

SCHEDULE 1

Amendments to the Immigration (European Economic Area) Regulations 2006

Schedule 4, paragraph 6 (periods of residence under the 2000 Regulations)

25. For paragraph 6 of Schedule 4 substitute—

“6. Periods of residence prior to the entry into force of these Regulations

(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⁽¹⁾ (“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⁽²⁾;
 - (ii) Council Directive 68/360/EEC⁽³⁾;
 - (iii) Council Directive 72/194/EEC⁽⁴⁾;
 - (iv) Council Directive 73/148/EEC⁽⁵⁾;
 - (v) Council Directive 75/34/EEC⁽⁶⁾;
 - (vi) Council Directive 75/35/EEC⁽⁷⁾;
 - (vii) Council Directive 90/364/EEC⁽⁸⁾;
 - (viii) Council Directive 90/365/EEC⁽⁹⁾; and
 - (ix) Council Directive 93/96/EEC⁽¹⁰⁾.

(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

(1) S.I. 1994/1895, amended by S.I. 1997/2981.
(2) Series I Chapter 1963-1964 P.0117.
(3) Series I Chapter 1968(II) P.0485.
(4) Series I Chapter 1972(11) P.0474.
(5) OJ No L 172, 28.6.1973, p. 14–16.
(6) OJ No L 14, 20.1.1975, p. 10–13.
(7) OJ No L 14, 20.1.1975, p. 14.
(8) OJ No L 180, 13.7.1990, p. 26–27.
(9) OJ No L 180, 13.7.1990, p. 28–29.
(10) OJ No L 317, 18.12.1993, p. 59–60.

Status: This is the original version (as it was originally made).

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.”.