

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5258 GIBRALTAR Monday 6th October 2025

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LEGAL NOTICE NO. 246 OF 2025

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### IMMIGRATION (EU EXIT) REGULATIONS 2025

In exercise of the powers conferred upon him by section 11 of and Schedule 3 to the European Union (Withdrawal) Act 2019, and all other enabling powers, the Minister has made the following Regulations.

#### **Title.**

1. These Regulations may be cited as the Immigration (EU Exit) Regulations 2025.

#### **Commencement.**

2. These Regulations come into operation on the day of publication.

#### **Amendment to Act.**

3. After section 55N of the Immigration, Asylum and Refugee Act, insert-

*“Temporary suspension of rights*

#### **Temporary suspension of residency rights and the issue of documentation.**

55NA.(1) The provisions in Part IV of the Act, that entitles an EEA national to reside in Gibraltar for periods exceeding 3 months, are suspended in relation to persons who on 6 October 2025 are not in possession of-

- (a) a registration certificate,
  - (b) a residence card,
  - (c) a document certifying permanent residence; or
  - (d) a permanent residence card.
- (2) Subsection (1) does not apply to a person who, having applied for a registration certificate, a residence card, a document certifying permanent residence or a permanent residence card before 6 October 2025, has not received it.

- (3) Subject to subsection (2), until such time as the Chief Minister, by Order published in the Gazette, suspends the operation of this section, the Authority must not issue any new registration certificate, residence card, document certifying permanent residence or permanent residence card.
- (4) This section does not affect the issue of a new registration certificate, a residence card, a document certifying permanent residence or a permanent residence card in the following circumstances-
  - (a) where an application was made prior to 6 October 2025;
  - (b) where the interests of Gibraltar require that a residence certificate or residence card be issued.
- (5) In subsection (4) the “interests of Gibraltar” includes-
  - (a) where it is a requirement of an international obligation binding on Gibraltar;
  - (b) where in the particular circumstances of the case not issuing a registration certificate, a residence card, a document certifying permanent residence or a permanent residence card, as the case may be, may cause extreme hardship;
  - (c) economic interests.
- (6) Before exercising the powers under subsection (4) the Director of the Department of Immigration and Home Affairs must obtain the Chief Minister’s approval.
- (7) In this section—
  - “document certifying permanent residence” means a document issued under section 55Q(1)(a);
  - “permanent residence card” means a card issued under section 55Q(1)(b);
  - “registration certificate” means a certificate issued under section 55O;
  - “residence card” means a card issued under section 55P.”.

**Savings provision.**

4.(1) Nothing in these Regulations affects the rights of a person to whom the provisions of the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement apply and accordingly the provisions in Part IV of the Immigration, Asylum and Refugee Act continue to have effect in relation to that person as if these Regulations had not been made.

(2) In subregulation (1), “withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meaning as in section 3(1) of the European Union (Withdrawal Agreement) Act 2020.

Dated: 6<sup>th</sup> October 2025.

F R PICARDO,  
Chief Minister.

### **EXPLANATORY MEMORANDUM**

These Regulations amend the Immigration, Asylum and Refugee Act in order to mitigate the unprecedented influx of EEA nationals seeking to reside in Gibraltar.

The provisions in section 55NA are of a temporary nature and will cease to have effect by an Order made by the Chief Minister.

Provision is made for the issue of residence documents in certain limited circumstances.