
STATUTORY INSTRUMENTS

2020 No. 1309

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 2

IMMIGRATION

Chapter 1

Amendment and saving of primary legislation

Amendment of the Aliens' Employment Act 1955

4.—(1) The Aliens' Employment Act 1955^{MI} is amended in accordance with paragraph (2).

(2) For section 1(5) (definition of a “relevant European”) substitute—

“(5) In subsection (1)(c) a “relevant European” means—

- (a) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules;
- (b) a person who—
 - (i) has leave to enter or remain in the United Kingdom which was granted before IP completion day otherwise than by virtue of residence scheme immigration rules, but
 - (ii) immediately before IP completion day, could have met the eligibility requirements for leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if the person were to have made an application for such leave at that time;
- (c) a person who—
 - (i) falls within subsection (5A), and
 - (ii) immediately before IP completion day had a Decision 1/80 entitlement; or
- (d) a person who—
 - (i) falls within subsection (5A), and
 - (ii) would at the relevant time have had a Decision 1/80 entitlement but for the coming into force of paragraph 6(1) of Schedule 1 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (repeal of EU-derived rights etc).

(5A) A person falls within this subsection if—

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Section 4. (See end of Document for details)

- (a) the person has entry clearance, or leave to enter or remain in the United Kingdom, by virtue of the EC Association Agreement which was granted before IP completion day;
 - (b) the person has entry clearance, or leave to enter or remain in the United Kingdom, by virtue of the EC Association Agreement that was granted by virtue of an application made before IP completion day; or
 - (c) the person—
 - (i) had the entry clearance or leave described in paragraph (a) or (b), and
 - (ii) has leave to remain in the United Kingdom granted by virtue of either Appendix ECAA (Extension of Stay) or Appendix ECAA (Settlement), to the immigration rules ^{M2}.
- (5B) For the purposes of subsections (5) and (5A)—

“a Decision 1/80 entitlement” means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the EC Association Agreement;

“EC Association Agreement” means the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963

“eligibility requirements for leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements for such leave in accordance with paragraph EU11, EU12 or EU14 of Appendix EU to the immigration rules;

“entry clearance” and “immigration rules” have the meaning given by section 33(1) of the Immigration Act 1971 ^{M3};

“leave to enter or remain in the United Kingdom” means limited leave or indefinite leave within the meaning given by section 33(1) of the Immigration Act 1971;

“the relevant time” means the time at which the question whether the person is a relevant European is under consideration;

“residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020 ^{M4}.”.

Commencement Information

- I1** Reg. 4 not in force at made date, see [reg. 1](#)
- I2** Reg. 4 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

Marginal Citations

- M1** [1955 c. 18](#). Relevant amendments were made by [S.I. 2007/617](#) and 2019/745. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.
- M2** Rules laid down as mentioned in section 3(2) of the Immigration Act 1971. Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix ECAA (Extension of Stay) and Appendix ECAA (Settlement) were laid before Parliament on 22nd October 2020.
- M3** [1971 c. 77](#).
- M4** [2020 c. 1](#).

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

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