
STATUTORY INSTRUMENTS

1997 No. 2981

IMMIGRATION

The Immigration (European Economic Area) (Amendment) Order 1997

Made - - - - - *17th December 1997*
Laid before Parliament *5th January 1998*
Coming into force - - - *1st February 1998*

At the Court at Buckingham Palace, the 17th day of December 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Immigration (European Economic Area) (Amendment) Order 1997 and shall come into force on 1st February 1998.

2. The Immigration (European Economic Area) Order 1994(2) shall be amended as follows:

(a) for article 6(2)(h)(ii) there shall be substituted—

“(ii) assures the Secretary of State by means of a declaration or by such alternative means as he may choose that are at least equivalent that he has sufficient resources to avoid him becoming a burden on the social assistance system of the United Kingdom, and”; and

(b) for article 12(6) there shall be substituted—

“(6) In the case of a retired person or a self-sufficient person the Secretary of State may, if he deems it necessary, require the revalidation of the residence permit at the end of the first two years of residence.”.

(1) 1972 c. 68; section 2 now has effect subject to the European Economic Area Act 1993 (c. 51).

(2) S.I. 1994/1895.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (European Economic Area) Order 1994 (S.I.1994/1895) (“the principal Order”) so as to implement certain requirements of three EC Directives.

Article 6(2)(h) of the principal Order presently defines a student who qualifies for rights of admission and residence here as a person *inter alia* who has sufficient resources to avoid his becoming a burden on the social assistance system of the United Kingdom. The amendment made by article 2(a) of this Order substitutes for this a requirement for the person to satisfy the Secretary of State that he has such resources by means of a declaration or other, equivalent means. It reflects the requirements of article 1 of EC Directive 93/96/EEC (O.J. No. L317, 18.12.93, p. 59) on the right of residence for students.

Article 12(6) of the principal Order presently provides that a residence permit (which is normally granted for 5 years) may, in the case of a retired person or a self-sufficient person, be limited to an initial period of 2 years which may be extended for a further three. The amendment made by article 2(b) substitutes a power for the Secretary of State, if he deems it necessary, to require revalidation of the residence permit at the end of the first two years of residence. The amendment reflects the requirements of Article 2.1 of EC Directive 90/365/EEC (O.J. No. L180, 13.7.90, p. 28) on the right of residence for employees and self-employed persons who have ceased their occupational activity and Article 2.1 of EC Directive 90/364 (O.J. No. L180, 13.7.90, p. 26) on the right of residence.