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## STATUTORY INSTRUMENTS

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### 2020 No. 1209

## The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020

### PART 3

Saving of the EEA Regulations 2016 etc. during the grace period and whilst applications are finally determined

#### Modification of other enactments

12.—(1) The following enactments with the modifications set out below are specified for the purposes of regulations 3 and 4—

- (a) section 1(5) of the Aliens' Employment Act 1955 (definition of a “relevant European”) <sup>M1</sup>, as it had effect immediately before IP completion day, with the modification that, for paragraphs (a) to (c), there were substituted “a national of an EEA State or Switzerland, or a family member of such a national, who has a right of residence in the United Kingdom by virtue of the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of regulations 3 and 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020)”;
- (b) section 3 of the Immigration Act 1971 <sup>M2</sup>, with the modification that a relevant person (within the meaning of regulation 3 of these Regulations) and the applicant (within the meaning of regulation 4 of these Regulations) are a “relevant person” within the meaning of that section (see section 3(10) of that Act);
- (c) paragraph 3 of Schedule 4 to that Act (Islands deportation order treated as order made under the Immigration Act 1971) <sup>M3</sup>, as it had effect immediately before IP completion day;
- (d) case 10A of Schedule 15 to the Rent Act 1977 (cases in which court may order possession) <sup>M4</sup>, as it had effect immediately before IP completion day;
- (e) subsection (4)(e) of section 50A of the British Nationality Act 1981 (meaning of references to being in breach of immigration laws) <sup>M5</sup>, as it had effect immediately before IP completion day;
- (f) Ground 7B of Schedule 2 to the Housing Act 1988 (grounds for possession of dwelling-houses let on assured tenancies) <sup>M6</sup>, as it had effect immediately before IP completion day;
- (g) section 7(1) of the Immigration Act 1988 (persons exercising Community rights and nationals of member States) <sup>M7</sup>, as it had effect immediately before IP completion day, with the modification that “of an enforceable EU right or” were omitted;
- (h) section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) <sup>M8</sup>, as it had effect immediately before IP completion day, with the modification that in subsection (5) “of an enforceable EU right or” were omitted;
- (i) section 115 of that Act (exclusion from benefits) <sup>M9</sup>, as it had effect immediately before IP completion day;

- (j) section 126 of the Nationality, Immigration and Asylum Act 2002 (physical data: compulsory provision)<sup>M10</sup>, as it had effect immediately before IP completion day, with the modification that in subsection (2)(e) “of an enforceable EU right or” were omitted;
- (k) Schedule 3 (withholding and withdrawal of support) to that Act<sup>M11</sup>, with the modification that paragraph 3 applies as it had effect immediately before IP completion day and with the modification that for “the EU Treaties” there were substituted “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)”;
- (l) section 2 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (offences to do with entering the United Kingdom without a passport)<sup>M12</sup>, as it had effect immediately before IP completion day, with the modification that, in subsections (4)(b) and (5)(b), for the reference to “the EU Treaties” there were substituted “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)”;
- (m) section 33 of the UK Borders Act 2007<sup>M13</sup>, as if a relevant person (within the meaning of regulation 3 of these Regulations) and an applicant (within the meaning of regulation 4 of these Regulations) are, if the relevant person or applicant is a foreign criminal (see section 32 of that Act), a “relevant person” within the meaning of section 33 (see section 33(6C) of that Act);
- (n) section 21 of the Immigration Act 2014 (persons disqualified by immigration status or with limited right to rent)<sup>M14</sup>, as it had effect immediately before IP completion day, with the modification that in subsection (4)(b)(ii) “of an enforceable EU right or” were omitted;
- (o) section 27 of that Act (eligibility period in relation to person with limited right to rent)<sup>M15</sup>, as it had effect immediately before IP completion day, with the modification that in subsection (6)(a) “of an enforceable EU right or” were omitted;
- (p) section 70A of that Act (immigration skills charge)<sup>M16</sup>, as it had effect immediately before [F1 1st December 2020], with the modification that in subsection (6)(d) “of an enforceable EU right or” were omitted;
- (q) Part 2 of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999)<sup>M17</sup>, as it had effect immediately before IP completion day;
- (r) Part 2 of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000 (persons not excluded under Section 115 of the Immigration and Asylum Act from entitlement to attendance allowance, severe disablement allowance, disability living allowance, a Social Fund Payment or child benefit)<sup>M18</sup>, as it had effect immediately before IP completion day;
- (s) the British Nationality (General) Regulations 2003<sup>M19</sup>, as they had effect immediately before IP completion day, with the modification that in regulations 7E(2)(e) (use and retention of biometric information) and 7G(2)(f) (retention of fingerprints), and in paragraphs 7, 13 and 14 of Schedule 2 (particular requirements as respects applications), “of an enforceable EU right or” were omitted;
- (t) the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006<sup>M20</sup>, as they had effect immediately before IP completion day, with the modification that in regulation 5(2) (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act), for sub-paragraph (a)(i) there were substituted—

- “(i) a person who is a national of a member State, an EEA State or Switzerland who has taken up an activity as an employed person in the United Kingdom by virtue of 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);”;
- (u) the Immigration (Provision of Physical Data) Regulations 2006 <sup>M21</sup>, as they had effect immediately before IP completion day, with the modifications that—
- (i) in each of the following provisions “of an enforceable EU right or” were omitted—
- (aa) the definition of “application” in regulation 2 (interpretation);
- (bb) regulation 8(2)(e) (use and retention of biometric information), and
- (cc) regulation 10(2)(f)(ii) (retention of fingerprints);
- (ii) in regulation 10(4), for “has the same meaning” to the end there were substituted “is to be read in accordance with the Immigration (European Economic Area) Regulations 2016 (see regulation 15) (as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020)”;
- (v) the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 <sup>M22</sup>, as they had effect immediately before IP completion day, with the modification that in regulation 5(2) (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act), for sub-paragraph (a)(i) there were substituted—
- “(i) a person who is a national of a member State, an EEA State or Switzerland who has taken up an activity as an employed person in the United Kingdom by virtue of 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);”;
- (w) the Immigration (Biometric Registration) Regulations 2008 <sup>M23</sup>, as they had effect immediately before IP completion day, with the modifications that—
- (i) in regulations 9(2)(e) (use and retention of biometric information) and 11(2)(f)(ii) (retention of fingerprints), “of an enforceable EU right or” were omitted;
- (ii) in regulation 11(4), for “has the same meaning” to the end there were substituted “is to be read in accordance with the Immigration (European Economic Area) Regulations 2016 (see regulation 15) (as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020)”.
- (2) Any reference in another enactment to a person who, under the Immigration Act 1971, requires leave to enter or remain in the United Kingdom (including section 13 of the Asylum and Immigration Act 1996 <sup>M24</sup>) is to be read in light of paragraph (1)(g) above (application with modification of section 7 of the Immigration Act 1988).

**F1** Words in reg. 12(1)(p) substituted (31.12.2020 immediately before IP completion day) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\), regs. 1\(2\)\(a\), 49\(4\)](#)

#### Commencement Information

**II** Reg. 12 in force at 31.12.2020, see reg. 1(1)

**Marginal Citations**

- M1** 1955 c. 18. Amended by [S.I. 1991/1221](#), [S.I. 2007/617](#) and [S.I. 2019/745](#) (not in force).
- M2** Relevant amending instruments are paragraph 44 of Schedule 14 to the Immigration and Asylum Act 1999 and section 10 of the European Union (Withdrawal Agreement) Act 2020.
- M3** Paragraph 3 of Schedule 4 was substituted by paragraphs 43 and 70 of Schedule 14 to the [Immigration and Asylum Act 1999 \(c. 33\)](#). See section 33 of the Immigration Act 1971 for the definition of “the Islands”.
- M4** 1977 c. 42. Case 10A was inserted by section 41 of the Immigration Act 2016.
- M5** 1981 c. 61. Section 50A was inserted by section 48 of the [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#).
- M6** 1988 c. 14. Amended by [S.I. 2011/1043](#) and [S.I. 2019/745](#) (not in force).
- M7** 1988 c. 14. Amended by [S.I. 2011/1043](#) and [S.I. 2019/745](#) (not in force).
- M8** 1999 c. 33. Section 10 was substituted by section 1 of the [Immigration Act 2014 \(c. 22\)](#) and amended by [S.I. 2019/745](#) (not in force). There have been other amendments to this section which are not relevant to these Regulations.
- M9** There have been amendments to section 115 which are not relevant to these Regulations.
- M10** 2002 c. 41. Amended by section 8(2) of, and paragraph 3 of Schedule 2 and paragraph 19 of Schedule 9 to, the Immigration Act 2014 and by [S.I. 2019/745](#) (not in force).
- M11** Relevant amending instrument is [S.I. 2011/1043](#).
- M12** 2004 c. 19. Section 2 was amended by [S.I. 2011/1043](#) and [S.I. 2019/745](#) (not in force). There have been other amendments which are not relevant to these Regulations.
- M13** Relevant amending instruments are section 10 of the European Union (Withdrawal Agreement) Act 2020, [S.I. 2011/1043](#) and [S.I. 2019/745](#) (not in force).
- M14** 2014 c. 22. Section 21 was amended by [S.I. 2019/745](#) (not in force).
- M15** Section 27 was amended by [S.I. 2019/745](#) (not in force).
- M16** Section 70A was inserted by section 85(1) and (2) of the Immigration Act 2016 and amended by [S.I. 2019/745](#) (not in force).
- M17** [S.I. 2000/636](#). Relevant amendments are made by [S.I. 2002/2497](#), [S.I. 2008/3108](#), [S.I. 2013/388](#) and [S.I. 2019/1431](#).
- M18** S.R. 2000 No. 71. Relevant amendments are made by S.R. 2019 No. 213.
- M19** [S.I. 2003/548](#). Relevant amending instruments are [S.I. 2015/738](#), [S.I. 2015/1806](#) and [S.I. 2019/745](#) (not in force).
- M20** [S.I. 2006/373](#).
- M21** [S.I. 2006/1743](#). Amended by [S.I. 2015/737](#), [S.I. 2018/928](#) and [S.I. 2019/745](#) (not in force).
- M22** [S.I. 2006/1715 \(W. 177\)](#).
- M23** [S.I. 2008/3048](#). Relevant amending instruments are [S.I. 2015/433](#) and [S.I. 2019/745](#) (not in force).
- M24** 1996 c. 49.

**Changes to legislation:**

There are currently no known outstanding effects for the The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020, Section 12.