
STATUTORY INSTRUMENTS

2006 No. 1003

The Immigration (European Economic Area) Regulations 2006

PART 5

PROCEDURE IN RELATION TO EEA DECISIONS

Person subject to removal

24.—^{F1}(1) If there are reasonable grounds for suspecting that a person is someone who may be removed from the United Kingdom under ^{F2}regulation 19(3)(b)” and for “an immigration officer” substitute “the Secretary of State], that person may be detained under the authority of an immigration officer pending a decision whether or not to remove the person under that regulation, and paragraphs 17 and 18 of Schedule 2 to the 1971 Act shall apply in relation to the detention of such a person as those paragraphs apply in relation to a person who may be detained under paragraph 16 of that Schedule.]

(2) ^{F3} Where a decision is taken to remove a person] under regulation 19(3)(a), [^{F4} or (c)] the person is to be treated as if he were a person to whom section 10(1)(a) of the 1999 Act ^{M1} applied, and section 10 of that Act (removal of certain persons unlawfully in the United Kingdom) is to apply accordingly.

(3) ^{F3} Where a decision is taken to remove a person] under regulation 19(3)(b), the person is to be treated as if he were a person to whom section 3(5)(a) of the 1971 Act ^{M2} (liability to deportation) applied, and section 5 of that Act ^{M3} (procedure for deportation) and Schedule 3 to that Act ^{M4} (supplementary provision as to deportation) are to apply accordingly.

^{F5}(4) A person who enters the United Kingdom in breach of a deportation or exclusion order [^{F6}, or in circumstances where that person was not entitled to be admitted pursuant to regulation 19(1) or (1A)], shall be removable as an illegal entrant under Schedule 2 to the 1971 Act and the provisions of that Schedule shall apply accordingly.]

(5) Where such a deportation order is made against a person but he is not removed under the order during the two year period beginning on the date on which the order is made, the Secretary of State shall only take action to remove the person under the order after the end of that period if, having assessed whether there has been any material change in circumstances since the deportation order was made, he considers that the removal continues to be justified on the grounds of public policy, public security or public health.

(6) A person to whom this regulation applies shall be allowed one month to leave the United Kingdom, beginning on the date on which he is notified of the decision to remove him, before being removed pursuant to that decision except—

- (a) in duly substantiated cases of urgency;
- (b) where the person is detained pursuant to the sentence or order of any court;
- (c) where a person is a person to whom regulation 24(4) applies.

[^{F7}(7) Paragraph (6) of this regulation does not apply where a decision has been taken under regulation 19(3) on the basis that the relevant person—

- (a) has ceased to have a derivative right of residence; or
- (b) is a person who would have had a derivative right of residence but for the effect of a decision to remove under regulation 19(3)(b).]

Textual Amendments

- F1** Reg. 24(1) substituted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 1, **Sch. 1 para. 10(a)**
- F2** Words in reg. 24(1) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 17(a)** (with Sch. 3)
- F3** Words in reg. 24(2)(3) substituted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 1, **Sch. 1 para. 10(b)**
- F4** Words in reg. 24(2) inserted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 21**
- F5** Reg. 24(4) substituted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 1, **Sch. 1 para. 10(c)**
- F6** Words in reg. 24(4) inserted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 10**
- F7** Reg. 24(7) inserted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 17(b)** (with Sch. 3)

Marginal Citations

- M1** Section 10 is amended by sections 73 to 75 of and Schedule 9 to the 2002 Act.
- M2** Section 3(5) is amended by paragraphs 43 and 44 of Schedule 14 to the 1999 Act.
- M3** Section 5 is amended by paragraph 2 of Schedule 4 to the [British Nationality Act 1981 \(c. 61\)](#), **paragraph 2** of the Schedule to the [Immigration Act 1988 \(c. 14\)](#), **paragraph 2** of Schedule 2 to the [Asylum and Immigration Act 1996 \(c. 49\)](#) and paragraph 37 of Schedule 27 to the [Civil Partnership Act 2004 \(c. 33\)](#).
- M4** Schedule 3 is amended by paragraphs 1 and 2 of Schedule 10 to the [Criminal Justice Act 1982 \(c. 48\)](#), **paragraph 10** of Schedule 10 to the [Immigration Act 1988 \(c. 14\)](#), **paragraph 13** of Schedule 2 to the [Asylum and Immigration Act 1996 \(c. 49\)](#), **section 54** of, and paragraphs 43 and 68 of Schedule 14 to, the 1999 Act, paragraphs 7 and 8 of Schedule 7 to the 2002 Act, paragraph 150 of Schedule 8, and Schedule 10, to the [Courts Act 2003 \(c. 39\)](#), and section 34 of the [Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(c. 19\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006, Section 24.