

SCHEDULE 1

Regulation 26(7)

APPEALS TO THE [F1FIRST-TIER TRIBUNAL]

Textual Amendments

- F1** Words in Sch. 1 substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#) , art. 1 , **Sch. 2 para. 26(b)** (with Sch. 4 para. 1)

[F21]. The following provisions of, or made under, the 2002 Act have effect in relation to an appeal under these Regulations to the [F1First-tier Tribunal] as if it were an appeal [F3against an immigration decision under section 82(1) of that Act:

1

[F3against a decision of the Secretary of State under section 82(1) of the 2002 Act (right of appeal to the Tribunal)—

section 84 (grounds of appeal), as though the sole permitted ground of appeal were that the decision breaches the appellant’s rights under the EU Treaties in respect of entry to or residence in the United Kingdom (“an EU ground of appeal”);

section 85 (matters to be considered), as though—

- (i) the references to a statement under section 120 of the 2002 Act include, but are not limited to, a statement under that section as applied by paragraph 4 of Schedule 2 to these Regulations; and
- (ii) a “matter” in subsection (2) and a “new matter” in subsection (6) include a ground of appeal of a kind listed in section 84 of the 2002 Act and an EU ground of appeal;

section 86 (determination of appeal);]

F4 ...;

section 105 and any regulations made under that section; and

section 106 and any rules made under that section ^{M1} .

Textual Amendments

- F4** Words in Sch. 1 omitted (15.2.2010) by virtue of [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#) , art. 1 , **Sch. 2 para. 26(c)** (with Sch. 4 para. 1)

Marginal Citations

- M1** Sections 85 to 87 and 105 to 106 are amended by, and sections 103A to 103E are inserted by, section 26 of the [Asylum and Immigration \(Treatment of Claimants etc\) Act 2004 \(c. 19\)](#) .

Textual Amendments

- F2** Sch. 1 para. 1: Sch. 1 renumbered as Sch. 1 para. 1 (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#) , art. 1 , **Sch. 2 para. 26(a)** (with Sch. 4 para. 1)
- F3** Words in Sch. 1 para. 1 substituted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#) , reg. 2, **Sch. 1 para. 15** (with reg. 6)

Status: Point in time view as at 01/02/2017.

Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006. (See end of Document for details)

F4 Words in Sch. 1 omitted (15.2.2010) by virtue of [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#) , art. 1 , **Sch. 2 para. 26(c)** (with Sch. 4 para. 1)

Marginal Citations

M1 Sections 85 to 87 and 105 to 106 are amended by, and sections 103A to 103E are inserted by, section 26 of the [Asylum and Immigration \(Treatment of Claimants etc\) Act 2004 \(c. 19\)](#) .

[^{F52}2. Tribunal Procedure Rules have effect in relation to appeals under these Regulations.]

Textual Amendments

F5 Sch. 1 para. 2 inserted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#) , art. 1 , **Sch. 2 para. 26(d)** (with Sch. 4 para. 1)

SCHEDULE 2

Regulation 30

EFFECT ON OTHER LEGISLATION

Leave under the 1971 Act

1.—(1) In accordance with section 7 of the Immigration Act 1988 ^{M2} , a person who is admitted to or acquires a right to reside in the United Kingdom under these Regulations shall not require leave to remain in the United Kingdom under the 1971 Act during any period in which he has a right to reside under these Regulations but such a person shall require leave to remain under the 1971 Act during any period in which he does not have such a right.

(2) [^{F6}Subject to sub-paragraph (3),] where a person has leave to enter or remain under the 1971 Act which is subject to conditions and that person also has a right to reside under these Regulations, those conditions shall not have effect for as long as the person has that right to reside.

[^{F7}(3) Where the person mentioned in sub-paragraph (2) is an accession State national subject to worker authorisation working in the United Kingdom during the accession period and the document endorsed to show that the person has leave is an accession worker authorisation document, any conditions to which that leave is subject restricting his employment shall continue to apply.

(4) In sub-paragraph (3)—

- (a) “ accession period ” has the meaning [^{F8}given in regulation 1(2)(c) of the Accession (Immigration and Worker Authorisation) Regulations 2006; [^{F8}given in—]
- (b) “ accession State national subject to worker authorisation ” has the meaning [^{F9}given in regulation 2 of those Regulations; and [^{F9}given in—]
- (c) “ accession worker authorisation document ” has the meaning [^{F10}given in regulation 9(2) of those Regulations. [^{F10}given in—]]
- (i) regulation 9(2) of the Accession (Immigration and Worker Authorisation) Regulations 2006, in relation to a person who is an accession State national subject to worker authorisation within the meaning of regulation 2 of those Regulations; and
- (ii) regulation 1(2) of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013, in relation to a person who is an accession State national subject to worker authorisation within the meaning of regulation 2 of those Regulations.]

Textual Amendments

- F6** Words in Sch. 2 para. 1(2) inserted (1.1.2007) by [Accession \(Immigration and Worker Authorisation\) Regulations 2006 \(S.I. 2006/3317\)](#), reg. 1(1), **Sch. 2 para. 2(2)(a)(i)**
- F7** Sch. 2 para. 1(3)(4) inserted (1.1.2007) by [Accession \(Immigration and Worker Authorisation\) Regulations 2006 \(S.I. 2006/3317\)](#), reg. 1(1), **Sch. 2 para. 2(2)(a)(ii)**
- F8** Words in Sch. 2 para. 1(4)(a) substituted (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#), reg. 1(1), **Sch. para. 2(a)** (with reg. 11(8))
- F9** Words in Sch. 2 para. 1(4)(b) substituted (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#), reg. 1(1), **Sch. para. 2(b)** (with reg. 11(8))
- F10** Words in Sch. 2 para. 1(4)(c) substituted (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#), reg. 1(1), **Sch. para. 2(c)** (with reg. 11(8))

Marginal Citations

- M2** 1988 c. 14.

Persons not subject to restriction on the period for which they may remain

2.—(1) For the purposes of the 1971 Act and the British Nationality Act 1981^{M3}, a person who has a permanent right of residence under regulation 15 shall be regarded as a person who is in the United Kingdom without being subject under the immigration laws to any restriction on the period for which he may remain.

(2) But a qualified person, the family member of a qualified person [F11, a person with a derivative right of residence] and a family member who has retained the right of residence shall not, by virtue of that status, be so regarded for those purposes.

Textual Amendments

- F11** Words in Sch. 2 para. 2(2) inserted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 22** (with Sch. 3)

Marginal Citations

- M3** 1981 c. 61.

Carriers' liability under the 1999 Act

3. For the purposes of satisfying a requirement to produce a visa under section 40(1)(b) of the 1999 Act^{M4} (charges in respect of passenger without proper documents), “ a visa of the required kind ” includes an EEA family permit, a residence card[F12, a derivative residence card][F13, a qualifying EEA State residence card][F14, permission to be temporarily admitted under regulation 29AA] or a permanent residence card required for admission under regulation 11(2).

Textual Amendments

- F12** Words in Sch. 2 para. 3 inserted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 23** (with Sch. 3)
- F13** Words in Sch. 2 para. 3 inserted (7.4.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/3032\)](#), reg. 2(2), **Sch. 1 para. 25(a)**
- F14** Words in Sch. 2 para. 3 inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/1976\)](#), reg. 1, **Sch. para. 9** (with reg. 4)

Status: Point in time view as at 01/02/2017.

Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006. (See end of Document for details)

Marginal Citations

M4 Section 40 was substituted by paragraph 13 of Schedule 8 to the 2002 Act.

Appeals under the 2002 Act and previous immigration Acts

4.—(1) ^[F15] The following EEA decisions shall not be treated as immigration decisions for the purpose of section 82(2) of the 2002 Act (right of appeal against an immigration decision)—

- (a) a decision that a person is to be removed under regulation 19(3)(a) ^[F16] or 19(3)(c) by way of a direction under section 10(1)(a) of the 1999 Act (as provided for by regulation 24(2));
- (b) a decision to remove a person under regulation 19(3)(b) by making a deportation order under section 5(1) of the 1971 Act (as provided for by regulation 24(3));
- (c) a decision to remove a person mentioned in regulation 24(4) by way of directions under paragraphs 8 to 10 of Schedule 2 to the 1971 Act.]

(2) ^[F15] A person who has been issued with a registration certificate, residence card, ^[F17] derivative residence card,] a document certifying permanent residence or a permanent residence card under these Regulations ^[F18] (including a registration certificate under these Regulations as applied by regulation 7 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013)] or a registration certificate under the Accession (Immigration and Worker Registration) Regulations 2004, ^[F19] or an accession worker card under the Accession (Immigration and Worker Authorisation) Regulations 2006,] ^[F20] or a worker authorisation registration certificate under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013,] or a person whose passport has been stamped with a family member residence stamp, shall have no right of appeal under section 2 of the Special Immigration Appeals Commission Act 1997 or section 82(1) of the 2002 Act. Any existing appeal under those sections of those Acts or under the Asylum and Immigration Appeals Act 1993, the Asylum and Immigration Act 1996 or the 1999 Act shall be treated as abandoned.]

(3) ^[F15] Subject to paragraph (4), a person may appeal to the ^[F21] First-tier Tribunal] under section 83(2) of the 2002 Act against the rejection of his asylum claim where—

- (a) that claim has been rejected, but
- (b) he has a right to reside in the United Kingdom under these Regulations.]

(4) ^[F15] Paragraph (3) shall not apply if the person is an EEA national and the Secretary of State certifies that the asylum claim is clearly unfounded.]

(5) ^[F15] The Secretary of State shall certify the claim under paragraph (4) unless satisfied that it is not clearly unfounded.]

(6) ^[F15] In addition to the national of a State which is a contracting party to the Agreement referred to in section 84(2) of the 2002 Act, a Swiss national shall also be treated as an EEA national for the purposes of section 84(1)(d) of that Act.]

(7) ^[F15] An appeal under these Regulations against an EEA decision (including an appeal made on or after 1st April 2003 which is treated as an appeal under these Regulations under Schedule 4 but not an appeal made before that date) shall be treated as an appeal under section 82(1) of the 2002 Act against an immigration decision for the purposes of section 96(1)(a) of the 2002 Act.]

^[F22](8) Section 120 of the 2002 Act applies to a person (“P”) if an EEA decision has been taken or may be taken in respect of P and, accordingly, the Secretary of State or an immigration officer may by notice require a statement from P under subsection (2) of that section, and that notice has effect for the purpose of section 96(2) of the 2002 Act.

^[F22](9) Where section 120 of the 2002 Act so applies, it has effect as though—

- (a) subsection (3) also provides that a statement under subsection (2) need not repeat reasons or grounds relating to the EEA decision under challenge previously advanced by P; and
- (c) subsection (5) also applies where P does not have a right to reside in the United Kingdom under these Regulations, or only has such a right to reside by virtue of regulation 15B of these Regulations (continuation of a right of residence).

(9) [^{F23} In sub-paragraph [^{F24} (2)], “family member residence stamp ”means a stamp in the passport of a family member of an EEA national confirming that he is the family member of an accession State worker requiring registration [^{F25} or an accession State national subject to worker authorisation working in the United Kingdom] with a right of residence under these Regulations as the family member of that worker; and in this sub-paragraph “accession State worker requiring registration” has the same meaning as in regulation 2 of the Accession (Immigration and Worker Registration) Regulations 2004 [^{F25} and “accession State national subject to worker authorisation” has the meaning given in regulation 2 of the Accession (Immigration and Worker Authorisation) Regulations 2006].]

(10) For the purposes of an appeal brought pursuant to section 82(1) of the 2002 Act, subsections (2) and (6)(a) of section 85 (matters to be considered) have effect as though section 84 included a ground of appeal that the decision appealed against breaches the appellant’s rights under the EU Treaties in respect of entry to or residence in the United Kingdom.]]

Textual Amendments

- F15** Sch. 2 para. 4(1)-(7) omitted (6.4.2015) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 16(a)** (with reg. 6)
- F16** Words in Sch. 2 para. 4(1)(a) inserted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 25(b)**
- F17** Words in Sch. 2 para. 4(2) inserted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 24(a)** (with Sch. 3)
- F18** Words in Sch. 2 para. 4(2) inserted (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#), reg. 1(1), **Sch. para. 3(a)** (with reg. 11(8))
- F19** Words in Sch. 2 para. 4(2) inserted (1.1.2007) by [Accession \(Immigration and Worker Authorisation\) Regulations 2006 \(S.I. 2006/3317\)](#), reg. 1(1), **Sch. 2 para. 2(2)(b)(i)**
- F20** Words in Sch. 2 para. 4(2) inserted (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#), reg. 1(1), **Sch. para. 3(b)** (with reg. 11(8))
- F21** Words in Sch. 2 para. 4(3) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 2 para. 27** (with Sch. 4 para. 1)
- F22** Sch. 2 para. 4(8) substituted for (8) to (10) (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 16(b)** (with reg. 6)
- F23** Sch. 2 para. 4(9) omitted (6.4.2015) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 16(a)** (with reg. 6)
- F24** Word in Sch. 2 para. 4(9) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 24(b)** (with Sch. 3)
- F25** Words in Sch. 2 para. 4(9) inserted (1.1.2007) by [Accession \(Immigration and Worker Authorisation\) Regulations 2006 \(S.I. 2006/3317\)](#), reg. 1(1), **Sch. 2 para. 2(2)(c)**

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Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006. (See end of Document for details)

SCHEDULE 3

Regulation 31(2)

REVOCATIONS AND SAVINGS

PART 1

TABLE OF REVOCATIONS

| (1) Regulations revoked | (2) References | (3) Extent of revocation |
|---|---------------------------------|---|
| The Immigration (European Economic Area) Regulations 2000 | S.I. 2000/2326 | The whole Regulations |
| The Immigration (European Economic Area) (Amendment) Regulations 2001 | S.I. 2001/865 | The whole Regulations |
| The Immigration (Swiss Free Movement of Persons) (No. 3) Regulations 2002 | S.I. 2002/1241 | The whole Regulations |
| The Immigration (European Economic Area) (Amendment) Regulations 2003 | S.I. 2003/549 | The whole Regulations |
| The Immigration (European Economic Area) (Amendment No. 2) Regulations 2003 | S.I. 2003/3188 | The whole Regulations |
| The Accession (Immigration and Worker Registration) Regulations 2004 | S.I. 2004/1219 | Regulations 3 and 6 |
| The Immigration (European Economic Area) and Accession (Amendment) Regulations 2004 | S.I. 2004/1236 | Regulation 2 |
| The Immigration (European Economic Area) (Amendment) Regulations 2005 | S.I. 2005/47 | The whole Regulations |
| The Immigration (European Economic Area)(Amendment) (No. 2) Regulations 2005 | S.I. 2005/671 | The whole Regulations |

PART 2

SAVINGS

1. The—

- (a) Immigration (Swiss Free Movement of Persons) (No. 3) Regulations 2002 ^{M5} are not revoked insofar as they apply the 2000 Regulations to posted workers; and

- (b) the 2000 Regulations and the Regulations amending the 2000 Regulations are not revoked insofar as they are so applied to posted workers;
and, accordingly, the 2000 Regulations, as amended, shall continue to apply to posted workers in accordance with the Immigration (Swiss Free Movement of Persons) (No. 3) Regulations 2002.

Marginal Citations

M5 [S.I. 2002/1241](#) .

2. In paragraph 1, “ the 2000 Regulations ” means the Immigration (European Economic Area) Regulations 2000 ^{M6} and “ posted worker ” has the meaning given in regulation 2(4)(b) of the Immigration (Swiss Free Movement of Persons) (No. 3) Regulations 2002.

Marginal Citations

M6 [S.I. 2000/2326](#) , amended by [S.I. 2001/865](#) , [S.I. 2003/549](#) , [S.I. 2003/3188](#) , [S.I. 2005/47](#) and [S.I. 2005/671](#) .

SCHEDULE 4

Regulation 31(2)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

- (a) the “ 2000 Regulations ” means the Immigration (European Economic Area) Regulations 2000 ^{M7} and expressions used in relation to documents issued or applied for under those Regulations shall have the meaning given in regulation 2 of those Regulations;
(b) the “ Accession Regulations ” means the Accession (Immigration and Worker Registration) Regulations 2004 ^{M8} .

Marginal Citations

M7 [S.I. 2000/2326](#) , amended by [S.I. 2001/865](#) , [S.I. 2003/549](#) , [S.I. 2003/3188](#) , [S.I. 2005/47](#) and [S.I. 2005/671](#) .

M8 [S.I. 2004/1219](#) , amended by [S.I. 2004/1236](#) and 2005/2400.

Existing documents

2.—(1) An EEA family permit issued under the 2000 Regulations shall, after 29th April 2006, be treated as if it were an EEA family permit issued under these Regulations.

(2) Subject to paragraph (4), a residence permit issued under the 2000 Regulations shall, after 29th April 2006, be treated as if it were a registration certificate issued under these Regulations.

(3) Subject to paragraph (5), a residence document issued under the 2000 Regulations shall, after 29th April 2006, be treated as if it were a residence card issued under these Regulations.

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Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006. (See end of Document for details)

(4) Where a residence permit issued under the 2000 Regulations has been endorsed under the immigration rules to show permission to remain in the United Kingdom indefinitely it shall, after 29th April 2006, be treated as if it were a document certifying permanent residence issued under these Regulations and the holder of the permit shall be treated as a person with a permanent right of residence under regulation 15.

(5) Where a residence document issued under the 2000 Regulations has been endorsed under the immigration rules to show permission to remain in the United Kingdom indefinitely it shall, after 29th April 2006, be treated as if it were a permanent residence card issued under these Regulations and the holder of the permit shall be treated as a person with a permanent right of residence under regulation 15.

(6) Paragraphs (4) and (5) shall also apply to a residence permit or residence document which is endorsed under the immigration rules on or after 30th April 2006 to show permission to remain in the United Kingdom indefinitely pursuant to an application for such an endorsement made before that date.

Outstanding applications

3.—(1) An application for an EEA family permit, a residence permit or a residence document made but not determined under the 2000 Regulations before 30 April 2006 shall be treated as an application under these Regulations for an EEA family permit, a registration certificate or a residence card, respectively.

(2) But the following provisions of these Regulations shall not apply to the determination of an application mentioned in sub-paragraph (1)—

- (a) the requirement to issue a registration certificate immediately under regulation 16(1); and
- (b) the requirement to issue a certificate of application for a residence card under regulation 17(3).

Decisions to remove under the 2000 Regulations

4.—(1) A decision to remove a person under regulation 21(3)(a) of the 2000 Regulations shall, after 29th April 2006, be treated as a decision to remove that person under regulation 19(3)(a) of these Regulations.

(2) A decision to remove a person under regulation 21(3)(b) of the 2000 Regulations, including a decision which is treated as a decision to remove a person under that regulation by virtue of regulation 6(3)(a) of the Accession Regulations, shall, after 29th April 2006, be treated as a decision to remove that person under regulation 19(3)(b) of these Regulations.

(3) A deportation order made under section 5 of the 1971 Act by virtue of regulation 26(3) of the 2000 Regulations shall, after 29th April 2006, be treated as a deportation made under section 5 of the 1971 Act by virtue of regulation 24(3) of these Regulations.

Appeals

5.—(1) Where an appeal against an EEA decision under the 2000 Regulations is pending immediately before 30th April 2006 that appeal shall be treated as a pending appeal against the corresponding EEA Decision under these Regulations.

(2) Where an appeal against an EEA decision under the 2000 Regulations has been determined, withdrawn or abandoned it shall, on and after 30th April 2006, be treated as an appeal against the corresponding EEA decision under these Regulations which has been determined, withdrawn or abandoned, respectively.

- (3) For the purpose of this paragraph—
- (a) a decision to refuse to admit a person under these Regulations corresponds to a decision to refuse to admit that person under the 2000 Regulations;
 - (b) a decision to remove a person under regulation 19(3)(a) of these Regulations corresponds to a decision to remove that person under regulation 21(3)(a) of the 2000 Regulations;
 - (c) a decision to remove a person under regulation 19(3)(b) of these Regulations corresponds to a decision to remove that person under regulation 21(3)(b) of the 2000 Regulations, including a decision which is treated as a decision to remove a person under regulation 21(3)(b) of the 2000 Regulations by virtue of regulation 6(3)(a) of the Accession Regulations;
 - (d) a decision to refuse to revoke a deportation order made against a person under these Regulations corresponds to a decision to refuse to revoke a deportation order made against that person under the 2000 Regulations, including a decision which is treated as a decision to refuse to revoke a deportation order under the 2000 Regulations by virtue of regulation 6(3)(b) of the Accession Regulations;
 - (e) a decision not to issue or renew or to revoke an EEA family permit, a registration certificate or a residence card under these Regulations corresponds to a decision not to issue or renew or to revoke an EEA family permit, a residence permit or a residence document under the 2000 Regulations, respectively.

[^{F26}Periods of residence prior to the entry into force of these Regulations

6.—(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 (“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](#) ;
 - (ii) Council Directive [68/360/EEC](#) ;
 - (iii) Council Directive [72/194/EEC](#) ;
 - (iv) Council Directive [73/148/EEC](#) ;
 - (v) Council Directive [75/34/EEC](#) ;
 - (vi) Council Directive [75/35/EEC](#) ;
 - (vii) Council Directive [90/364/EEC](#) ;
 - (viii) Council Directive [90/365/EEC](#) ; and
 - (ix) Council Directive [93/96/EEC](#) .

(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

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- (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 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.]

Textual Amendments

F26 Sch. 4 para. 6 substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 25** (with Sch. 3)

SCHEDULE 5

Regulation 31(2)

CONSEQUENTIAL AMENDMENTS

Statutory Instruments

The Channel Tunnel (International Arrangements) Order 1993

- 1.—(1) The Channel Tunnel (International Arrangements) Order 1993 ^{M9} is amended as follows.
- (2) In Schedule 4, in paragraph 5—
- (a) at the beginning of the paragraph, for “the Immigration (European Economic Area) Regulations 2000” there is substituted “ the Immigration (European Economic Area) Regulations 2006 ” ;
- (b) in sub-paragraph (a), for “regulation 12(2)” there is substituted “ regulation 11(2) ” and for “residence document or document proving family membership” there is substituted “ residence card or permanent residence card ” ;
- (c) for sub-paragraph (b) there is substituted—
- “(b) in regulations 11(4) and 19(2) after the word “arrival” and in regulations 20(4) and (5) after the words “United Kingdom” insert “or the time of his production of the required documents in a control zone or a supplementary control zone”.

Marginal Citations

M9 [S.I. 1993/1813](#) , amended by [S.I. 1994/1405](#) , [S.I. 1996/2283](#) , [S.I. 2000/913](#) , [S.I. 2000/1775](#) , [S.I. 2001/178](#) , [S.I. 2001/418](#) , [S.I. 2001/1544](#) , [S.I. 2000/3707](#) and [S.I. 2003/2799](#) .

The Travel Restriction Order (Prescribed Removal Powers) Order 2002

2.—(1) The Travel Restriction Order (Prescribed Removal Powers) Order 2002 ^{M10} is amended as follows.

(2) In the Schedule, for “Immigration (European Economic Area) Regulations 2000 (2000/2326)” in the first column of the table there is substituted “Immigration (European Economic Area) Regulations 2006” and for “Regulation 21(3)” in the corresponding row in the second column of the table there is substituted “Regulation 19(3)”.

Marginal Citations

M10 [S.I. 2002/313](#) .

The Immigration (Notices) Regulations 2003

3.—(1) The Immigration (Notices) Regulations 2003 ^{M11} are amended as follows.

(2) In regulation 2, in the definition of “EEA decision”—

(a) at the end of paragraph (b), “or” is omitted;

(b) in paragraph (c), after “residence document;”, there is inserted “ or ” ; and

(c) after paragraph (c), there is inserted—

“(d) on or after 30th April 2006, entitlement to be issued with or have renewed, or not to have revoked, a registration certificate, residence card, document certifying permanent residence or permanent residence card;”

Marginal Citations

M11 [S.I. 2003/658](#) .

The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003

4.—(1) The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 ^{M12} is amended as follows.

(2) In article 11(1), for sub-paragraph (e) there is substituted—

“(e) the Immigration (European Economic Area) Regulations 2006.”.

(3) In Schedule 2, in paragraph 5—

(a) at the beginning of the paragraph, for “the Immigration (European Economic Area) Regulations 2000” there is substituted “ the Immigration (European Economic Area) Regulations 2006 ” ;

(b) in sub-paragraph (a), for “in regulation 2, at the beginning insert” there is substituted “in regulation 2(1), after the definition of “civil partner” insert“;

(c) in sub-paragraph (b), for “regulation 12(2)” there is substituted “ regulation 11(2) ” and for “residence document or document proving family membership” there is substituted “ residence card or permanent residence card ” ;

(d) for sub-paragraph (c) there is substituted—

Status: Point in time view as at 01/02/2017.

Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006. (See end of Document for details)

“(c) in regulations 11(4) and 19(2) after the word “arrival” and in regulations 20(4) and (5) after the words “United Kingdom” insert “or the time of his production of the required documents in a Control Zone”.

Marginal Citations

M12 [S.I. 2003/2818](#) .

The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003

5.—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003 ^{M13} is amended as follows.

(2) In Article 2, in the definition of “ EEA national” and “family member of an EEA national”, for “Immigration (European Economic Area) Regulations 2000” there is substituted “ Immigration (European Economic Area) Regulations 2006 ” .

Marginal Citations

M13 [S.I. 2003/3214](#) .

The Immigration (Restrictions on Employment) Order 2004

6.—(1) The Immigration (Restrictions on Employment) Order 2004 ^{M14} is amended as follows.

(2) In Part 1 of the Schedule (descriptions of documents for the purpose of article 4(2)(a) of the Order)—

(a) for paragraph 4 there is substituted—

“4. A registration certificate or document certifying permanent residence within the meaning of regulation 2 of the Immigration (European Economic Area) Regulations 2006, including a document which is treated as a registration certificate or document certifying permanent residence by virtue of Schedule 4 to those Regulations.”;

(b) for paragraph 5 there is substituted—

“5. A residence card or a permanent residence card within the meaning of regulation 2 of the Immigration (European Economic Area) Regulations 2006, including a document which is treated as a residence card or a permanent residence card by virtue of Schedule 4 to those Regulations”.

Marginal Citations

M14 [S.I. 2004/755](#) .

The Accession (Immigration and Worker Registration) Regulations 2004

^{F27} 7

Textual Amendments

F27 Sch. 5 para. 7 revoked (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#) , regs. 1(1) , 4 , **Sch. 1**

The Asylum and Immigration Tribunal (Procedure) Rules 2005

8.—(1) The Asylum and Immigration Tribunal (Procedure) Rules 2005 ^{M15} are amended as follows.

(2) In regulation 18(1)(b), after “(“ the 2000 Regulations ”)“ there is inserted “or, on or after 30th April 2006, paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006 (“ the 2006 Regulations ”)“.

(3) In regulation 18(2), after “2000 Regulations” there is inserted “ or paragraph 4(2) of Schedule 2 to the 2006 Regulations ” .

Marginal Citations

M15 [S.I. 2005/230](#) .

Status:

Point in time view as at 01/02/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006.