
STATUTORY INSTRUMENTS

2000 No. 2326

The Immigration (European Economic Area) Regulations 2000

Part V

Withdrawal of EEA Rights

Exclusion and removal from the United Kingdom

21.—(1) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 12 if his exclusion is justified on grounds of public policy, public security or public health.

(2) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 12(2) if, at the time of his arrival, he is not the family member of a qualified person.

(3) A person may be removed from the United Kingdom—

(a) if he is not, or has ceased to be—

(i) a qualified person; or

(ii) the family member of a qualified person;

(b) if he is a qualified person or the family member of such a person, but the Secretary of State has decided that his removal is justified on the grounds of public policy, public security or public health.

Refusal to issue or renew residence permit or residence document, and revocation of residence permit, residence document or EEA family permit

22.—(1) The Secretary of State may refuse to issue a residence permit or residence document (as the case may be) if the refusal is justified on grounds of public policy, public security or public health.

(2) The Secretary of State may revoke, or refuse to renew, a residence permit or residence document if—

(a) the revocation or refusal is justified on grounds of public policy, public security or public health; or

(b) the person to whom the residence permit or residence document was issued—

(i) is not, or has ceased to be, a qualified person;

(ii) is not, or has ceased to be, the family member of a qualified person.

(3) An immigration officer may, at the time of the arrival in the United Kingdom of a person who is not an EEA national, revoke that person's residence document if he is not at that time the family member of a qualified person.

(4) An immigration officer may, at the time of a person's arrival in the United Kingdom, revoke that person's EEA family permit if—

(a) the revocation is justified on grounds of public policy, public security or public health; or

(b) the person is not at that time the family member of a qualified person.

Public policy, public security and public health

23. Decisions taken on grounds of public policy, public security or public health (“the relevant grounds”) must be taken in accordance with the following principles—

- (a) the relevant grounds must not be invoked to secure economic ends;
- (b) a decision taken on one or more of the relevant grounds must be based exclusively on the personal conduct of the individual in respect of whom the decision is taken;
- (c) a person’s previous criminal convictions do not, in themselves, justify a decision on grounds of public policy or public security;
- (d) a decision to refuse admission to the United Kingdom, or to refuse to grant the first residence permit or residence document, to a person on the grounds that he has a disease or disability may be justified only if the disease or disability is of a type specified in Schedule 1 to these Regulations;
- (e) a disease or disability contracted after a person has been granted a first residence permit or first residence document does not justify a decision to refuse to renew the permit or document or a decision to remove him;
- (f) a person is to be informed of the grounds of public policy, public security or public health upon which the decision taken in his case is based unless it would be contrary to the interests of national security to do so.