
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (European Economic Area) Regulations 2000 (“the 2000 Regulations”) and the Accession (Immigration and Worker Registration) Regulations 2004 (“the 2004 Regulations”).

1. The 2000 Regulations are amended as follows—

- (a) *regulation 2(3)* replaces regulation 3(2), amending the resources condition under which family members of EEA nationals who are self-sufficient, retired or studying have a right to reside in the United Kingdom. This regulation also amends the level at which resources of a self-sufficient person or a retired person and any of their family members are to be regarded as sufficient to avoid becoming a burden on the social assistance system or social security system of the United Kingdom;
- (b) *regulation 2(4)* replaces regulation 33(1A) and provides that a person who has been issued with a residence permit, residence document or registration certificate or whose passport has been stamped with a family member residence stamp has no right of appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002. Any existing appeal is to be treated as abandoned.

2. *Regulation 3* amends regulation 2 of the Accession (Immigration and Worker Registration) Regulations 2004 so that, in accordance with Regulation (EEC) No. 1612/68, a national of a relevant accession State (as defined in regulation 1 of those regulations) is not an accession State worker requiring registration (as defined in regulation 2 of those regulations) during any period in which he is a family member of a Swiss or EEA national who is in the United Kingdom as a self-employed person. A family member in relation to a self-employed person means his spouse and his children who are under 21 or dependent on him.