan reoliadau a wnaed o dan is-baragraff (2) a oedd yn effeithiol y pryd hwnnw.”.

### **Amendment of the Specialist Printing Equipment and Materials (Offences) Act 2015**

**22.**—(1) The Specialist Printing Equipment and Materials (Offences) Act 2015(a) is amended as follows.

- (2) In section 2 (meaning of “specialist printing equipment”)—
  - (a) in subsection (3), for paragraph (a) substitute—
    - “(a) a document used for confirming—
      - (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom; or
      - (ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the United Kingdom;”;
  - (b) after subsection (3)(a) insert—
    - “(3A) In subsection 3(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.”.

### **Amendment of the Immigration Act 2016**

**23.**—(1) The Immigration Act 2016(b) is amended as follows.

(2) In Schedule 12 (availability of local authority support: amendments of Schedule 3 to the Nationality, Immigration and Asylum Act 2002), in paragraph 9, omit inserted paragraph 7C and the italic heading before inserted paragraph 7C.

### **Provision consequential on, or connected with Part 2 of Chapter 1**

**24.** Schedule 1 has effect.

#### Chapter 2

#### *Amendment and savings of secondary legislation*

### **Amendment and saving of the Immigration (Control of Entry through Republic of Ireland) Order 1972**

**25.**—(1) The Immigration (Control of Entry through Republic of Ireland) Order 1972(c) is amended in accordance with paragraphs (2) to (4).

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(a) 2015 c. 16.

(b) 2016 c. 19.

(c) S.I. 1972/1610, relevant amending instruments are S.I. 2014/2475, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

- (2) In article 2 (interpretation)—
- (a) omit the definition of “EEA national”;
  - (b) omit the definition of “EEA State”.
- (3) In article 3(1)(b) (persons excluded from section 1(3) of the Act)—
- (a) after “other than” insert “an Irish citizen or”;
  - (b) at the end of paragraph (iii) insert “or”;
  - (c) omit paragraph (iv);
  - (d) omit paragraph (v).
- (4) In article 4 (restrictions and conditions on entry through Ireland)—
- (a) in paragraph (1)—
    - (i) for “an EEA national” substitute “an Irish citizen”;
    - (ii) omit “or a person who is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972”;
  - (b) omit paragraph (8).
- (5) Notwithstanding the revocation of article 3(1)(b)(v) by this regulation, that article continues to apply as if not amended by these Regulations where an order is in force excluding an individual from the United Kingdom and the order—
- (a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or
  - (b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

**Amendment and saving of the Channel Tunnel (International Arrangements) Order 1993**

**26.—**(1) The Channel Tunnel (International Arrangements) Order 1993(a) is amended in accordance with paragraph (2).

(2) In Schedule 4 (enactments modified), omit paragraph 5 (the Immigration (European Economic Area) Regulations 2006).

(3) The amendment made by paragraph (2) does not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

**Amendment and saving of the Immigration (Leave to Enter and Remain) Order 2000**

**27.—**(1) The Immigration (Leave to Enter and Remain) Order 2000(b) is amended in accordance with paragraph (2).

(2) In article 13B (partners and children of Crown servants etc.), in paragraph (2)(b)—

- (a) at the end of paragraph (i), insert “or”;
- (b) omit paragraph (iii) (and the “or” before it).

(3) The amendment made by paragraph (1) does not apply in respect of a person who is accompanying a partner or parent who before 1st July 2021 had a right of permanent residence in

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(a) S.I. 1993/1813, relevant amending instruments are S.I. 2001/3707, 2006/1003, 2007/3579, 2012/1547 and 2013/3032.

(b) S.I. 2000/1161, relevant amending instruments are S.I. 2016/1132 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

the United Kingdom by virtue of any provision made under section 2(2) of the European Communities Act 1972.

### **Amendment and saving of the Immigration (Notices) Regulations 2003**

**28.**—(1) The Immigration (Notices) Regulations 2003(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), omit the definition of “EEA Decision”.

(3) In regulation 4 (notice of decisions), in paragraph (1), omit “, any EEA decision”.

(4) The amendments made by paragraphs (2) and (3) do not apply to an EEA decision made under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of these Regulations, the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020.

### **Amendment and saving of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003**

**29.**—(1) The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003(b) is amended in accordance with paragraphs (2) and (3).

(2) In article 11 (enactments having effect in a Control Zone in France), omit paragraph (1)(e).

(3) In Schedule 2 (modification of applied enactments), omit paragraph 5 (the Immigration (European Economic Area) Regulations 2006).

(4) The amendments made by paragraphs (2) and (3) do not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020).

(5) Where the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 applies to a person by virtue of paragraph (4) it applies subject to the modification that in Schedule 2, paragraph 5(c) “and (5)” is omitted.

### **Amendment of the Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003**

**30.**—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003(c) is amended in accordance with paragraphs (2) and (3).

(2) In article 2 (interpretation), omit the definitions of “EEA national” and “family member of an EEA national”.

(3) In article 3(1) (exemption of relevant employers), omit sub-paragraph (c) (and the “or” before it).

### **Amendment of the Civil Partnership (Registration Provisions) Regulations 2005**

**31.**—(1) The Civil Partnership (Registration Provisions) Regulations 2005(d) are amended in accordance with paragraph (2).

(2) In Schedule 3 (evidence), in paragraph 2 (evidence of name, surname, date of birth and nationality), omit sub-paragraph (1)(b).

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(a) S.I. 2003/658, relevant amending instruments are S.I. 2012/1547, 2014/2768 and 2020/61.

(b) S.I. 2003/2818, relevant amending instruments are S.I. 2006/1003, 2012/1547 and 2013/3032.

(c) S.I. 2003/3214, relevant amendments are made by S.I. 2006/1003.

(d) S.I. 2005/3176, relevant amendments are made by S.I. 2015/177.

### **Amendment and saving of the Immigration (Provision of Physical Data) Regulations 2006**

**32.**—(1) The Immigration (Provision of Physical Data) Regulations 2006(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation), in the definition of “application” omit paragraph (d).

(3) In regulation 8 (use and retention of biometric information)—

- (a) at the end of sub-paragraph (2)(c), insert “and”;
- (b) omit sub-paragraph (2)(e) (and the “and” before it).

(4) In regulation 10 (retention of fingerprints)—

- (a) at the end of sub-paragraph (2)(d) insert “or”;
- (b) omit sub-paragraph (2)(f) (and the “or” before it);
- (c) in paragraph (3)—
  - (i) omit “or (f)”;
  - (ii) omit “or who no longer enjoys the right of permanent residence”;
- (d) omit paragraph (4).

(5) The amendment made by paragraph (2) does not apply in respect of an application made before commencement day where a document was not issued before commencement day.

(6) Notwithstanding the amendment of regulation 8 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens’ rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(7) The amendment of regulation 10 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

### **Amendment and saving of the Tribunal Procedure (Upper Tribunal) Rules 2008**

**33.**—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008(b) are amended in accordance with paragraphs (2) and (3).

(2) In rule 1 (citation, commencement, application and interpretation), in the definition of “immigration case”, omit “, regulation 26 of the Immigration (European Economic Area) Regulations 2006, regulation 36 of the Immigration (European Economic Area) Regulations 2016”.

(3) In rule 17A (appeal treated as abandoned or finally determined in an asylum case or an immigration case)—

- (a) in paragraph (1)(b), after the semi-colon insert “or”;
- (b) omit paragraph (1)(d) (and the “or” before it);

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(a) S.I. 2006/1743, relevant amending instruments are S.I. 2015/737, 2018/928, 2019/686, 2019/745 and 2020/1213. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(b) S.I. 2008/2698, relevant amending instruments are S.I. 2010/44, 2013/2067, 2020/61 and 2020/651.

- (c) in paragraph (2), omit “or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006”.
- (4) The amendments made by paragraphs (2) and (3) do not apply in relation to—
  - (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006(a) and has not been finally determined before commencement day;
  - (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (5) For the purposes of paragraph (4)—
  - (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
  - (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

**Amendment and saving of the Immigration (Biometric Registration) Regulations 2008**

**34.—**(1) The Immigration (Biometric Registration) Regulations 2008(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (requirement to apply for biometric immigration document) after paragraph (5) insert—

“(5A) This regulation does not apply to a person who makes an application for, or has been granted, leave to enter or remain under residence scheme immigration rules.

(5B) “Residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In regulation 9 (use and retention of biometric information)—

- (a) after paragraph (2)(c) insert “and”;
- (b) omit paragraph (2)(e) (and the “and” before it).

(4) In regulation 11 (retention of fingerprints)—

- (a) after paragraph (2)(d), insert “or”;
- (b) omit paragraph (2)(f) (and the “or” before it);
- (c) in paragraph (3), omit—
  - (i) “or (f)”;
  - (ii) “or who no longer enjoys the rights of permanent residence”;
- (d) omit paragraph (4).

(5) Notwithstanding the amendment of regulation 9 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person

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(a) S.I. 2006/1003. Revoked by S.I. 2016/1052 but see paragraph 3 of Schedule 4 in respect of savings for appeals.  
 (b) S.I. 2008/3048, relevant amending instruments are S.I. 2012/594, 2015/433 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.



who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens' rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(6) The amendment of regulation 11 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

### **Amendment and saving of the Appeals (Excluded Decisions) Order 2009**

**35.**—(1) The Appeals (Excluded Decisions) Order 2009(a) is amended in accordance with paragraph (2).

(2) In article 3 (excluded decisions), in paragraph (m)—

- (a) for “1981,” substitute “1981 or”;
- (b) omit “, or regulation 26 of the Immigration (European Economic Area) Regulations 2006”.

(3) The amendment made by paragraph (2) does not apply in relation to—

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006(b) and has not been finally determined before commencement day;
- (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
- (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.

(4) For the purposes of paragraph (3)—

- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
- (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

### **Amendment of the Immigration (Procedure for Marriage) Regulations 2011**

**36.**—(1) The Immigration (Procedure for Marriage) Regulations 2011(c) are amended as follows.

(2) For regulation 2 (specified registration districts in England and Wales), substitute—

#### **“Specified registration districts in England and Wales**

**2.** Every registration district in England and Wales is specified for the purposes of section 19(2)(a) of the 2004 Act.”.

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(a) S.I. 2009/275, relevant amending instruments are S.I. 2010/41 and 2015/383.

(b) S.I. 2006/1003. Revoked by S.I. 2016/1052 but see paragraph 3 of Schedule 4 in respect of savings for appeals.

(c) S.I. 2011/2678, there are amending instruments, but none are relevant.

(3) Omit the Schedule (specified registration districts in England and Wales).

### **Amendment of the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011**

**37.**—(1) The Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011(a) are amended as follows.

(2) In regulation 2 (specified registration authorities in England and Wales)—

(a) for paragraph (1), substitute—

“(1) Every registration district in England and Wales is specified for the purposes of paragraph 4(1)(a) of Schedule 23 to the 2004 Act.”; and

(b) in paragraph (2), for the words after “she” to the end, substitute “is authorised by that authority to attest notices of proposed civil partnership.”.

(3) Omit the Schedule (specified registration authorities in England and Wales).

### **Amendment and saving of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011**

**38.**—(1) The First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011(b) is amended in accordance with paragraph (2).

(2) In article 5 (exemption from fees), omit paragraph (1)(a)(ii).

(3) The amendment made by paragraph (2) does not apply in relation to—

(a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day;

(b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), and has yet to be finally determined;

(c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.

(4) For the purposes of paragraph (3)—

(a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;

(b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

### **Amendment and saving of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014**

**39.**—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014(c) are amended in accordance with paragraphs (2) to (4).

(2) In rule 1 (citation, commencement, application and interpretation), omit the definition of “the 2006 Regulations”.

(3) In rule 16 (appeal treated as abandoned)—

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(a) S.I. 2011/2679, there are amending instruments, but none are relevant.  
(b) S.I. 2011/2841. Relevant amendments are made by S.I. 2016/928.  
(c) S.I. 2014/2604, relevant amending instruments are S.I. 2020/61 and 651.

- (a) after paragraph (1)(b) insert “or”;
  - (b) omit paragraph (1)(d) (and the “or” before it);
  - (c) in paragraph (2) omit “paragraph 4(2) of Schedule 2 to the 2006 Regulations”;
  - (d) in paragraph (3) omit “or was sent the document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations, as the case may be”.
- (4) In rule 23 (response: entry clearance cases)—
- (a) in paragraph (1), omit “refusal of an EEA family permit (which has the meaning given in regulation 2(1) of the 2006 Regulations)”;
  - (b) in paragraph (2), omit “or a refusal of an EEA family permit”.
- (5) The amendments made by paragraphs (2) to (4) do not apply in relation to—
- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day;
  - (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (6) For the purposes of paragraph (5)—
- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
  - (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

**Amendment of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014**

**40.**—(1) The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(a) are amended as follows.

- (2) In Schedule 1 omit paragraph 1(a)(iii).

**Amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015**

**41.**—(1) The Referral of Proposed Marriages and Civil Partnerships Regulations 2015(b) are amended as follows.

- (2) In Schedule 1(evidence of immigration status) omit paragraph 1(permanent residence).

**Amendment of the Registration of Marriages Regulations 2015**

**42.**—(1) The Registration of Marriages Regulations 2015(c) are amended as follows.

- (2) In Schedule 3 (evidence)—
  - (a) in paragraph 2 (evidence of relevant nationality)—

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(a) S.I. 2014/3181.  
 (b) S.I. 2015/123. Relevant amendments are made by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 49 of these Regulations before they come into force.  
 (c) S.I. 2015/207.

- (i) in the title for “evidence of relevant nationality” substitute “evidence of being a relevant national - British or Irish citizen”;
  - (ii) in sub-paragraph (a) for “, EEA or Swiss national” substitute “or Irish national”; and
  - (iii) omit sub-paragraph 2(b);
- (b) after paragraph 2 insert—

**“Evidence of being a relevant national -European Union Settlement Scheme**

**2A.**—(1) For the purposes of (as applicable) section 8(1)(b), or section 16(1C) of the Act, the following must be provided by each of the parties (P) to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.

(2) Where P—

- (a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules within the meaning of section 17 of the European Union (Withdrawal Agreement) Act 2020, an electronic certificate which confirms that such leave has been granted; or
- (b) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(a) (applications which have not been finally determined by the deadline)—
  - (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired must be provided by each of the parties to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.”;
- (c) in paragraph 3 (evidence of name, surname, date of birth and nationality) omit sub-paragraph (b).

**Amendment of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015**

**43.**—(1) The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015(b) are amended as follows.

(2) In regulation 18 (prescribed information about the investigation)—

- (a) in paragraph (1)(e) for “, indefinite leave or a European residence document” substitute “or indefinite leave”;
- (b) in paragraph (1)(f) for “, indefinite leave or a European residence document” substitute “or indefinite leave”;
- (c) omit sub-paragraph (2)(b)(ii) (and the “and” before it).

**Amendment of the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015**

**44.**—(1) The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015(c) are amended as follows.

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(a) S.I. 2020/1209.  
 (b) S.I. 2015/397. Relevant amendments are made by S.I. 2019/745.  
 (c) S.I. 2015/404. Relevant amendments are made by S.I. 2019/745.

(2) In Schedule 1 (evidence of particular immigration status), omit paragraph 1 (permanent residence).

#### **Amendment of the Immigration and Nationality (Fees) Order 2016**

**45.**—(1) The Immigration and Nationality (Fees) Order 2016(a) is amended as follows.

(2) In article 2 (interpretation), omit the definition of “European residence document”.

(3) In article 6 (documents and administration), in Table 3, omit the entry at row 3.1.8 (European residence document).

#### **Amendment of the Immigration and Nationality (Fees) Regulations 2018**

**46.**—(1) The Immigration and Nationality (Fees) Regulations 2018(b) are amended as follows.

(2) In Schedule 3 (documents and administration)—

(a) in paragraph 1, omit the definition of “the 2016 Regulations”;

(b) in Table 10 (fees for miscellaneous documents and services), omit rows 10.5 and 10.5.1;

(c) in Table 12 (fees for biometric immigration documents and the process used to take a record of biometric information), omit row 12.2.3.

#### **Amendment of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019**

**47.**—(1) The Immigration (European Economic Area Nationals) (EU Exit) Order 2019(c) is amended as follows.

(2) In Part 2 (leave to enter or remain), omit Chapter 1 (grant of leave to EEA and Swiss nationals).

#### **Amendment of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019**

**48.**—(1) The Immigration, Nationality and Asylum (EU Exit) Regulations 2019(d) are amended as follows.

(2) The following provisions are omitted—

(a) regulation 3 (amendment of the Aliens’ Employment Act 1955);

(b) regulation 4(3)(b) (amendment of the Immigration Act 1971);

(c) regulation 6 (amendment of the Rent Act 1977);

(d) regulation 8 (amendment of the Immigration Act 1988);

(e) regulation 9 (amendment of the Housing Act 1988);

(f) regulation 11(2) and (5) (amendment of the Immigration and Asylum Act 1999);

(g) regulation 12(2), (3), 5(a), (c) and (d) (amendment of the Nationality, Immigration and Asylum Act 2002);

(h) regulation 14 (amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004);

(i) regulation 17(3) and (4) (amendment of the UK Borders Act 2007);

(j) regulation 18 (amendment of the Criminal Justice and Immigration Act 2008);

(k) regulation 21(2), (3) and (7) (amendment of the Immigration Act 2014);

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(a) S.I. 2016/177, relevant amending instruments are S.I. 2018/329 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(b) S.I. 2018/330, relevant amending instruments are S.I. 2018/999 and 2019/475. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(c) S.I. 2019/686.

(d) S.I. 2019/745.

- (l) regulation 24 (amendment of the Immigration (Control of Entry through Republic of Ireland) Order 1972);
- (m) regulation 25 (amendment of the Immigration (Leave to Enter and Remain) Order 2000);
- (n) regulation 30(2),(4),(5) and (6)(a) and (c) (amendment of the British Nationality (General) Regulations 2003);
- (o) regulation 33 (amendment of the Immigration (Provision of Physical Data) Regulations 2006);
- (p) regulation 34(amendment of the Immigration (Biometric Registration) Regulations 2008);
- (q) regulation 42 (amendment of the Immigration and Nationality (Fees)Order 2016);
- (r) regulation 43 (amendment of the Immigration (European Economic Area) Regulations 2016);
- (s) regulation 49 (disapplication of rights etc);
- (t) paragraphs 4 and 5 of Schedule 2 and regulation 56 (saving and transitional provisions) in so far as it relates to those provisions.

**Amendment of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020**

49.—(1) The Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(a) are amended as follows.

(2) In regulation 7 (provisions relating to powers of refusal of admission and removal etc.), for paragraph (1)(a) substitute—

“(a) regulation 23 (exclusion and removal from the United Kingdom) with the modification that in each of paragraphs (1), (5), (6)(b) and (7)(b), after “regulation 27”, there were inserted “or on conducive grounds in accordance with regulation 27A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007;”.

(3) In regulation 11 (entitlement to benefits and public services), after paragraph (g) insert—

“(ga) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005;

(gb) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005;”.

(4) In regulation 12 (modification of other enactments), in paragraph (1)(p) for “IP completion day” substitute “1st December 2020”.

**Amendment of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020**

50.—(1) The Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020(b) are amended as follows.

(2) After regulation 20 (misuse of frontier workers’ rights), insert—

**“Exemption for Irish citizens**

**21A.** Regulations 7 and 13 to 20 do not apply to a frontier worker who is an Irish citizen unless any of paragraphs (2) to (4) of section 3ZA of the 1971 Act(c) also apply to that Irish citizen.”.

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(a) S.I. 2020/1209.

(b) S.I. 2020/1213.

(c) Section 3ZA was inserted by section 2 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

## CHAPTER 3

### *Revocation of secondary legislation*

#### **Revocation of the Immigration (European Economic Area) (Amendment) Regulations 2017**

**51.** The Immigration (European Economic Area) (Amendment) Regulations 2017(a) are revoked.

#### **Revocation of the Immigration (European Economic Area) (Amendment) Regulations 2018**

**52.** The Immigration (European Economic Area) (Amendment) Regulations 2018(b) are revoked.

## PART 3

### Access to benefits and services

#### **Amendment of the Income Support (General) Regulations 1987**

**53.**—(1) The Income Support (General) Regulations 1987(c) are amended as follows.

(2) In regulation 21AA (special cases- supplemental persons from abroad)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4) (zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”

(c) after paragraph (5) insert—

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”

#### **Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

**54.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987(d) are amended as follows.

(2) In regulation 21AA (special cases: supplemental–persons from abroad)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

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(a) S.I. 2017/1.

(b) S.I. 2018/801.

(c) S.I. 1987/1967. Regulation 21AA was inserted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/2587, 2018/801, 2019/872 and 2020/683.

(d) S.R. 1987 No. 459. Regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2012 No. 380, S.I. 2018/1085, S.R. 2019 No. 90 and S.R. 2020 No.149.

- (b) after paragraph (4)(zd) insert—
  - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
  - (zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
- (c) after paragraph (5) insert —
  - “(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**55.**—(1) The Jobseeker’s Allowance Regulations 1996(a) are amended as follows.

- (2) In regulation 85A(special cases: supplemental – persons from abroad)—
  - (a) in paragraph (3)—
    - (i) at the end of sub-paragraph (a) insert “or”;
    - (ii) omit sub-paragraphs (b) and (c);
  - (b) after paragraph (4)(zd) insert—
    - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
    - (zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
  - (c) after paragraph (5) insert —
    - “(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**56.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland)1996(b) are amended as follows.

- (2) In regulation 85A (special cases: supplemental – persons from abroad)—
  - (a) in paragraph (3)—
    - (i) at the end of sub-paragraph (a) insert “or”;
    - (ii) omit sub-paragraphs (b) and (c);
  - (b) after paragraph (4)(zd) insert—
    - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

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(a) S.I. 1996/207. Regulation 85A was inserted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/2587, 2014/902, 2019/872 and 2020/683.

(b) S.R. 1996 No. 198. Regulation 85A was inserted by regulation 4(3) of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 Nos. 246 and 308, S.R. 2014 Nos. 133 and 263, S.R. 2019 No. 90 and S.R. 2020 No.149.



(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000**

**57.**—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(a) are amended as follows.

(2) In Part II of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999), omit paragraph 1.

#### **Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000**

**58.**—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(b) are amended as follows.

(2) In Part II of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999), omit paragraph 1.

#### **Amendment of the State Pension Credit Regulations 2002**

**59.**—(1) The State Pension Credit Regulations 2002(c) are amended as follows.

(2) In regulation 2 (persons not in Great Britain)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

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(a) S.I. 2000/636, relevant amending instruments are S.I. 2002/2497, 2008/3108, 2013/388 and 2013/1474.

(b) S.R. 2000 No. 71, relevant amending instruments are S.R. 2002 No. 323, S.R. 2013 No. 167 and S.R. 2016 No. 228.

(c) S.I. 2002/1792. Regulation 2 was substituted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/1809, 2012/2587, 2016/1052, 2019/872 and 2020/683.

### **Amendment of the State Pension Credit Regulations (Northern Ireland) 2003**

**60.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003(a) are amended as follows.

(2) In regulation 2 (persons not in Northern Ireland)—

(a) in paragraph (3)

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Tax Credits (Residence) Regulations 2003**

**61.**—(1) The Tax Credits (Residence) Regulations 2003(b) are amended as follows.

(2) In regulation 3 (circumstances in which a person is treated as not being in the United Kingdom) in paragraph (7)—

(a) in sub-paragraph (e), for “or (i)” substitute “, (i) or (o)”;

(b) for sub-paragraph (i) substitute—

“(i) is not a national of an EEA State and would be a worker or self-employed person in the United Kingdom for the purposes of the Immigration (European Economic Area) Regulations 2016 if that person—

(i) were a national of an EEA State; and

(ii) a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;”;

(c) after sub-paragraph (n), but before the full stop, insert—

“(o) is a national of an EEA State and would satisfy the criteria in sub-paragraph (b) or (c) if they were a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;”;

(d) after paragraph (11) insert—

“(12) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security

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(a) S.R. 2003 No. 28. Regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No.149.

(b) S.I. 2003/654, relevant amending instruments are S.I. 2014/1511, 2018/788, 2019/364 and 2020/672.

Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

**62.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(a) are amended as follows.

(2) In regulation 7 (funeral payments: entitlement)—

(a) for paragraph (10) substitute—

“(10) This paragraph applies where the responsible person or the responsible person’s partner is—

- (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations; or
- (d) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (e) a person granted indefinite leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.”;

(b) after paragraph (10) insert—

“(11) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005**

**63.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(b) are amended as follows.

(2) In regulation 7 (funeral payments: entitlements)—

(a) for paragraph (10) substitute—

“(10) This paragraph applies where the responsible person or the responsible person’s partner is—

- (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations;
- (d) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; or

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(a) S.I. 2005/3061, relevant amendments are made by S.I. 2006/1026.

(b) S.R. 2005 No. 506, relevant amendments are made by S.R. 2006 No. 178.

- (e) a person granted indefinite leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.”;
- (b) after paragraph (10) insert—
  - “(11) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

**Amendment of the Housing Benefit Regulations 2006**

**64.**—(1) The Housing Benefit Regulations 2006(a) are amended as follows.

(2) In regulation 10 (persons from abroad)—

- (a) in paragraph (3A)—
  - (i) at the end of sub-paragraph (b)(ii) insert “or”;
  - (ii) omit sub-paragraphs (c) to (e);
- (b) after paragraph (3B)(zd) insert—
  - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
  - (zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
- (c) after paragraph (6) insert—
  - “(7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**65.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(b) are amended as follows.

(2) In regulation 10 (persons from abroad)—

- (a) in paragraph (4)—
  - (i) at the end of sub-paragraph (b)(ii) insert “or”;
  - (ii) omit sub-paragraphs (c) to (e);
- (b) after paragraph (4A) (zd) insert—
  - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
  - (zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
- (c) after paragraph (6) insert—

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(a) S.I. 2006/213, relevant amending instruments are S.I. 2006/1026, 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.  
 (b) S.I. 2006/214, relevant amending instruments are S.I. 2006/1026, 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

“(7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Child Benefit (General) Regulations 2006**

**66.**—(1) The Child Benefit (General) Regulations 2006(a) are amended as follows.

(2) In regulation 1(citation, commencement and interpretation), after paragraph (3) insert—

“(3A) In these Regulations references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

(3) In regulation 23 (circumstances in which person treated as not being in Great Britain) in paragraph (6)—

(a) in sub-paragraph (e), for “or (i)” substitute “, (i) or (o)”;

(b) for sub-paragraph (i) substitute—

“(i) is not a national of an EEA State and would be a worker or self-employed person in the United Kingdom for the purposes of the Immigration (European Economic Area) Regulations 2016 if that person—

(i) were a national of an EEA State; and

(ii) a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;”;

(c) after sub-paragraph (n), but before the full stop, insert—

“(o) is a national of an EEA State and would satisfy the criteria in sub-paragraph (b) or (c) if they were a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020”.

(4) In regulation 27 (circumstances in which person treated as not being in Northern Ireland) in paragraph (5)—

(a) in sub-paragraph (e), for “or (i)” substitute “, (i) or (o)”;

(b) for sub-paragraph (i) substitute—

“(i) is not a national of an EEA State and would be a worker or self-employed person in the United Kingdom for the purposes of the Immigration (European Economic Area) Regulations 2016 if that person—

(i) were a national of an EEA State; and

(ii) a “member of the post-transition period group” within the meaning of fell within paragraph 1 of Schedule 4 to the Immigration and Social Security Co-Ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;”;

(c) after sub-paragraph (n), but before the full stop, insert—

“(o) is a national of an EEA State and would satisfy the criteria in sub-paragraphs (b) or (c) if they were a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-

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(a) S.I. 2006/223, relevant amending instruments are S.I. 2014/1511, 2018/788, 2019/364 and 2020/672.

Ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020”.

### **Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006**

**67.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(**a**), are amended as follows.

(2) In regulation 5 (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act), in paragraph (2)—

(a) for sub-paragraph (a) substitute—

“(a) “a migrant worker” is—

- (i) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules and who has taken up activity in the United Kingdom as an employed person;
- (ii) a person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment;
- (iii) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”;

(b) after sub-paragraph (a) insert—

“(ab) residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”

(c) omit sub-paragraphs (b) and (c).

### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

**68.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**b**) are amended as follows.

(2) In regulation 10 (persons from abroad)—

(a) in paragraph (4)—

- (i) at the end of sub-paragraph (b)(ii) insert “or”;
- (ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (5)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (7) insert—

“(8) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

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(a) S.I. 2006/373.

(b) S.R. 2006 No. 405, relevant amending instruments are S.R. 2012 No. 380, S.R 2019 No. 90 and S.R. 2020 No.149.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**69.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(a) are amended as follows.

(2) In regulation 10 (persons from abroad)—

(a) in paragraph (4)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (5)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”

“(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”

(c) after paragraph (7) insert—

“(8) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006**

**70.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006(b) are amended as follows.

(2) In regulation 5 (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act)—

(a) in the English language text, in paragraph (2)—

(i) for sub-paragraph (a) substitute—

“(a) “a migrant worker” (“*gweithiwr mudol*”) is—

(i) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules and who has taken up activity in the United Kingdom as an employed person;

(ii) a person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment;

(iii) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”;

(ii) after sub-paragraph (a) insert—

“(ab) “residence scheme immigration rules” (“*rheolau mewnfudo’r cynllun preswyllo*”) has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”;

(iii) omit sub-paragraphs (b) and (c);

(b) in the Welsh language text, in paragraph (2)—

(i) for sub-paragraph (a) substitute—

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(a) S.R. 2006 No. 406, relevant amending instruments are S.R. 2012 No. 380, S.R. 2019 No. 90 and S.R. 2020 No.149.

(b) S.I. 2006/1715 (W. 177).

- “(a) “gweithiwr mudol” (“*a migrant worker*”) yw—
- (i) person sydd â chaniatâd i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi a roddwyd yn rhinwedd rheolau mewnfudo’r cynllun preswyllo ac sydd wedi ymgymryd â gweithgarwch yn y Deyrnas Unedig fel person cyflogedig;
  - (ii) person sydd â phermit sy’n dangos, yn unol â’r rheolau mewnfudo, fod person a enwir ynddo yn gymwys, er nad yw’n ddinesydd Prydeinig, i gael mynediad i’r Deyrnas Unedig at ddibenion cymryd cyflogaeth;
  - (iii) person sy’n weithiwr trawsffiniol o fewn ystyr “frontier worker” yn rheoliad 3 o Reoliadau Hawliau Dinasyddion (Gweithwyr Trawsffiniol) (Ymadael â’r UE) 2020;”;
- (ii) after sub-paragraph (a) insert—
- “(ab) mae i “rheolau mewnfudo’r cynllun preswyllo” yr ystyr a roddir i “residence scheme immigration rules” gan adran 17 o Ddeddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020;”;
- (iii) omit sub-paragraphs (b) and (c).

### **Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006**

**71.**—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;
- (b) after paragraph (2)(a) insert—
  - “(ab) frontier worker” means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”
- (c) in paragraph (2)(b)—
  - (i) for “or worker” substitute “, worker or frontier worker”;
  - (ii) for “those Regulations” substitute “the EEA Regulations”;
- (d) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “and (k)”.

(3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation)—

- (a) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1) ”;
- (b) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;
- (c) omit paragraph (1)(b)(iv);
- (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
- (e) after paragraph (2)(g), insert—
  - “(j) a frontier worker; and”
  - “(k) a person who—
    - (i) is a family member of a person specified in sub-paragraph (j); and

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(a) S.I. 2006/1294, relevant amending instruments are S.I. 2012/2588, 2014/435, 2019/861 and 2020/667.



- (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”.
- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;
  - (b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;
  - (c) omit paragraph (1)(b)(iv);
  - (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
  - (e) after paragraph (2)(g), insert—
    - “(j) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020; and
  - (k) a person who—
    - (i) is a family member of a person specified in sub-paragraph (j); and
    - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”.

**Amendment of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006**

**72.—**(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006(a) are amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1), in the definition of “the EEA Regulations”, for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”.
  - (b) after paragraph (2)(a) insert—
    - “(ab) “frontier worker” means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations;”;
  - (c) in paragraph (2)(b)—
    - (i) for “or worker” substitute “, worker or frontier worker”;
    - (ii) for “those Regulations” substitute “the EEA Regulations”;
  - (d) in paragraph (3), after “3(2)(d)” and after “4(2)(d)” insert “and (j)”.
- (3) In regulation 3 (persons from abroad who are ineligible for an allocation of housing accommodation)—
- (a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1) ”;
  - (b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;
  - (c) omit paragraph (1)(b)(iv);
  - (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;

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(a) S.R. 2006 No. 397, relevant amending instruments are S.R. 2012 No. 429 and S.R. 2019 No. 86.

- (e) after paragraph (2)(h), insert—
    - “(i) a frontier worker; and
    - (j) a person who—
      - (i) is a family member of a person specified in sub-paragraph (i); and
      - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”.
- (4) In regulation 4 (persons from abroad who are ineligible for housing assistance)—
- (a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;
  - (b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;
  - (c) omit paragraph (1)(b)(iv);
  - (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”;
  - (e) after paragraph (2)(h), insert—
    - “(i) a frontier worker; and
    - (j) a person who—
      - (i) is a family member of a person specified in sub-paragraph (i); and
      - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”

#### **Amendment of the Employment and Support Allowance Regulations 2008**

- 73.**—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.
- (2) In regulation 70 (special cases: supplemental – persons from abroad)—
- (a) in paragraph (3)—
    - (i) at the end of sub-paragraph (b)(ii) insert “or”;
    - (ii) omit sub-paragraphs (c) to (e);
  - (b) after paragraph (4)(zd) insert—
    - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
    - (zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
  - (c) after paragraph (5) insert—
    - “(6) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

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(a) S.I. 2008/794, relevant amending instruments are S.I. 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

**74.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(a)</sup> are amended as follows.

(2) In regulation 70 (special cases: supplemental – persons from abroad)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (6) insert—

“(7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Universal Credit Regulations 2013**

**75.**—(1) The Universal Credit Regulations 2013<sup>(b)</sup> are amended as follows.

(2) In regulation 2(interpretation) at the end of the definition of “EEA Regulations” insert “and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

(3) In regulation 9(persons treated as not being in Great Britain)—

(a) in paragraph (3)—

(i) in sub-paragraph (a) omit “or Article 6 of Council Directive No. 2004/38/EC”;

(ii) in sub-paragraph (b) omit “or article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European citizen)”;

(b) after paragraph (4) (ca) insert—

“(cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”.

### **Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**

**76.**—(1) The Allocation of Housing and Homelessness (Eligibility)(Wales) Regulations 2014<sup>(c)</sup> are amended as follows.

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(a) S.R. 2008 No. 280, relevant amending instruments are S.R. 2012 No. 380, S.R. 2019 No. 90 and S.R. 2020 No. 149.

(b) S.I. 2013/376, relevant amending instruments are S.I. 2015/546, 2019/872 and 2020/683.

(c) S.I. 2014/2603 (W. 257), relevant amending instruments are S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183) and S.I. 2019/1149 (W. 199).

(2) In regulation 2 (interpretation)—

(a) in the English language text—

(i) in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;

(ii) after paragraph (2)(a) insert—

“(ab) “frontier worker” (“gweithiwr trawsffiniol”) means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations;”;

(iii) in paragraph (2)(b)—

(aa) for “or worker” substitute “, worker or frontier worker”;

(bb) for “those Regulations” substitute “the EEA Regulations”;

(iv) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “and (h)”;

(b) in the Welsh language text—

(i) in paragraph (1), in the definition of “Rheoliadau yr AEE” for “Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006” substitute “Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2016 ac mae cyfeiriadau at Reoliadau yr AEE i’w darllen gydag Atodlen 4 i Reoliadau Deddf Mewnfudo a Chydlynu Nawdd Cymdeithasol (Ymadael â’r UE) 2020 (Darpariaethau Canlyniadol, Darpariaethau Arbed, Darpariaethau Trosiannol a Darpariaethau Darfodol) 2020”;

(ii) after paragraph (2)(a) insert—

“(ab) ystyr “gweithiwr trawsffiniol” yw person sy’n weithiwr trawsffiniol o fewn ystyr “frontier worker” yn rheoliad 3 o Reoliadau Hawliau Dinasyddion (Gweithwyr Trawsffiniol) (Ymadael â’r UE) 2020;”;

(iii) in paragraph (2)(b)—

(aa) for “neu weithiwr” substitute “, gweithiwr neu weithiwr trawsffiniol”;

(bb) for “o’r Rheoliadau hynny” substitute “o Reoliadau yr AEE”;

(iv) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “ac (h)”.

(3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) –

(a) in the English language text—

(i) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;

(ii) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;

(iii) omit paragraph (1)(b)(iv);

(iv) for paragraph (1)(c) substitute “the person’s only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”;

(v) after paragraph (2)(f) insert—

“(g) a frontier worker; and

(h) a person who—

(i) is a family member of a person specified in sub-paragraph (g); and

(ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”;

(b) in the Welsh language text—

- (i) in paragraph (1)(b)(iii), for “reoliad 15A(1)” substitute “reoliad 16(1)”;
  - (ii) in paragraph (1)(b)(iii), for “rheoliad 15A(4A)” substitute “rheoliad 16(5)”;
  - (iii) omit paragraph (1)(b)(iv);
  - (iv) for paragraph (1)(c) substitute “os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn hawl sy’n gyfwerth ag un o’r rhai hynny a grybwyllir yn is-baragraff (b)(i),(ii) neu (iii)”;
  - (v) after paragraph (2)(f), insert—
    - “(g) gweithiwr trawsffiniol; ac
    - (h) person—
      - (i) sy’n aelod o deulu person a bennir yn is-baragraff (g); a
      - (ii) sydd â hawl i breswyllo oherwydd bod caniatâd cyfyngedig i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi wedi ei roi iddo o dan Ddeddf Mewnfudo 1971 yn rhinwedd Atodlen EU i’r rheolau mewnfudo a wnaed o dan adran 3 o’r Ddeddf honno.”.
- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in the English language text—
    - (i) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;
    - (ii) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;
    - (iii) omit paragraph (1)(b)(iv);
    - (iv) for paragraph (1)(c) substitute “the person’s only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
    - (v) after paragraph (2)(f), insert—
      - “(g) a frontier worker; and
      - (h) a person who—
        - (i) is a family member of a person specified in sub-paragraph (g); and
        - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”;
  - (b) in the Welsh language text—
    - (i) in paragraph (1)(b)(iii), for “reoliad 15A(1)” substitute “reoliad 16(1)”;
    - (ii) in paragraph (1)(b)(iii), for “rheoliad 15A(4A)” substitute “rheoliad 16(5)”;
    - (iii) omit paragraph (1)(b)(iv);
    - (iv) for paragraph (1)(c) substitute “os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn hawl sy’n gyfwerth ag un o’r rhai hynny a grybwyllir yn is-baragraff (b)(i),(ii) neu (iii)”;
    - (v) after paragraph (2)(f), insert—
      - “(g) gweithiwr trawsffiniol; ac
      - (h) person—
        - (i) sy’n aelod o deulu person a bennir yn is-baragraff (g); a
        - (ii) sydd â hawl i breswyllo oherwydd bod caniatâd cyfyngedig i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi wedi ei roi iddo o dan Ddeddf Mewnfudo 1971 yn rhinwedd Atodlen EU i’r rheolau mewmfudo a wnaed o dan adran 3 o’r Ddeddf honno.”.

## **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

77.—(1) The Universal Credit Regulations (Northern Ireland) 2016(a) are amended as follows.

(2) In regulation 2 (interpretation) at the end of the definition of “the EEA Regulations” insert “and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”.

(3) In regulation 9 (persons treated as not being in Northern Ireland) —

(a) in paragraph (3)

(i) in sub-paragraph (a) omit “or Article 6 of Council Directive No. 2004/38/EC”;

(ii) in sub-paragraph (c) omit “or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European citizen)”;

(b) after paragraph (4)(ca) insert—

“(cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020,

(cc) a family member, of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.”.

## **PART 4**

### **Nationality**

#### **CHAPTER 1**

#### *Amendment of primary legislation*

## **Amendment of the British Nationality Act 1981**

78.—(1) The British Nationality Act 1981(b) is amended as follows.

(2) In section 50A (meaning of references to being in breach of immigration laws)(c)—

(a) in subsection (4)—

(i) after paragraph (b) insert—

“(ba) is not an Irish citizen who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971);”;

(ii) omit paragraphs (d) and (e);

(b) omit subsection (5).

## **Amendment of the Borders, Citizenship and Immigration Act 2009**

79.—(1) The Borders, Citizenship and Immigration Act 2009(d) is amended as follows.

(2) In section 39(2) (application requirements general), in paragraph 1(2) inserted into Schedule 1 to the British Nationality Act 1981 (“the 1981 Act”), in paragraph (d)—

(a) for “a qualifying CTA entitlement” substitute “the relevant status as an Irish citizen”;

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(a) S.R. 2016 No. 216, relevant amending instruments are S.R. 2019 No. 89 and S.R. 2020 No.130.

(b) 1981. c. 61.

(c) Section 50A was inserted by section 48(1) of the Borders, Citizenship and Immigration Act 2009 (c. 11).

(d) 2009 c. 11.

- (b) omit “or a permanent EEA entitlement”.
- (3) In section 39(11), in paragraph 2A(1) inserted into Schedule 1 to the 1981 Act—
  - (a) for paragraph (d) substitute—
    - “(d) the relevant status as an Irish citizen, or”;
  - (b) omit paragraph (f).
- (4) In section 40(3)(application requirements: family members general), in paragraph 3(2)(d)(ii) inserted into Schedule 1 to the 1981 Act for “a qualifying CTA entitlement” substitute “the relevant status as an Irish citizen”.
- (5) In section 40(5), in paragraph 4A(1) inserted into Schedule 1 to the 1981 Act, for paragraph (d) substitute—
  - “(d) the relevant status as an Irish citizen; or”.
- (6) In section 49(3), in paragraph 11 inserted into Schedule 1 to the 1981 Act—
  - (a) for sub-paragraph (5) substitute—
    - “(5) A person has the relevant status as an Irish citizen if the person is an Irish citizen who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971).”;
  - (b) omit sub-paragraphs (7) and (8).

## Chapter 2

### *Amendment of secondary legislation*

#### **Amendment and saving of the British Nationality (General) Regulations 2003**

- 80.**—(1) The British Nationality (General) Regulations 2003(a) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1), omit the following definitions—
    - (a) “document certifying permanent residence”;
    - (b) “permanent residence card”;
    - (c) “residence document issued under the Immigration (European Economic Area) Regulations 2000”; and
    - (d) “residence permit issued under the Immigration (European Economic Area) Regulations 2000”.
  - (3) In regulation 7E (use and retention of biometric information), in paragraph (2)—
    - (a) at the end of sub-paragraph (c) insert “and”;
    - (b) omit sub-paragraph (e) (and the “and” before it).
  - (4) In regulation 7G (retention of fingerprints)—
    - (a) in paragraph (2)—
      - (i) at the end of sub-paragraph (d) insert “or”;
      - (ii) omit sub-paragraph (f) (and the “or” before it);
    - (b) in paragraph (3)—
      - (i) omit “or (f)”;
      - (ii) omit “or who no longer enjoys the right of permanent residence”;
    - (c) omit paragraph (4).
  - (5) In Schedule 2 (particular requirements as respects applications) omit paragraphs 7(1A), 13(1A) and 14(1A).

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(a) S.I. 2003/548, relevant amending instruments are S.I. 2015/738, 2015/1806 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(6) Notwithstanding the amendment made by paragraph (5) Schedule 2 continues to apply as if not amended by these Regulations in relation to any application made under the British Nationality Act 1981 before commencement day.

## PART 5

Saving provision in connection with the EC Association Agreement with Turkey

### **Saving provision in connection with the EC Association Agreement with Turkey**

81. Schedule 2 has effect.

## PART 6

Saving provision in connection with the Immigration (European Economic Area) Regulations 2016

### **Saving provision in connection with the Immigration (European Economic Area) Regulations 2016**

82. Schedule 3 has effect.

## PART 7

Saving provision in connection with access to benefits and services

### **Saving provision in connection with access to benefits and services**

83. Schedule 4 has effect.

## PART 8

Transitional and further saving provision

### **Transitional and further saving provision**

84. Schedule 5 has effect.

17th November 2020

*Kevin Foster*  
Parliamentary Under Secretary of State  
Home Office



# SCHEDULES

## SCHEDULE 1

Regulation 24

### Provision consequential on or connected with Part 2 Chapter 1

#### **Provision consequential or connected with regulation 5 (amendment and saving of the Immigration Act 1971)**

**1. In the Immigration Act 1971—**

- (a) in the following provisions, for “, 25A or 25B” substitute “or 25A”—
  - (i) section 25C(1);
  - (ii) section 25C(1)(5)(b);
  - (iii) section 25D(1);
  - (iv) section 28(2A);
  - (v) section 28A(3)(a);
  - (vi) section 28C(1);
  - (vii) section 28 M(2)(a);
  - (viii) section 28N(2)(a);
  - (ix) section 280(2)(a);
  - (x) paragraphs 2(1)(a),13(1)(a), 14(1)(a), 14(1)(a), 15(1)(a),24(1)(a),25(1)(a) and 26(1) of Schedule 4A;
- (b) in section 28C (11) omit subsection (5);
- (c) in section 28D(4) omit “25B,”;
- (d) in section 28F(1) omit “,25B”.

(2) In the Police Act 1997(a), in Schedule 8B, in paragraph 69 (immigration etc), omit paragraph (e).

(3) In the following provisions of the Proceeds of Crime Act 2002(b), for “,25A or 25B” substitute “or 25A”—

- (a) Schedule 2, paragraph 4(1);
- (b) Schedule 4, paragraph 4(1);
- (c) Schedule 5, paragraph 4(1).

(4) In the Serious Crime Act 2007(c)—

- (a) in Schedule 1, in each of paragraphs 2(1), 16B(1) and 18(1), for “, 25A or 25B” substitute “or 25A”;
- (b) in Schedule 3 omit paragraph 12.

(5) The amendments and repeals made by sub-paragraphs (1) to (4) do not apply where section 25B of the Immigration Act 1971 continues to apply by virtue of regulation 5(6) of these Regulations.

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(a) 1997 c. 50. Schedule 8B was inserted in relation to Scotland by S.S.I. 2015/423.

(b) 2002 c. 29.

(c) 2007 c. 27.

**Provision consequential or connected with regulation 6 (amendment of the Rent Act 1977) and regulation 8 (amendment of the Housing Act 1988)**

2. In the Immigration Act 2016, in section 42 (extension to Wales, Scotland and Northern Ireland of certain provisions to do with residential tenancies), the reference in the definition of “the residential tenancies provisions” in subsection (5) to the amendments made by section 41 of the Immigration Act 2016 is to be read as a reference to those amendments as further amended by regulations 6 and 8 of these Regulations.

**Provision consequential or connected with regulation 13 (amendment of the Nationality, Immigration and Asylum Act 2002)**

3. In Immigration Act 2016, in Schedule 12 (availability of local authority support: amendments to Schedule 3 to the Nationality, Immigration and Asylum Act 2002)—

- (a) paragraph 2(2), in inserted paragraph 1(1)(ga), omit “, 5”;
- (b) in paragraph 2(4), in inserted paragraph 1(2A), omit “, 5”;
- (c) in paragraph 10, in inserted paragraph 10A(1) and (9)(a), omit “or 7C(1)”;
- (d) in paragraph 13, in the amendments to paragraph 14, for “, 7B or 7C” substitute “or 7B”.

**SCHEDULE 2**

Regulation 81

**Saving provision in connection with the EC Association Agreement with Turkey**

1. Notwithstanding Schedule 1, paragraph 6(1) of the 2020 Act, the Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12th September 1963 (“EC Association Agreement”) and its Additional Protocol signed at Brussels on 23rd November 1970, continues to apply for the purposes —

- (a) of a valid application for entry clearance or leave to enter or remain in the United Kingdom made by virtue of that agreement before commencement day until that application is finally determined; and
- (b) the restriction of rights to enter or remain in the United Kingdom of a relevant person (“P”), where that restriction is imposed by virtue of P’s conduct that took place before commencement day.

2. In this paragraph “relevant person” means a person —

- (a) who had entry clearance, leave to enter or remain in the United Kingdom by virtue of the EC Association Agreement immediately before commencement day; or
- (b) who has made an application mentioned in paragraph 1(a).

**SCHEDULE 3**

Regulation 82

**Saving provision in connection with the Immigration (European Economic Area) Regulations 2016**

1. In this Schedule “EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(a) and, unless provided otherwise, refers to those Regulations as they had effect immediately before they were revoked.

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(a) S.I. 2016/1052 amended by S.I.s 2017/1, 2017/1242, 2018/201, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

## **Deportation and exclusion orders**

2.—(1) Any deportation order made or treated as having been made by virtue of the EEA Regulations 2016(a) continues to apply for the period specified in the order or until revoked.

(2) Any deportation order made by virtue of the EEA Regulations 2016 as they are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(b) continues to apply for the period specified in the order or until revoked.

(3) Any exclusion order made or treated as having been made by virtue of the EEA Regulations 2016(c) continues to apply for the period specified in the order or until revoked.

(4) Any exclusion order made by virtue of the EEA Regulations 2016 as they are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 continues to apply for the period specified in the order or until revoked.

(5) Regulation 34(3) to (6) of the EEA Regulations 2016 (revocation of deportation and exclusion orders) continue to apply—

(a) in respect of any deportation order or exclusion order within sub-paragraph (1) or (3) with the modification that in paragraph (3), after “deportation or exclusion order” there were inserted “made on the grounds of public policy, public security or public health in accordance with regulation 27”;

(b) in respect of any deportation order or exclusion order within sub-paragraph (2) or (4) with the modifications that—

(i) in paragraph (3), after “deportation or exclusion order” there were inserted “made on the grounds of public policy, public security or public health in accordance with regulation 27”;

(ii) after paragraph (6) there were inserted—

“(7) An application for revocation of a deportation order made on conducive grounds in accordance with regulation 27A is to be considered in accordance with the immigration rules that apply in relation to an application for revocation of a deportation order made by virtue of section 3 of the Immigration Act 1971.”.

(6) This paragraph does not apply to the extent that the provisions specified in paragraph (5) continue to apply to a deportation or exclusion order by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

## **Pending applications for documentation under the EEA Regulations 2016**

3.—(1) Regulation 12 of the EEA Regulations 2016 (issue of EEA family permit)(d), continues to apply for the purposes of considering and, where appropriate, granting an application for a family permit which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(2) Regulation 12 of the EEA Regulations 2016 also continues to apply for the purposes of considering and, where appropriate, granting an application for a family permit which was validly made after commencement day in accordance with the EEA Regulations 2016 as they are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(3) Regulation 17 of the EEA Regulations 2016 (issue of registration certificate)(e), continues to apply for the purposes of considering and, where appropriate, granting an application for a

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(a) Deportation orders made under the Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003 are treated as being made under the EEA Regulations by virtue of paragraph 5(2) of Schedule 6 to the EEA Regulations.

(b) S.I. 2020/1209.

(c) Exclusion orders made under the Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003 are treated as being made under the EEA Regulations by virtue of paragraph 5(4) of Schedule 6 to the EEA Regulations.

(d) Relevant amendments are made by S.I. 2018/801.

(e) Relevant amendments are made by S.I. 2017/1.

registration certificate which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(4) Regulation 18 of the EEA Regulations 2016 (issue of residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a residence card which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(5) Regulation 19 of the EEA Regulations 2016 (issue of a document certifying permanent residence and a permanent residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a document certifying permanent residence or a permanent residence card, which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(6) Regulation 20 of the EEA Regulations 2016 (issue of a derivative residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a derivative residence card which was validly made in accordance with the EEA Regulations 2016 before commencement day.

### **Application of EEA Regulations 2016 to pending applications**

4.—(1) Subject to sub-paragraph (2) the provisions of the EEA Regulations 2016 specified in paragraph 6 continue to apply (despite the revocation of those Regulations) with the modifications specified for the purposes of determining whether an application referred to in paragraph 3 should be granted.

(2) The provisions specified in paragraph 6 do not apply to the extent that the provisions of the EEA Regulations 2016 specified in that paragraph continue to apply to an application within paragraph 3(2) by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

### **Existing appeal rights and appeals**

5.—(1) Subject to sub-paragraph (4), the provisions of the EEA Regulations 2016 specified in paragraph 6 continue to apply—

- (a) to any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day,
- (b) to any appeal which has been brought under the EEA Regulations 2016 and has not been finally determined before commencement day,
- (c) in respect of an EEA decision, within the meaning of the EEA Regulations 2016, taken before commencement day, or
- (d) in respect of an EEA decision, within the meaning of the EEA Regulations 2016 as they continue in effect by virtue of these Regulations or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020, which is taken on or after commencement day.

(2) For the purposes of paragraph (1)—

- (a) an appeal is not to be treated as finally determined while a further appeal may be brought and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned; and
- (b) an appeal is not to be treated as abandoned solely because the appellant leaves the United Kingdom.

(3) The revocation of the EEA Regulations 2016 does not affect the application of the Immigration (European Economic Area) Regulations 2006 to an appeal that falls within paragraph 3(1) of Schedule 4 to the EEA Regulations 2016.

(4) The provisions specified in paragraph 6 do not apply to the extent that the provisions of the EEA Regulations 2016 specified in paragraph 6 continue to apply to an appeal or EEA decision by

virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

### **Specified provisions of the EEA Regulations 2016**

- 6.—(1) The specified provisions of the EEA Regulations 2016 are—
- (a) regulation 2 (general interpretation) with the following modifications—
    - (i) as if all instances of the words “or any other right conferred by the EU Treaties”—
      - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
      - (bb) in so far as they relate to things done on or after commencement day, were omitted;
    - (ii) as if all instances of the words “or the EU Treaties”—
      - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
      - (bb) in so far as they relate to things done on or after commencement day, were omitted;
    - (iii) as if, at the end of the definition of “deportation order”, there were inserted “or under section 5(1) of the Immigration Act 1971”;
    - (iv) as if, in the definition of “EEA State”, the words “, other than the United Kingdom” were omitted; and
    - (v) as if, at the end of the definition of “exclusion order”, there were inserted “or directions issued by the Secretary of State for a person not to be given entry to the United Kingdom on the grounds that the person’s exclusion is conducive to the public good”;
  - (b) regulation 3 (continuity of residence) with the modification that, at the end of paragraph (3)(c), there were inserted “or the Immigration Acts”;
  - (c) regulation 4 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), for “in accordance with” there were substituted “within the meaning of”;
  - (d) regulation 5 (“worker or self-employed person who has ceased activity”);
  - (e) regulation 6 (“qualified person”) with the following modifications—
    - (i) in paragraph (4C), “and having a genuine chance of being engaged” were omitted;
    - (ii) in paragraph (6), after “employment and” there were inserted “, when determining whether the person is a jobseeker,”;
    - (iii) in paragraph (7), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker”;
  - (f) regulation 7 (“family member”);
  - (g) regulation 8 (“extended family member”);
  - (h) regulation 9 (family members and extended family members of British citizens) with the following modifications—
    - (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
    - (ii) sub-paragraph (a) of paragraph (3) were omitted;
    - (iii) paragraph (7) were omitted;

- (i) regulation 9A (dual national: national of an EEA State who acquires British citizenship);
- (j) regulation 10 (“family member who has retained the right of residence”) with the following modifications—
  - (i) in paragraph (2)(b), in so far as it applies to residence in the United Kingdom after commencement day, for “in accordance with these Regulations” there were substituted “lawfully”;
  - (ii) in paragraph (5)(a), “the initiation of proceedings for” were omitted;
- (k) regulation 11 (right of admission to the United Kingdom);
- (l) regulation 21 (procedure for applications for documentation under this Part and regulation 12);
- (m) regulation 22 (verification of a right of residence);
- (n) regulation 23 (exclusion and removal from the United Kingdom) with the modification that in each of paragraphs (1), (5), (6)(b) and (7)(b), after “regulation 27”, there were inserted “or on conducive grounds in accordance with regulation 27A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007(a)”;
- (o) regulation 24(1), (3),(4), (6) and (7) (refusal to issue or renew and revocation of residence documentation), with the modification that references to revocation are omitted;
- (p) regulation 27 (decisions taken on grounds of public policy, public security and public health) with the modification that after regulation 27 there were inserted—

**“Decisions taken on conducive grounds**

**27A.**—(1) An EEA decision may be taken on the ground that the decision is conducive to the public good.

(2) But a decision may only be taken under this regulation in relation to a person as a result of conduct of that person that took place after IP completion day.”;

- (q) regulation 28 (application of Part 4 to a person with a derivative right to reside) in so far as it applies to a person within regulation 28(1)(c),
- (r) regulation 32 (person subject to removal) with the modification that in paragraph (5), after “public health”, there were inserted “in accordance with regulation 27 or on conducive grounds in accordance with regulation 27A”;
- (s) regulation 33 (human rights considerations and interim orders to suspend removal);
- (t) regulation 35 (interpretation of Part 6) in respect of the interpretation of the provisions which continue to apply by virtue of paragraph 4 or 5;
- (u) regulation 36 (appeal rights);
- (v) regulation 37 (out of country appeals);
- (w) regulation 38 (appeals to the Commission);
- (x) regulation 39 (national security: EEA decisions);
- (y) regulation 40 (effect of appeals to the First-tier Tribunal or Upper Tribunal);
- (z) regulation 41 (temporary admission to submit case in person);
- (aa) regulation 42 (alternative evidence of identity and nationality);
- (bb) Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.) with the modification that for paragraph 1 there were substituted—

**“1.** The United Kingdom enjoys considerable discretion, acting within the parameters set by the law, to define its own standards of public policy and public security, for purposes tailored to its individual context from time to time.”.

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(a) 2007 c. 30.

- (cc) Schedule 2 (appeals to the First-tier Tribunal) with the modification that—
- (aa) in relation to an appeal within paragraph 5(1)(a) to (c), in each of paragraphs 1 and 2(4), the words “under the EU Treaties”, in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
  - (bb) in relation to an appeal within paragraph 5(1)(d), in each of paragraphs 1 and 2(4), the words “under the EU Treaties”, were a reference to “under the Immigration (European Economic Area) Regulations 2016 as they are continued in effect by these Regulations or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020, or by virtue of the EU withdrawal agreement, the EEA EFTA separation agreement (which has the same meaning as in the European Union (Withdrawal Agreement) Act 2020) or the Swiss citizens’ rights agreement (which has the same meaning as in that Act)”.

**Nationality, Immigration and Asylum Act 2016- saving in relation to appeals**

7. The repeal of section 109 of the Nationality, Immigration and Asylum Act 2002 (power to make regulations about appeals against immigration decisions in respect of persons having, or claiming to have, EU rights), by paragraph 2(1) of Schedule 1 to the 2020 Act, does not affect—

- (a) the power to make regulations under that section which provide for, or make provision about, an appeal in relation to which provisions of the EEA Regulations 2016 continue to have effect by virtue of these Regulations, the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020; or
- (b) the operation of any regulations made under that section insofar as they continue to have effect on or after commencement day by virtue of these Regulations or by virtue of any of the other Regulations of 2020 referred to in sub-paragraph (a).

**SCHEDULE 4**

Regulation 83

**Saving provision in relation to access to benefits and services**

1. In this Schedule—

- (a) “EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(a) as they had effect immediately before they were revoked;
- (b) “member of the post-transition period group” means a person who has limited leave to enter, or remain in, the United Kingdom granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.

2. For the purposes of the provisions specified in paragraph 3 the provisions of the EEA Regulations 2016 specified in paragraph 4 continue to have effect in relation to a person who is a member of the post-transition period group, with the specified modifications, despite the revocation of those Regulations by the 2020 Act.

3. The provisions specified in this paragraph are—

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(a) S.I. 2016/1052, relevant amending instruments are S.I. 2017/1, 2017/1242, 2018/201, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

- (a) regulation 21AA (special cases: supplemental—persons from abroad) of the Income Support (General) Regulations 1987(a);
- (b) regulation 21AA (special cases: supplemental—persons from abroad) of the Income Support (General) Regulations (Northern Ireland) 1987(b);
- (c) regulation 85A (special cases: supplemental—persons from abroad) of the Jobseeker’s Allowance Regulations 1996(c);
- (d) regulation 85A (special cases: supplemental—persons from abroad) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d);
- (e) article 3 (housing authority accommodation—England, Scotland and Northern Ireland), of the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(e);
- (f) regulation 2 (persons not in Great Britain) of the State Pension Credit Regulations 2002(f);
- (g) regulation 2 (persons not in Northern Ireland) of the State Pension Credit Regulations (Northern Ireland) 2003(g);
- (h) regulation 3 (circumstances in which a person is treated as not being in the United Kingdom) of the Tax Credits (Residence) Regulations 2003(h);
- (i) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(i);
- (j) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(j);
- (k) regulation 10 (persons from abroad) of the Housing Benefit Regulations 2006(k);
- (l) regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(l);
- (m) regulation 10 (persons from abroad) of the Housing Benefit Regulations (Northern Ireland) 2006(m);
- (n) regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(n);

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- (a) S.I. 1987/1967. Regulation 21AA was inserted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/2587, 2018/801, 2019/872 and 2020/683.
  - (b) S.R. 1987 No. 459. Regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.I. 2018/1085, S.R. 2019 No. 90 and S.R. 2020 No. 149.
  - (c) S.I. 1996/207. Regulation 85A was inserted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/2587, 2014/902, 2019/872 and 2020/683.
  - (d) S.R. 1996 No. 198. Regulation 85A was inserted by regulation 4(3) of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 Nos. 246 and 308, S.R. 2014 Nos. 133 and 263, S.R. 2019 No. 90 and S.R. 2020 No. 149.
  - (e) S.I. 2000/706, relevant amending instruments are S.I. 2006/2521, 2008/1768, 2018/729 and 2020/825.
  - (f) S.I. 2002/1792. Regulation 2 was substituted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/1809 and 2587, 2016/1052, 2019/872 and 2020/683.
  - (g) S.R. 2003 No. 28. Regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.
  - (h) S.I. 2003/654, relevant amending instruments are S.I. 2004/1243, 2012/2612, 2019/364, 2019/867 and 2020/672.
  - (i) S.I. 2005/306, relevant amending instruments are S.I. 2006/1026 and 2019/1060.
  - (j) S.R. 2005 No. 506, relevant amending instruments are S.R. 2006 No. 178, S.R. 2008 No. 286, S.R. 2016 No. 236, S.R. 2017 Nos. 55 and 176 and S.I. 2019/1060.
  - (k) S.I. 2006/213, relevant amending instruments are S.I. 2012/1809 and 2587, 2019/872 and 2020/683.
  - (l) S.I. 2006/214, relevant amending instruments are S.I. 2012/1809 and 2587, 2019/872 and 2020/683.
  - (m) S.R. 2006 No. 405, relevant amending instruments are S.R. 2008 No. 378, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 Nos. 98 and 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.
  - (n) S.R. 2006 No. 406, relevant amending instruments are S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.



- (o) regulations 23 (circumstances in which person treated as not being in Great Britain) and 27 (circumstances in which person treated as not being in Northern Ireland) of the Child Benefit (General) Regulations 2006**(a)**;
- (p) regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006**(b)**;
- (q) regulation 2 (interpretation), 3 (Persons from abroad who are ineligible for an allocation of housing accommodation) and 4 (Persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006**(c)**;
- (r) regulation 70 (special cases: supplemental – persons from abroad) of the Employment and Support Allowance Regulations 2008**(d)**;
- (s) regulation 70 (special cases: supplemental – persons from abroad) of the Employment and Support Allowance Regulations (Northern Ireland) 2008**(e)**;
- (t) regulation 16 (persons not entitled to a council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (Scotland) Regulations 2012**(f)**;
- (u) regulation 16 (persons not entitled to a council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012**(g)**;
- (v) regulation 12 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**(h)**;
- (w) regulations 2 (interpretation) and 9 (persons treated as not being in Great Britain) of the Universal Credit Regulations 2013**(i)**;
- (x) regulation 28 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013**(j)**;
- (y) paragraph 19 of the Schedule (class of persons excluded from this scheme: persons treated as not being in Great Britain) to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013**(k)**;
- (z) regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**(l)**;
- (aa) regulation 14C (family members of British citizens of Northern Ireland) of the National Health Service (Charges to Overseas Visitors) Regulations 2015**(m)**; and
- (bb) regulations 2 (interpretation) and 9 (persons treated as not being in Northern Ireland) of the Universal Credit Regulations (Northern Ireland) 2016**(n)**.

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- (a)** S.I. 2006/223, relevant amending instruments are S.I.s 2007/2150, 2012/2612, 2019/364, 2019/867 and 2020/672.
  - (b)** S.I. 2006/1294, relevant amending instruments are S.I. 2012/2588, S.I. 2019/861 and 2020/667.
  - (c)** S.R. 2006 No. 397, relevant amending instruments are S.R. 2009 No. 161, S.R. 2012 No. 429, S.R. 2013 No.189 and S.R. 2019 No.86.
  - (d)** S.I. 2008/794, relevant amending instruments are S.I.s 2012/1809 and 2587, 2014/902, 2019/872 and 2020/683.
  - (e)** S.R. 2008 No. 280, relevant amending instruments are S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.
  - (f)** S.S.I. 2012/303. Relevant amendments are made by S.S.I. 2015/46.
  - (g)** S.S.I. 2012/319. Relevant amendments are made by S.S.I. 2015/46.
  - (h)** S.I. 2012/2885, relevant amending instruments are S.I. 2013/3181, 2014/3312 and 2020/23.
  - (i)** S.I. 2013/376, relevant amending instruments are S.I. 2015/546, 2019/872 and 2020/683.
  - (j)** S.I. 2013/3029 (W.301), relevant amending instruments are S.I. 2014/66 (W.6), S.I. 2015/44 (W.3) and S.I. 2020/16 (W.2).
  - (k)** S.I. 2013/3035 (W.303), relevant amending instruments are S.I. 2014/66 (W.6), S.I. 2015/44 (W.3) and S.I. 2020/16 (W.2).
  - (l)** S.I. 2014/2603 (W. 257), relevant amending instruments are S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183) and S.I. 2019/1149 (W. 199).
  - (m)** S.I. 2015/238. Relevant amendments are made by S.I. 2020/654.
  - (n)** S.R. 2016 No. 216, relevant amending instruments re S.R. 2019 No. 89 and S.R. 2020 No. 130.

4. The following provisions of the EEA Regulations 2016 are, with the modifications provided for, specified for the purposes of paragraph 2—

- (a) regulation 2 (general interpretation) with the following modifications—
  - (i) as if all instances of the words “or any other right conferred by the EU Treaties”—
    - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
    - (bb) in so far as they relate to things done on or after commencement day, were omitted;
  - (ii) as if all instances of the words “or the EU Treaties”—
    - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
    - (bb) in so far as they relate to things done on or after commencement day, were omitted;
  - (iii) as if, at the end of the definition of “deportation order”, there were inserted “or under section 5(1) of the Immigration Act 1971”;
  - (iv) as if, in the definition of “EEA State”, the words “, other than the United Kingdom” were omitted;
  - (v) as if, at the end of the definition of “exclusion order”, there were inserted “or directions issued by the Secretary of State for a person not to be given entry to the United Kingdom on the grounds that the person’s exclusion is conducive to the public good”;
- (b) regulation 3 (continuity of residence) with the modification that, at the end of paragraph (3)(c), there were inserted “or the Immigration Acts”;
- (c) regulation 4 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), “in accordance with” there were substituted “within the meaning of”;
- (d) regulation 5 (“worker or self-employed person who has ceased activity”);
- (e) regulation 6 (“qualified person”) with the following modifications—
  - (i) in paragraph (4C), “and having a genuine chance of being engaged” were omitted;
  - (ii) in paragraph (6), after “employment and” there were inserted “, when determining whether the person is a jobseeker,”;
  - (iii) in paragraph (7), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker”;
- (f) regulation 7 (“family member”);
- (g) regulation 8 (“extended family member”) with the modification that paragraph (8) were omitted;
- (h) regulation 9 (family members and extended family members of British citizens) with the following modifications—
  - (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
  - (ii) sub-paragraph (a) of paragraph (3) were omitted;
  - (iii) paragraph (7) were omitted;
- (i) regulation 9A (dual national: national of an EEA State who acquires British citizenship);
- (j) regulation 10 (“family member who has retained the right of residence”) with the following modifications—

- (i) in paragraph (2)(b), in so far as it applies to residence in the United Kingdom after commencement day, for “in accordance with these Regulations” there were substituted “lawfully”;
- (ii) in paragraph (5)(a), “the initiation of proceedings for” were omitted;
- (k) regulation 13 (initial right of residence) with the modification that in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (l) regulation 14 (extended right of residence) with the modification that in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (m) regulation 15 (right of permanent residence) with the following modifications—
  - (i) in so far as it applies to residence in the United Kingdom after commencement day , as if the EEA Regulations 2016 (with the modifications set out in this paragraph) had been in force at all relevant times and as if for the words “in accordance with these Regulations” in each place they occur there were substituted “lawfully”;
  - (ii) in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (n) regulation 16 (derivative right to reside) with the following modifications—
  - (i) in paragraph (5)(c), for “another” there were substituted “an”;
  - (ii) in paragraph (12), for the words from “where the Secretary of State” to “or 31(1), unless that decision” there were substituted “if that person is subject to a deportation order or exclusion order unless that order”.

**Continued application of section 7(1) of the Immigration Act 1988 for purposes of housing legislation**

5. Notwithstanding the repeal of section 7 of the Immigration Act 1988 (exemption from requirement for leave to enter or remain for persons exercising EU Rights etc.)<sup>(a)</sup> by paragraph 1 of Schedule 1 to the 2020 Act, a member of the post-transition period group is not to be treated as “a person subject to immigration control” within—

- (a) the meaning of section 13 of the Asylum and Immigration Act 1996 (short title, interpretation, commencement and extent)<sup>(b)</sup> for the purposes of the exercise of the functions specified in paragraph 6; or
- (b) the meaning of section 118 of the Immigration and Asylum Act 1999 (housing authority accommodation) for the purposes of the exercise of the functions specified in paragraph 7.

6. The functions specified in this paragraph are—

- (a) determining whether a person is ineligible for an allocation of housing accommodation in England under section 160ZA(2) (allocation only to eligible and qualifying persons: England)<sup>(c)</sup> or for housing assistance in England under section 185(2) of the Housing Act 1996 (persons from abroad not eligible for housing assistance)<sup>(d)</sup>;

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(a) 1988. c. 14. Amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(b) 1996. c. 49.

(c) 1996. c. 52. Section 160ZA was inserted by section 146 of the Localism Act 2011 (c. 20) and amended by S.I. 2013/630.

(d) There have been amendments to section 185 but none are relevant.

- (b) determining whether a person is ineligible for an allocation of housing accommodation by a local housing authority in Wales under section 160A(3) of the Housing Act 1996 (allocation only to eligible persons: Wales); and
- (c) determining whether a person is eligible for help under Chapter 2 of Part 2 of the Housing (Wales) Act 2014 (homelessness)(a).

7. The functions specified in this paragraph are—

- (a) determining whether a person is ineligible for an allocation of housing accommodation in Northern Ireland under Article 22A(1)(a) of the Housing (Northern Ireland) Order 1981 (allocation only to eligible persons)(b); and
- (b) determining whether a person is ineligible for assistance under Part 2 of the Housing (Northern Ireland) Order 1988 under Article 7A(1)(a) of the Housing (Northern Ireland) Order 1988 (persons not eligible for housing assistance)(c).

## SCHEDULE 5

Regulation 84

### Transitional and further saving provision

#### PART 1

1. In this Schedule—

“the 1949 Act” means the Marriage Act 1949;

“the 1977 Act” means the Marriage (Scotland) Act 1977;

“the 2004 Act” means the Civil Partnership Act 2004;

“EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(d) as they had effect immediately before they were revoked;

“relevant national” has the meaning given in section 78 of the 1949 Act disregarding the amendments made by regulation 3 of these Regulations (amendment of the Marriage Act 1949: definition of relevant national).

#### **Transitional provision in relation to the immigration status of Irish citizens**

2.—(1) Sub-paragraph (2) applies in respect of an Irish citizen who—

- (a) immediately before commencement day, was (or was treated as), subject to an exclusion order made under regulation 23(5) of the EEA Regulations 2016, or
- (b) is subject to an exclusion order made under regulation 23(5) of the EEA Regulations 2016 as they are continued in effect by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(2) Unless the Secretary of State directs otherwise, the Irish citizen is to be treated for the purposes of section 3ZA of the Immigration Act 1971 as a person to whom section 3ZA(3) applies.

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(a) 2014 anaw 7. There have been amendments to Chapter 2 of Part 2, but none are relevant.  
 (b) S.I. 1981/156 (N.I. 3); Article 22A was inserted by Article 124 of S.I. 2003/412 (N.I. 2). There are amending instruments, but none are relevant.  
 (c) S.I. 1988/1990 (N.I. 23); Article 7A was inserted by Article 137 of S.I. 2003/412 (N.I. 2). There are amending instruments, but none are relevant.  
 (d) S.I. 2016/1052 amended by S.I.s 2017/1, 2017/1242, 2018/201, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

### **Transitional provision in relation to banns of matrimony in England and Wales**

3.—(1) Section 5(3)(a) of the 1949 Act does not apply in respect of a marriage to be solemnized between two parties who were both relevant nationals before 1st July 2021 where—

- (a) banns of matrimony in respect of that marriage have been duly published on at least one Sunday before 1st July 202, or
- (b) in a case not falling within paragraph (a), both parties have given notice of the marriage under section 8 of the 1949 Act before 1st July 2021 together with the evidence required under subsection (1)(b) of that section.

### **Transitional provision in relation to common licences for marriage in England and Wales**

4.—(1) Section 5(3)(b) of the 1949 Act does not apply in respect of a marriage to be solemnized between two persons who were both relevant nationals before 1st July 2021 where—

- (a) a common licence for the solemnization of the marriage was granted before 1st July 2021;
- (b) a relevant application for a common licence in respect of the marriage was received by the appropriate person, but not yet determined, by 1st July 2021, or
- (c) in a case not falling within paragraph (b), one of the persons has sworn the oaths required under section 16(1) of the 1949 Act before a person with authority to grant a common licence.

(2) In this paragraph—

“appropriate person” means—

- (a) a person having authority to grant a common licence, or
- (b) the office of the ecclesiastical judge out of which such a licence is to issue;

“common licence” has the same meaning as in the 1949 Act (see section 5);

“relevant application” means an application in writing (including by email) for a common licence including the evidence required by section 16(1C) of the 1949 Act.

### **Transitional provision in relation to notices of marriage**

5. The amendments made by regulation 3 of these Regulations (amendment of the Marriage Act 1949: definition of relevant national) do not apply in respect of parties to a proposed marriage where notice of the marriage is given before 1st July 2021—

- (a) by both parties under section 27 of the 1949 Act;
- (b) by both parties in accordance with section 37 of the 1949 Act (where one party is resident in Scotland), or
- (c) by one party under section 27 and by the other party under section 39 of the 1949 Act (issue of certificates on board His Majesty’s ships).

6. The amendments made by regulation 7(3) of these Regulations (amendment of the Marriage (Scotland) Act 1977: definition of relevant national) do not apply in respect of parties to a proposed marriage where notice of the marriage is given before 1st July 2021—

- (a) by both parties under section 3 of the 1977 Act, or
- (b) by one party under section 3 of the 1977 Act and by the other party under section 1 of the Marriage (Scotland) Act 1956.

7. The amendments made by regulation 14 of these Regulations (amendment of the Marriage (Northern Ireland) Order 2003: definition of relevant national) do not apply in respect of parties to a proposed marriage where notice of the marriage is given before 1st July 2021 by both parties under article 3 of the Marriage (Northern Ireland) Order 2003.

8. The amendments made by regulation 15(3) of these Regulations (amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004: procedure for marriage (England and Wales)) do not apply in relation to a marriage solemnized on or after 1st July 2021 where notice of the marriage is given before that date by both parties under section 27 of the 1949 Act.

#### **Transitional provision in relation to notices of civil partnership**

9.—(1) The amendments made by regulation 16(3) of these Regulations (amendment of the 2004 Act: definition of relevant national) do not apply in respect of parties to a proposed civil partnership where notice of the civil partnership is given before 1st July 2021—

- (a) by both parties under section 8 of the 2004 Act, or
- (b) by one party under section 8 and by the other party under—
  - (i) section 88 of that Act in accordance with section 97(2) of that Act, or
  - (ii) article 14 of the Civil Partnership (Armed Forces) Order 2005, or
- (c) by both parties under section 88 of the 2004 Act, or
- (d) by both parties under section 139 of the 2004 Act.

(2) The amendments made by regulation 16(5) of these Regulations (amendment of the 2004 Act: procedure for giving notice of proposed civil partnership: England and Wales) do not apply in relation to a civil partnership formed on or after 1st July 2021 where notice of the civil partnership is given by both parties before that date under section 8 of the 2004 Act.

(3) For the purposes of this paragraph, references to notice given under section 8 include notice given in accordance with sections 18, 19 or 20 of the 2004 Act.

## **PART 2**

#### **Saving in relation to section 2 of the 2020 Act**

10.—(1) The amendment of section 9(2) of the Immigration Act 1971 (further provisions about the common travel area) made by section 2(3) of the 2020 Act does not affect the operation in relation to an Irish citizen of any subordinate legislation which was made under section 9(2) of the Immigration Act 1971 before commencement day for the purposes of the implementation of Article 32(1)(b) of the withdrawal agreement, Article 31(1)(b) of the EEA EFTA separation agreement or Article 26a(1)(b) of the Swiss citizens' rights agreement.

(2) In paragraph (1), “EEA EFTA separation agreement” and “Swiss citizens' rights agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act).

#### **Saving in relation to Schedule 1 to the 2020 Act**

11. The repeal by paragraphs 5 and 6 of Schedule 1 to the 2020 Act of the rights, powers, liabilities obligations, restrictions, remedies and procedures to which those paragraphs apply does not prevent those rights, powers, liabilities, obligations, restrictions, remedies and procedures being recognised and available in domestic law in respect of a time before commencement day.

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 5(1) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (“the Act”), in order to make provision in consequence of or in connection with Part 1 of that Act which (amongst other things), makes provision to end rights to free movement under EU retained law. In particular these Regulations are made in accordance with sections 5(2), 5(3), 5(4) and 5(5) of the Act.

These Regulations make amendments to legislation in the fields of immigration (including access to benefits and services), and nationality.

Part 2 in conjunction with Schedule 1 makes amendments in relation to immigration; provision for amendments to primary legislation is made in Chapter 1 and for amendment to secondary legislation in Chapter 2.

Part 3 makes amendments in relation to access to benefits and services.

Part 4 makes amendments in relation to nationality; provision for amendments to primary legislation is made in Chapter 1 and for amendment to secondary legislation in Chapter 2.

Part 5, in conjunction with Schedule 2, makes saving provision in relation to the EC Association Agreement with Turkey.

Part 6, in conjunction with Schedule 3, makes savings in connection with the EEA Regulations.

Part 7, in conjunction with Schedule 4, makes provision about access to benefits.

Part 8, in conjunction with Schedule 5, makes transitional and further saving provision.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies are also available from the Home Office, European Migration and Citizens' Rights Unit, 2 Marsham Street, London, SW1P 4DF.

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