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STATUTORY INSTRUMENTS

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**2020 No. 1309**

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 2

IMMIGRATION

*Chapter 1*

*Amendment and saving of primary legislation*

**Amendment of the Marriage Act 1949**

3.—(1) The Marriage Act 1949(1) is amended as follows.

(2) In section 78 (interpretation), in subsection (1), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020(2), or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (3) (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;

(b) omit paragraphs (b) and (c).

**Amendment of the Aliens’ Employment Act 1955**

4.—(1) The Aliens’ Employment Act 1955(4) is amended in accordance with paragraph (2).

(2) For section 1(5) (definition of a “relevant European”) substitute—

“(5) In subsection (1)(c) a “relevant European” means—

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(1) 1949 c. 76. The definition of “relevant national” was inserted by paragraphs 1 and 17 of, Schedule 4 to, the Immigration Act 2014 (c. 22) and amended by S.I. 2019/745.

(2) 2020 c. 1.

(3) S.I. 2020/1209.

(4) 1955 c. 18. Relevant amendments were made by S.I. 2007/617 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

- (a) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules;
  - (b) a person who—
    - (i) has leave to enter or remain in the United Kingdom which was granted before IP completion day otherwise than by virtue of residence scheme immigration rules, but
    - (ii) immediately before IP completion day, could have met the eligibility requirements for leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if the person were to have made an application for such leave at that time;
  - (c) a person who—
    - (i) falls within subsection (5A), and
    - (ii) immediately before IP completion day had a Decision 1/80 entitlement; or
  - (d) a person who—
    - (i) falls within subsection (5A), and
    - (ii) would at the relevant time have had a Decision 1/80 entitlement but for the coming into force of paragraph 6(1) of Schedule 1 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (repeal of EU-derived rights etc).
- (5A) A person falls within this subsection if—
- (a) the person has entry clearance, or leave to enter or remain in the United Kingdom, by virtue of the EC Association Agreement which was granted before IP completion day;
  - (b) the person has entry clearance, or leave to enter or remain in the United Kingdom, by virtue of the EC Association Agreement that was granted by virtue of an application made before IP completion day; or
  - (c) the person—
    - (i) had the entry clearance or leave described in paragraph (a) or (b), and
    - (ii) has leave to remain in the United Kingdom granted by virtue of either Appendix ECAA (Extension of Stay) or Appendix ECAA (Settlement), to the immigration rules<sup>(5)</sup>.
- (5B) For the purposes of subsections (5) and (5A)—
- “a Decision 1/80 entitlement” means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the EC Association Agreement;
- “EC Association Agreement” means the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963
- “eligibility requirements for leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements

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(5) Rules laid down as mentioned in section 3(2) of the Immigration Act 1971. Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix ECAA (Extension of Stay) and Appendix ECAA (Settlement) were laid before Parliament on 22nd October 2020.

for such leave in accordance with paragraph EU11, EU12 or EU14 of Appendix EU to the immigration rules;

“entry clearance” and “immigration rules” have the meaning given by section 33(1) of the Immigration Act 1971<sup>(6)</sup>;

“leave to enter or remain in the United Kingdom” means limited leave or indefinite leave within the meaning given by section 33(1) of the Immigration Act 1971;

“the relevant time” means the time at which the question whether the person is a relevant European is under consideration;

“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020 <sup>(7)</sup>.”.

### **Amendment and saving of the Immigration Act 1971**

5.—(1) The Immigration Act 1971 is amended in accordance with paragraphs (2) to (6).

(2) In section 9 (further provisions as to common travel area) <sup>(8)</sup>, in subsection (4)(a) —

(a) omit “written”;

(b) omit “as being in the interests of national security”.

(3) In section 25 (assisting unlawful immigration to member State)<sup>(9)</sup>—

(a) in subsection (1), in both places it occurs, for “a citizen of the European Union” substitute “a national of the United Kingdom”;

(b) in subsection (7), omit paragraph (b) (and the “and” before it).

(4) Section 25B (assisting entry to United Kingdom in breach of deportation or exclusion order)<sup>(10)</sup> is omitted.

(5) In Schedule 4 (integration with United Kingdom law of immigration law of Islands), in paragraph 3 (deportation)<sup>(11)</sup> —

(a) in sub-paragraph (2)—

(i) after paragraph (a) insert—

“(aa) an Irish citizen;”;

(ii) omit paragraphs (b) and (c) (and the “or” after paragraph (c));

(iii) at the appropriate place, insert—

“(ca) a relevant person (see paragraph 3A); or”;

(iv) in paragraph (d), for “such a citizen nor an EEA national” substitute “a British citizen nor an Irish citizen”;

(b) in sub-paragraph (4), for “(b), (c)” substitute “(aa), (ca)”.

(6) In that Schedule, after paragraph 3, insert —

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<sup>(6)</sup> 1971 c. 77.

<sup>(7)</sup> 2020 c. 1.

<sup>(8)</sup> Section 9(4) was amended by paragraph 2 of, Schedule 4 to, the British Nationality Act 1981 (c. 61).

<sup>(9)</sup> Section 25 was amended by S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and in so far as they relate to section 25(1) are revoked by regulation 48 of these Regulations before they come into force.

<sup>(10)</sup> Section 25B was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Subsection (2) was substituted by paragraph 4(b) of, Schedule 14 to, the Immigration Act 2016 (c. 19). Subsection (3)(c) was amended by paragraph 4(c)(ii) of, Schedule 14 to, the Immigration Act 2016. There have been other amendments to this section which are not relevant.

<sup>(11)</sup> Paragraph 3 of Schedule 4 was substituted by paragraphs 43 and 70 of, Schedule 14 to, the Immigration and Asylum Act 1999 (c. 33).

**“3A Relevant person for purposes of paragraph 3**

- (1) For the purposes of paragraph 3, a person is a “relevant person”—
- (a) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1)) having arrived with entry clearance granted by virtue of relevant entry clearance immigration rules;
  - (b) if the person has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
  - (c) if the person may be granted leave to enter or remain in the United Kingdom as a person who has a right to enter the United Kingdom by virtue of —
    - (i) Article 32(1)(b) of the EU withdrawal agreement;
    - (ii) Article 31(1)(b) of the EEA EFTA separation agreement, or
    - (iii) Article 26(a)(1)(b) of the Swiss citizens’ rights agreement,
 whether or not the person has been granted such leave, or
  - (d) if the person may enter the United Kingdom by virtue of regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020 (frontier workers), whether or not the person has entered by virtue of those regulations.

- (2) In this paragraph—

“EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“relevant entry clearance immigration rules” and “residence scheme immigration rules” have the meanings given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(7) Notwithstanding its repeal by paragraph (4), section 25B of the Immigration Act 1971 continues to apply where an order is in force excluding an individual from the United Kingdom and the order—

- (a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or
- (b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

**Amendment of the Rent Act 1977**

**6.—**(1) The Rent Act 1977(**12**) is amended as follows.

(2) In Schedule 15 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies), in Part 1 (cases in which court may order possession), in Case 10A (case relating to disqualification as a result of immigration status), in the definition of “relevant national”—

- (a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration

(12) 1977 c. 42. Case 10A was inserted by section 41(6) of the Immigration Act 2016 and amended by [S.I. 2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;

- (b) omit paragraphs (b) and (c).

### **Amendment of the Marriage (Scotland) Act 1977**

7.—(1) The Marriage (Scotland) Act 1977(**13**) is amended as follows.

(2) In section 3(1) (notice of intention to marry: documents etc to be produced), after paragraph (c) insert—

“(ca) if the party falls within paragraph (ab)(i) of the definition of “relevant national” in section 26(2), an electronic certificate which confirms that the leave referred to in that provision has been granted;

(cb) if the party falls within paragraph (ab)(ii) of the definition of “relevant national” in section 26(2)—

(i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and

(ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired;”.

(3) In section 26(2) (interpretation), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection)(EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;”;

(b) omit paragraphs (b) and (c).

### **Amendment of the Housing Act 1988**

8.—(1) The Housing Act 1988(**14**) is amended as follows.

(2) In Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies), in Ground 7B, in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration

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(13) 1977 c. 15. Section 3(1) was amended by paragraphs 1 and 3 of, Schedule 2 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraph 43(a) of Schedule 48 to the Civil Partnership Act 2004 (c. 33). The definition of “relevant national” was inserted into section 26 by S.I. 2015/396 and amended by S.I. 2019/745. There are other amendments but none are relevant.

(14) 1988 c. 50. Ground 7B was inserted by section 41 of the Immigration Act 2016.

rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;

(b) omit paragraphs (b) and (c).

#### **Amendment of the Housing (Northern Ireland) Order 1988**

9.—(1) The Housing (Northern Ireland) Order 1988(15) is amended as follows.

(2) In Article 7A (persons not eligible for housing assistance), for paragraph (4A)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

(ii) within a class specified in an order under section 119(1) of the Immigration and Asylum Act 1999(16) which had effect at that time.”.

#### **Amendment of the Housing Act 1996**

10.—(1) The Housing Act 1996(17) is amended as follows.

(2) In section 185 (persons from abroad not eligible for housing assistance), for subsection (5) (b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

(ii) within a class prescribed by regulations made under subsection (2) which had effect at that time.”.

#### **Amendment of the Special Immigration Appeals Commission Act 1997**

11.—(1) The Special Immigration Appeals Commission Act 1997(18) is amended as follows.

(2) In section 2C (jurisdiction: review of certain exclusion decisions)—

(a) in subsections (1) and (2), for “non-EEA national or relevant person”, in each place it occurs, substitute “person”;

(b) in subsection (5), omit the words from the beginning to the second “and”.

#### **Amendment of the Immigration and Asylum Act 1999**

12.—(1) The Immigration and Asylum Act 1999(19) is amended as follows.

(2) In section 10 (removal of persons unlawfully in the United Kingdom)(20), in subsection (5), for the words from “neither” to the end of that subsection substitute none of the following—

“(a) a British citizen,

(b) an Irish citizen,

(15) S.I. 1988/1990 (N.I. 23). Relevant amendments were made by paragraph 18(3) of, Schedule 15 to, the Housing and Regeneration Act 2008 (c. 17) but are in force only for the purposes of applications for an allocation housing assistance made on or after 2nd March 2009 (see S.I. 2009/415).

(16) 1999 c. 33.

(17) 1996 c. 52. Relevant amendments were made by paragraph 4(3) of, Schedule 15 to, the Housing and Regeneration Act 2008 but are in force only for the purposes of applications for an allocation of social housing or housing assistance (homelessness) made on or after 2nd March 2009 (see S.I. 2009/415).

(18) 1997 c. 68. Section 2C was inserted by section 15 of the Justice and Security Act 2013 (c. 18) and amended by S.I. 2020/61.

(19) 1999 c. 33.

(20) Section 10(5) was substituted by section 1 of the Immigration Act 2014 and S.I. 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There are other amendments, but none are relevant.

(c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.”.

(3) In section 24 (duty to report suspicious marriages)(**21**), in subsection (6), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(4) In section 24A (duty to report suspicious civil partnerships)(**22**), in subsection (5A), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen; or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(5) In section 82 (interpretation of Part V)(**23**), in subsection (1), in the definition of “relevant matters” omit paragraphs (e), (f) and (g).

(6) In section 115 (exclusion from benefits)(**24**), in subsection (9), omit “who is not a national of an EEA State and”.

(7) In section 119 (homelessness: Scotland and Northern Ireland)(**25**) for subsection (1A)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

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(21) The definition of “relevant national” was amended by section 55 of the Immigration Act 2014 and amended by [S.I. 2019/745](#).

(22) Section 24A was inserted by paragraph 162 of, Schedule 27 to, the Civil Partnership Act 2004 ([c.33](#)); subsection (5A) was substituted by section 55 of the Immigration Act 2014 and amended by [S.I. 2019/745](#). There are other amendments, but none are relevant.

(23) The definition of “relevant matters” was amended by section 123 of the Nationality, Immigration and Asylum Act 2002 ([c. 41](#)), [S.I. 2010/22](#), [2011/1043](#) and [2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There have been other amendments to section 82, but none are relevant.

(24) There have been amendments to section 115 but none are relevant.

(25) Section 119 was amended by paragraph 22 of, Schedule 15 to, the Housing and Regeneration Act 2008 but those amendments are in force only for the purposes of applications for an allocation of social housing or housing assistance (homelessness) made on or after 2nd March 2009 (see [S.I. 2009/415](#)).

(ii) within a class specified in an order under subsection (1) which had effect at that time.”.

(8) In section 167 (interpretation)(**26**), in subsection (1), after the definition of “the Refugee Convention” at the appropriate place insert—

“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”.

### **Amendment and saving of the Nationality, Immigration and Asylum Act 2002**

**13.**—(1) The Nationality, Immigration and Asylum Act 2002(**27**) is amended in accordance with paragraphs (2) to (4).

(2) In section 58 (voluntary departure from the United Kingdom)—

- (a) in subsection (1)(a), omit “or an EEA national”;
- (b) omit subsection (4).

(3) In section 126(2) (physical data: compulsory provision)—

- (a) at the end of paragraph (c) insert “or”;
- (b) omit paragraph (e)(**28**) (and the “or” before it).

(4) In Schedule 3 (withholding and withdrawal of support)—

- (a) in paragraph 3 (exceptions)(**29**), omit sub-paragraph (b) (and the “or” before it);
- (b) omit paragraph 5 (second class of ineligible person: citizen of EEA state)(**30**);
- (c) in paragraph 8 (travel assistance) omit “or 5”.

(5) The amendments made by paragraph (3) do not affect the operation of any regulations made under section 126(1) of the Nationality, Immigration and Asylum Act 2002 before commencement day in relation to any application for a document referred to in section 126(2)(e) that was made before commencement day.

### **Amendment of the Marriage (Northern Ireland) Order 2003**

**14.**—(1) The Marriage (Northern Ireland) Order 2003(**31**) is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), in the definition of “relevant national”—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

- (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
- (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline)

(26) There have been amendments to section 167 but none are relevant.

(27) 2002 c. 41.

(28) Section 126(2)(e) was inserted by section 8(2) of the Immigration Act 2014. Relevant amendments are made by [S.I. 2019/745](#). Those amendments are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(29) Paragraph 3 was amended by [S.I. 2011/1043](#) and [2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(30) Paragraph 5 was amended by [S.I. 2019/745](#). Those amendments are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(31) [S.I. 2003/413 \(N.I. 3\)](#). The definition of “relevant national” was inserted by [S.I. 2015/395](#) and amended by [S.I. 2019/745](#).



where the relevant period within the meaning of that regulation has not expired;”;

- (b) omit paragraphs (b) and (c).

### **Amendment of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004**

**15.**—(1) The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004<sup>(32)</sup> is amended as follows.

- (2) In section 2 (offences to do with entering the United Kingdom without a passport)<sup>(33)</sup>—

- (a) in subsection (4)—

- (i) for paragraph (a) substitute—

“(a) to prove that he is —

- (i) an Irish citizen,

- (ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

- (iii) is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020<sup>(34)</sup>,”;

- (ii) omit paragraph (b);

- (b) in subsection (5)—

- (i) for paragraph (a) substitute—

“(a) to prove that the child is—

- (i) an Irish citizen,

- (ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

- (iii) is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020,”;

- (ii) omit paragraph (b);

- (c) in subsection (12)—

- (i) omit the definition of “EEA national”;

- (ii) in the definition of “immigration document” omit the “and” after paragraph (b);

- (iii) after the definition of “leave or asylum interview” insert—

““residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

- (3) In section 19 (England and Wales)<sup>(35)</sup>—

- (a) in subsection (2)(a) (procedure for marriage: England and Wales)—

- (i) after “district” insert “which is”;

- (ii) after “State” insert “and is the appropriate registration district”;

- (b) after subsection (2) insert—

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<sup>(32)</sup> 2004 c. 19.

<sup>(33)</sup> Section 2 was amended by [S.I. 2011/1043](#) and [2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force. There have been other amendments to section 2 but none are relevant.

<sup>(34)</sup> [S.I. 2020/1213](#).

<sup>(35)</sup> There are amendments to section 19 but none are relevant to these Regulations.

- “(2A) For the purposes of subsection (2) “the appropriate registration district” means—
- (a) if the parties have resided in the same specified registration district for the period of seven days immediately before the giving of the notice (“the 7 day period”), that specified registration district,
  - (b) if one or both of the parties have resided in a specified registration district (but not the same specified registration district) for the 7 day period, the specified registration district in which one of them has resided for that period, or
  - (c) if neither of the parties has resided in a specified registration district for the 7 day period, any specified registration district.

(2B) In subsection (2A), “specified registration district” means a registration district specified for the purposes of subsection (2)(a) by regulations made under that provision.”.

#### **Amendment of the Civil Partnership Act 2004**

**16.**—(1) The Civil Partnership Act 2004<sup>(36)</sup> is amended as follows.

(2) In section 9 (evidence: England and Wales)<sup>(37)</sup> after subsection (1) insert—

“(1A) If a party to the proposed civil partnership is a relevant national within the meaning of section 30A(ab) the notice of proposed civil partnership under section 8 must also be accompanied—

- (a) where the party falls within section 30A(ab)(i), by an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the party falls within section 30A(ab)(ii)—
  - (i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.

(3) In section 30A (meaning of “relevant national”)<sup>(38)</sup>—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

- (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
- (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

(b) omit paragraphs (b) and (c).

(4) In section 88 (notice of proposed civil partnership: Scotland)<sup>(39)</sup>, after subsection (2) insert—

<sup>(36)</sup> 2004 c. 33.

<sup>(37)</sup> Section 9 was substituted by paragraphs 18 and 21 of, Schedule 4 to, the Immigration Act 2014.

<sup>(38)</sup> Section 30A was inserted by paragraphs 18 and 27 of, Schedule 4 to, the Immigration Act 2014 and amended by [S.I. 2019/745](#).

<sup>(39)</sup> Section 88(2) was amended by section 52 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 ([2006 asp 14](#)).

“(2A) If an intended civil partner is a relevant national as defined in section 30A(ab)(i) or (ii) the intended civil partner must also submit—

- (a) where the intended civil partner falls within section 30A(ab)(i), an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the intended civil partner falls within section 30A(ab)(ii)—
  - (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.

(5) In paragraph 4 of Schedule 23 (immigration control and formation of civil partnerships - procedure for giving notice of proposed civil partnership: England and Wales)(40)—

- (a) in subparagraph (1)(a)—
  - (i) after “authority” insert “which is”;
  - (ii) after “State” insert “and is the appropriate registration authority”;
- (b) in subparagraph (2), for “specified” substitute “appropriate”;
- (c) after subparagraph (3) insert—

“(3A) For the purposes of this paragraph, “the appropriate registration authority” means—

- (a) if the proposed civil partners have resided in the area of the same specified registration authority for the period of 7 days immediately before the giving of the notice (“the 7 day period”), that specified registration authority, or
- (b) if one or both of the proposed civil partners have resided in the area of a specified registration authority (but not the same specified registration authority) for the 7 day period, the specified registration authority of the area in which one of them has resided for that period, or
- (c) if neither of the proposed civil partners has resided in the area of a specified registration authority for the 7 day period, any specified registration authority.

(3B) In sub-paragraph (3A), “specified registration authority” means a registration authority specified for the purposes of sub-paragraph (1)(a) by regulations made under that provision.”.

### **Amendment and saving of UK Borders Act 2007**

- 17.—(1) The UK Borders Act 2007(41) is amended in accordance with paragraphs (2) and (3).
- (2) In section 33 (exceptions to automatic deportation)(42), omit subsection (4).
- (3) In section 56A (no rehabilitation for certain immigration or nationality purposes) (43), omit subsection (3).

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(40) Paragraph 4 of Schedule 23 was amended by [S.I. 2005/2000](#) and [2011/1158](#).

(41) [2007 c. 30](#).

(42) Section 33(4) was amended by [S.I. 2011/1043](#) and substituted together with new subsections (4A) and (4B) by [S.I. 2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(43) Section 56A was inserted by section 140 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and was amended by [S.I. 2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(4) The amendment made by paragraph (3) does not apply in relation to a relevant immigration decision or a relevant nationality decision made before commencement day.

(5) In paragraph (4) “relevant immigration decision” and “relevant nationality decision” have the meaning given in section 56A of the UK Borders Act 2007 as it had effect immediately before commencement day.

### **Amendment of the Criminal Justice and Immigration Act 2008**

**18.**—(1) The Criminal Justice and Immigration Act 2008<sup>(44)</sup> is amended as follows.

(2) In section 130 (designation for purposes of special immigration status)<sup>(45)</sup>, in subsection (5), omit paragraph (b) (and the “or” before it).

(3) In section 136 (end of designation)<sup>(46)</sup>—

- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (3), omit “or (b)”.

### **Amendment of the Identity Documents Act 2010**

**19.**—(1) The Identity Documents Act 2010<sup>(47)</sup> is amended as follows.

(2) In section 7 (meaning of “identity document”)—

(a) in subsection (2), for paragraph (a) substitute—

“(a) a document used for confirming—

- (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom, or
- (ii) the right of a person under 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) in respect of entry or residence in the United Kingdom,”;

(b) after subsection (2)(a) insert—

“(2A) In subsection 2(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.”.

### **Amendment and saving of the Immigration Act 2014**

**20.**—(1) The Immigration Act 2014<sup>(48)</sup> is amended in accordance with paragraphs (2) to (7).

(2) In section 21 (persons disqualified from renting or with limited right to rent)—

- (a) omit subsection (4)(b)(ii) (and the “and” before that);
- (b) in subsection (5)—

(i) after paragraph (a) insert—

“(aa) an Irish citizen, or

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<sup>(44)</sup> 2008 c. 4.

<sup>(45)</sup> Section 130 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

<sup>(46)</sup> Section 136 was amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

<sup>(47)</sup> 2010 c. 40.

<sup>(48)</sup> 2014 c. 22.

- (ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”;
- (ii) omit paragraphs (b) and (c).
- (3) In section 27 (eligibility period in relation to person with limited right to rent)(**49**), omit subsection 6(a) (and the “or” at the end of it).
- (4) In section 39 (related provision: charges for health services)—
  - (a) in subsection (1)(b), after “limited period” insert “unless that leave was granted by virtue of residence scheme immigration rules”;
  - (b) after subsection (2) insert—

“(3) For the purposes of subsection (1) “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.
- (5) In section 49 (meaning of “exempt person” in relation to investigations into sham marriages)(**50**), omit subsection (2)(a).
- (6) In section 62 (interpretation of Part 4, relating to marriage and civil partnership)(**51**), in subsection (1), in the definition of “relevant national”—
  - (a) after paragraph (a) insert—
    - “(aa) an Irish citizen;
    - (ab) a person who is not an Irish citizen who—
      - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
      - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;
  - (b) omit paragraphs (b) and (c).
- (7) In section 70A (power to impose a charge on sponsors who make immigration skills arrangements)(**52**)—
  - (a) in subsection (6)—
    - (i) after paragraph (a) insert—

“(aa) an Irish citizen.”;
    - (ii) for paragraph (b) substitute—

“(b) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules.”;
    - (iii) omit paragraphs (c) and (d);

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(49) Section 27(6)(a) was amended by [S.I. 2019/745](#). Those amendments are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(50) Section 49(2) was amended by [S.I. 2019/745](#).

(51) The definition of “relevant national” in section 62 was amended by [S.I. 2019/745](#).

(52) Section 70A was inserted by section 85(1) and (2) of the Immigration Act 2016 and amended by [S.I. 2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

(b) in subsection (7) after “1971” insert “and “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(8) The amendments made by paragraph (7) do not affect the operation of any regulations which were made under section 70A of the Immigration Act 2014 before 1st December 2020.

#### **Amendment of the Housing (Wales) Act 2014**

**21.**—(1) The Housing (Wales) Act 2014<sup>(53)</sup> is amended as follows.

(2) In Schedule 2 (eligibility for help under Chapter 2 of Part 2)—

(a) in the English language text, for paragraph 1(6)(b) substitute—

“(b) is not a person who, immediately before IP completion day, was—

(i) a national of an EEA State or Switzerland, and

(ii) within a class prescribed by regulations made under sub-paragraph (2) which had effect at that time.”;

(b) in the Welsh language text, for paragraph 1(6)(b) substitute—

“(b) os nad yw’r person yn berson a oedd, yn union cyn diwrnod cwblhau’r cyfnod gweithredu—

(i) yn wladolyn un o wladwriaethau’r Ardal Economaidd Ewropeaidd neu’r Swistir, a

(ii) o fewn dosbarth a ragnodwyd gan reoliadau a wnaed o dan is-baragraff (2) a oedd yn effeithiol y pryd hwnnw.”.

#### **Amendment of the Specialist Printing Equipment and Materials (Offences) Act 2015**

**22.**—(1) The Specialist Printing Equipment and Materials (Offences) Act 2015<sup>(54)</sup> is amended as follows.

(2) In section 2 (meaning of “specialist printing equipment”)—

(a) in subsection (3), for paragraph (a) substitute—

“(a) a document used for confirming—

(i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom; or

(ii) the right of a person under 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) in respect of entry or residence in the United Kingdom.”;

(b) after subsection (3)(a) insert—

“(3A) In subsection 3(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.”.

#### **Amendment of the Immigration Act 2016**

**23.**—(1) The Immigration Act 2016<sup>(55)</sup> is amended as follows.

<sup>(53)</sup> 2014 anaw 7.

<sup>(54)</sup> 2015 c. 16.

<sup>(55)</sup> 2016 c. 19.

(2) In Schedule 12 (availability of local authority support: amendments of Schedule 3 to the Nationality, Immigration and Asylum Act 2002), in paragraph 9, omit inserted paragraph 7C and the italic heading before inserted paragraph 7C.

## **Provision consequential on, or connected with Part 2 of Chapter 1**

**24.** Schedule 1 has effect.

### *Chapter 2*

#### *Amendment and savings of secondary legislation*

### **Amendment and saving of the Immigration (Control of Entry through Republic of Ireland) Order 1972**

**25.**—(1) The Immigration (Control of Entry through Republic of Ireland) Order 1972<sup>(56)</sup> is amended in accordance with paragraphs (2) to (4).

(2) In article 2 (interpretation)—

- (a) omit the definition of “EEA national”;
- (b) omit the definition of “EEA State”.

(3) In article 3(1)(b) (persons excluded from section 1(3) of the Act)—

- (a) after “other than” insert “an Irish citizen or”;
- (b) at the end of paragraph (iii) insert “or”;
- (c) omit paragraph (iv);
- (d) omit paragraph (v).

(4) In article 4 (restrictions and conditions on entry through Ireland)—

- (a) in paragraph (1)—
  - (i) for “an EEA national” substitute “an Irish citizen”;
  - (ii) omit “or a person who is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972”;
- (b) omit paragraph (8).

(5) Notwithstanding the revocation of article 3(1)(b)(v) by this regulation, that article continues to apply as if not amended by these Regulations where an order is in force excluding an individual from the United Kingdom and the order—

- (a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or
- (b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

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<sup>(56)</sup> S.I. 1972/1610, relevant amending instruments are S.I. 2014/2475, 2019/468 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

**Amendment and saving of the Channel Tunnel (International Arrangements) Order 1993**

**26.**—(1) The Channel Tunnel (International Arrangements) Order 1993<sup>(57)</sup> is amended in accordance with paragraph (2).

(2) In Schedule 4 (enactments modified), omit paragraph 5 (the Immigration (European Economic Area) Regulations 2006).

(3) The amendment made by paragraph (2) does not apply to a person who has a right of admission to the United Kingdom under 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.

**Amendment and saving of the Immigration (Leave to Enter and Remain) Order 2000**

**27.**—(1) The Immigration (Leave to Enter and Remain) Order 2000<sup>(58)</sup> is amended in accordance with paragraph (2).

(2) In article 13B (partners and children of Crown servants etc.), in paragraph (2)(b)—

(a) at the end of paragraph (i), insert “or”;

(b) omit paragraph (iii) (and the “or” before it).

(3) The amendment made by paragraph (2) does not apply in respect of a person who is accompanying a partner or parent who before 1st July 2021 had a right of permanent residence in the United Kingdom by virtue of any provision made under section 2(2) of the European Communities Act 1972.

**Amendment and saving of the Immigration (Notices) Regulations 2003**

**28.**—(1) The Immigration (Notices) Regulations 2003<sup>(59)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), omit the definition of “EEA Decision”.

(3) In regulation 4 (notice of decisions), in paragraph (1), omit “, any EEA decision”.

(4) The amendments made by paragraphs (2) and (3) do not apply to an EEA decision made under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020.

**Amendment and saving of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003**

**29.**—(1) The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003<sup>(60)</sup> is amended in accordance with paragraphs (2) and (3).

(2) In article 11 (enactments having effect in a Control Zone in France), omit paragraph (1)(e).

(3) In Schedule 2 (modification of applied enactments), omit paragraph 5 (the Immigration (European Economic Area) Regulations 2006).

(4) The amendments made by paragraphs (2) and (3) do not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations

<sup>(57)</sup> [S.I. 1993/1813](#), relevant amending instruments are [S.I. 2001/3707](#), [2006/1003](#), [2007/3579](#), [2012/1547](#) and [2013/3032](#).

<sup>(58)</sup> [S.I. 2000/1161](#), relevant amending instruments are [S.I. 2016/1132](#) and [2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

<sup>(59)</sup> [S.I. 2003/658](#), relevant amending instruments are [S.I. 2012/1547](#), [2014/2768](#) and [2020/61](#).

<sup>(60)</sup> [S.I. 2003/2818](#), relevant amending instruments are [S.I. 2006/1003](#), [2012/1547](#) and [2013/3032](#).



2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020).

(5) Where the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 applies to a person by virtue of paragraph (4) it applies subject to the modification that in Schedule 2, paragraph 5(c) "and (5)" is omitted.

### **Amendment of the Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003**

**30.**—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003(**61**) is amended in accordance with paragraphs (2) and (3).

(2) In article 2 (interpretation), omit the definitions of "EEA national" and "family member of an EEA national".

(3) In article 3(1) (exemption of relevant employers), omit sub-paragraph (c) (and the "or" before it).

### **Amendment of the Civil Partnership (Registration Provisions) Regulations 2005**

**31.**—(1) The Civil Partnership (Registration Provisions) Regulations 2005(**62**) are amended in accordance with paragraph (2).

(2) In Schedule 3 (evidence), in paragraph 2 (evidence of name, surname, date of birth and nationality), omit sub-paragraph (1)(b).

### **Amendment and saving of the Immigration (Provision of Physical Data) Regulations 2006**

**32.**—(1) The Immigration (Provision of Physical Data) Regulations 2006(**63**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation), in the definition of "application" omit paragraph (d).

(3) In regulation 8 (use and retention of biometric information)—

(a) at the end of sub-paragraph (2)(c), insert "and";

(b) omit sub-paragraph (2)(e) (and the "and" before it).

(4) In regulation 10 (retention of fingerprints)—

(a) at the end of sub-paragraph (2)(d) insert "or";

(b) omit sub-paragraph (2)(f) (and the "or" before it);

(c) in paragraph (3)—

(i) omit "or (f)";

(ii) omit "or who no longer enjoys the right of permanent residence";

(d) omit paragraph (4).

(5) The amendment made by paragraph (2) does not apply in respect of an application made before commencement day where a document was not issued before commencement day.

(6) Notwithstanding the amendment of regulation 8 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the

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(61) [S.I. 2003/3214](#), relevant amendments are made by [S.I. 2006/1003](#).

(62) [S.I. 2005/3176](#), relevant amendments are made by [S.I. 2015/177](#).

(63) [S.I. 2006/1743](#), relevant amending instruments are [S.I. 2015/737](#), [2018/928](#), [2019/686](#), [2019/745](#) and [2020/1213](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens' rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) 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.

(7) The amendment of regulation 10 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

### **Amendment and saving of the Tribunal Procedure (Upper Tribunal) Rules 2008**

**33.**—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008<sup>(64)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In rule 1 (citation, commencement, application and interpretation), in the definition of “immigration case”, omit “, regulation 26 of the Immigration (European Economic Area) Regulations 2006, regulation 36 of the Immigration (European Economic Area) Regulations 2016”.

(3) In rule 17A (appeal treated as abandoned or finally determined in an asylum case or an immigration case)—

- (a) in paragraph (1)(b), after the semi-colon insert “or”;
- (b) omit paragraph (1)(d) (and the “or” before it);
- (c) in paragraph (2), omit “or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006”.

(4) The amendments made by paragraphs (2) and (3) do not apply in relation to—

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006<sup>(65)</sup> and has not been finally determined before commencement day;
- (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
- (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.

(5) For the purposes of paragraph (4)—

- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
- (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

<sup>(64)</sup> S.I. 2008/2698, relevant amending instruments are S.I. 2010/44, 2013/2067, 2020/61 and 2020/651.

<sup>(65)</sup> S.I. 2006/1003. Revoked by S.I. 2016/1052 but see paragraph 3 of Schedule 4 in respect of savings for appeals.

### **Amendment and saving of the Immigration (Biometric Registration) Regulations 2008**

**34.**—(1) The Immigration (Biometric Registration) Regulations 2008<sup>(66)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (requirement to apply for biometric immigration document) after paragraph (5) insert—

“(5A) This regulation does not apply to a person who makes an application for, or has been granted, leave to enter or remain under residence scheme immigration rules.

(5B) “Residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In regulation 9 (use and retention of biometric information)—

- (a) after paragraph (2)(c) insert “and”;
- (b) omit paragraph (2)(e) (and the “and” before it).

(4) In regulation 11 (retention of fingerprints)—

- (a) after paragraph (2)(d), insert “or”;
- (b) omit paragraph (2)(f) (and the “or” before it);
- (c) in paragraph (3), omit—
  - (i) “or (f)”;
  - (ii) “or who no longer enjoys the rights of permanent residence”;
- (d) omit paragraph (4).

(5) Notwithstanding the amendment of regulation 9 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens’ rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) 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.

(6) The amendment of regulation 11 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

### **Amendment and saving of the Appeals (Excluded Decisions) Order 2009**

**35.**—(1) The Appeals (Excluded Decisions) Order 2009<sup>(67)</sup> is amended in accordance with paragraph (2).

(2) In article 3 (excluded decisions), in paragraph (m)—

- (a) for “1981,” substitute “1981 or”;
- (b) omit “, or regulation 26 of the Immigration (European Economic Area) Regulations 2006”.

(3) The amendment made by paragraph (2) does not apply in relation to—

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<sup>(66)</sup> [S.I. 2008/3048](#), relevant amending instruments are [S.I. 2012/594](#), [2015/433](#) and [2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

<sup>(67)</sup> [S.I. 2009/275](#), relevant amending instruments are [S.I. 2010/41](#) and [2015/383](#).

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006<sup>(68)</sup> and has not been finally determined before commencement day;
  - (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (4) For the purposes of paragraph (3)—
- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
  - (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

#### **Amendment of the Immigration (Procedure for Marriage) Regulations 2011**

**36.**—(1) The Immigration (Procedure for Marriage) Regulations 2011<sup>(69)</sup> are amended as follows.

- (2) For regulation 2 (specified registration districts in England and Wales), substitute—

##### **“Specified registration districts in England and Wales**

**2.** Every registration district in England and Wales is specified for the purposes of section 19(2)(a) of the 2004 Act.”

- (3) Omit the Schedule (specified registration districts in England and Wales).

#### **Amendment of the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011**

**37.**—(1) The Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011<sup>(70)</sup> are amended as follows.

- (2) In regulation 2 (specified registration authorities in England and Wales)—

- (a) for paragraph (1), substitute—

“(1) Every registration authority in England and Wales is specified for the purposes of paragraph 4(1)(a) of Schedule 23 to the 2004 Act.”; and

- (b) in paragraph (2), for the words after “she” to the end, substitute “is authorised by that authority to attest notices of proposed civil partnership.”.

- (3) Omit the Schedule (specified registration authorities in England and Wales).

<sup>(68)</sup> [S.I. 2006/1003](#). Revoked by [S.I. 2016/1052](#) but see paragraph 3 of Schedule 4 in respect of savings for appeals.

<sup>(69)</sup> [S.I. 2011/2678](#), there are amending instruments, but none are relevant.

<sup>(70)</sup> [S.I. 2011/2679](#), there are amending instruments, but none are relevant.

### **Amendment and saving of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011**

**38.**—(1) The First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011(71) is amended in accordance with paragraph (2).

- (2) In article 5 (exemption from fees), omit paragraph (1)(a)(ii).
- (3) The amendment made by paragraph (2) does not apply in relation to—
  - (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day;
  - (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (4) For the purposes of paragraph (3)—
  - (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
  - (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

### **Amendment and saving of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014**

**39.**—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014(72) are amended in accordance with paragraphs (2) to (4).

- (2) In rule 1 (citation, commencement, application and interpretation), omit the definition of “the 2006 Regulations”.
- (3) In rule 16 (appeal treated as abandoned)—
  - (a) after paragraph (1)(b) insert “or”;
  - (b) omit paragraph (1)(d) (and the “or” before it);
  - (c) in paragraph (2) omit “or paragraph 4(2) of Schedule 2 to the 2006 Regulations”;
  - (d) in paragraph (3) omit “or was sent the document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations, as the case may be”.
- (4) In rule 23 (response: entry clearance cases)—
  - (a) in paragraph (1), omit “or a refusal of an EEA family permit (which has the meaning given in regulation 2(1) of the 2006 Regulations)”;
  - (b) in paragraph (2), omit “or a refusal of an EEA family permit”.
- (5) The amendments made by paragraphs (2) to (4) do not apply in relation to—

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(71) [S.I. 2011/2841](#). Relevant amendments are made by [S.I. 2016/928](#).

(72) [S.I. 2014/2604](#), relevant amending instruments are [S.I. 2020/61](#) and 651.

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day;
  - (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (6) For the purposes of paragraph (5)—
- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
  - (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

#### **Amendment of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014**

**40.**—(1) The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014<sup>(73)</sup> are amended as follows.

- (2) In Schedule 1 omit paragraph 1(a)(iii).

#### **Amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015**

**41.**—(1) The Referral of Proposed Marriages and Civil Partnerships Regulations 2015<sup>(74)</sup> are amended as follows.

- (2) In Schedule 1(evidence of immigration status) omit paragraph 1(permanent residence).

#### **Amendment of the Registration of Marriages Regulations 2015**

**42.**—(1) The Registration of Marriages Regulations 2015<sup>(75)</sup> are amended as follows.

- (2) In Schedule 3 (evidence)—
  - (a) in paragraph 2 (evidence of relevant nationality)—
    - (i) in the title for “evidence of relevant nationality” substitute “evidence of being a relevant national - British or Irish citizen”;
    - (ii) in sub-paragraph (a) for “, EEA or Swiss national” substitute “or Irish national”; and
    - (iii) omit sub-paragraph 2(b);
  - (b) after paragraph 2 insert—

<sup>(73)</sup> [S.I. 2014/3181](#).

<sup>(74)</sup> [S.I. 2015/123](#). Relevant amendments are made by [S.I. 2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 49 of these Regulations before they come into force.

<sup>(75)</sup> [S.I. 2015/207](#).

**“Evidence of being a relevant national -European Union Settlement Scheme**

**2A.**—(1) For the purposes of (as applicable) section 8(1)(b), or section 16(1C) of the Act, the following must be provided by each of the parties (P) to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.

(2) Where P—

- (a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules within the meaning of section 17 of the European Union (Withdrawal Agreement) Act 2020, an electronic certificate which confirms that such leave has been granted; or
- (b) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020<sup>(76)</sup> (applications which have not been finally determined by the deadline)

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- (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
- (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired must be provided by each of the parties to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.”;

- (c) in paragraph 3 (evidence of name, surname, date of birth and nationality) omit sub-paragraph (b).

**Amendment of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015**

**43.**—(1) The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015<sup>(77)</sup> are amended as follows.

(2) In regulation 18 (prescribed information about the investigation)—

- (a) in paragraph (1)(e) for “, indefinite leave or a European residence document” substitute “or indefinite leave”;
- (b) in paragraph (1)(f) for “, indefinite leave or a European residence document” substitute “or indefinite leave”;
- (c) omit sub-paragraph (2)(b)(ii) (and the “and” before it).

**Amendment of the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015**

**44.**—(1) The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015<sup>(78)</sup> are amended as follows.

(2) In Schedule 1 (evidence of particular immigration status), omit paragraph 1 (permanent residence).

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<sup>(76)</sup> S.I. 2020/1209.

<sup>(77)</sup> S.I. 2015/397. Relevant amendments are made by S.I. 2019/745.

<sup>(78)</sup> S.I. 2015/404. Relevant amendments are made by S.I. 2019/745.

**Amendment of the Immigration and Nationality (Fees) Order 2016**

**45.**—(1) The Immigration and Nationality (Fees) Order 2016<sup>(79)</sup> is amended as follows.

(2) In article 2 (interpretation), omit the definition of “European residence document”.

(3) In article 6 (documents and administration), in Table 3, omit the entry at row 3.1.8 (European residence document).

**Amendment of the Immigration and Nationality (Fees) Regulations 2018**

**46.**—(1) The Immigration and Nationality (Fees) Regulations 2018<sup>(80)</sup> are amended as follows.

(2) In Schedule 3 (documents and administration)—

(a) in paragraph 1, omit the definition of “the 2016 Regulations”;

(b) in Table 10 (fees for miscellaneous documents and services), omit rows 10.5 and 10.5.1;

(c) in Table 12 (fees for biometric immigration documents and the process used to take a record of biometric information), omit row 12.2.3.

**Amendment of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019**

**47.**—(1) The Immigration (European Economic Area Nationals) (EU Exit) Order 2019<sup>(81)</sup> is amended as follows.

(2) In Part 2 (leave to enter or remain), omit Chapter 1 (grant of leave to EEA and Swiss nationals).

**Amendment of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019**

**48.**—(1) The Immigration, Nationality and Asylum (EU Exit) Regulations 2019<sup>(82)</sup> are amended as follows.

(2) The following provisions are omitted—

(a) regulation 3 (amendment of the Aliens’ Employment Act 1955);

(b) regulation 4(3)(b) (amendment of the Immigration Act 1971);

(c) regulation 6 (amendment of the Rent Act 1977);

(d) regulation 8 (amendment of the Immigration Act 1988);

(e) regulation 9 (amendment of the Housing Act 1988);

(f) regulation 11(2) and (5) (amendment of the Immigration and Asylum Act 1999);

(g) regulation 12(2), (3), 5(a), (c) and (d) (amendment of the Nationality, Immigration and Asylum Act 2002);

(h) regulation 14 (amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004);

(i) regulation 17(3) and (4) (amendment of the UK Borders Act 2007);

(j) regulation 18 (amendment of the Criminal Justice and Immigration Act 2008);

(k) regulation 21(2), (3) and (7) (amendment of the Immigration Act 2014);

<sup>(79)</sup> [S.I. 2016/177](#), relevant amending instruments are [S.I. 2018/329](#) and [2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

<sup>(80)</sup> [S.I. 2018/330](#), relevant amending instruments are [S.I. 2018/999](#) and [2019/475](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

<sup>(81)</sup> [S.I. 2019/686](#).

<sup>(82)</sup> [S.I. 2019/745](#).



- (l) regulation 24 (amendment of the Immigration (Control of Entry through Republic of Ireland) Order 1972);
- (m) regulation 25 (amendment of the Immigration (Leave to Enter and Remain) Order 2000);
- (n) regulation 30(2),(4),(5) and (6)(a) and (c) (amendment of the British Nationality (General) Regulations 2003);
- (o) regulation 33 (amendment of the Immigration (Provision of Physical Data) Regulations 2006);
- (p) regulation 34(amendment of the Immigration (Biometric Registration) Regulations 2008);
- (q) regulation 42 (amendment of the Immigration and Nationality (Fees)Order 2016);
- (r) regulation 43 (amendment of the Immigration (European Economic Area) Regulations 2016);
- (s) regulation 49 (disapplication of rights etc);
- (t) paragraphs 4 and 5 of Schedule 2 and regulation 56 (saving and transitional provisions) in so far as it relates to those provisions.

#### **Amendment of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020**

**49.**—(1) The Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(**83**) are amended as follows.

(2) In regulation 7 (provisions relating to powers of refusal of admission and removal etc.), for paragraph (1)(a) substitute—

“(a) regulation 23 (exclusion and removal from the United Kingdom) with the modification that in each of paragraphs (1), (5), (6)(b) and (7)(b), after “regulation 27”, there were inserted “or on conducive grounds in accordance with regulation 27A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007;”.”

(3) In regulation 11 (entitlement to benefits and public services), after paragraph (g) insert—

“(ga) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005;

(gb) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005;”.

(4) In regulation 12 (modification of other enactments), in paragraph (1)(p) for “IP completion day” substitute “1st December 2020”.

#### **Amendment of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020**

**50.**—(1) The Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020(**84**) are amended as follows.

(2) After regulation 20 (misuse of frontier workers’ rights), insert—

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(83) S.I. 2020/1209.

(84) S.I. 2020/1213.

**“Exemption for Irish citizens**

**21A.** Regulations 7 and 13 to 20 do not apply to a frontier worker who is an Irish citizen unless any of paragraphs (2) to (4) of section 3ZA of the 1971 Act<sup>(85)</sup> also apply to that Irish citizen.”.

*CHAPTER 3*

*Revocation of secondary legislation*

**Revocation of the Immigration (European Economic Area) (Amendment) Regulations 2017**

**51.** The Immigration (European Economic Area) (Amendment) Regulations 2017<sup>(86)</sup> are revoked.

**Revocation of the Immigration (European Economic Area) (Amendment) Regulations 2018**

**52.** The Immigration (European Economic Area) (Amendment) Regulations 2018<sup>(87)</sup> are revoked.

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<sup>(85)</sup> Section 3ZA was inserted by section 2 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

<sup>(86)</sup> S.I. 2017/1.

<sup>(87)</sup> S.I. 2018/801.