

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 29 April 2004 under section 3(2) of
the Immigration Act 1971*

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29 April 2004*

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 for regulating entry into and the stay of persons in the United Kingdom and contained in the Statement laid before Parliament on 23 May 1994 (HC 395), as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cmnd 2663), 26 October 1995 (HC 797), 4 January 1996 (Cmnd 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 30 August 1996 (Cmnd 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cmnd 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cmnd 3953), 8 October 1998 (Cmnd 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cmnd 4851), 27 August 2001 (Cmnd 5253), 16 April 2002 (HC 735), 27 August 2002 (Cmnd 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cmnd 5829), 24 August 2003 (Cmnd 5949), 12 November 2003 (HC 1224), 17th December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370) and 31 March 2004 (HC 464).

These changes take effect on 1st May 2004.

1. In paragraph 6, after the definition of “the 2000 EEA Regulations”, add:

““Accession State national” means a national of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia or the Slovak Republic.”.

2. In paragraph 89, for paragraph (v), substitute:

“(v) is a national of one of the following countries: Andorra, Bosnia-Herzegovina, Republic of Bulgaria, Croatia, The Faroes, Greenland, Macedonia, Monaco, Romania, San Marino or Turkey; and”.

3. In paragraph 116, in paragraph (vii), delete “or he is a national of one of the following countries: Republic of Cyprus, Czech Republic, Republic of Estonia, Republic of Hungary, Republic of Latvia, Republic of Lithuania, Republic of Malta, Republic of Poland, Republic of Slovenia or the Slovak Republic”.

4. In paragraph 128, in paragraph (vii), delete “or he is a national of one of the following countries: Republic of Cyprus, Czech Republic, Republic of Estonia, Republic of Hungary, Republic of Latvia, Republic of Lithuania, Republic of Malta, Republic of Poland, Republic of Slovenia or the Slovak Republic”.

5. In paragraph 135I, for paragraph (vii), substitute:

“(vii) holds a valid United Kingdom entry clearance for entry in this capacity.”

6. In paragraph 199A, in paragraph (vi), delete “or he is a national of one of the following countries: Republic of Cyprus, Czech Republic, Republic of Estonia, Republic of Hungary, Republic of Latvia, Republic of Lithuania, Republic of Malta, Republic of Poland, Republic of Slovenia or the Slovak Republic”.

7. In paragraph 213, for paragraph (i), substitute:

“(i) that he is a national of Bulgaria or Romania; and”.

8. In paragraph 214, for paragraph (i), substitute:

“(i) that he is a national of Bulgaria or Romania; and”.

9. In paragraph 218, for paragraph (i), substitute:

“(i) that he is a national of Bulgaria or Romania; and”.

10. In paragraph 219, for paragraph (i), substitute:

“(i) that he is a national of Bulgaria or Romania; and”.

11. After paragraph 255A, insert:

“255B. This paragraph applies where an Accession State national has been issued with a residence permit under the 2000 EEA Regulations and, prior to 1st May 2004, remained in the United Kingdom in accordance with the provisions of these Rules and in a capacity which would have entitled that Accession State national to apply for indefinite leave to remain after a continuous period of 4 years in that capacity in the United Kingdom. Where this paragraph applies, the period during which the Accession State national remained in the United Kingdom prior to 1st May 2004 shall be treated as a period during which he remained in the United Kingdom in accordance with the 2000 EEA Regulations for the purpose of calculating the 4 year period referred to in paragraph 255.”.

12. In paragraph 257:

(a) for the definition of “EEA national”, substitute:

“EEA national means a national of a Member State, other than the United Kingdom, or Norway, Iceland or Liechtenstein, but for the purposes of (iv) and (v) includes a national of the United Kingdom where the conditions set out in regulation 11 of the 2000 EEA Regulations are satisfied. A Swiss national shall also be treated as an EEA national for the purposes of these Rules.”; and

(b) after the definition of “member of the family”, insert:

“So far as this paragraph relates to an Accession State national no account will be taken of any period of residence before 1st May 2004, a cessation of employment before that date, or a death before that date.”.

13. After paragraph 257A, insert:

“257B. This paragraph applies where an Accession State national was admitted to the United Kingdom before 1st May 2004 for an initial period not exceeding 12 months pursuant to paragraph 282 and on or after that date became a qualified person or the family member of a qualified person under the 2000 EEA Regulations. Where this paragraph applies the Accession State national may, on application, have his residence permit endorsed to show permission to remain in the United Kingdom indefinitely if he meets the requirements set out in paragraph 287.”.

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