



Deportation of EEA Nationals from the United Kingdom

Introduction

1. If you are an EEA National living in the UK there are a number of restrictions on how and when the UK can choose to deport you.

Are you an EEA National?

2. You are an EEA National if you are a citizen of an EU Member State, Liechtenstein, Iceland, Norway or Switzerland.

Grounds for Deportation

3. If you are an EEA National you can only be deported from the UK on grounds of public health, public policy and public security. While the grounds are the same, the test that must be applied is different, however, if (i) you are already a permanent resident of the UK, (ii) have lived in the UK for ten years, or (iii) are under 18 years old.

Permanent Residence

4. A person acquires permanent residence in the UK if they have lived in the UK, exercising rights of freedom of movement (e.g. working) for a period of five years. Periods of imprisonment or an absence from the UK of over two years will not count towards the period of five years. If you have been absent from the UK for more than two years you will have lost your status as a permanent resident of the UK. For more information on permanent right of residence in the UK see that information sheet.
5. If you are a permanent resident of the UK the Secretary of State will need to have "*serious grounds*" of public policy or public security to deport you.

Resident in the UK for ten years

6. You do not need to be a permanent resident of the UK to qualify as having been a resident of the UK for ten years. If you have lived in the UK for a continuous period of ten years, counted backwards from the date of your deportation order, then the Secretary of State requires "*imperative grounds*" of public policy or public security to deport you.





Under 18

7. If you are 18 years old Secretary of State requires "*imperative grounds*" of public policy or public security to deport you.

Public Policy and Public Security

8. The Secretary of State must demonstrate that you are a genuine, present and sufficiently serious threat to the "*fundamental interests of society*". These interests include: (i) preventing unlawful immigration, (ii) maintaining public order, (iii) preventing the evasion of taxes and duties, (iv) countering terrorism and extremism and protecting shared values, and (iv) combatting the effect of repeated criminal offences. The decision can only refer to your own conduct; therefore, the behaviour of family or friends is not relevant to the decision to deport you.

Criminal Record

9. Previous criminal convictions can, and in all likelihood, will be taken into account when considering if you are a threat to a fundamental interest of society. However, the decision to deport you cannot be based entirely on your past criminal convictions. The Secretary of State must demonstrate that you are likely to re-offend or that you are likely to encourage other criminal offences to be committed. This is a high requirement and it is for the Secretary of State to try to prove this.

Other Important Factors

10. A number of things must be taken into account when considering whether you should be deported from the UK. For example, if you are persistent criminal offender this will tend to show that you are a genuine, present and sufficiently serious threat to a fundamental interest of society. If you have been convicted of a criminal offence or have previously spent time in prison it is important to give any evidence you have of rehabilitation courses or steps you have undertaken. If you can show that there are reasonable prospects of successful rehabilitation if you remain in the UK this can help to show that your deportation is not justified.
11. Your integration in the UK, the length of your residence in the UK, your age, state of health, family and economic situation and the links with your country of origin will all be taken into account in assessing whether your deportation will be justified. While your family and social situation will be taken into account to assess whether you should be deported, having family and social links with people of the same nationality and language as you does not count as having integrated in the UK.



THE AIRE CENTRE

Advice on Individual Rights in Europe



HERBERT
SMITH
FREEHILLS

Public Health

12. As an EEA national, you can only be deported from the UK on the grounds of public health if you have: (i) a disease which is defined by the World Health Organisation as having "*epidemic potential*", (ii) a disease listed in Schedule 1 to the Health Protection (Notification) Regulations 2010, or (iii) a disease which has arisen within three months of the person arriving in the UK.

Appealing a Deportation Order

13. You can appeal against your deportation order to the First Tier Tribunal of the Immigration & Asylum Chamber. You must do this within 14 days of the decision to deport you. Appeals can be made by post using form IAFT-5 or online. You can only stay in the UK while you appeal if removing you to your home country would result in serious and irreversible harm to you or to a family member.

Who to contact

If you continue to have concerns or wish to seek clarification on anything contained in this information note then you can contact us at info@airecentre.org or by phone on **+44 (0) 20 7831 4276**

If for any reason we cannot assist then we will refer or signpost you to another organisation that will be able to help.

Please note: information provided in this sheet is current up to June 2017



Advice Line: +44 20 7831 4276 Fax: +44 20 7404 7760
e-mail: info@airecentre.org
Institute of Advanced Legal Studies, Room 505, Charles Clore House,
17 Russell Square, London, WC1B 5DR
Company Limited by Guarantee, Reg No. 2824400 Charity Registered No. 1090336

Member of
advice UK
The voice of independent advice

