
STATUTORY INSTRUMENTS

2000 No. 2326

The Immigration (European Economic Area) Regulations 2000

Part VI

Application of the 1971 Act and the 1999 Act

Persons claiming right of admission

24.—(1) This regulation applies to a person who claims a right of admission to the United Kingdom under regulation 12 as—

- (a) the family member of an EEA national, where he is not himself an EEA national; or
- (b) an EEA national, where there is reason to believe that he may fall to be excluded from the United Kingdom on grounds of public policy, public security or public health.

(2) A person to whom this regulation applies is to be treated as if he were a person seeking leave to enter the United Kingdom under the 1971 Act and paragraphs 2 to 4, 7, 16 to 18 and 21 to 24 of Schedule 2 to the 1971 Act (administrative provisions as to control on entry etc)(**1**) apply accordingly, except that—

- (a) the reference in paragraph 2(1) to the purpose for which the immigration officer may examine any persons who have arrived in the United Kingdom is to be read as a reference to the purpose of determining whether he is a person who is to be granted admission under these Regulations; and
- (b) the references in paragraph 4(2A) and in paragraph 7 to a person who is, or may be, given leave to enter are to be read as references to a person who is, or may be, granted admission under these Regulations.

(3) For so long as a person to whom this regulation applies is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to the 1971 Act, he is deemed not to have been admitted to the United Kingdom.

Persons refused admission

25.—(1) This regulation applies to a person who is in the United Kingdom and has been refused admission to the United Kingdom—

- (a) because he does not meet the requirements of regulation 12 (including where he does not meet those requirements because his residence document or EEA family permit has been revoked by an immigration officer in accordance with regulation 22); or
- (b) in accordance with regulation 21(1) or (2).

(2) A person to whom this regulation applies is to be treated as if he were a person refused leave to enter under the 1971 Act, and the provisions set out in paragraph (3) apply accordingly.

(1) Schedule 2 has been amended, inter alia, by the Criminal Justice Act 1972 (c. 71); the Justices of the Peace Act 1979 (c. 55); the British Nationality Act 1981 (c. 61); the Police and Criminal Evidence Act 1984 (c. 60); the Immigration Act 1988 (c. 14); the Asylum and Immigration Act 1996 (c. 49); and the 1999 Act.

- (3) Those provisions are—
- (a) paragraphs 8, 10, 11, 16 to 18 and 21 to 24 of Schedule 2 to the 1971 Act;
 - (b) paragraph 19 of Schedule 2 to the 1971 Act, except that the reference in that paragraph to a certificate of entitlement, entry clearance or work permit is to be read as a reference to an EEA family permit or residence document; and
 - (c) sections 67 and 68 of the 1999 Act (appeal concerning objection to removal destination), except that the reference in section 68(1)(b) to a person who held a current entry clearance or was a person named in a current work permit is to be read as a reference to a person who held an EEA family permit or residence document.

Persons subject to removal

26.—(1) This regulation applies to a person whom it has been decided to remove from the United Kingdom in accordance with regulation 21(3).

(2) Where the decision is under sub-paragraph (a) of regulation 21(3), the person is to be treated as if he were a person to whom section 10(1)(a) of the 1999 Act applied, and section 10 of that Act (removal of certain persons unlawfully in the United Kingdom) is to apply accordingly.

(3) Where the decision is under sub-paragraph (b) of regulation 21(3), the person is to be treated as if he were a person to whom section 3(5)(a) of the 1971 Act (liability to deportation) applied, and section 5 of that Act (procedure for deportation) and Schedule 3 to that Act (supplementary provisions as to deportation) are to apply accordingly.