

STATUTORY INSTRUMENTS

**2004 No. 1219**

**IMMIGRATION**

**The Accession (Immigration and  
Worker Registration) Regulations 2004**

*Made* - - - - 28th April 2004

*Coming into force* - - 1st May 2004

F1 ...

**F1** Instrument revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

**PART 1**

General

**Citation, commencement and interpretation**

**<sup>F1</sup>1.** .....

**F1** Instrument revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

**“Accession State worker requiring registration”**

**<sup>F1</sup>2.** .....

**F1** Instrument revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

## PART 2

### Immigration

#### Amendment of the 2000 Regulations

<sup>F2</sup>3. ....

**F2** Reg. 3 revoked (30.4.2006) by [Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\)](#), reg. 1, **Sch. 3 Pt. 1** (with Sch. 4)

#### Right of residence of work seekers and workers from relevant acceding States during the accession period

<sup>F1</sup>4. ....

**F1** [Instrument](#) revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

#### Application of 2006 Regulations in relation to accession State worker requiring registration

<sup>F1</sup>5. ....

**F1** [Instrument](#) revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

#### Transitional provisions applying to the application of the 2000 Regulations to nationals of the accession States and their family members

<sup>F3</sup>6. ....

**F3** Reg. 6 revoked (30.4.2006) by [Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\)](#), reg. 1, **Sch. 3 Pt. 1** (with Sch. 4)

## PART 3

### Accession State worker registration

#### Requirement for an accession State worker requiring registration to be authorised to work

<sup>F1</sup>7. ....

**F1** [Instrument](#) revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

### **Registration card and registration certificate**

**8.—(1)** An application for a registration certificate authorising an accession State worker requiring registration to work for an employer may only be made by an applicant who is working for that employer at the date of the application.

(2) The application shall be in writing and shall be made to the Secretary of State.

(3) The application shall state —

- (a) the name, address, and date of birth of the applicant;
- (b) the name and address of the head or main office of the employer;
- (c) the date on which the applicant began working for that employer;
- (d) where the applicant has been issued with a registration card, the reference number of that card.

(4) Unless the applicant has been issued with a registration card under paragraph (5), the application shall be accompanied by —

- (a) a registration fee of [<sup>F4</sup>£70];
- (b) two passport size photographs of the applicant;
- (c) the applicant's national identity card or passport issued by the applicant's State;
- (d) a letter from the employer concerned confirming that the applicant began working for the employer on the date specified in the application.

(5) In the case of an application by an applicant who has not been issued with a registration card under this paragraph, the Secretary of State shall, where he is satisfied that the application is made in accordance with this regulation and that the applicant —

- (a) is an accession State worker requiring registration; and
- (b) began working for the employer on the date specified in the application,

send the applicant a registration card and a registration certificate authorising the worker to work for the employer specified in the application, and shall return the applicant's national identity card or passport.

(6) In the case of any other application, the Secretary of State shall, if he is satisfied as mentioned in paragraph (5), send the applicant a registration certificate authorising the worker to work for the employer specified in the application.

(7) A registration card issued under paragraph (5) shall contain —

- (a) the name, nationality and date of birth of the applicant;
- (b) a photograph of the applicant;
- (c) a reference number.

(8) A registration certificate issued under paragraph (5) or (6) shall contain —

- (a) the name of the applicant;
- (b) the reference number of the applicant's registration card;
- (c) the name and address of the head or main office of the employer, as specified in the application;
- (d) the date on which the applicant began working for the employer, as specified in the application; and
- (e) the date on which the certificate is issued.

(9) Where the Secretary of State receives an application made in accordance with this regulation and he is not satisfied as mentioned in paragraph (5), he shall —

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**Changes to legislation:** There are currently no known outstanding effects for the The Accession (Immigration and Worker Registration) Regulations 2004. (See end of Document for details)

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- (a) send the applicant a notice of refusal; and
- (b) return any documents and fee that accompanied the application to the applicant.

(10) Where the Secretary of State sends a registration certificate or notice of refusal to an applicant under this regulation he shall, at the same time, send a copy of the certificate or notice to the employer concerned at the address specified in the application for that employer.

(11) Certificates and notices, and copies of these documents, sent under this regulation shall be sent by post.

**F4** Word in reg. 8(4)(a) substituted (1.10.2005) by [Accession \(Immigration and Worker Registration\) \(Amendment\) Regulations 2005 \(S.I. 2005/2400\)](#), regs. 1(1), 2 (with reg. 1(2))

### **Restriction on employers of relevant accession State workers requiring registration**

**F19.** .....

**F1** Instrument revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 2 (with reg. 3)

Home Office

*Des Browne*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Immigration (European Economic Area) Regulations 2000 (“the 2000 Regulations”) and establish a worker registration scheme for workers from eight of the States that are acceding to the European Union on 1st May 2004.

**Part 1 of these Regulations (regulations 1 and 2)** contain general provisions applicable to the Regulations. The Regulations will come into force on 1st May 2004 (*regulation 1(1)*). *Regulation 1(2) and 2* contain definitions of expressions used in the Regulations.

The amendments to the 2000 Regulations are contained in **Part 2 (regulations 3 to 6)**. On 1st May 2004, under the Accession Treaty signed at Athens on 16th April 2003, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic will accede to the European Union. In general nationals of these States will have the same free movement rights as nationals of the existing Member States. The Accession Treaty provides, however, that existing Member States can, as a derogation from the usual position under European Community law, regulate access to their labour markets by nationals of the accession States (other than nationals of the Republic of Cyprus and the Republic of Malta). This derogation can be applied for a transitional period of five years from accession (with provision for a further two years in the case of disturbances to the labour markets). The existing Member States can derogate from the Community free movement rights of workers for this purpose during the transitional period.

*Regulation 3* amends the definition of “EEA State” in regulation 2(1) of the 2000 Regulations so that it will include the accession States. This will extend the European Community free movement rights, transposed by the 2000 Regulations, to accession State nationals and their family members, subject to the qualifications made in relation to accession State workers.

*Regulation 4* gives effect to the derogation provided for in the Accession Treaty to regulate access to the United Kingdom labour market by accession State nationals. Under regulation 4(2), nationals from the relevant accession States who come to the United Kingdom to seek work during the transitional period will not have a right to reside in the United Kingdom by virtue of that work seeker status. This is, however, without prejudice to their right to reside in the United Kingdom whilst looking for work if they are self-sufficient (regulation 4(3)). *Regulation 5* modifies the application of the 2000 Regulations to workers from the relevant accession States who are “accession State workers requiring registration”, as defined in regulation 2. Under regulations 5(2) to (4) such workers will generally only have a right of residence in the UK as workers under the 2000 Regulations during a period in which they are working for an employer for whom they are authorised to work under the workers registration scheme in Part 3 of these Regulations. Whilst they require registration neither they nor their family members will be entitled to a residence permit or document (regulations 5(5) and (6)).

*Regulation 6* makes transitional provision to take account of the fact that on 1st May 2004 nationals from the accession States and their family members will fall to be treated under the 2000 Regulations for immigration purposes rather than under the Immigration Act 1971 regime.

**Part 3 (regulations 7 to 9)** sets out the accession State worker registration scheme, which will apply to accession State workers requiring registration. Under *regulation 7* workers requiring registration who are already in legal employment on 30th April 2004 can continue to work for the employer concerned without further registration. Workers requiring registration who begin work on or after 1st May 2004 have to apply, within one month of beginning working, for a registration certificate authorising them to work for the employer concerned if they are to be authorised to work for that employer for more than a month. Special provision is made in regulation 7(4) in

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relation to seasonal agricultural workers until 31st December 2004. *Regulation 8* sets out the registration procedure. Workers requiring registration will be issued with a registration card and a registration certificate authorising them to work for the employer concerned. A fee of £50 will be charged for the first registration to cover the administrative costs of registration. *Regulation 9* makes it an offence for an employer to employ a worker who is not authorised under the registration scheme to work for that employer.

**Changes to legislation:**

There are currently no known outstanding effects for the The Accession (Immigration and Worker Registration) Regulations 2004.