

## SCHEDULE 4

Regulation 31(2)

### TRANSITIONAL PROVISIONS

#### Interpretation

1. In this Schedule—

- (a) the “ 2000 Regulations ” means the Immigration (European Economic Area) Regulations 2000 <sup>M1</sup> and expressions used in relation to documents issued or applied for under those Regulations shall have the meaning given in regulation 2 of those Regulations;
- (b) the “ Accession Regulations ” means the Accession (Immigration and Worker Registration) Regulations 2004 <sup>M2</sup> .

#### Marginal Citations

- M1** [S.I. 2000/2326](#) , amended by [S.I. 2001/865](#) , [S.I. 2003/549](#), [S.I. 2003/3188](#) , [S.I. 2005/47](#) and [S.I. 2005/671](#) .
- M2** [S.I. 2004/1219](#) , amended by [S.I. 2004/1236](#) and [2005/2400](#).

#### Existing documents

2.—(1) An EEA family permit issued under the 2000 Regulations shall, after 29<sup>th</sup> April 2006, be treated as if it were an EEA family permit issued under these Regulations.

(2) Subject to paragraph (4), a residence permit issued under the 2000 Regulations shall, after 29<sup>th</sup> April 2006, be treated as if it were a registration certificate issued under these Regulations.

(3) Subject to paragraph (5), a residence document issued under the 2000 Regulations shall, after 29<sup>th</sup> April 2006, be treated as if it were a residence card issued under these Regulations.

(4) Where a residence permit issued under the 2000 Regulations has been endorsed under the immigration rules to show permission to remain in the United Kingdom indefinitely it shall, after 29<sup>th</sup> April 2006, be treated as if it were a document certifying permanent residence issued under these Regulations and the holder of the permit shall be treated as a person with a permanent right of residence under regulation 15.

(5) Where a residence document issued under the 2000 Regulations has been endorsed under the immigration rules to show permission to remain in the United Kingdom indefinitely it shall, after 29<sup>th</sup> April 2006, be treated as if it were a permanent residence card issued under these Regulations and the holder of the permit shall be treated as a person with a permanent right of residence under regulation 15.

(6) Paragraphs (4) and (5) shall also apply to a residence permit or residence document which is endorsed under the immigration rules on or after 30<sup>th</sup> April 2006 to show permission to remain in the United Kingdom indefinitely pursuant to an application for such an endorsement made before that date.

#### Outstanding applications

3.—(1) An application for an EEA family permit, a residence permit or a residence document made but not determined under the 2000 Regulations before 30 April 2006 shall be treated as an application under these Regulations for an EEA family permit, a registration certificate or a residence card, respectively.

(2) But the following provisions of these Regulations shall not apply to the determination of an application mentioned in sub-paragraph (1)—

- (a) the requirement to issue a registration certificate immediately under regulation 16(1); and
- (b) the requirement to issue a certificate of application for a residence card under regulation 17(3).

#### **Decisions to remove under the 2000 Regulations**

4.—(1) A decision to remove a person under regulation 21(3)(a) of the 2000 Regulations shall, after 29<sup>th</sup> April 2006, be treated as a decision to remove that person under regulation 19(3)(a) of these Regulations.

(2) A decision to remove a person under regulation 21(3)(b) of the 2000 Regulations, including a decision which is treated as a decision to remove a person under that regulation by virtue of regulation 6(3)(a) of the Accession Regulations, shall, after 29<sup>th</sup> April 2006, be treated as a decision to remove that person under regulation 19(3)(b) of these Regulations.

(3) A deportation order made under section 5 of the 1971 Act by virtue of regulation 26(3) of the 2000 Regulations shall, after 29<sup>th</sup> April 2006, be treated as a deportation made under section 5 of the 1971 Act by virtue of regulation 24(3) of these Regulations.

#### **Appeals**

5.—(1) Where an appeal against an EEA decision under the 2000 Regulations is pending immediately before 30<sup>th</sup> April 2006 that appeal shall be treated as a pending appeal against the corresponding EEA Decision under these Regulations.

(2) Where an appeal against an EEA decision under the 2000 Regulations has been determined, withdrawn or abandoned it shall, on and after 30<sup>th</sup> April 2006, be treated as an appeal against the corresponding EEA decision under these Regulations which has been determined, withdrawn or abandoned, respectively.

(3) For the purpose of this paragraph—

- (a) a decision to refuse to admit a person under these Regulations corresponds to a decision to refuse to admit that person under the 2000 Regulations;
- (b) a decision to remove a person under regulation 19(3)(a) of these Regulations corresponds to a decision to remove that person under regulation 21(3)(a) of the 2000 Regulations;
- (c) a decision to remove a person under regulation 19(3)(b) of these Regulations corresponds to a decision to remove that person under regulation 21(3)(b) of the 2000 Regulations, including a decision which is treated as a decision to remove a person under regulation 21(3)(b) of the 2000 Regulations by virtue of regulation 6(3)(a) of the Accession Regulations;
- (d) a decision to refuse to revoke a deportation order made against a person under these Regulations corresponds to a decision to refuse to revoke a deportation order made against that person under the 2000 Regulations, including a decision which is treated as a decision to refuse to revoke a deportation order under the 2000 Regulations by virtue of regulation 6(3)(b) of the Accession Regulations;
- (e) a decision not to issue or renew or to revoke an EEA family permit, a registration certificate or a residence card under these Regulations corresponds to a decision not to issue or renew or to revoke an EEA family permit, a residence permit or a residence document under the 2000 Regulations, respectively.

## [<sup>F1</sup>Periods of residence prior to the entry into force of these Regulations

6.—(1) Any period during which a person (“P”), who is an EEA national, carried out an activity or was resident in the United Kingdom in accordance with the conditions in subparagraph (2) or (3) is to be treated as a period during which the person carried out that activity or was resident in the United Kingdom in accordance with these Regulations for the purpose of calculating periods of activity and residence there under.

(2) P carried out an activity, or was resident, in the United Kingdom in accordance with this subparagraph where such activity or residence was at that time in accordance with—

- (a) the 2000 Regulations;
- (b) the Immigration (European Economic Area) Order 1994 (“the 1994 Order”); or
- (c) where such activity or residence preceded the entry into force of the 1994 Order, any of the following Directives which was at the relevant time in force in respect of the United Kingdom—
  - (i) Council Directive [64/221/EEC](#) ;
  - (ii) Council Directive [68/360/EEC](#) ;
  - (iii) Council Directive [72/194/EEC](#) ;
  - (iv) Council Directive [73/148/EEC](#) ;
  - (v) Council Directive [75/34/EEC](#) ;
  - (vi) Council Directive [75/35/EEC](#) ;
  - (vii) Council Directive [90/364/EEC](#) ;
  - (viii) Council Directive [90/365/EEC](#) ; and
  - (ix) Council Directive [93/96/EEC](#) .

(3) P carried out an activity or was resident in the United Kingdom in accordance with this subparagraph where P—

- (a) had leave to enter or remain in the United Kingdom; and
- (b) would have been carrying out that activity or residing in the United Kingdom in accordance with these Regulations had the relevant state been an EEA State at that time and had these Regulations at that time been in force.

(4) Any period during which P carried out an activity or was resident in the United Kingdom in accordance with subparagraph (2) or (3) will not be regarded as a period during which P carried out that activity or was resident in the United Kingdom in accordance with these Regulations where it was followed by a period—

- (a) which exceeded two consecutive years and for the duration of which P was absent from the United Kingdom; or
- (b) which exceeded two consecutive years and for the duration of which P’s residence in the United Kingdom—
  - (i) was not in accordance with subparagraph (2) or (3); or
  - (ii) was not otherwise in accordance with these Regulations.

(5) The relevant state for the purpose of subparagraph (3) is the state of which P is, and was at the relevant time, a national.]

**Changes to legislation:** There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006, SCHEDULE 4. (See end of Document for details)

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**Textual Amendments**

- F1** Sch. 4 para. 6 substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 25** (with Sch. 3 )

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006, SCHEDULE 4.