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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke the Accession (Immigration and Worker Registration) Regulations 2004 (“the 2004 Regulations”) which regulate access to the United Kingdom labour market by nationals of eight of the States that acceded to the European Union in 2004. These Regulations also make consequential savings and transitional provisions and amend the Immigration (European Economic Area) Regulations 2006 (“the 2006 Regulations”) which regulate the right of entry and residence in the United Kingdom of nationals of States of the European Economic Area and Switzerland.

Under the treaty signed at Athens on 16th April 2003 (“the Accession Treaty”), the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic acceded to the European Union on 1st May 2004. The Accession 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 nationals of the accession States (other than nationals of the Republic of Cyprus and the Republic of Malta) (“the accession States”). Under the Accession Treaty these national measures could be applied during the seven year period following the date of accession, that is, until 30th April 2011 (“the accession period”).

The 2004 Regulations contain the national measures applied by the United Kingdom to workers from the accession States in accordance with the derogation contained in the Accession Treaty. Regulation 2 of the 2004 Regulations defines a national of an accession State who works in the United Kingdom during the accession period as an “accession State worker requiring registration”. Regulation 7 of the 2004 Regulations provides that such a person is only permitted to work in the United Kingdom whilst working for an authorised employer and that, as set out in that regulation, a person is required to register this employment. Regulation 2(4) of the 2004 Regulations provides that such a person ceases to be an accession State worker requiring registration if he was legally working in the United Kingdom without interruption for a period of 12 months during the accession period. During that time, regulation 5(2) provided that the person would be treated as a worker for the purposes of the 2006 Regulations and those Regulations would apply accordingly.

*Regulation 1* of these Regulations sets out how they should be referred to, when they come into force and defines the 2004 and 2006 Regulations. *Regulation 2* revokes the 2004 Regulations subject to the saving provisions set out in regulation 3 and *regulation 4* of, and *Schedule 1* to, these Regulations revoke part or all of the related, specified instruments to the extent set out. This gives effect to the ending of the accession period in accordance with the Accession Treaty.

*Regulation 3* ensures that regulation 8 of the 2004 Regulations continues, with an amendment, for one year from the coming into force of these Regulations to enable the Secretary of State to continue to process applications for registration of employment made by a person who was an accession State national requiring registration on 30th April 2011 and who was working for the relevant employer at the date of application.

Following the revocation of the 2004 Regulations, a person who was an accession State worker requiring registration on 30th April 2011 will be entitled to reside in the United Kingdom in accordance with the 2006 Regulations. This is subject to the consequential amendments made to the 2006 Regulations provided by *regulation 5* of, and set out in *Schedule 2* to, these Regulations. These amendments insert a new regulation 7A which makes provision for how residence by such a person in accordance with the 2004 Regulations should be treated for the purposes of residence under the

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2006 Regulations. *Regulation 3(4)* provides that the provisions of the 2004 Regulations relied upon in the consequential amendments to the 2006 Regulations continue to apply to the extent necessary to give effect to the amendments.