

## STATUTORY INSTRUMENTS

# 2020 No. 1213

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

### PART 4

#### Refusal of admission and removal

##### Person subject to removal

**16.**—(1) If there are reasonable grounds for suspecting that a person is someone who may be removed from the United Kingdom by virtue of regulation 15(1)(b) that person may be detained under the authority of the Secretary of State pending a decision whether or not to remove the person under that regulation, and paragraphs 17 to 18A of Schedule 2 to the 1971 Act 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) Where a decision is taken to remove a person by virtue of regulation 15(1)(a) or (c) the person is to be treated as if the person were a person to whom section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) <sup>M1</sup> applies.

(3) Where a decision is taken to remove a person by virtue of regulation 15(1)(b), the person is to be treated as if the person were a person to whom section 3(5)(a) of the 1971 Act <sup>M2</sup> (liability to deportation) applies, and section 5 of that Act <sup>M3</sup> (procedure for deportation) and Schedule 3 to that Act <sup>M4</sup> (supplementary provision as to deportation) apply accordingly.

(4) A person who enters the United Kingdom in breach of a deportation order made by virtue of regulation 15(1)(b), or in circumstances where that person was not entitled to be admitted under regulation 12 is removable as an illegal entrant under Schedule 2 to the 1971 Act and the provisions of that Schedule apply accordingly.

(5) Where a deportation order has been made by virtue of regulation 15(1)(b) but the person 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 may only take action to remove the person under the order at the end of that period if, having assessed whether there has been any material change in circumstances since the deportation order was made, the Secretary of State considers that the removal continues to be justified on the grounds of public policy, public security or public health in accordance with regulation 18.

##### Commencement Information

**11** Reg. 16 in force at 31.12.2020 on IP completion day, see reg. 1(2)(3)

##### Marginal Citations

**M1** 1999 c. 23. Section 10 was amended by section 1 of the Immigration Act 2014.

**M2** Section 3(5)(a) was amended by paragraphs 43 and 44 of Schedule 14 to the Immigration and Asylum Act 1999.

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**Changes to legislation:** There are currently no known outstanding effects for the 'The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, Section 16. (See end of Document for details)

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**M3** Section 5 was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981, paragraph 2 of the Schedule to the Immigration Act 1988, paragraph 2 of Schedule 2 to the Asylum and Immigration Act 1996 and paragraph 37 of Schedule 27 to the [Civil Partnership Act 2004 \(c. 33\)](#).

**M4** Schedule 3 was amended by the Criminal Justice Act 1982 (c. 48), paragraphs 1 and 2 of Schedule 10 to the Immigration Act 1988, paragraph 10 of Schedule 10 to the Asylum and Immigration Act 1996, paragraph 13 of Schedule 2 to the Immigration and Asylum Act 1999, section 54 of, and paragraphs 43 and 68 of Schedule 14 to, the Nationality Asylum and Immigration Act 2002, paragraphs 7 and 8 of Schedule 7 to the Courts Act 2003, paragraph 150 of Schedule 8 and Schedule 10 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, section 34 of the Immigration, Asylum and Nationality Act 2006, section 53 of the Immigration Act 2014, section 60 of, paragraph 2(2) of Schedule 1 and paragraphs 9, 20 and 24 of Schedule 9 to, the Immigration Act 2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, Section 16.