



Removal and deportation of EEA nationals

The European Economic Area (EEA) was set up in a 1994 **treaty** between European Union member states and other participating countries.

Your rights to be in the UK

If you are an EEA national you are not necessarily subject to United Kingdom immigration laws.

Your rights come from Treaty laws that have been adopted by the UK. Coming to the UK is your right and you don't have to ask for permission.

Your right to freedom of movement and residence in another EEA country, however, can sometimes be restricted to protect public policy, security or health.

If you are given an expulsion order for these reasons, it will be because of your personal behaviour rather than being a rule that is applied to everyone like you.

However, if you commit serious offences you can in some circumstances be **removed** or **deported** from the UK.

Removal

Removal is when a person is being sent back to their country because they don't qualify for EEA Treaty rights.

You can be liable to removal if:

- you don't have a right to reside under the EEA Regulations,
- you have abused EEA rights (such as taking part in a marriage of convenience, having fraudulent documents, low level but persistent offending or re-entering the country less than 12 months after being removed,
- you belong to the family of a person being removed and do not have a right to reside of your own.

EEA nationals who are removed for not qualifying for Treaty rights will not be able to re-enter the UK for 12 months following removal unless they can show that they will immediately qualify for Treaty rights upon their return.



Deportation

Deportation is forced removal where you have committed a serious criminal offence.

For example, the **Home Office** (the government department responsible immigration rules) is likely to begin deportation proceedings if:

- you were sentenced to prison for two years for a single offence (regardless of what the offence is),
- or to one year or more if the offence is related to drugs, sex, violence or other serious criminal activity.

They will also look at deportation if you are a persistent offender.

You have the right to be told why you have been given a deportation order. This should be in writing and include information on:

- which court or administrative authority you can contact to challenge the decision,
- the time limit for an appeal,
- the time allowed for you to leave the country, (not normally less than a month).

Enforcement

Operation Nexus is a joint Home Office and police operation.

It involves the automatic checking of a person's immigration status if they have a criminal record or have been arrested.

You can face immigration enforcement even if you haven't been convicted or charged with an offence. You can be served with a Deportation Order on the basis that your presence in the UK '*is not conducive to the public good*'.

Operation Nexus relates to both EEA and non-EEA nationals, but if you are an EEA national your status is likely to be more secure.

Joint police and Home Office operations have focussed on people who have not committed offences but are homeless or who are on the streets.

However, Home Office guidance says that whilst sleeping rough may be a sign of unemployment or criminality, the person might still qualify for another category of Treaty rights such as being a student. Also, working for cash or not paying UK taxes doesn't automatically disqualify you from Treaty rights. However, tax avoidance might be reported to the relevant authorities as a separate matter.

Where Home Office officials decide that you don't qualify for Treaty rights they may invite you for an interview. They may serve a 'minded to remove' letter and if you fail to attend twice they may decide to serve you with 'administrative removal' papers.

However, if you do in fact qualify for Treaty rights, or your circumstances change (e.g. you start to work), they should not do this.

The law on the freedom of movement with the EU is developing and may be subject to change. It is important that you consult a lawyer to make sure that you receive the most up-to-date advice.



Getting help

AIRE Centre - Advice on Individual Rights in Europe

Free legal advice on European law. AIRE does not do casework, but voluntary sector professionals can seek advice:

● www.airecentre.org.

☐ *Helpline: 020 7831 4276. Monday - Friday, 10.00 - 18.00.*

Bail for Immigration Detainees

A charity that challenges immigration detention in the UK. It works with asylum seekers and migrants in removal centres and prisons.

☐ *Helpline: 020 7456 9750. Monday – Thursday, 10.00 – 12.00 midday*

Migrants Resource Centre

A charity that offers free immigration-related advice services. For more information, or to find out which service you need, go to their 15 minute **free immigration and asylum drop-in assessment service, every Thursday 10.00 – 12.00** (first 10 people only). Please arrive early to avoid disappointment.

Derry House, 20 Penfold Street, London, NW8 8HJ

☐ *020 7402 6750. Mondays to Fridays 10.00 - 12.30 and 13.30 - 17.00.*

INAS

INAS is a value-for-money fee paying service set up by the Migrants Resource Centre in response to funding cuts for immigration advice. Advice is available in community languages. Their fees start at £80 for a one-off consultation. For more information and to discuss how they may be able to help your case:

☐ *033 3335 9955. Mondays to Fridays 10.00 - 12.30 and 13.30 - 17.00.*

Law Centres

Law Centres give legal advice to people who cannot afford a lawyer. You can find one in your area here:

● <http://www.lawcentres.org.uk/i-am-looking-for-advice>

Joint Council for the Welfare of Immigrants (JCWI)

(JCWI) is a charity that provides direct legal advice and assistance to those affected by UK immigration control:

● info@jcwi.org.uk

☐ *020 7251 8708*

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