



CITIZENS' RIGHTS (APPLICATION DEADLINE AND TEMPORARY PROTECTION) (EU EXIT) (APPLICATION) REGULATIONS 2020

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Statutory Document No. 2020/0508



European Union and Trade Act 2019

CITIZENS' RIGHTS (APPLICATION DEADLINE AND TEMPORARY PROTECTION) (EU EXIT) (APPLICATION) REGULATIONS 2020

Approved by Tynwald: 15 December 2020
Coming into Operation: in accordance with regulation 2

The Council of Ministers makes the following Regulations under section 19 of the European Union and Trade Act 2019.

1 Title

These Regulations are the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) (Application) Regulations 2020.

2 Commencement

If approved by Tynwald, these Regulations come into operation on IP completion day¹.

3 Interpretation

- (1) In these Regulations, “**the applied legislation**” means the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020².
- (2) Unless the context otherwise requires or it is expressly provided, a reference in the applied legislation to a provision of any such legislation or of any other legislation applied or extended to the Island shall be construed as a reference to that legislation as it has effect in the Island.

4 Application to the Island of the applied legislation

- (1) The applied legislation applies to the Island as part of the law of the Island but subject to the exceptions, adaptations and modifications specified in the Schedule.

¹ IP completion day is defined in Schedule 1 to the Interpretation Act 2015.

² S.I. 2020/1209

- (2) The text of the applied legislation as applied is set out in the Annex.

MADE 26 NOVEMBER 2020

W GREENHOW
Chief Secretary

SCHEDULE

**EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH
THE CITIZENS' RIGHTS (APPLICATION DEADLINE AND TEMPORARY
PROTECTION) (EU EXIT) REGULATIONS 2020 APPLY TO THE ISLAND AS
PART OF THE LAW OF THE ISLAND**

Regulation 4(1)

The applied legislation applies to the Island, as part of the law of the Island, subject to the following modifications –

1. Unless this Schedule otherwise provides, wherever occurring throughout the applied legislation, except in –
 - (a) regulation 3(5)(c) (on the third occasion it occurs);
 - (b) regulation 4(6)(d) (on the third occasion it occurs); and
 - (c) regulation 5(a)(iv),for “United Kingdom” substitute **“Isle of Man”**.
2. Unless this Schedule otherwise provides, wherever occurring throughout the applied legislation, for “EEA Regulations 2016” substitute **“EEA Regulations 2019”**.
3. In regulation 1(2) –
 - (a) omit the definition of “the EEA Regulations 2016”;
 - (b) immediately after the omitted text insert the following definition –

“the EEA Regulations 2019” mean the Immigration (European Economic Area) Regulations 2019;”
 - (c) after the definition of “application deadline” insert the following definitions –

“British Islands” means the United Kingdom, the Channel Islands and the Isle of Man;

“EEA EFTA separation agreement” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“residence scheme immigration rules” means—

 - (a) Appendix EU to the immigration rules except those rules, or changes to that Appendix, which are identified in the immigration rules as not having effect in connection with the residence scheme that operates in connection with the withdrawal of the United Kingdom from the EU; and
 - (b) any other immigration rules which are identified in the immigration rules as having effect in connection with the withdrawal of the United Kingdom from the EU;

“**Swiss citizens’ rights agreement**” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“**withdrawal agreement**” means the withdrawal agreement within the meaning of the European Union and Trade Act 2019 (an Act of Tynwald) (see Schedule 1 to that Act).²²

4. In regulation 2 –
- (a) after “residence status” insert ²³in the Isle of Man²²;
 - (b) for “that applies” substitute ²³that, if the application were to be made for residence status in the United Kingdom, would apply in the United Kingdom²².
5. In regulation 3 –
- (a) omit paragraph (3);
 - (b) for paragraph (5)(a) substitute –
 - ²³(a) the grace period is –
 - (i) in relation to the application of the enactments specified in regulation 12(1)(i), (ia) and (q) to a relevant person, the period beginning on 1 April 2021 and ending with the application deadline;
 - (ii) in relation to the application of the enactments specified in the rest of regulation 12(1) to a relevant person, the period beginning immediately after IP completion day and ending with the application deadline; and
 - (iii) otherwise, the period beginning immediately after IP completion day and ending with the application deadline;²²;
 - (c) in paragraph (5)(b), for “regulation 3” substitute ²³regulation 4²²;
 - (d) in paragraph (5)(c) –
 - (i) for “regulation 15” substitute ²³regulation 17²²;
 - (ii) for “United Kingdom” (on the third occasion it occurs) substitute ²³British Islands²²;
 - (e) in paragraph (6), in the definition of “EEA document” –
 - (i) for “regulation 12” substitute ²³regulation 14²²;
 - (ii) for “registration certificate” substitute ²³document certifying an extended right of residence²²;
 - (iii) for “regulation 17” substitute ²³regulation 19²²;
 - (iv) for “residence card” substitute ²³document certifying permanent residence²²;
 - (v) for “regulation 18” substitute ²³regulation 20²²;

- (f) in paragraph (6), in the definition of “family member” –
 - (i) re-number sub-paragraphs (d) and (e) as (a) and (b);
 - (ii) for “regulation 7” substitute **“regulation 8”**;
 - (iii) for “regulation 8” substitute **“regulation 9”**;
 - (iv) for “regulation 8(5)” substitute **“regulation 9(5)”**;
 - (g) in paragraph (6), in the definition of “relevant family member” –
 - (i) re-number sub-paragraphs (f), (g), (h) and (i) as (a), (b), (c) and (d);
 - (ii) in re-numbered sub-paragraph (b)(iii), for “P has” substitute **“P, if resident in the United Kingdom, would have had”**;
 - (iii) in re-numbered sub-paragraph (b)(iv), for “P falls” substitute **“P, if resident in the United Kingdom, would have fallen”**;
 - (h) in paragraph (6), in the definition of “relevant person” –
 - (i); re-number sub-paragraphs (j) and (k) as (a) and (b);
 - (ii) for “regulation 15” substitute **“regulation 17”** (on both occasions it occurs).
6. In regulation 4 –
- (a) in paragraph (2)(b)(ii), for “regulation 15” substitute **“regulation 17”**;
 - (b) omit paragraph (4);
 - (c) in paragraph (6)(c), for “regulation 3” substitute **“regulation 4”**;
 - (d) in paragraph (6)(d) –
 - (i) for “regulation 15” substitute **“regulation 17”**;
 - (ii) for “United Kingdom” (on the third occasion it occurs) substitute **“British Islands”**;
 - (e) omit paragraph (7)(a);
 - (f) omit paragraph (8).
7. In regulation 5 –
- (a) in the initial text, for “Part 1” substitute **“Part 2”**;
 - (b) in paragraph (a) –
 - (i) for “regulation 2” substitute **“regulation 3”**;
 - (ii) for “United Kingdom by virtue of Part 4 of the EU withdrawal agreement” (on both occasions it occurs) substitute **“Isle of Man”**;
 - (iii) for “a registration certificate, residence card, derivative residence card, document certifying permanent residence or permanent residence card” substitute **“a document**

certifying permanent residence, a document certifying a derivative right of residence or a document certifying an extended right of residence **22**;

- (c) in paragraph (b), for “regulation 3” substitute **63** regulation 4 **22**;
 - (d) in paragraph (c), for “regulation 4” substitute **63** regulation 5 **22**;
 - (e) in paragraph (d), for “regulation 5” substitute **63** regulation 6 **22**;
 - (f) in paragraph (e) –
 - (i) for “regulation 6” substitute **63** regulation 7 **22**;
 - (ii) for “paragraph (4C)” substitute **63** paragraph (13) **22**;
 - (iii) for “paragraph (6)” substitute **63** paragraph (7) **22**;
 - (iv) for “paragraph (7)” substitute **63** regulation (8) **22**;
 - (g) in paragraph (f), for “regulation 7” substitute **63** regulation 8 **22**;
 - (h) in paragraph (g) –
 - (i) for “regulation 8” substitute **63** regulation 9 **22**;
 - (ii) omit the words after “(“extended family member”)”;
 - (i) in paragraph (h), for “regulation 9” substitute **63** regulation 10 **22**;
 - (j) in paragraph (i), for “regulation 9A” substitute **63** regulation 11 **22**;
 - (k) in paragraph (j) –
 - (i) for “regulation 10” substitute **63** regulation 12 **22**;
 - (ii) omit the words after “(“family member who has retained the right of residence”)”.
8. In regulation 6 –
- (a) in the initial text, for “Parts 2 and 3” substitute **63** Parts 3 and 4 **22**;
 - (b) in paragraph (a) –
 - (i) for “regulation 11” substitute **63** regulation 13 **22**;
 - (ii) for “for “, a permanent residence card or a qualifying EEA State residence card” there were substituted “or a permanent residence card” substitute –
 - 63** –
 - (aa) after “a document certifying permanent residence” insert **63** or **22**;
 - (bb) omit the words “or a qualifying EEA State residence card” **22**;
 - (c) in paragraph (b), for “regulation 12” substitute **63** regulation 14 **22**;
 - (d) in paragraph (c) –
 - (i) for “regulation 13” substitute **63** regulation 15 **22**;
 - (ii) for “26(3)” substitute **63** 27(3) **22**;
 - (iii) for “27A” substitute **63** 28A **22**;

- (e) in paragraph (d) –
 - (i) for “regulation 14” substitute **regulation 16**;
 - (ii) for “26(3)” substitute **27(3)**;
 - (iii) for “27A” substitute **28A**;
 - (f) in paragraph (e) –
 - (i) for “regulation 15” substitute **regulation 17**;
 - (ii) for “26(3)” substitute **27(3)**;
 - (iii) for “27A” substitute **28A**;
 - (g) in paragraph (f) –
 - (i) for “regulation 16” substitute **regulation 18**;
 - (ii) for “26(3)” substitute **27(3)**;
 - (iii) for “27A” substitute **28A**;
 - (h) in paragraph (g) –
 - (i) for “regulation 21” substitute **regulation 22**;
 - (ii) for “regulation 12” substitute **regulation 14**;
 - (iii) omit the words “and in paragraph (4A)”;
 - (i) in paragraph (h), for “regulation 22” substitute **regulation 23**.
9. In regulation 7 –
- (a) in the initial text in paragraph (1), for “Part 4” substitute **Part 5**;
 - (b) in paragraph (1)(a) –
 - (i) for “regulation 23” substitute **regulation 24**;
 - (ii) for “regulation 27” (on both occasions it occurs) substitute **regulation 28**;
 - (iii) for “regulation 27A” (on both occasions it occurs) substitute **regulation 28A**;
 - (iv) omit the words “or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007” (on both occasions they occur);
 - (c) in paragraph (1)(b) –
 - (i) for “regulation 24” substitute **regulation 25**;
 - (ii) for “regulation 27” (on both occasions it occurs) substitute **regulation 28**;
 - (iii) for “regulation 27A” (on both occasions it occurs) substitute **regulation 28A**;
 - (iv) omit the words “certificate, card or”;
 - (d) in paragraph (1)(c) –
 - (i) for “regulation 25” substitute **regulation 26**;

- (ii) for “regulation 27” substitute ~~63~~ regulation 28 ~~22~~;
 - (iii) for “regulation 27A ” substitute ~~63~~ regulation 28A ~~22~~;
 - (iv) for “of residence” substitute ~~63~~ to reside ~~22~~;
 - (e) in paragraph (1)(d), for “regulation 26” substitute ~~63~~ regulation 27 ~~22~~;
 - (f) in paragraph (1)(e), for “regulation 27” substitute ~~63~~ regulation 28 ~~22~~;
 - (g) in paragraph (1)(f) –
 - (i) for “regulation 27” substitute ~~63~~ regulation 28 ~~22~~;
 - (ii) for “27A” substitute ~~63~~ 28A ~~22~~;
 - (h) in paragraph (1)(g), for “regulation 28” substitute ~~63~~ regulation 29 ~~22~~;
 - (i) omit paragraph (1)(h);
 - (j) in paragraph (2), for “where regulations made under section 9 of the European Union (Withdrawal Agreement) Act 2020 (restrictions of rights of entry and residence) apply” substitute ~~63~~ where the Citizens’ Rights (Restrictions of Rights of Entry and Residence)(EU Exit) Regulations 2020 apply ~~22~~.
10. In regulation 8 –
- (a) in the initial text, for “Part 5” substitute ~~63~~ Part 6 ~~22~~;
 - (b) in paragraph (a), for “regulation 29” substitute ~~63~~ regulation 30 ~~22~~;
 - (c) in paragraph (b), for “regulation 30” substitute ~~63~~ regulation 31 ~~22~~;
 - (d) in paragraph (c), for “regulation 31” substitute ~~63~~ regulation 32 ~~22~~;
 - (e) in paragraph (d) –
 - (i) for “regulation 32” substitute ~~63~~ regulation 33 ~~22~~;
 - (ii) for “regulation 27” substitute ~~63~~ regulation 28 ~~22~~;
 - (iii) for “regulation 27A ” substitute ~~63~~ regulation 28A ~~22~~;
 - (f) in paragraph (e), for “regulation 33” substitute ~~63~~ regulation 34 ~~22~~;
 - (g) in paragraph (f) –
 - (i) for “regulation 34” substitute ~~63~~ regulation 35 ~~22~~;
 - (ii) for “regulation 27” substitute ~~63~~ regulation 28 ~~22~~;
 - (iii) for “regulation 27A ” substitute ~~63~~ regulation 28A ~~22~~;
 - (iv) for “Secretary of State” substitute ~~63~~ Minister ~~22~~.
11. In regulation 9 –
- (a) in the initial text, for “Part 6” substitute ~~63~~ Part 7 ~~22~~;
 - (b) in paragraph (a) –
 - (i) for “regulation 35” substitute ~~63~~ regulation 36 ~~22~~;
 - (ii) for “Part 6” substitute ~~63~~ Part 7 ~~22~~;

- (c) in paragraph (b), for “regulation 36” substitute ~~“~~regulation 37~~”~~;
 - (d) in paragraph (c), for “regulation 37” substitute ~~“~~regulation 38~~”~~;
 - (e) omit paragraphs (d) and (e);
 - (f) in paragraph (f) –
 - (i) for “regulation 40” substitute ~~“~~regulation 39~~”~~;
 - (ii) for “the First tier Tribunal or Upper Tribunal” substitute ~~“~~an adjudicator~~”~~;
 - (g) omit paragraph (g);
 - (h) in paragraph (h), for “regulation 42” substitute ~~“~~regulation 40~~”~~;
 - (i) in paragraph (i) –
 - (i) for “the First tier Tribunal” substitute ~~“~~an adjudicator~~”~~;
 - (ii) omit the words from “with the modification that” to the end.
12. In regulation 10 –
- (a) in the initial text, for “Part 7” substitute ~~“~~Part 8~~”~~;
 - (b) in paragraph (b) –
 - (i) for “regulation 45” substitute ~~“~~regulation 44~~”~~;
 - (ii) omit “, transitory”;
 - (iii) for “Part 1” substitute ~~“~~paragraph 1~~”~~;
 - (c) in paragraph (d), for “Part 2” substitute ~~“~~paragraph 2~~”~~;
 - (d) in paragraph (e) –
 - (i) for “Schedule 6” substitute ~~“~~Schedule 5~~”~~;
 - (ii) for “paragraph 4(1), paragraphs (b) to (f) were omitted” substitute ~~“~~paragraph 2(1), paragraphs (b) and (c) were omitted~~”~~;
 - (e) omit paragraph (f).
13. Omit regulation 11.
14. In regulation 12 –
- (a) omit paragraph (1)(a);
 - (b) in paragraph (1)(c), for “Islands” substitute ~~“~~UK or Channel Islands~~”~~;
 - (c) omit paragraph (1)(d);
 - (d) omit paragraph (1)(f);
 - (e) in paragraph (1)(g), for “Community” substitute ~~“~~European Union~~”~~;
 - (f) in paragraph (1)(i) –
 - (i) for “section 115 of that Act (exclusion from benefits)” substitute ~~“~~section 150E of the Social Security

- Contributions and Benefits Act 1992 (persons subject to immigration control – exclusion from benefits) as it has effect in the Isle of Man²²;
- (ii) after “as it” insert ²³would have ²⁴;
 - (iii) for “IP completion day” substitute ²⁵1 April 2021 if it had not been omitted by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020³ (as amended by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 11) Order 2020⁴)²²;
- (g) after paragraph (1)(i) insert –
- ²⁶(ia) section 20C of the Jobseekers Act 1995 as it has effect in the Isle of Man (persons subject to immigration control - exclusion from income-based jobseeker’s allowance), as it would have had effect immediately before 1 April 2021 had it not been omitted by the Jobseekers Act 1995 (Application) (Amendment) Order 2020⁵ (as amended by the Jobseekers Act 1995 (Application) (Amendment) (No. 2) Order 2020)⁶; ²²;
- (h) omit paragraph (1)(k);
 - (i) in paragraph (1)(l), for “the Immigration (European Economic Area) Regulations 2016” substitute ²⁷Immigration (European Economic Area) Regulations 2019 ²²;
 - (j) omit paragraph (1)(m), (n), (o) and (p);
 - (k) in paragraph (1)(q) –
 - (i) for “section 115 of the Immigration and Asylum Act 1999” substitute ²⁸section 150E of the Social Security Contributions and Benefits Act 1992 and section 20C of the Jobseekers Act 1995 – as they have effect in the Isle of Man ²²;
 - (ii) for “as it had” substitute ²⁹as they would have had ²²;
 - (iii) for “IP completion day” substitute ³⁰1 April 2021 had they not been omitted by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020 (as amended by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 11) Order 2020) and the Jobseekers Act 1995 (Application) (Amendment) Order 2020 (as amended

³ SD 2020/0207

⁴ SD 2020/0410

⁵ SD 2020/0208

⁶ SD 2020/0409

by the Jobseekers Act 1995 (Application) (Amendment)
(No. 2) Order 2020²²;

- (l) omit paragraph (1)(r);
- (m) omit paragraph (1)(t);
- (n) in paragraph (1)(u) –
 - (i) for “Immigration (Provision of Physical Data) Regulations 2006” substitute ²³Immigration (Provision of Physical Data) Regulations 2019²²;
 - (ii) for “regulation 8(2)(e)” substitute ²⁴regulation 10(2)(e)²²;
 - (iii) for “regulation 10(2)(f)(ii)” substitute ²⁵regulation 12(2)(f)(ii)²²;
 - (iv) for “regulation 10(4)” substitute ²⁶regulation 12(4)²²;
 - (v) for “Immigration (European Economic Area) Regulations 2016” substitute ²⁷Immigration (European Economic Area) Regulations 2019²²;
 - (vi) omit the words “see regulation 15”;
- (o) omit paragraph (1)(v) and (w).

ANNEX

TEXT OF THE CITIZENS' RIGHTS (APPLICATION DEADLINE AND TEMPORARY PROTECTION) (EU EXIT) REGULATIONS 2020 AS APPLIED TO THE ISLAND

Regulation 4(2)

IMPORTANT NOTES on how to interpret this Annex:

1. The portions of the text of this Annex through which there are strikethrough lines are portions that have been omitted from the applied legislation insofar as it applies to the Island.
2. The portions of the text of this Annex that are underlined constitute text that has been inserted into the applied legislation insofar as it applies to the Island.
3. The omitted portions and the inserted text collectively constitute exceptions, adaptations and modifications.
4. The text is presented in the style of Manx legislation.

STATUTORY INSTRUMENTS

2020 No.1209

THE CITIZENS' RIGHTS (APPLICATION DEADLINE AND TEMPORARY PROTECTION) (EU EXIT) REGULATIONS 2020*Made - - - - 3rd November 2020**Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 7(1) and (4) of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020.

These are the first regulations to be made under paragraphs (b), (c), (d), (e), (f) and (g) of section 7(1) of that Act. In accordance with paragraph 1(1) of Schedule 4 to that Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

PART 1 – PRELIMINARY

1 Citation, commencement and interpretation

(1) These Regulations may be cited as the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 and come into force on IP completion day.

(2) In these Regulations—

“the EEA Regulations 2016” mean the Immigration (European Economic Area) Regulations 2016;

“the EEA Regulations 2019” mean the Immigration (European Economic Area) Regulations 2019⁷;

“application deadline” has the meaning given in regulation 2;

“British Islands” means the United Kingdom, the Channel Islands and the Isle of Man;

“EEA EFTA separation agreement” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020⁸ (see section 39(1) of that Act);

“residence scheme immigration rules” means—

(a) Appendix EU to the immigration rules except those rules, or changes to that Appendix, which are identified in the immigration rules as not having effect in connection with the residence scheme that operates in connection with the withdrawal of the United Kingdom from the EU; and

(b) any other immigration rules which are identified in the immigration rules as having effect in connection with the withdrawal of the United Kingdom from the EU;

“Swiss citizens' rights agreement” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020⁹ (see section 39(1) of that Act);

“withdrawal agreement” means the withdrawal agreement within the meaning of the European Union and Trade Act 2019¹⁰ (an Act of Tynwald) (see Schedule 1 to that Act).

PART 2 – DEADLINE FOR APPLICATIONS

2 Deadline for applications

The end of 30 June 2021 is the deadline for submission of an application for residence status in the Isle of Man (“application deadline”) ~~that applies that, if~~

⁷ SD 2019/0132

⁸ 2020 c.1

⁹ 2020 c.1

¹⁰ AT 2 of 2019

the application were to be made for residence status in the United Kingdom, would apply in the United Kingdom for the purposes of the following provisions—

- (a) the first sub-paragraph of Article 18(1)(b) of the withdrawal agreement;
- (b) the first sub-paragraph of Article 17(1)(b) of the EEA EFTA separation agreement, and
- (c) the first sentence of Article 16(1)(b) of the Swiss citizens' rights agreement.

**PART 3 – SAVING OF THE ~~EEA REGULATIONS 2016~~ EEA REGULATIONS 2019
ETC. DURING THE GRACE PERIOD AND WHILST APPLICATIONS ARE
FINALLY DETERMINED**

3 Grace period

- (1) This regulation has effect if the ~~EEA Regulations 2016~~ EEA Regulations 2019 are revoked on IP completion day (with or without savings).
- (2) The provisions of the ~~EEA Regulations 2016~~ EEA Regulations 2019 specified in regulations 5 to 10 continue to have effect (despite the revocation of those Regulations) with the modifications specified in those regulations in relation to a relevant person during the grace period.
- (3) ~~The provisions specified in regulation 11 apply in relation to a relevant person during the grace period as if any reference to the EEA Regulations 2016 or any provision of those Regulations are to the Regulations or provision of the Regulations as continued in effect and modified by regulations 5 to 10.~~
- (4) The enactments specified in regulation 12 apply in relation to a relevant person during the grace period with the modifications specified in that regulation.
- (5) For the purposes of this regulation—
 - (a) ~~the grace period is the period beginning immediately after IP completion day and ending with the application deadline;~~
 - (a) the grace period is –
 - (i) in relation to the application of the enactments specified in regulation 12(1)(i), (ia) and (q) to a relevant person, the period beginning on 1 April 2021 and ending with the application deadline;
 - (ii) in relation to the application of the enactments specified in the rest of regulation 12(1) to a relevant person, the period beginning immediately after IP completion day and ending with the application deadline; and

- (iii) ~~otherwise, the period beginning immediately after IP completion day and ending with the application deadline;~~
- (b) a person is to be treated as residing in the ~~United Kingdom~~ Isle of Man at any time which would be taken into account for the purposes of calculating periods when the person was continuously resident for the purposes of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (see ~~regulation 3~~ regulation 4);
- (c) a person who does not have the right to reside in the ~~United Kingdom~~ Isle of Man permanently is to be treated as having such a right if the person had a right of permanent residence in the ~~United Kingdom~~ Isle of Man under those Regulations (see ~~regulation 15~~ regulation 17) and who, immediately before IP completion day, has been absent from the ~~United Kingdom~~ British Islands for a continuous period of 5 years or less (disregarding any period of absence before the person acquired the right of permanent residence).
- (6) In this regulation—
- “**EEA document**” means—
- (a) an EEA family permit issued under ~~regulation 12~~ regulation 14 of the ~~EEA Regulations 2016~~ EEA Regulations 2019;
- (b) a ~~registration certificate~~ document certifying an extended right of residence issued under ~~regulation 17~~ regulation 19 of those Regulations, or
- (c) a ~~residence card~~ document certifying permanent residence issued under ~~regulation 18~~ regulation 20 of those Regulations;
- “**family member**”—
- (a)~~(d)~~ has the same meaning as in paragraph (1) of ~~regulation 7~~ regulation 8 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (read with paragraph (2) of that regulation) as those Regulations had effect immediately before IP completion day, and
- (b)~~(e)~~ includes an extended family member within the meaning of ~~regulation 8~~ regulation 9 of those Regulations as they had effect immediately before IP completion day if that person—
- (i) immediately before IP completion day satisfied the condition in ~~regulation 8(5)~~ regulation 9(5) of those Regulations (durable partner), or
- (ii) holds a valid EEA document (regardless of whether that document was issued before or after IP completion day);
- “**relevant family member**”, in relation to a person (“P”), means a family member who—
- (a)~~(f)~~ was a family member of P immediately before IP completion day;
- (b)~~(g)~~ is P’s child and—

- (i) the child's other parent is a relevant person or has leave to enter or remain in the ~~United Kingdom~~ Isle of Man by virtue of residence scheme immigration rules;
 - (ii) the child's other parent is a British citizen;
 - (iii) ~~P has P, if resident in the United Kingdom, would have had~~ P has P, if resident in the United Kingdom, would have had sole or joint rights of custody of the child in the circumstances set out in the last point of Article 10(1)(e)(iii) of the withdrawal agreement or the last point of Article 9(1)(e)(iii) of the EEA EFTA separation agreement, or
 - (iv) ~~P falls P, if resident in the United Kingdom, would have fallen~~ P falls P, if resident in the United Kingdom, would have fallen within Article 10(1)(e)(iii) of the Swiss citizens' rights agreement (children of beneficiaries of that agreement);
- ~~(c)(h)~~ becomes a family member of P after IP completion day by virtue of being issued with an EEA document (see paragraph (b)(ii) of the definition of "**family member**"), or
- ~~(d)(i)~~ is the spouse or civil partner of P and P is a national of Switzerland;

"**relevant person**" means a person who does not have (and who has not, during the grace period, had) leave to enter or remain in the ~~United Kingdom~~ Isle of Man by virtue of residence scheme immigration rules and who—

- ~~(a)(i)~~ immediately before IP completion day—
 - (i) was lawfully resident in the ~~United Kingdom~~ Isle of Man by virtue of the ~~EEA Regulations 2016~~ EEA Regulations 2019, or
 - (ii) had a right of permanent residence in the ~~United Kingdom~~ Isle of Man under those Regulations (see ~~regulation 15~~ regulation 17), or
- ~~(b)(k)~~ is not a person who falls within sub-paragraph (a) but is a relevant family member of a person who immediately before IP completion day—
 - (i) did not have leave to enter or remain in the ~~United Kingdom~~ Isle of Man by virtue of residence scheme immigration rules, and
 - (ii) either—
 - (aa) was lawfully resident in the ~~United Kingdom~~ Isle of Man by virtue of the ~~EEA Regulations 2016~~ EEA Regulations 2019, or
 - (bb) had a right of permanent residence in the ~~United Kingdom~~ Isle of Man under those Regulations (see ~~regulation 15~~ regulation 17).

4 Applications which have not been finally determined by the

application deadline

- (1) This regulation has effect if the ~~EEA Regulations 2016~~ EEA Regulations 2019 are revoked on IP completion day (with or without savings).
- (2) This regulation applies to a person (“the applicant”) who—
 - (a) has made an in-time application (see paragraph (6)), and
 - (b) immediately before IP completion day—
 - (i) was lawfully resident in the ~~United Kingdom~~ Isle of Man by virtue of the ~~EEA Regulations 2016~~ EEA Regulations 2019, or
 - (ii) had a right of permanent residence in the ~~United Kingdom~~ Isle of Man under those Regulations (see ~~regulation 15~~ regulation 17).
- (3) The provisions of the ~~EEA Regulations 2016~~ EEA Regulations 2019 specified in regulations 5 to 10 continue to have effect (despite the revocation of those Regulations) with the modifications specified in those regulations in relation to the applicant during the relevant period.
- (4) ~~The provisions specified in regulation 11 apply in relation to a relevant person during the grace period as if any reference to the EEA Regulations 2016 or any provision of those Regulations are to the Regulations or provision of the Regulations as continued in effect and modified by regulations 5 to 10.~~
- (5) The enactments specified in regulation 12 apply in relation to the applicant during the relevant period with the modifications specified in that regulation.
- (6) For the purposes of this regulation—
 - (a) an in-time application is an application for leave to enter or remain in the ~~United Kingdom~~ Isle of Man by virtue of residence scheme immigration rules which—
 - (i) is valid under residence scheme immigration rules;
 - (ii) is made on or before the application deadline, and
 - (iii) has not been withdrawn;
 - (b) the relevant period begins immediately after the application deadline and ends—
 - (i) if the applicant is, by virtue of the in-time application, granted leave to enter or remain in the ~~United Kingdom~~ Isle of Man, on the day on which that leave is granted;
 - (ii) if a decision is taken not to grant any leave to enter or remain in the ~~United Kingdom~~ Isle of Man in response to the applicant’s application and the applicant does not appeal against that decision, on the first day on which the applicant is no longer entitled to appeal against that

- decision (ignoring any possibility of an appeal out of time with permission);
- (iii) if a decision is taken not to grant any leave to enter or remain in the ~~United Kingdom~~ Isle of Man in response to the applicant's application and the applicant brings an appeal against that decision, on the day on which that appeal is finally determined, withdrawn or abandoned, or lapses under paragraph 3 of Schedule 1 to the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020¹¹;
- (c) a person is to be treated as residing in the ~~United Kingdom~~ Isle of Man at any time which would be taken into account for the purposes of calculating periods when the person was continuously resident for the purposes of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (see ~~regulation 3~~ regulation 4);
- (d) a person who does not have the right to reside in the ~~United Kingdom~~ Isle of Man permanently is to be treated as having such a right if the person had a right of permanent residence in the ~~United Kingdom~~ Isle of Man under those Regulations (see ~~regulation 15~~ regulation 17) and who, immediately before IP completion day, has been absent from the ~~United Kingdom~~ British Islands for a continuous period of 5 years or less (disregarding any period of absence before the person acquired the right of permanent residence).
- (7) For the purposes of paragraph (6)(b)(iii) —
- (a) ~~an appeal is not finally determined while (as the case may be) —~~
- (i) ~~an application for permission to appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007(—) could be made or is awaiting determination;~~
- (ii) ~~permission to appeal under either of those sections has been granted and the appeal is awaiting determination;~~
- (iii) ~~an appeal has been remitted under section 12 or 14 of that Act and is awaiting determination;~~
- (iv) ~~any of the following applications could be made —~~
- (aa) ~~an application for leave to appeal under section 7 of the applied 1997 Act;~~
- (bb) ~~an application for a certificate under section 7B of the applied 1997 Act(—);~~
- (cc) ~~an application for permission to appeal under section 7C of the applied 1997 Act, or~~

¹¹ SI 2020/61 (as applied by SD 2020/xxxx).

~~(v) leave to appeal under section 7, or permission to appeal under section 7C, of the applied 1997 Act has been granted and the appeal is awaiting determination;~~

(b) an appeal is to be treated as abandoned if the appellant (“A”) is granted leave to enter or remain in the ~~United Kingdom~~ Isle of Man by virtue of residence scheme immigration rules;

(c) an appeal is not to be treated as abandoned solely because the appellant leaves the ~~United Kingdom~~ Isle of Man.

~~(8) For the purposes of paragraph (7), “the applied 1997 Act” means the Special Immigration Appeals Commission Act 1997() as it applies for the purposes of the Immigration (Citizens’ Rights Appeals) (EU Exit) Regulations 2020 by virtue of Part 2 of Schedule 1 to those Regulations.~~

5 Provisions relating to definitions etc.

The following provisions of ~~Part 1~~ Part 2 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (provisions relating to definitions etc.) with the modifications set out below are specified for the purposes of regulations 3 and 4—

(a) ~~regulation 2~~ regulation 3 (general interpretation) with the modifications that—

(i) as if all instances of the words “or any other right conferred by the EU Treaties”—

(aa) in so far as they relate to things done on or after exit day but before IP completion day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the ~~United Kingdom~~ by virtue of Part 4 of the EU withdrawal agreement Isle of Man;

(bb) in so far as they relate to things done after IP completion day, were omitted;

(ii) as if all instances of the words “or the EU Treaties”—

(aa) in so far as they relate to things done after exit day but before IP completion day, were a reference to the EU Treaties so far as they were applicable to and in the ~~United Kingdom~~ by virtue of Part 4 of the EU withdrawal agreement Isle of Man;

(bb) in so far as they relate to things done after IP completion day, were omitted;

(iii) as if, in paragraph (b) of the definition of “EEA decision”, “, ~~a registration certificate, residence card, derivative residence card, document certifying permanent residence or permanent residence card~~ a document certifying permanent residence, a document certifying a derivative

- right of residence or a document certifying an extended right of residence” were omitted;
- (iv) as if, in the definition of “EEA State”, the words “other than the United Kingdom” were omitted so far as relevant to things done after exit day;
- (b) ~~regulation 3~~ regulation 4 (continuity of residence);
- (c) ~~regulation 4~~ regulation 5 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), for “in accordance with” there were substituted “within the meaning of”;
- (d) ~~regulation 5~~ regulation 6 (“worker or self-employed person who has ceased activity”);
- (e) ~~regulation 6~~ regulation 7 (“qualified person”) with the modifications that—
- (i) in ~~paragraph (4C)~~ paragraph (13), “and having a genuine chance of being engaged” were omitted;
- (ii) in ~~paragraph (6)~~ paragraph (7), after “employment and” there were inserted “, where that person is a jobseeker,”;
- (iii) in ~~paragraph (7)~~ paragraph (8), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker,”;
- (f) ~~regulation 7~~ regulation 8 (“family member”);
- (g) ~~regulation 8~~ regulation 9 (“extended family member”) ~~with the modification that paragraph (8)(c) were omitted~~;
- (h) ~~regulation 9~~ regulation (10) (family members and extended family members of British citizens) with the modifications that—
- (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
- (ii) sub-paragraph (a) of paragraph (3) were omitted;
- (iii) paragraph (7) were omitted;
- (i) ~~regulation 9A~~ regulation 11 (dual national: national of an EEA State who acquires British citizenship);
- (j) ~~regulation 10~~ regulation 12 (“family member who has retained the right of residence”) ~~with the modification that, in paragraph (5)(a), “the initiation of proceedings for” were omitted~~.

6 Provisions relating to residence rights

The following provisions of ~~Parts 2 and 3~~ Parts 3 and 4 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 provisions relating to residence rights and residence

documentation) with the modifications set out below are specified for the purposes of regulations 3 and 4—

- (a) ~~regulation 11~~ regulation 13 (right of admission to the ~~United Kingdom~~ Isle of Man) with the modifications that—
- (i) sub-paragraph (a) of paragraph (2) were omitted;
 - (ii) in paragraph (3), for “, a permanent residence card or a qualifying EEA State residence card” there were substituted “or a permanent residence card” —
 - (aa) after “a document certifying permanent residence” insert ~~or~~ or;
 - (bb) omit the words “or a qualifying EEA State residence card”;
 - (iii) paragraph (4) were omitted;
- (b) ~~regulation 12~~ regulation 14 (issue of EEA family permit) with the modification that in paragraph (4), before sub-paragraph (a) there were inserted—
- “(aa) the extended family member satisfies the condition in paragraph (5) of ~~regulation 8~~ regulation 9”;
- (c) ~~regulation 13~~ regulation 15 (initial right of residence) with the modification that in paragraph (4), after “~~26(3)~~ 27(3) (misuse of right to reside)”, there were inserted “, ~~27A~~ 28A (decisions taken on conducive grounds)”;
- (d) ~~regulation 14~~ regulation 16 (extended right of residence) with the modification that in paragraph (4), after “~~26(3)~~ 27(3)”, there were inserted “, ~~27A~~ 28A ”;
- (e) ~~regulation 15~~ regulation 17 (right of permanent residence) with the modification that in paragraph (4), after “~~26(3)~~ 27(3)”, there were inserted “, ~~27A~~ 28A”;
- (f) ~~regulation 16~~ regulation 18 (derivative right to reside) with the modifications that—
- (i) in paragraph (5)(c), for “another” there were substituted “an”;
 - (ii) in paragraph (12), after “~~26(3)~~ 27(3)”, there were inserted “, ~~27A~~ 28A”;
- (g) ~~regulation 21~~ regulation 22 (procedure for applications for documentation under this Part and ~~regulation 12~~ regulation 14) with the modifications that—
- (i) in paragraph (1) and in paragraph ~~(4A)~~, “documentation under this Part, or for” were omitted;
 - (ii) in paragraph (2), “this Part or” and “, as the case may be, as well as that required by paragraph (5),” were omitted;

- (iii) paragraphs (3), (5) and (6) were omitted;
- (h) ~~regulation 22~~ regulation 23 (verification of a right of residence) with the modifications that—
 - (i) in paragraph (1)(b), the words “or documentation issued under Part 3” were omitted;
 - (ii) in paragraph (2)(a), the words “or documentation issued under this Part” were omitted.

7 Provisions relating to powers of refusal of admission and removal etc.

- (1) Subject to paragraph (2), the following provisions of ~~Part 4~~ Part 5 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (provisions relating to refusal of admission and removal etc.) with the modifications set out below are specified for the purposes of regulations 3 and 4—
 - (a) ~~regulation 23~~ regulation 24 (exclusion and removal from the ~~United Kingdom~~ Isle of Man) with the modifications that—
 - (i) in each of paragraphs (1), (5) and (6)(b), after “~~regulation 27~~ regulation 28”, there were inserted “or on conducive grounds in accordance with ~~regulation 27A~~ regulation 28A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007”;
 - (ii) in paragraph (7)(b), after “~~regulation 27~~ regulation 28”, there were inserted “, on conducive grounds in accordance with ~~regulation 27A~~ regulation 28A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007”;
 - (b) ~~regulation 24~~ regulation 25 (refusal to issue or renew and revocation of residence documentation) with the modifications that—
 - (i) in paragraph (1)—
 - (aa) “refuse to issue,” “or refuse to renew” and “the refusal or” were omitted;
 - (bb) after “public health”, there were inserted “in accordance with ~~regulation 27~~ regulation 28, or on conducive grounds in accordance with ~~regulation 27A~~ regulation 28A”;
 - (ii) in paragraph (2), “or an application made by that person for such a ~~certificate, card or~~ document” were omitted;
 - (iii) in paragraphs (3) and (4), “or refuse to renew” were omitted;
 - (iv) in paragraph (6)(a), after “public health”, there were inserted “in accordance with ~~regulation 27~~ regulation 28 or

on conducive grounds in accordance with ~~regulation 27A~~
regulation 28A”;

- (v) paragraph (7) were omitted;
- (c) ~~regulation 25~~ regulation 26 (cancellation of a right of residence to reside) with the modification that in paragraph (2)(b), after “~~regulation 27~~ regulation 28”, there were inserted “, on conducive grounds in accordance with ~~regulation 27A~~ regulation 28A”;
- (d) ~~regulation 26~~ regulation 27 (misuse of a right to reside) with the modification that in paragraph (1)(a) “(as determined by reference to Council Directive 2004/38/EC and the EU Treaties)” were omitted;
- (e) ~~regulation 27~~ regulation 28 (decisions taken on grounds of public policy, public security and public health);
- (f) as if, after ~~regulation 27~~ regulation 28, there were inserted –

~~27A~~ 28A Decisions taken on conducive grounds

- (1) An EEA decision may be taken on the ground that the decision is conducive to the public good.
- (2) But a decision may only be taken under this regulation in relation to a person as a result of conduct of that person that took place after IP completion day.”;
- (g) ~~regulation 28~~ regulation 29 (application of Part 4 to a person with a derivative right to reside) with the modification that paragraph (1)(c) were omitted;
- (h) ~~Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.) with the modification that for paragraph 1 there were substituted –~~
“1. The United Kingdom enjoys considerable discretion, acting within the parameters set by the law, to define its own standards of public policy and public security, for purposes tailored to its individual context from time to time.”.
- (2) The provisions specified in paragraph (1) do not apply in any case ~~where regulations made under section 9 of the European Union (Withdrawal Agreement) Act 2020 (restrictions of rights of entry and residence) apply where the Citizens’ Rights (Restrictions of Rights of Entry and Residence)(EU Exit) Regulations 2020¹² apply.~~

8 Provisions relating to procedures in relation to EEA decisions

The following provisions of ~~Part 5~~ Part 6 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (provisions relating to procedures or decisions under the ~~EEA~~

¹² SI 2020/1210 (as they have effect in the Isle of Man – see SD 2020/0509).

~~Regulations 2016~~ EEA Regulations 2019) with the modifications set out below are specified for the purposes of regulations 3 and 4—

- (a) ~~regulation 29~~ regulation 30 (person claiming right of admission) with the modifications in paragraph (1)(a) that—
 - (i) at the end of paragraph (iii), there were inserted “or”;
 - (ii) paragraph (v) were omitted;
- (b) ~~regulation 30~~ regulation 31 (person refused admission) with the modification that in paragraph (2), the reference to “or a qualifying EEA State residence card” were omitted;
- (c) ~~regulation 31~~ regulation 32 (revocation of admission);
- (d) ~~regulation 32~~ regulation 33 (person subject to removal) with the modification that in paragraph (5), after “public health”, there were inserted “in accordance with ~~regulation 27~~ regulation 28 or on conducive grounds in accordance with ~~regulation 27A~~ regulation 28A”;
- (e) ~~regulation 33~~ regulation 34 (human rights considerations and interim orders to suspend removal);
- (f) ~~regulation 34~~ regulation 35 (revocation of deportation and exclusion orders) with the modifications that—
 - (i) in paragraph (3), after “deportation” there were inserted “order made on the grounds of public policy, public security or public health in accordance with ~~regulation 27~~ regulation 28”;
 - (ii) after paragraph (5) there were inserted—

“(5A) A person who is subject to a deportation order made on conducive grounds in accordance with ~~regulation 27A~~ regulation 28A may apply to the ~~Secretary of State~~ Minister to have it revoked in accordance with the immigration rules that apply in relation to an application for revocation of a deportation order made by virtue of section 3(5) of the Immigration Act 1971; and any such application is to be decided as if those rules applied to it.”

9 Provisions relating to appeals

The following provisions of ~~Part 6~~ Part 7 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (provisions relating to appeals) with the modifications set out below are specified for the purposes of regulations 3 and 4—

- (a) ~~regulation 35~~ regulation 36 (interpretation of ~~Part 6~~ Part 7);
- (b) ~~regulation 36~~ regulation 37 (appeal rights);
- (c) ~~regulation 37~~ regulation 38 (out of country appeals);
- (d) ~~regulation 38~~ (appeals to the Commission);
- (e) ~~regulation 39~~ (national security: EEA Decisions);

- (f) ~~regulation 40~~ regulation 39 (effect of appeals to the ~~First tier Tribunal or Upper Tribunal~~ an adjudicator);
- ~~(g) regulation 41 (temporary admission to submit case in person);~~
- (h) ~~regulation 42~~ regulation 40 (alternative evidence of identity and nationality);
- (i) Schedule 2 (appeals to the ~~First tier Tribunal~~ an adjudicator) with the modification that, in each of paragraphs 1 and 2(4), for the words “the EU Treaties”, there were substituted “the Immigration (European Economic Area) Regulations 2016”.

10 Miscellaneous provisions

The following provisions of ~~Part 7~~ Part 8 of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (miscellaneous provisions) with the modifications set out below are specified for the purposes of regulations 3 and 4 –

- (a) regulation 43 (effect on other legislation);
- (b) ~~regulation 45~~ regulation 44 (revocations, savings, ~~transitory~~ and transitional provisions and consequential modifications) (except in so far as it relates to ~~Part 1~~ paragraph 1 of Schedule 4);
- (c) Schedule 3 (effect on other legislation) with the modification that, in paragraph 3, “a qualifying EEA State residence card,” were omitted;
- (d) ~~Part 2~~ paragraph 2 of Schedule 4 (savings and modifications);
- (e) ~~Schedule 6~~ Schedule 5 (transitional provisions) with the modification that in ~~paragraph 4(1), paragraphs (b) to (f) were omitted~~ paragraph 2(1), paragraphs (b) and (c) were omitted;
- ~~(f) Schedule 7 (consequential modifications).~~

~~11 Entitlement to benefits and public services~~

~~The provisions specified in this regulation are –~~

- ~~(a) regulation 21AA (special cases: supplemental – persons from abroad) of the Income Support (General) Regulations 1987;~~
- ~~(b) regulation 21AA (special cases: supplemental – persons from abroad) of the Income Support (General) Regulations (Northern Ireland) 1987;~~
- ~~(c) regulation 85A (special cases: supplemental – persons from abroad) of the Jobseeker’s Allowance Regulations 1996;~~
- ~~(d) regulation 85A (special cases: supplemental – persons from abroad) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;~~
- ~~(e) regulation 2 (persons not in Great Britain) of the State Pension Credit Regulations 2002;~~

- ~~(f) — regulation 3 (circumstances in which a person is treated as not being in the United Kingdom) of the Tax Credits (Residence) Regulations 2003;~~
- ~~(g) — regulation 2 (persons not in Northern Ireland) of the State Pension Credit Regulations (Northern Ireland) 2003;~~
- ~~(h) — regulation 10 (persons from abroad) of the Housing Benefit Regulations 2006;~~
- ~~(i) — regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;~~
- ~~(j) — regulations 23 (circumstances in which person treated as not being in Great Britain) and 27 (circumstances in which person treated as not being in Northern Ireland) of the Child Benefit (General) Regulations 2006;~~
- ~~(k) — regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006;~~
- ~~(l) — regulations 2 (interpretation), 3 (persons from abroad who are ineligible for an allocation of housing accommodation) and 4 (persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006;~~
- ~~(m) — regulation 10 (persons from abroad) of the Housing Benefit Regulations (Northern Ireland) 2006;~~
- ~~(n) — regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;~~
- ~~(o) — regulation 70 (special cases: supplemental — persons from abroad) of the Employment and Support Allowance Regulations 2008;~~
- ~~(p) — regulation 70 (special cases: supplemental — persons from abroad) of the Employment and Support Allowance Regulations (Northern Ireland) 2008;~~
- ~~(q) — regulation 12 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;~~
- ~~(r) — regulation 16 (persons not entitled to council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (Scotland) Regulations 2012;~~
- ~~(s) — regulation 16 (persons not entitled to council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012;~~

- ~~(t) regulations 2 (interpretation) and 9 (persons treated as not being in Great Britain) of the Universal Credit Regulations 2013;~~
- ~~(u) regulation 28 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013;~~
- ~~(v) paragraph 19 (class of persons excluded from this scheme: persons treated as not being in Great Britain) of the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013;~~
- ~~(w) regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation), and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014;~~
- ~~(x) regulation 14C of the National Health Service (Charges to Overseas Visitors) Regulations 2015 (family members of British citizens of Northern Ireland);~~
- ~~(y) regulations 2 (interpretation) and 9 (persons treated as not being in Northern Ireland) of the Universal Credit Regulations (Northern Ireland) 2016.~~

12 Modification of other enactments

- (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"), 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 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 UK or Channel Islands deportation order treated as order made under the Immigration Act 1971) 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, as it has 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), 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), as it had effect immediately before IP completion day;~~
- (g) section 7(1) of the Immigration Act 1988 (persons exercising ~~Community~~ European Union rights and nationals of member States) as it had effect immediately before IP completion day, with the modification that “an enforceable EU right or of” were omitted;
- (h) section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the ~~United Kingdom~~ Isle of Man), 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)~~ section 150E of the Social Security Contributions and Benefits Act 1992 (persons subject to immigration control – exclusion from benefits) as it has effect in the Isle of Man¹³, as it would have had effect immediately before IP completion day 1 April 2021 if it had not been omitted by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020¹⁴ (as amended by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 11) Order 2020¹⁵);
- ~~(ia) section 20C of the Jobseekers Act 1995 as it has effect in the Isle of Man (persons subject to immigration control - exclusion from income-based jobseeker’s allowance), as it would have had effect immediately before 1 April 2021 had it not been omitted by the Jobseekers Act 1995 (Application) (Amendment) Order 2020¹⁶ (as amended by the Jobseekers Act 1995 (Application) (Amendment) (No. 2) Order 2020¹⁷);~~
- (j) section 126 of the Nationality, Immigration and Asylum Act 2002 (physical data: compulsory provision), 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;

¹³ SD 505/94

¹⁴ SD 2020/0207

¹⁵ SD 2020/0410

¹⁶ SD 2020/0208

¹⁷ SD 2020/0409

- (k) ~~Schedule 3 (withholding and withdrawal of support) to that Act 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~~ Isle of Man without a passport), as it had effect immediately before IP completion day and 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~~ Immigration (European Economic Area) Regulations 2019 (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, 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), as it had effect immediately before IP completion day and 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), as it had effect immediately before IP completion day and 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) as it had effect immediately before IP completion day and 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~~ section 150E of the Social Security Contributions and Benefits Act 1992 and section 20C of the Jobseekers Act 1995 – as they have effect in the Isle of Man), as it had ~~as they would have had~~ effect immediately before IP completion day 1 April 2021 had they not been omitted by the

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020 (as amended by the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 11) Order 2020) and the Jobseekers Act 1995 (Application) (Amendment) Order 2020 (as amended by the Jobseekers Act 1995 (Application) (Amendment) (No. 2) Order 2020);

- ~~(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), as it had effect immediately before IP completion day;~~
- (s) the British Nationality (General) Regulations 2003, as they had effect immediately before IP completion day and 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, as they had effect immediately before IP completion day and 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 subparagraph (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 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);”;~~
- (u) the Immigration (Provision of Physical Data) Regulations 2006 Immigration (Provision of Physical Data) Regulations 2019¹⁸, as they had effect immediately before IP completion day and with the modifications that—
- (i) in each of the following provisions “of an enforceable EU right or” were omitted;

¹⁸ SD 2019/0145

- (aa) the definition of “application” in regulation 2 3 (interpretation);
- (bb) ~~regulation 8(2)(e)~~ regulation 10(2)(e) (use and retention of biometric information), and
- (cc) ~~regulation 10(2)(f)(ii)~~ regulation 12(2)(f)(ii) (retention of fingerprints);
- (ii) in ~~regulation 10(4)~~ regulation 12(4), for “has the same meaning” to the end there were substituted “is to be read with the ~~Immigration (European Economic Area) Regulations 2016~~ Immigration (European Economic Area) Regulations 2019 (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, as they had effect immediately before IP completion day and 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 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);”;~~
- (w) ~~the Immigration (Biometric Registration) Regulations 2008, as they had effect immediately before IP completion day and 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 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 to enter or remain in the ~~United~~

~~Kingdom~~ Isle of Man (including section 13 of the Asylum and Immigration Act 1996) is to be read in light of paragraph (1)(f) above (application with modification of section 7 of the Immigration Act 1988).

13 Evidencing status

Where any question arises as to whether a person is or was lawfully resident in the ~~United Kingdom~~ Isle of Man at a particular point in time by virtue of the ~~EEA Regulations 2016~~ EEA Regulations 2019 (including as continued in effect and modified by these Regulations) for the purposes of these Regulations, it is for the individual in question to prove that they were.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 to the Island as part of the law of the Island but subject to the exceptions, adaptations and modifications specified in the Schedule. The text of the applied legislation as applied is then set out in the Annex.

The European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the Act") implements the Withdrawal Agreement between the United Kingdom and the EU, the EEA EFTA separation agreement and the Swiss citizens' rights agreement ("the Agreements"). The Agreements do not apply directly in the Island but the Island is committed to keeping its immigration legislation in step with the United Kingdom.

Regulation 2 of the applied legislation specifies the end of 30th June 2021 as the deadline by which applications for residence status must be made. Such applications are made under residence scheme immigration rules (see section 17 of the Act).

The Immigration (European Economic Area) Regulations 2019 ("the EEA Regulations 2019") make equivalent provisions in the Island to those made in the United Kingdom under the Immigration (European Economic Area) Regulations 2016. These 2016 Regulations currently implement, in the United Kingdom, European Union law that relates to free movement of people.

Regulation 3 of the applied legislation provides that certain provisions of the EEA Regulations 2019 will continue to apply during the grace period to individuals who do not have leave to enter or remain in the Isle of Man under residence scheme immigration rules and who —

- (a) resided lawfully in the Isle of Man by virtue of those regulations immediately before IP completion day (see section 39 of the Act),
- (b) had a right of permanent residence in the Isle of Man by virtue of those regulations at any point in the 5 years preceding that date, or
- (c) are family members of such persons.

The grace period is the period beginning immediately after IP completion day (except in relation to certain social security enactments) and ending with the application deadline (30th June 2021).

Regulation 4 of the applied legislation relates to individuals who have made applications for residence status on or before the application deadline but whose application has not been finally determined by that date. Regulation 4 provides that certain provisions of the EEA Regulations 2019 continue to apply to such individuals until their application has been finally determined.

Regulations 5 to 10 of the applied legislation specify the provisions of the EEA Regulations 2019 that continue to apply, and any relevant modifications. The modifications ensure that the EEA Regulations 2019 continue to operate appropriately after IP completion day and reflect a number of judgments as to how those Regulations should be interpreted and applied.

Regulation 12 of the applied legislation specifies provisions of other legislation (immigration, nationality and social security provisions) that continue to apply for the purposes of regulations 3 and 4, where appropriate with modifications. This includes section 7 of the Immigration Act 1988 which specifies that individuals with a right to enter or remain in the Isle of Man by virtue of legislation such as the EEA Regulations 2019 do not require leave to enter or remain in the Isle of Man under the Immigration Act 1971. The continued application of this provision supports the ability of individuals to whom regulation 3 or 4 applies to continue to reside lawfully in the Isle of Man.

Regulation 13 of the applied legislation provides that where a question arises as to whether the EEA Regulations 2019 continue to apply to a person, it is for that person to show that they do.