



STATUTORY INSTRUMENTS.

**S.I. No. 728 of 2020**

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EUROPEAN UNION (WITHDRAWAL AGREEMENT) (CITIZENS'  
RIGHTS) REGULATIONS 2020

EUROPEAN UNION (WITHDRAWAL AGREEMENT) (CITIZENS' RIGHTS) REGULATIONS 2020

I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Part 2, other than Chapters 2 and 3 of Title II, and Title III, of that Part, of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community<sup>1</sup>, approved on behalf of the European Union by Council Decision (EU) 2020/135 of 30 January 2020<sup>2</sup>, hereby make the following regulations:

*Short title and commencement*

1. (1) These Regulations may be cited as the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020.
- (2) These Regulations shall come into operation at 11.00 p.m. on 31 December 2020.

*Interpretation*

2. (1) In these Regulations -
  - “Article 10(1)(f) family member” means, in relation to a particular United Kingdom national, a person who resided in the State in accordance with Regulation 9(1), (2), (3), 10(1), (2), 11(1), 12(1)(b), (3), (4), 13(6) or (7) of the Regulations of 2015 before the end of the transition period and continues to reside in the State thereafter;
  - “civil partner” and “civil partnership” have the same meanings respectively as they have in the Regulations of 2015;
  - “family member”, other than in Regulations 6(2), 7(2) and 9(2), means an Article 10(1)(f) family member, a qualifying family member or a permitted family member;
  - “Member State” means a Member State within the meaning of Article 2(b), other than the State;
  - “Minister” means the Minister for Justice;
  - “permanent residence document” means a document issued in accordance with Article 18(4) and referred to in Regulations 11(1) and 12(1);
  - “permitted family member”, other than in Regulation 9(4)(b), means, in relation to a particular United Kingdom national, a person who, under

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<sup>1</sup> OJ No. CI 384, 12.11.2019, p.1

<sup>2</sup> OJ No. L 29, 31.1.2020, p.1

Regulation 3(2)(a), (b) or (c), is a permitted family member of the United Kingdom national;

“qualifying family member”, other than in Regulation 9(4)(b), means, in relation to a particular United Kingdom national, a person who, under Regulation 3(1), is a qualifying family member of the United Kingdom national;

“registration officer” has the same meaning as it has in the Regulations of 2015;

“Regulations of 2015” means the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015);

“residence document” means a document issued in accordance with Article 18(4) and referred to in Regulations 8 and 9;

“spouse” has the same meaning as it has in the Regulations of 2015;

“transition period” has the same meaning as it has in Article 2(e);

“Union citizen” means any person having the nationality of a Member State;

“Union law” has the same meaning as it has in Article 2(a);

“United Kingdom national” means a person -

- (a) to whom before the end of the transition period the definition of United Kingdom national in Article 2(d) applied and in relation to whom that definition has not ceased to apply, and
- (b) who exercised his or her right to reside in the State in accordance with Union law before the end of the transition period and continues to reside in the State thereafter;

“Withdrawal Agreement” means the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community<sup>1</sup>.

(2) A word or expression that is used in these Regulations and is also used in Part 1 or 2, or both, of the Withdrawal Agreement shall have in these Regulations the same meaning as it has in those Parts of the Withdrawal Agreement unless the contrary intention appears.

(3) A reference in these Regulations to a numbered Article is a reference to the Article so numbered of the Withdrawal Agreement.

(4) A reference in these Regulations to the date on which these Regulations come into operation shall be construed as a reference to the particular time on that date at which these Regulations come into operation.

(5) These Regulations are without prejudice to the rights or privileges of an individual under any arrangements between the Government and the government of the United Kingdom of Great Britain and Northern Ireland concerning the Common Travel Area and associated reciprocal rights and privileges.

*Application*

3. (1) For the purposes of these Regulations, a person is a qualifying family member of a particular United Kingdom national where -

- (a) the person is -
  - (i) the United Kingdom national's spouse or civil partner,
  - (ii) a direct descendant of the United Kingdom national, or of the United Kingdom national's spouse or civil partner, and is-
    - (I) under the age of 21, or
    - (II) a dependent of the United Kingdom national, or of his or her spouse or civil partner,
  - (iii) a dependent direct relative in the ascending line of the United Kingdom national, or of his or her spouse or civil partner, or
  - (iv) a person, other than a permitted family member, whose presence is required by the United Kingdom national in order not to deprive the United Kingdom national of a right of residence to which Part 2 of the Withdrawal Agreement applies,

and

- (b) he or she fulfils one or more of the conditions set out in Article 10(1)(e)(i), (ii) or (iii).

(2) For the purposes of these Regulations, a person is a permitted family member of a particular United Kingdom national –

- (a) where -
  - (i) before the end of the transition period, the Minister decides in accordance with Regulation 5 of the Regulations of 2015 that the person be treated as a permitted family member of the United Kingdom national for the purposes of those Regulations,
  - (ii) before the end of the transition period, he or she resided in the State, and
  - (iii) after the end of the transition period he or she continues to reside in the State,
- (b) where -
  - (i) he or she is a person to whom Regulation 23(2) applies,

- (ii) after the end of the transition period, the Minister decides in accordance with Regulation 5 of the Regulations of 2015 that the person be treated as a permitted family member of the United Kingdom national, and
  - (iii) after the end of the transition period he or she continues to reside in the State,
- or
- (c) where -
- (i) before the end of the transition period, he or she is a partner with whom a United Kingdom national has a durable relationship, duly attested,
  - (ii) before the end of the transition period, he or she resided outside the State, and
  - (iii) the Minister has, in accordance with paragraph (4), decided that the person should be treated as a permitted family member of the United Kingdom national for the purposes of these Regulations, which decision has not been revoked under Regulation 20.

(3) This paragraph applies to a person who -

- (a) before the end of the transition period, is the partner with whom a United Kingdom national has a durable relationship, duly attested, and
- (b) at the time of his or her application under paragraph (4), the relationship referred to in subparagraph (a) continues to exist.

(4) Where a United Kingdom national has entered or is residing in the State in accordance with these Regulations, a person to whom paragraph (3) applies may apply to the Minister for a decision that he or she be treated as a permitted family member for the purposes of these Regulations.

(5) Regulations 5(2) to (6) of the Regulations of 2015 shall apply with any necessary modifications to an application under paragraph (4).

#### *Permission to enter State*

4. (1) A person who is -

- (a) a United Kingdom national, or
- (b) a family member of a United Kingdom national where the family member is a Union citizen,

who is in possession of a valid passport or official identity document as evidence of his or her nationality and identity may not be refused permission to enter the State.

(2) Regulations 4(2), (3), (4), (5) and (6) of the Regulations of 2015 shall, subject to paragraph (3) and Regulation 22, apply to a family member of a United Kingdom national where the family member is neither a Union citizen nor a United Kingdom national as they apply to a qualifying family member to whom those Regulations apply.

(3) For the purposes of paragraph (2) -

- (a) a reference in Regulation 4(4) of the Regulations of 2015 to a residence card shall be construed as a reference to a permanent residence document or a residence document,
- (b) a reference in Regulation 4(6)(a) of the Regulations of 2015 to a person referred to in clause (i) of Regulation 3(5)(b) shall be construed as a reference to a person referred to in Regulation 3(1)(a)(i), and
- (c) a reference in Regulation 4(6)(b) of the Regulations of 2015 to a person referred to in clause (ii) or (iii) of Regulation 3(5)(b) shall be construed as a reference to a person referred to in Regulation 3(1)(a)(ii), (iii) or (iv).

*Residence in State of United Kingdom national*

5. Regulations 6(1)(a)(i), (1)(b), (2), (3)(a)(i), (3)(a)(ii), (3)(a)(iii), (3)(c) and 11(1) of the Regulations of 2015 shall, subject to Regulation 22, apply to a United Kingdom national as they apply to a Union citizen to whom those Regulations apply.

*Residence in State of family member of United Kingdom national who is Union citizen or United Kingdom national*

6. (1) This Regulation applies to a family member of a United Kingdom national where the family member is a Union citizen or a United Kingdom national.

(2) Regulations 6(1)(a)(i), (1)(b), (2), (3)(a)(iv), 9(1), (3), 10(1) and 11(1) of the Regulations of 2015 shall, subject to Regulation 22, apply to a person to whom this Regulation applies as they apply to a family member (within the meaning of the Regulations of 2015).

*Residence in State of family member of United Kingdom national who is neither Union citizen nor United Kingdom national*

7. (1) This Regulation applies to a family member of a United Kingdom national where the family member is neither a Union citizen nor a United Kingdom national.

(2) Regulations 6(1)(a)(ii), (1)(b), (2), (3)(b), (4), (5), (6), 9(2), (3), 10(2)(a), 11(1) and (2) of the Regulations of 2015 shall, subject to paragraph (3) and Regulation 22, apply to a person to whom this Regulation applies as

they apply to a family member (within the meaning of the Regulations of 2015).

(3) Where a family member to whom this Regulation applies is a child to whom Regulation 9(3) of the Regulations of 2015 applies, he or she shall have the same entitlement to reside in the State as his or her parent.

*Residence document for United Kingdom national or family member who is Union citizen or United Kingdom national*

8. (1) A United Kingdom national or a family member of a United Kingdom national where the family member is a Union citizen or a United Kingdom national may apply to the Minister for a residence document.

(2) An application under paragraph (1) shall-

- (a) where the applicant is a United Kingdom national, contain the particulars specified in Schedule 1, and
- (b) where the applicant is a family member of a United Kingdom national and the applicant is a Union citizen or a United Kingdom national, contain the particulars specified in Schedule 2,

and shall be accompanied by such documentary evidence as may be necessary to support the application.

(3) The Minister shall cause to be issued a notice acknowledging receipt of an application under paragraph (1).

(4) The Minister shall, within 6 months of the date of receiving an application under paragraph (1) -

- (a) where he or she is satisfied that it is appropriate to do so, issue a residence document containing the particulars set out in Schedule 3 to the applicant, or
- (b) notify the applicant concerned that his or her application has been refused, which notification shall be accompanied by a statement of the grounds for the refusal.

(5) An applicant under paragraph (1) may remain in the State pending a decision on the application.

(6) The period of validity of a residence document issued under this Regulation shall be 5 years from the date of issue of the document.

(7) The validity of a residence document shall not be affected by any of the following on the part of the recipient of the document:

- (a) temporary absences not exceeding 6 months in a 12 month period;
- (b) absences of a duration longer than 6 months in a 12 month period for compulsory military service;

- (c) one absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in a Member State or a third country.

*Residence document for family member who is neither Union citizen nor United Kingdom national*

9. (1) This Regulation applies to a family member of a United Kingdom national where the family member is neither a Union citizen nor a United Kingdom national.

(2) Regulations 7 and 8 (in this Regulation referred to as the “relevant Regulations”) of the Regulations of 2015 shall, subject to paragraph (4) and Regulation 22, apply to a person to whom this Regulation applies as they apply to a family member (within the meaning of the relevant Regulations).

(3) The period of validity of a residence document issued under this Regulation shall be equivalent to -

- (a) where at the date an application to the Minister is made for a residence document in accordance with this Regulation there remains in respect of a valid residence card issued under Regulation 7 of the Regulations of 2015 before the end of the transition period, a remaining period of validity, such remaining period, or
- (b) 5 years from the date of issue of the document,

whichever is the lesser period.

(4) For the purposes of this Regulation -

- (a) a reference in the relevant Regulations to a residence card shall be construed as a reference to a residence document,
- (b) where, immediately before the date on which these Regulations come into operation, a person is present in the State as a qualifying family member or a permitted family member (within the respective meanings of the Regulations of 2015), “relevant date” in Regulation 7 of the Regulations of 2015 shall be construed as meaning the date on which that person entered the State as, or became, a qualifying family member or a permitted family member, as the case may be, under the Regulations of 2015,
- (c) a reference in Regulation 7(3) of the Regulations of 2015 to Schedule 2 to the Regulations of 2015 shall be construed as a reference to Schedule 4,
- (d) a reference in Regulation 7(5)(a) of the Regulations of 2015 to Schedule 3 to the Regulations of 2015 shall be construed as a reference to Schedule 5, and

- (e) a reference in Regulation 8(4) of the Regulations of 2015 to a removal order shall be construed as a reference to a removal order under these Regulations.

*Entitlement to permanent residence in State*

10. (1) Regulations 12(1), (5), 13(1), (3) and (4) of the Regulations of 2015 shall, subject to paragraph (4) and Regulation 22, apply to a United Kingdom national as they apply to a Union citizen to whom those Regulations apply.

(2) Where a person is a family member of a United Kingdom national and the person is a Union citizen or a United Kingdom national, Regulations 12(1), (3), (5), 13(1), (3), (4), (6) and (7) of the Regulations of 2015 shall, subject to paragraph (4) and Regulation 22, apply to the person as they apply to a family member (within the meaning of the Regulations of 2015).

(3) Where a person is a family member of a United Kingdom national and the person is neither a Union citizen nor a United Kingdom national, Regulations 12(1)(b), (2), (4), (5), 13(6) and (7) of the Regulations of 2015 shall, subject to paragraph (4) and Regulation 22, apply to the person as they apply to a family member (within the meaning of the Regulations of 2015).

(4) For the purposes of this Regulation -

- (a) the following periods shall be reckonable in calculating a period of residence for the purposes of the application of the Regulations of 2015 referred to in paragraph (1), (2) or (3), as the case may be -
  - (i) periods of residence before and during the transition period in conformity with the Regulations of 2015, and
  - (ii) periods of residence after the end of the transition period in conformity with these Regulations,
- (b) the reference to a period exceeding 2 consecutive years in Regulation 12(6) of the Regulations of 2015 shall be construed as a reference to a period exceeding 5 consecutive years, and
- (c) the references to a Member State in Regulations 13(3) and (4) of the Regulations of 2015 shall be construed as including a reference to the United Kingdom of Great Britain and Northern Ireland.

*Issue of permanent residence document to United Kingdom national or family member who is Union citizen or United Kingdom national*

11. (1) Regulation 14 of the Regulations of 2015 shall, subject to paragraph (3) and Regulation 22, apply to a United Kingdom national or a family member of a United Kingdom national where the family member is a

Union citizen or a United Kingdom national as it applies to a Union citizen to whom that Regulation applies.

(2) A permanent residence document shall be valid for a period of 10 years and shall be renewable on application to the Minister, which application shall be made before the expiration of the permanent residence document.

(3) For the purposes of this Regulation -

- (a) a reference in Regulation 14 of the Regulations of 2015 to a permanent residence certificate shall be construed as a reference to a permanent residence document,
- (b) a reference in Regulation 14(2) of the Regulations of 2015 to Schedule 5 to the Regulations of 2015 shall-
  - (i) where the applicant is a United Kingdom national, be construed as a reference to Schedule 6, and
  - (ii) where the applicant is a family member of a United Kingdom national and the applicant is a Union citizen or a United Kingdom national, be construed as a reference to Schedule 7,
- (c) a reference in Regulation 14(3) of the Regulations of 2015 to Schedule 6 to the Regulations of 2015 shall be construed as a reference to Schedule 8, and
- (d) a reference in Regulation 14(8)(a) of the Regulations of 2015 to a period exceeding 2 consecutive years shall be construed as a reference to a period exceeding 5 consecutive years.

*Issue of permanent residence document to family member who is neither Union citizen nor United Kingdom national*

12. (1) Where a person is a family member of a United Kingdom national and the person is neither a Union citizen nor a United Kingdom national, Regulation 15 of the Regulations of 2015 shall, subject to paragraph (2) and Regulation 22, apply to the person as it applies to a family member to whom that Regulation applies.

(2) For the purposes of this Regulation -

- (a) a reference in Regulation 15 of the Regulations of 2015 to a permanent residence card shall be construed as a reference to a permanent residence document,
- (b) a reference in Regulation 15(2) of the Regulations of 2015 to Schedule 7 to the Regulations of 2015 shall be construed as a reference to Schedule 9,
- (c) a reference in Regulation 15(3) of the Regulations of 2015 to Schedule 8 to the Regulations of 2015 shall be construed as a reference to Schedule 10, and

- (d) a reference in Regulation 15(9)(a) of the Regulations of 2015 to a period exceeding 2 consecutive years shall be construed as a reference to a period exceeding 5 consecutive years.

*Production of evidence*

13. Where the Minister has reason to suspect that a person who claims to be residing in the State in accordance with Regulation 5, 6, 7 or 10 has failed or is failing to comply with the Regulation concerned, he or she may require evidence that the person satisfies the requirements of these Regulations.

*Entitlements and matters of equal treatment*

14. (1) Subject to paragraph (2), a person who is residing in the State in accordance with these Regulations shall be entitled to the rights referred to in Regulation 17 of the Regulations of 2015.

(2) For the purposes of this Regulation -

- (a) a reference in Regulation 17(2)(a) of the Regulations of 2015 -
  - (i) to a person to whom Regulation 6(1) of the Regulations of 2015 applies shall be construed as a reference to-
    - (I) a United Kingdom national to whom Regulations 6(1)(a)(i) and (1)(b) of the Regulations of 2015 apply in accordance with Regulation 5,
    - (II) a family member to whom Regulation 6 applies and to whom Regulations 6(1)(a)(i) and (1)(b) of the Regulations of 2015 apply in accordance with Regulation 6, and
    - (III) a family member to whom Regulation 7 applies and to whom Regulations 6(1)(a)(ii) and (1)(b) of the Regulations of 2015 apply in accordance with Regulation 7,

and

- (ii) to a person to whom Regulation 6(2) of the Regulations of 2015 applies shall be construed as a reference to-
  - (I) a United Kingdom national to whom Regulation 6(2) of the Regulations of 2015 applies in accordance with Regulation 5,

- (II) a family member to whom Regulation 6 applies and to whom Regulation 6(2) of the Regulations of 2015 applies in accordance with Regulation 6, and
  - (III) a family member to whom Regulation 7 applies and to whom Regulation 6(2) of the Regulations of 2015 applies in accordance with Regulation 7,
- (b) the application of the reference in Regulation 17(4) of the Regulations of 2015 to a person to whom Regulation 6(3)(a)(i) applies or is deemed to apply under Regulation 6(3)(c) to a Union citizen to whom Regulation 3(1)(a) of the Regulations of 2015 applies, shall be construed as applying to a United Kingdom national and his or her family members who are United Kingdom nationals or Union citizens, and
- (c) Regulation 17(5) of the Regulations of 2015 shall not apply.

*Restrictions on right of free movement and residence on grounds of public policy, public security or public health*

15. Where a person is a family member of a United Kingdom national and the person is -

- (a) a Union citizen and not a United Kingdom national, or
- (b) neither a Union citizen nor a United Kingdom national,

Regulations 18 and 19 of the Regulations of 2015 shall apply to the person as they apply to a person in respect of whom the Minister may under paragraph (1) of that Regulation 18 or 19, as the case may be, issue a notice.

*Removal orders*

16. (1) Where a person is a family member of a United Kingdom national and the person is a Union citizen and is not a United Kingdom national, Regulations 20 to 22 of the Regulations of 2015 shall apply to the person as they apply to a person in respect of whom the Minister may under paragraph (1) of that Regulation 20 make a removal order (within the meaning of the Regulations of 2015).

(2) Where a person is a family member of a United Kingdom national and the person is neither a Union citizen nor a United Kingdom national, Regulations 20 to 22 of the Regulations of 2015 shall apply to the person as they apply to a person in respect of whom the Minister may under paragraph (1) of that Regulation 20 make a removal order (within the meaning of the Regulations of 2015).

(3) For the purposes of paragraph (2), Regulations 20(4) and (6) of the Regulations of 2015 shall not apply to the family member concerned.

(4) For the purposes of paragraphs (1) and (2), a reference in Regulation 21(8) of the Regulations of 2015 to Schedule 10 to the Regulations of 2015 shall be construed as a reference to Schedule 11.

*Exclusion orders*

17. (1) Where a person is a family member of a United Kingdom national and the person is a Union citizen and is not a United Kingdom national, Regulation 23 of the Regulations of 2015 shall apply to the person as it applies to a person in respect of whom the Minister may under paragraph (1) of that Regulation 23 make an exclusion order (within the meaning of the Regulations of 2015).

(2) Where a person is a family member of a United Kingdom national and the person is neither a Union citizen nor a United Kingdom national, Regulation 23 of the Regulations of 2015 shall apply to the person as it applies to a person in respect of whom the Minister may under paragraph (1) of that Regulation 23 make an exclusion order (within the meaning of the Regulations of 2015).

(3) For the purposes of paragraphs (1) and (2), a reference in Regulation 23(13) of the Regulations of 2015 to Schedule 12 to the Regulations of 2015 shall be construed as a reference to Schedule 12.

*Notices etc.*

18. Regulation 24 of the Regulations of 2015 shall apply to notices, representations in writing or documents required or authorised by these Regulations to be sent or given to the Minister or a registration officer under these Regulations.

*Review of decisions*

19. Regulation 25 of the Regulations of 2015 shall, subject to Regulations 22, 23(32) and (33), apply to a United Kingdom national and his or her family member as it applies to persons to whom that Regulation applies.

*Refusal, termination or withdrawal of rights*

20. (1) Regulations 27 to 29 of the Regulations of 2015 shall, subject to paragraph (2) and Regulations 22 and 23(34), apply to United Kingdom nationals and their family members.

(2) For the purposes of paragraph (1) -

- (a) a reference in Regulation 27(1) of the Regulations of 2015 -
- (i) to a decision under Regulation 5(3) of the Regulations of 2015 that a person be treated as a permitted family member shall be construed as a reference to a decision under Regulation 3(4) that

- a person be treated as a permitted family member,
- (ii) to a residence card shall be construed as a reference to a residence document, and
  - (iii) to a permanent residence certificate or permanent residence card shall be construed as a reference to a permanent residence document,
- and
- (b) a reference in Regulation 28(6) or 29(6) of the Regulations of 2015 to the Council Directive shall be construed as a reference to Part 2 of the Withdrawal Agreement.

*Offences*

21. (1) A person shall be guilty of an offence under this Regulation if the person -

- (a) fails to apply for a residence document in accordance with Regulation 7(1)(b) of the Regulations of 2015 as applied to the person by Regulation 9(2),
- (b) fails to surrender his or her residence document in accordance with Regulation 8(4) of the Regulations of 2015 as applied to the person by Regulation 9(2),
- (c) fails to comply with Regulation 11(2)(a)(i) of the Regulations of 2015 as applied to the person by Regulation 7(2),
- (d) fails to comply with Regulation 11(2)(a)(ii) of the Regulations of 2015 as applied to the person by Regulation 7(2),
- (e) fails to comply with Regulation 11(2)(b) of the Regulations of 2015 as applied to the person by Regulation 7(2),
- (f) fails to apply for a permanent residence document in accordance with Regulation 15(1) of the Regulations of 2015 as applied to the person by Regulation 12(1),
- (g) fails to surrender his or her permanent residence document in accordance with Regulation 15(10) of the Regulations of 2015 as applied to the person by Regulation 12(1),
- (h) fails to comply with Regulation 18(3) of the Regulations of 2015 as applied to the person by Regulation 15,
- (i) fails to comply with Regulation 19(3) of the Regulations of 2015 as applied to the person by Regulation 15,

- (j) fails to comply with a removal order or a notification under Regulation 21(4)(b) of the Regulations of 2015 as applied to the person by Regulation 16,
  - (k) fails to comply with an exclusion order (within the meaning of the Regulations of 2015) as applied to the person by Regulation 17,
  - (l) for the purposes of seeking an entitlement conferred by Part 2 of the Withdrawal Agreement and these Regulations, gives or makes any statement, declaration or information which is to his or her knowledge false or misleading in a material particular,
  - (m) for the purpose of seeking an entitlement conferred by Part 2 of the Withdrawal Agreement and these Regulations, destroys or conceals documents with intent to deceive,
  - (n) forges, fraudulently alters, assists in forging or fraudulently altering or procures to be forged or fraudulently altered any document for reward where such documents are used or intended to be used in connection with seeking an entitlement conferred by Part 2 of the Withdrawal Agreement and these Regulations, or
  - (o) sells or supplies, or has in his or her possession for the purpose of sale or supply, forged documents, where such documents are used or intended to be used in connection with seeking an entitlement conferred by Part 2 of the Withdrawal Agreement and these Regulations.
- (2) A person who commits an offence under subparagraphs (a), (b), (c), (f) or (g) of paragraph (1) is liable on summary conviction to a class C fine or imprisonment for a term not exceeding 3 months, or both.
- (3) A person who is found guilty of an offence under subparagraph (d) or (e) of paragraph (1) is liable on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months.
- (4) A person who is found guilty of an offence under subparagraph (h), (i), (j) or (k) of paragraph (1) is liable -
- (a) on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months, or both, or
  - (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years, or both.
- (5) A person who is found guilty of an offence under subparagraph (l), (m), (n) or (o) of paragraph (1) is liable -

- (a) on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 3 years, or both.

*Additional modification of Regulations of 2015*

22. For the purposes of these Regulations, the Regulations of 2015 shall apply in relation to a person to whom these Regulations apply as they apply in relation to a person to whom those Regulations apply, subject to the modifications in Regulations 3(5), 4 to 7, 9 to 12 and 14 to 20 and, where the context so requires, the following modifications, namely -

- (a) a reference in the Regulations of 2015 to a Union citizen shall be construed as a reference to a United Kingdom national,
- (b) a reference in the Regulations of 2015 to a family member of a Union citizen shall be construed as a reference to a family member,
- (c) a reference in the Regulations of 2015 to a family member who is a national of a Member State shall be construed as including a reference to a family member who is a United Kingdom national,
- (d) a reference in the Regulations of 2015 to an entitlement to enter or reside or remain in the State in accordance with those Regulations shall be construed as a reference to an entitlement to enter or reside or remain in the State in accordance with Part 2 of the Withdrawal Agreement and these Regulations,
- (e) a reference in the Regulations of 2015 to those Regulations shall be construed as a reference to these Regulations, and
- (f) any other necessary modifications.

*Transitional*

23. (1) Where, before the date on which these Regulations come into operation, a person to whom these Regulations apply was granted permission to enter the State as a qualifying family member (within the meaning of the Regulations of 2015) in accordance with Regulation 4 of the Regulations of 2015 and, immediately before that date, continues to reside in the State on the basis of the permission, that person shall be considered to be a qualifying family member.

(2) Where, before the date on which these Regulations come into operation, a person to whom these Regulations apply produced evidence in accordance

with Regulation 5(2) of the Regulations of 2015 and, by that date, the Minister has not established under that Regulation whether the person concerned is a permitted family member -

- (a) that Regulation shall continue to apply for the purpose of establishing whether the person is a permitted family member under the Regulations of 2015, and
- (b) where the person is established to be a permitted family member under Regulation 5(3) of the Regulations of 2015, he or she shall be deemed to be a permitted family member under these Regulations.

(3) Where, immediately before the date on which these Regulations come into operation, a person to whom these Regulations apply is residing in the State under Regulation 6(1) of the Regulations of 2015 and, by that date, the period referred to in that paragraph has not expired, that person shall be deemed to be residing in the State under Regulation 5, 6 or 7, as the case may be, and the period during which the person resided in the State under Regulation 6(1) of the Regulations of 2015 shall be reckonable in calculating the period referred to in Regulation 5, 6 or 7.

(4) Where, immediately before the date on which these Regulations come into operation, a person to whom Regulation 6(4) of the Regulations of 2015 applied was remaining in the State under Regulation 6(3) of those Regulations, the person shall be deemed to be a person with a right to reside under Regulation 6(2) or 7(2).

(5) Where, immediately before the date on which these Regulations come into operation, a person to whom these Regulations apply was permitted to remain in the State under Regulation 6(6) of the Regulations of 2015, that person shall be deemed to be a person whom the Minister has decided, in accordance with Regulation 7(2), may remain in the State.

(6) Where, before the date on which these Regulations come into operation, a person to whom these Regulations apply made an application in accordance with Regulation 7(1) of the Regulations of 2015 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application made under Regulation 9 and these Regulations shall apply accordingly.

(7) A residence card issued under Regulation 7 of the Regulations of 2015 to a person to whom these Regulations apply which, immediately before the date on which these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a residence document issued under these Regulations and these Regulations shall apply accordingly.

(8) Where, before the date on which these Regulations come into operation, the Minister issued a notification under Regulation 8(3)(a) of the Regulations of 2015 to a person to whom these Regulations apply -

- (a) that notification shall be deemed to be a notification under Regulation 9(2) and these Regulations shall apply accordingly,

- (b) representations made by the person under Regulation 8(3)(a) of the Regulations of 2015 shall be deemed to be representations made in accordance with Regulation 9(2), and
- (c) where the 15 working day period specified in the notification has not, by that date, expired, representations made by the person under Regulation 8(3)(a) of the Regulations of 2015 shall be deemed to be representations made within that period.

(9) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 9(1), (2) or (3), as the case may be, of the Regulations of 2015 shall-

- (a) where he or she is a person to whom Regulation 6 applies, be deemed to have a right of residence under that Regulation, and
- (b) where he or she is a person to whom Regulation 7 applies, be deemed to have a right of residence under that Regulation, and

these Regulations shall apply accordingly.

(10) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 10(1) of the Regulations of 2015 shall be deemed to have a right of residence under Regulation 6 and these Regulations shall apply accordingly.

(11) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 10(2) of the Regulations of 2015 shall be deemed to have a right of residence under Regulation 7 and these Regulations shall apply accordingly.

(12) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right to remain permanently in the State by virtue of Regulation 12(1)(a) of the Regulations of 2015, shall be deemed to be a person to whom Regulation 10(1) or (2) applies and these Regulations shall apply accordingly.

(13) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right to remain permanently in the State by virtue of Regulation 12(1)(b) or 12(4) of the Regulations of 2015, shall be deemed to be a person to whom Regulation 10(3) applies and these Regulations shall apply accordingly.

(14) Where, immediately before the date on which these Regulations come into operation, a person to whom these Regulations apply is residing in the State in conformity with the Regulations of 2015, and by that date the period referred to in Regulation 12(1)(a) or (b), as the case may be, of those Regulations has not expired, the period during which the person resided in the State in conformity with the Regulations of 2015 shall be reckonable in calculating the period for entitlement to permanent residence under Regulation 10.

(15) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right to remain permanently in the State by virtue of Regulation 13(1) of the Regulations of 2015, shall be deemed to be a person to whom Regulation 10(1) or (2), as the case may be, applies and these Regulations shall apply accordingly.

(16) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right to remain permanently in the State by virtue of Regulation 13(3) of the Regulations of 2015, shall be deemed to be a person to whom Regulation 10(1) or (2), as the case may be, applies and these Regulations shall apply accordingly.

(17) A person to whom these Regulations apply who, immediately before the date on which these Regulations come into operation, has a right to remain permanently in the State by virtue of Regulation 13(6) or (7) of the Regulations of 2015 shall be deemed to be a person to whom Regulation 10(3) applies and these Regulations shall apply accordingly.

(18) Where paragraph (15), (16) or (17) applies and immediately before the date on which these Regulations come into operation, a person referred to in those paragraphs is residing in the State in accordance with Regulation 13(1), (3), (6) or (7), as the case may be, of the Regulations of 2015 (in this paragraph referred to as the “relevant Regulations of 2015”), and by that date the period referred to in the relevant Regulations of 2015, has not expired, the period during which the person resided in the State in conformity with the relevant Regulations of 2015 shall be reckonable in calculating the period referred to in Regulation 10(1), (2) or (3).

(19) Where, before the date on which these Regulations come into operation, a person to whom these Regulations apply made an application under Regulation 14(1) of the Regulations of 2015 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application under Regulation 11 and these Regulations shall apply accordingly.

(20) Where, before the date on which these Regulations come into operation, the Minister issued a notification under Regulation 15(5) of the Regulations of 2015 to a person to whom these Regulations apply -

- (a) that notification shall be deemed to be a notification under Regulation 12 and these Regulations shall apply accordingly,
- (b) representations made by the person under Regulation 15(5)(c) of the Regulations of 2015 shall be deemed to be representations made in accordance with Regulation 12, and
- (c) where the 15 working day period specified in the notification has not, by that date, expired, representations made by the person under Regulation 15(5)(c) of the Regulations of 2015 shall be deemed to be representations made within that period.

(21) Where, before the date on which these Regulations come into operation, a person to whom these Regulations apply made an application under Regulation 15(1) of the Regulations of 2015 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application under Regulation 12 and these Regulations shall apply accordingly.

(22) A permanent residence certificate issued under Regulation 14(3) of the Regulations of 2015 to a person to whom these Regulations apply which, immediately before the date on which these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a permanent residence document issued under Regulation 11 and these Regulations shall apply accordingly.

(23) A permanent residence card issued under Regulation 15(3) of the Regulations of 2015 to a person to whom these Regulations apply which, immediately before the date on which these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a permanent residence document issued under Regulation 12 and these Regulations shall apply accordingly.

(24) Where, before the date on which these Regulations come into operation, the Minister issued a notice under Regulation 18(2) or 19(2) of the Regulations of 2015 to a person to whom these Regulations apply, that notice shall be deemed to be a notice issued under Regulation 15 and these Regulations shall apply accordingly.

(25) Where, before the date on which these Regulations come into operation, the Minister made an order under Regulation 20(1) of the Regulations of 2015 in respect of a person to whom these Regulations apply, that order shall be deemed to be a removal order under Regulation 16 and these Regulations shall apply accordingly.

(26) Where, before the date on which these Regulations come into operation, the Minister issued a notification under Regulation 20(8)(c) of the Regulations of 2015 to a person to whom these Regulations apply -

- (a) that notification shall be deemed to be a notification under Regulation 16 and these Regulations shall apply accordingly,
- (b) representations made by the person under Regulation 20(8) of the Regulations of 2015 shall be deemed to be representations made in accordance with Regulation 16, and
- (c) where the 15 working day period specified in the notification has not, by that date, expired, representations made by the person under Regulation 20(8) of the Regulations of 2015 shall be deemed to be representations made within that period.

(27) Where before the date on which these Regulations come into operation the Minister has notified a person to whom these Regulations apply in accordance with Regulation 21(1) of the Regulations of 2015 -

- (a) the notice concerned shall be deemed to be a notification under Regulation 16 and these Regulations shall apply accordingly,
- (b) representations made by the person under Regulation 21(2)(b) of the Regulations of 2015 shall be deemed to be representations made in accordance with Regulation 16, and
- (c) where the 15 working day period specified in the notification has not, by that date, expired, representations made by the person under Regulation 21(2)(b) of the Regulations of 2015 shall be deemed to be representations made within that period.

(28) Where, immediately before the date on which these Regulations come into operation, a person to whom these Regulations apply was detained in a place of detention pursuant to Regulation 22(1) of the Regulations of 2015, then his or her continued detention in that place is authorised by Regulation 16 and these Regulations shall apply accordingly, and any period of detention under the Regulations of 2015 shall be included in reckoning a period for the purposes of these Regulations.

(29) Where, before the date on which these Regulations come into operation, the Minister made an order under Regulation 23(1) of the Regulations of 2015 in respect of a person to whom these Regulations apply, that order shall be deemed to be an exclusion order under Regulation 17 and these Regulations shall apply accordingly.

(30) Where before the date on which these Regulations come into operation the Minister has notified a person to whom these Regulations apply in accordance with Regulation 23(3) of the Regulations of 2015 -

- (a) the notification concerned shall be deemed to be a notification under Regulation 17 and these Regulations shall apply accordingly,
- (b) representations made by the person under Regulation 23(4)(b) of the Regulations of 2015 shall be deemed to be representations made in accordance with Regulation 17, and
- (c) where the 15 working day period specified in the notification has not, by that date, expired, representations made by the person under Regulation 23(4)(b) of the Regulations of 2015 shall be deemed to be representations made within that period.

(31) Where before the date on which these Regulations come into operation the Minister has notified a person to whom these Regulations apply in accordance with Regulation 23(10)(b) of the Regulations of 2015 -

- (a) the notification concerned shall be deemed to be a notification under Regulation 17 and these Regulations shall apply accordingly,

- (b) representations made by the person under Regulation 23(10)(b) of the Regulations of 2015 shall be deemed to be representations made in accordance with Regulation 17, and
- (c) where the 15 working day period specified in the notification has not, by that date, expired, representations made by the person under Regulation 23(10)(b) of the Regulations of 2015 shall be deemed to be representations made within that period.

(32) Where, before the date on which these Regulations come into operation, a person to whom these Regulations apply has sought a review under Regulation 25(1) of the Regulations of 2015 and, by that date, the review has not been determined, Regulation 25 of the Regulations of 2015 shall continue to apply for the purposes of the determination of the review.

(33) Where before the date on which these Regulations come into operation, a person to whom these Regulations apply has a right to apply for a review under Regulation 25(1) of the Regulations of 2015 and at that date the 15 working day period specified in Regulation 25(2) has not expired -

- (a) an application for review under Regulation 25 of the Regulations of 2015 shall be submitted to the Minister within such unexpired period, and
- (b) Regulation 25 of the Regulations of 2015 shall continue to apply for the purposes of the determination of an application for review referred to in subparagraph (a).

(34) Where before the date on which these Regulations come into operation the Minister has given notice to a person to whom these Regulations apply in accordance with paragraph (3) of Regulation 27 of the Regulations of 2015 and, by that date, no decision has been taken by the Minister under paragraph (1) of that Regulation, Regulation 27 shall continue to apply.

## SCHEDULE 1

*Regulation 8(2)(a) – particulars to be contained in application for residence document for United Kingdom nationals*

### **Applicant's particulars and relevant documentary evidence**

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Any other nationality of applicant and dates applicable/dates held
7. Immigration Reference Number, if any
8. Documentary evidence certifying that he or she has resided in the State prior to the end of the transition period and continues to do so
9. Documentary evidence that he or she has satisfied one or more of the conditions referred to in Regulation 5
10. Photograph of applicant

## SCHEDULE 2

*Regulation 8(2)(b) – particulars to be contained in application for residence document by family members of United Kingdom nationals who are United Kingdom nationals or Union citizens*

### **Applicant's particulars and relevant documentary evidence**

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Any other nationality of applicant and dates applicable/dates held
7. Immigration Reference Number, if any
8. Where the applicant is a person a person to whom 3(1)(a)(i) or (ii) of these Regulations applies, documentary evidence certifying his or her relationship with the United Kingdom national
9. Declaration of any criminal record
10. Photograph of applicant

### **Particulars of United Kingdom national of whom the applicant is a family member/dependant**

11. Name of United Kingdom national
12. Address of United Kingdom national in the State
13. Date and place of birth of United Kingdom national
14. Nationality
15. Number, date and place of issue of United Kingdom national's passport
16. Any other nationality and dates applicable/dates held
17. Date on which United Kingdom national first entered the State
18. Documentary evidence that the United Kingdom national satisfies one or more of the conditions referred to in Regulation 5
19. Declaration of any criminal record
20. Photograph of United Kingdom national

### SCHEDULE 3

*Regulation 8(4)(a) – particulars to be contained in residence document for United Kingdom nationals or family members of United Kingdom nationals who are United Kingdom nationals or Union citizens*

The residence document shall contain the following particulars—

1. Name of person
2. Nationality of person
3. Date of birth
4. Date of issue of document
5. Date of expiry of document
6. Unique number
7. Record in electronic form of biometric data of the person to whom it is given
8. Statement that the document is "Issued under Article 18(4) of the Withdrawal Agreement" and is the property of the Minister for Justice
9. Photograph of person

## SCHEDULE 4

*Regulation 9(4)(c) – particulars to be contained in application for residence document by family members who are neither Union citizens nor United Kingdom nationals*

**Applicant's particulars and relevant documentary evidence**

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Where the applicant is a person to whom 3(1)(a)(i) to (iii) of these Regulations applies, documentary evidence certifying his or her relationship with the United Kingdom national
7. Where the applicant is a person to whom Regulation 3(1)(a)(iv) of these Regulations applies, documentary evidence that his or her presence is required by the United Kingdom national in order not to deprive the United Kingdom national of a right of residence in the State
8. Where the applicant is a person to whom Regulation 3(2)(a) or (b) of these Regulations applies, documentary evidence from the relevant authority in the country from which he or she has come and/or country of origin certifying that he or she is a dependant of the United Kingdom national or a member of the household of the United Kingdom national, or proof that on the basis of serious health grounds strictly he or she requires the personal care of the United Kingdom national
9. Where the applicant is a person to whom Regulation 3(2)(c) of these Regulations applies, documentary evidence that he or she is the partner with whom the United Kingdom national has a durable relationship, duly attested.
10. Declaration of any criminal record
11. Photograph of applicant

**Particulars of United Kingdom national of whom the applicant is a family member/dependant**

12. Name of United Kingdom national
13. Address of United Kingdom national in the State
14. Date and place of birth of United Kingdom national
15. Nationality
16. Number, date and place of issue of United Kingdom national's passport
17. Any other nationality and dates applicable/dates held
18. Date on which United Kingdom national first entered the State
19. Documentary evidence that the United Kingdom national satisfies one or more of the conditions referred to in Regulation 5
20. Declaration of any criminal record

21. Photograph of United Kingdom national

## SCHEDULE 5

*Regulation 9(4)(d) – particulars to be contained in residence document for family members of United Kingdom nationals who are neither Union citizens nor United Kingdom nationals*

The residence document shall contain the following particulars—

1. Name of person
2. Nationality of person
3. Date of birth
4. Date of issue of document
5. Date of expiry of document
6. Unique number
7. Record in electronic form of biometric data of the person to whom it is given
8. Statement that the document is “Issued under Article 18(4) of the Withdrawal Agreement” and is the property of the Minister for Justice
9. Photograph of person

## SCHEDULE 6

*Regulation 11(3)(b)(i) – particulars to be contained in application for permanent residence document by United Kingdom nationals*

### **Applicant's particulars**

1. Name of applicant
2. Address of applicant in the State
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Any other nationality of applicant and dates applicable/dates held
7. Duration of residence of applicant in the State
8. Occupation of applicant in the State
9. Duration of employment in the State
10. If no longer in employment/self-employment, state reason (e.g. retired, incapacitated, occupational illness, other)
11. Immigration Reference Number, if any, and PPS number
12. Declaration of any criminal record
13. Documentary evidence that the United Kingdom national has satisfied one or more of the conditions referred to in Regulation 5 during that United Kingdom national's residence in the State
14. Where the United Kingdom national has not resided in the State for a continuous period of 5 years, evidence that the United Kingdom national satisfies the requirements of Regulation 10.
15. Photograph of applicant

## SCHEDULE 7

*Regulation 11(3)(b)(ii) – particulars to be contained in application for permanent residence document by family members of United Kingdom nationals who are United Kingdom nationals or Union citizens*

**Applicant's details**

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Occupation, if any, of applicant (copy of employment permit, if applicable)
7. Immigration reference number (if any) and PPS number of applicant
8. Declaration of any criminal record
9. Immigration history in the State
10. Documentary evidence of continuous residence in the State for a continuous period of 5 years
11. Photograph of applicant

**Particulars of United Kingdom national of whom the applicant is a family member or dependant**

12. Name of United Kingdom national
13. Address of United Kingdom national in the State
14. Date and place of birth of United Kingdom national
15. Nationality
16. Number, date and place of issue of United Kingdom national's passport
17. Any other nationality and dates applicable/dates held
18. Occupation of United Kingdom national in the State
19. Immigration Reference Number, if any, PPS number of United Kingdom national
20. Details of relationship between applicant and United Kingdom national
21. Declaration of any criminal record
22. Documentary evidence that the United Kingdom national has satisfied one or more of the conditions referred to in Regulation 5 during his or her residence in the State
23. Where the United Kingdom national has not resided in the State for a continuous period of 5 years, evidence that he or she satisfies the requirements of Regulation 10.
24. Photograph of United Kingdom national

## SCHEDULE 8

*Regulation 11(3)(c) – form of permanent residence document for United Kingdom nationals or family members of United Kingdom nationals who are United Kingdom nationals or Union citizens*

The permanent residence document shall contain the following particulars—

1. Name of person
2. Nationality of person
3. Date of birth
4. Date of issue of document
5. Date of expiry of document
6. Unique number
7. Record in electronic form of biometric data of the person to whom it is given
8. Statement that the document is “Issued under Article 18(4) of the Withdrawal Agreement” and is the property of the Minister for Justice
9. Photograph of person

## SCHEDULE 9

*Regulation 12(2)(b) – particulars to be contained in application for permanent residence document by family members of United Kingdom nationals who are neither Union citizens nor United Kingdom nationals*

**Applicant's details**

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Occupation, if any, of applicant (copy of employment permit, if applicable)
7. Immigration reference number (if any) and PPS number of applicant
8. Declaration of any criminal record
9. Immigration history in the State
10. Documentary evidence of continuous residence in the State for a continuous period of 5 years
11. Photograph of applicant

**Particulars of United Kingdom national of whom the applicant is a family member or dependant**

12. Name of United Kingdom national
13. Address of United Kingdom national in the State
14. Date and place of birth of United Kingdom national
15. Nationality
16. Number, date and place of issue of United Kingdom national's passport
17. Any other nationality and dates applicable/dates held
18. Occupation of United Kingdom national in the State
19. Immigration Reference Number, if any, PPS number of United Kingdom national
20. Details of relationship between applicant and United Kingdom national
21. Declaration of any criminal record
22. Documentary evidence that the United Kingdom national has satisfied one or more of the conditions referred to in Regulation 5 during his or her residence in the State
23. Where the United Kingdom national has not resided in the State for a continuous period of 5 years, evidence that he or she satisfies the requirements of Regulation 10.
24. Photograph of United Kingdom national

## SCHEDULE 10

*Regulation 12(2)(c) – particulars to be contained in permanent residence document for family members of United Kingdom nationals who are neither Union citizens nor United Kingdom nationals*

The permanent residence document shall contain the following particulars—

1. Name of person
2. Nationality of person
3. Date of birth
4. Date of issue of document
5. Date of expiry of document
6. Unique number
7. Record in electronic form of biometric data of the person to whom it is given
8. Statement that the document is “Issued under Article 18(4) of the Withdrawal Agreement” and is the property of the Minister for Justice
9. Photograph of person

SCHEDULE 11

*Regulation 16 – Form of removal order*

European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020

To: [name and address of person]

WHEREAS it is provided by Regulation 16 of the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020 that, subject to those Regulations, the Minister for Justice may by order require a person to whom the Regulations apply to leave the State within the time specified in the order;

AND WHEREAS you are a person in respect of whom a removal order may be made under the said Regulation 16;

NOW I, on behalf of the Minister for Justice, in exercise of the powers conferred by the said Regulation 16, hereby require you to leave the State within the period ending on the .

[Signature of officer of Minister]

[Name and rank of officer of Minister]

On behalf of the Minister for Justice

[date of signature]

SCHEDULE 12

*Regulation 17(3) – Form of exclusion order*

European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020

To: [name and address of person]

WHEREAS it is provided by Regulation 17 of the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020 that, subject to those Regulations, the Minister for Justice may by order require a person to whom the Regulations apply not to enter the State for the period specified in the order;

AND WHEREAS you are a person in respect of whom an exclusion order may be made under the said Regulation 17;

NOW I, on behalf of the Minister for Justice, in exercise of the powers conferred by the said Regulation 17, hereby impose an exclusion period on you whereby you shall not re-enter or seek to re-enter the State up to .

[Signature of officer of Minister]

[Name and rank of officer of Minister]

On behalf of the Minister for Justice

[date of signature]



GIVEN under my Official Seal,  
31 December, 2020.

HELEN MCENTEE,  
Minister for Justice.

## EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to the provisions on residence and residence documents in Part Two (Citizens' Rights) of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

The Regulations make provision for the application, as appropriate, of the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015) to United Kingdom nationals and their family members to whom Part Two of the Withdrawal Agreement applies, and make provision for the issue of residence documents and permanent residence documents to such persons.

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