
STATUTORY INSTRUMENTS

2004 No. 1219

The Accession (Immigration and
Worker Registration) Regulations 2004

PART 2

Immigration

Amendment of the 2000 Regulations

3. In regulation 2(1) of the 2000 Regulations, for the definition of “EEA State” substitute —
““EEA State” means a Member State, other than the United Kingdom, or Norway, Iceland or Liechtenstein.”.

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

4.—(1) This regulation derogates during the accession period from Article 39 of the Treaty establishing the European Community, Articles 1 to 6 of Regulation (EEC) No. 1612/68(1) on freedom of movement for workers within the Community and Council Directive (EEC) No. 68/360 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families(2).

(2) A national of a relevant accession State shall not be entitled to reside in the United Kingdom for the purpose of seeking work by virtue of his status as a work seeker if he would be an accession State worker requiring registration if he began working in the United Kingdom.

(3) Paragraph (2) is without prejudice to the right of a national of a relevant accession State to reside in the United Kingdom under the 2000 Regulations as a self-sufficient person whilst seeking work in the United Kingdom.

(4) An accession State worker requiring registration shall only be entitled to reside in the United Kingdom in accordance with the 2000 Regulations as modified by regulation 5.

Application of 2000 Regulations in relation to an accession State worker requiring registration

5.—(1) The 2000 Regulations shall apply in relation to an accession State worker requiring registration subject to the modifications set out in this regulation.

(2) An accession State worker requiring registration shall be treated as a worker for the purpose of the definition of “qualified person” in regulation 5(1) of the 2000 Regulations only during a period in which he is working in the United Kingdom for an authorised employer.

(3) Subject to paragraph (4), regulation 5(2) of the 2000 Regulations shall not apply to an accession State worker requiring registration who ceases to work.

(1) OJ L 257, 19.10.1968, p. 2.
(2) OJ L 257, 19.10.1968, p.13.

- (4) Where an accession State worker requiring registration —
- (a) begins working for an authorised employer on or after 1st May 2004; and
 - (b) ceases working for that employer in the circumstances mentioned in regulation 5(2) of the 2000 Regulations during the one month period beginning on the date on which the work begins,

that regulation shall apply to that worker during the remainder of that one month period.

(5) An accession State worker requiring registration shall not be treated as an EEA national for the purpose of the power in regulation 10 of the 2000 Regulations (dependants and members of the household of EEA nationals)(3) to issue a residence permit or a residence document to a relative of an EEA national or his spouse.

(6) An accession State worker requiring registration shall not be treated as a qualified person for the purpose of regulation 15 of the 2000 Regulations (issue of residence permits and residence documents).

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

6.—(1) Where before 1st May 2004 a qualified person or the family member of a qualified person has been given leave to enter or remain in the United Kingdom under the 1971 Act subject to conditions, those conditions shall cease to have effect on and after that date.

(2) Where before 1st May 2004 directions have been given for the removal of a qualified person or the family member of a qualified person under paragraphs 8 to 10A of Schedule 2 to the 1971 Act(4) or section 10 of the 1999 Act, those directions shall cease to have effect on and after that date.

(3) Where before 1st May 2004 the Secretary of State has made a decision to make a deportation order against a qualified person or the family member of a qualified person under section 5(1) of the 1971 Act—

- (a) that decision shall, on and after 1st May 2004, be treated as if it were a decision under regulation 21(3)(b) of the 2000 Regulations; and
- (b) any appeal against that decision, or against the refusal by the Secretary of State to revoke the deportation order, made under section 63 of the 1999 Act or section 82(2)(j) or (k) of the 2002 Act before 1st May 2004 shall, on and after that date, be treated as if it had been made under regulation 29 of the 2000 Regulations.

(4) In this regulation—

- (a) “the 1999 Act” means the Immigration and Asylum Act 1999(5)
- (b) “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;
- (c) regulation 6 of the 2000 Regulations shall apply for the purpose of determining whether a person is the family member of another person;
- (d) any reference to a qualified person or to the family member of a qualified person is a reference to a person who becomes for the purpose of the 2000 Regulations a qualified person or the family member of a qualified person, as the case may be, on 1st May 2004 by virtue of regulation 3.

(3) Regulation 10(4) has been amended by regulation 5 of S.I.2001/865.

(4) Paragraphs 8 to 10 have been amended by the Schedule to the Immigration Act 1988 (c. 14), Schedule 2 to the Asylum and Immigration Act 1996 (c. 49), and Schedule 7 to the Nationality, Immigration and Asylum Act 2002(c. 41) and paragraph 10A was inserted by section 73 of the 2002 Act.

(5) 1999 c. 33.

