

2011 No. 2816

IMMIGRATION

**The Accession (Immigration and Worker Authorisation)
(Amendment) Regulations 2011**

Approved by both Houses of Parliament

Made - - - - 23rd November 2011

Laid before Parliament 25th November 2011

Coming into force - - 30th December 2011

The Secretary of State, in exercise of the powers conferred by section 2 of the European Union (Accessions) Act 2006(a), makes the following Regulations.

Declaration, citation and commencement

1.—(1) The Secretary of State declares that the urgency of this matter makes it necessary for the Regulations to be made without prior approval by a resolution of each House.

(2) These Regulations may be cited as the Accession (Immigration and Worker Authorisation) (Amendment) Regulations 2011 and shall come into force on 30th December 2011.

Amendment of the Accession (Immigration and Worker Authorisation) Regulations 2006

2. In regulation 1(2)(c) of the Accession (Immigration and Worker Authorisation) Regulations 2006(b) (definition of “accession period”), for “31st December 2011” substitute “31st December 2013”.

Home Office
23rd November 2011

Damian Green
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Accession (Immigration and Worker Authorisation) Regulations 2006 (“the 2006 Regulations”), which regulate access to the United Kingdom labour market by nationals of the States that acceded to the European Union in 2007; the Republic of Bulgaria and Romania.

Under the treaty signed in Luxembourg on 25th April 2005 (“the Accession Treaty”), the Republic of Bulgaria and Romania acceded to the European Union on 1st January 2007. The Accession

(a) 2006 c.2.

(b) S.I. 2006/3317, to which there are amendments not relevant to these Regulations.

Treaty provides, in derogation from the general free movement of worker rights of European Union nationals, that the existing Member States can apply national measures regulating access to their labour market by Bulgarian and Romanian nationals. Under the Accession Treaty these national measures can be applied during the five year period following the date of accession, that is, until 31st December 2011. At the end of that five year period a Member State applying national measures may, in the case of serious disturbances to its labour market or the threat of such disturbances, and after notifying the European Commission, apply those national measures for a further two years, that is, until 31st December 2013.

The 2006 Regulations contain the national measures applied by the United Kingdom to workers from the Republic of Bulgaria and Romania in accordance with the derogation contained in the Accession Treaty. Under the 2006 Regulations, Bulgarian and Romanian workers are generally required to apply, before commencing work, for an accession worker authorisation document and to work in accordance with the conditions in that document. Under the 2006 Regulations the national measures apply during the “accession period”, which is defined as the period beginning on 1st January 2006 and ending on 31st December 2011. It has been decided to continue to apply the national measures set out in the 2006 Regulations for a further two years in accordance with the Accession Treaty, on the basis that there is a serious disturbance to the United Kingdom labour market. The definition of “accession period” in the 2006 Regulations is therefore being amended so that it will end on 31st December 2013. The European Commission will be notified of the continuation of the United Kingdom’s national measures in accordance with the Accession Treaty.

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