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Summary of the OPI

New EEA Regulations commenced on 1 February 2017. There are updated refusal templates for ROA and NRA decisions and a new template for EEA Public Policy refusals. There is also new guidance.

Main text of the OPI

As announced in OPI 678, the Immigration (European Economic Area) Regulations 2016 commenced on 1 February 2017, replacing the Immigration (European Economic Area) Regulations 2006.

Changes include:

- In cases where there are public policy or public security grounds to refuse an EEA family permit, re-balancing the proportionality argument in favour of the Secretary of State's responsibilities towards protecting British Citizens and away from the free movement rights of an EEA national or their family member.
- Clarity on the definition of 'the fundamental interests of society' - a non-exhaustive list of behaviours contrary to the principle of free movement is included in Schedule 1 of the EEA Regulations 2016. Sham marriage, the use of fraudulent documents and low-level persistent offending now clearly come under the scope of public policy. Entry Clearance Officers may therefore refuse an application where there is evidence of a present, genuine and sufficiently serious threat to these interests and it is proportionate to do so.
- In-country casework will be able to impose deportation orders on EEA nationals or their family members whose behaviour is contrary to the 'fundamental interests of society'. These will range from indefinite to time-limited (3, 5 or 10 years) depending on the risk posed to the fundamental interests of society and proportionality considerations. A time limited deportation order has the same effect as an indefinite one for the period that it is in force and admission to the UK must be refused.
- Replacing provisions relating to 'abuse of rights and fraud' set out in the EEA Regulations 2006 with new provisions to tackle the 'misuse of rights'.

Guidance

New guidance on decisions on grounds of public policy and public security is already published on [GOV.UK](#) and [Horizon <internal link redacted>](#).

The EEA Family Permit guidance for ECOs published in November 2016 is being reviewed and will be published on [GOV.UK](#) and [Horizon <internal link redacted>](#).

Refusal templates

There are updated templates for EEA decisions with right of appeal and without. There is also a new template for refusals on the basis of public policy and public security. These are attached to this OPI and you should use these with immediate effect.

See the [loading templates on Proviso guidance on SharePoint <internal link redacted>](#).

The new templates are also published on the [Refusals page on SharePoint <internal link redacted>](#).

Attachments

GV51 EEA ROA refusal template

GV51 EEA NRA refusal template

GV51 EEA PubPol ROA refusal template

Go to the [Refusals page on Sharepoint <internal link redacted>](#) to see more.

Contact for this OPI: <redacted>

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