
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Accession (Immigration and
Worker Authorisation) Regulations 2006**

PART 2

Immigration

Right of residence of an accession State national subject to worker authorisation

6.—(1) An accession State national subject to worker authorisation shall, during the accession period, only be entitled to reside in the United Kingdom in accordance with the 2006 Regulations, as modified by this regulation.

(2) An accession State national subject to worker authorisation who is seeking employment in the United Kingdom shall not be treated as a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of the 2006 Regulations and such a person shall be treated as a worker for the purpose of that definition only during a period in which he holds an accession worker authorisation document and is working in accordance with the conditions set out in that document.

(3) Regulation 6(2) of the 2006 Regulations shall not apply to an accession State national subject to worker authorisation who ceases to work.

Issuing registration certificates and residence cards to nationals of Bulgaria and Romania and their family members during the accession period

7.—(1) Subject to paragraph (2), an accession State national subject to worker authorisation shall not be treated as a qualified person for the purposes of regulations 16 and 17 of the 2006 Regulations (issue of registration certificates and residence cards) during the accession period unless he falls within sub-paragraphs (c), (d) or (e) of regulation 6(1) of the 2006 Regulations.

(2) The Secretary of State shall issue a registration certificate to an accession State national subject to worker authorisation on application if he is satisfied that the applicant—

- (a) is seeking employment in the United Kingdom; and
- (b) is a highly skilled person.

(3) Where the Secretary of State issues a registration certificate during the accession period to a Bulgarian or Romanian national under paragraph (2) or in any case where he is satisfied that the Bulgarian or Romanian national is not an accession State national subject to worker authorisation, the registration certificate shall include a statement that the holder of the certificate has unconditional access to the United Kingdom labour market.

(4) A Bulgarian or Romanian national who holds a registration certificate that does not include a statement that he has unconditional access to the United Kingdom labour market may, during the accession period, submit the certificate to the Secretary of State for the inclusion of such a statement.

(5) The Secretary of State shall re-issue a certificate submitted to him under paragraph (4) with the inclusion of a statement that the holder has unconditional access to the United Kingdom labour market if he is satisfied that the holder—

- (a) is a highly skilled person; or
- (b) has ceased to be an accession State national subject to worker authorisation other than solely by virtue of falling within regulation 2(10).

(6) A registration certificate issued to a Bulgarian or Romanian student during the accession period shall include a statement that the holder of the certificate is a student who has access to the United Kingdom labour market for 20 hours a week, unless it includes a statement under paragraph (3) or (5) that the holder has unconditional access to the United Kingdom labour market.

(7) But this regulation is subject to regulation 20 of the 2006 Regulations (power to refuse to issue and to revoke registration certificates).

Transitional provisions to take account of the application of the 2006 Regulations to nationals of Bulgaria and Romania and their family members on 1st January 2007

8.—(1) Where before 1st January 2007 directions have been given for the removal of a Bulgarian or Romanian national or the family member of such a national under paragraphs 8 to 10A of Schedule 2 to the 1971 Act⁽¹⁾ or section 10 of the 1999 Act, those directions shall cease to have effect on and after that date.

(2) Where before 1st January 2007 the Secretary of State has made a decision to make a deportation order against a Bulgarian or Romanian national or the family member of such a national under section 5(1) of the 1971 Act—

- (a) that decision shall, on and after 1st January 2007, be treated as if it were a decision under regulation 19(3)(b) of the 2006 Regulations; and
- (b) any appeal against that decision, or against the refusal of 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 January 2007, shall, on or after that date, be treated as if it had been made under regulation 26 of the 2006 Regulations.

(3) In this regulation—

- (a) “the 1999 Act” means the Immigration and Asylum Act 1999⁽²⁾;
- (b) “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002⁽³⁾;
- (c) any reference to the family member of a Bulgarian or Romanian national is a reference to a person who on 1st January 2007 acquires a right to reside in the United Kingdom under the 2006 Regulations as the family member of a Bulgarian or Romanian national.

(1) 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.

(2) 1999 c. 33; section 63 of the 1999 Act was repealed by Schedule 9 to the Nationality, Immigration and Asylum Act 2002 but continues to have effect in relation to appeals made before 1st April 2003.

(3) 2002 c. 41.