

# Timeline of changes to EEA rights

## Resource for homelessness services

**Let's end homelessness together**

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## Timeline of legislative changes on EEA rights

All EU citizens have the right to move and reside freely in another EU country. This right is directly given to the citizens of the 28 EU countries by Articles 20 and 21 of the Treaty on the Functioning of the European Union (TFEU). This right is also enjoyed by citizens of Iceland, Norway and Liechtenstein- in the European Economic Area (EEA), as well as by Swiss nationals.

Several policies and legislative changes, as well as court cases, have taken place in the last decade and a summary of the most relevant ones for EEA homeless migrants in the UK are presented below.<sup>1</sup>

For a full list of legislative changes to the EEA Regulations, see:

[www.legislation.gov.uk/title/european%20economic%20area%20regulations?page=1](http://www.legislation.gov.uk/title/european%20economic%20area%20regulations?page=1)

Timeline of EU countries accession		
Year of entry	Country	Restrictions
01/01/1958	Belgium, France, Germany, Italy, Luxembourg and The Netherlands	N/A
01/01/1973	Denmark, Ireland and <u>United Kingdom</u>	N/A
01/01/1981	Greece	N/A
01/01/1986	Portugal and Spain	N/A
01/01/1995	Austria, Finland and Sweden	N/A
01/05/2004	Cyprus and Malta Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia (A8)	N/A Restrictions applied until 30 April 2011*new case law: until 2009
01/01/2007	Bulgaria and Romania (A2)	Restrictions applied until 31 December 2013
01/07/2013	Croatia	Restrictions apply until 30 June 2018

<sup>1</sup> Please note that this is information to provide context for supporting EEA Nationals and should not be used as the basis for advice.

2004	<p><b>2004</b></p> <p>On 29 April 2004, Directive 2004/38/EC (Citizens' Directive) was approved. This is the EU instrument which currently governs EU free movement law. It consolidated and replaced most of the previous EU instruments related to free movement. EU countries were given 2 years to transpose it into national law.</p> <p>On 1 May 2004 Cyprus and Malta joined the EU with no restrictions.</p> <p>1 May 2004 the A8 countries (Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary and Slovenia) joined the EU with restrictions. The UK imposed restrictions on their access to the labour market and social assistance: A8 nationals had to register their employment with the Home Office under the Worker Registration Scheme for the first 12 months of work in the UK. After 12 months in work and registered- they had the same rights as other EEA nationals. There were no restrictions on self-employment.</p>
2006	<p><b>2006</b></p> <p>On 30 April 2006 the Immigration (European Economic Area) Regulations 2006 came into force which transposed the Directive 2004/38/EC (Citizens' Directive) into UK law. These new regulations revoked The Immigration (European Economic Area) Regulations 2000.</p>
2007	<p><b>2007</b></p> <p>On 1 January 2007 Bulgaria and Romania joined the European Union. The UK imposed restrictions on the rights of these A2 nationals to work in the UK after accession which were similar to those imposed on A8 nationals. They had to obtain a work authorisation document (Accession Work Card (AWC)) before taking up employment. After 12 months in work with an AWC, they had the same rights as other EEA nationals Certain A2 nationals were exempted from this. There were no restrictions on self-employment. The restrictions continued until 31 December 2013.</p>
2011	<p><b>2011</b></p> <p>On 1 May 2011 A8 nationals' restrictions stopped and they were able to work access benefits on the same basis as other EEA nationals.</p>
2013	<p><b>2013</b></p> <p>On 1 July 2013, Croatia joined the European Union. The UK imposed restrictions on the rights of Croatians to work in the UK that will continue until 30 June 2018 under a new Worker registration scheme similar to the AWC.</p>
2014	<p><b>2014</b></p> <p>From 1 January 2014, <b>A2 restrictions stopped</b> and A2 nationals were able to access benefits on the same basis as other EEA nationals.</p> <p>A number of additional restrictions were introduced in 2014 in both the benefit regulations and the EEA Regulations affecting in particular EEA jobseekers and EEA nationals retaining worker status while involuntarily unemployed.<sup>2</sup></p>

<sup>2</sup> For more information, see: <http://www.cpag.org.uk/content/new-restrictions-migrants> and <http://www.airecentre.org/pages/training-materials-and-resources.html>

2016

### 2016

On 4 May 2016 new Home Office EEA administrative removal Operational Guidance version 2.0 were published. This guidance interpreted rough sleeping as an “abuse of rights” in the sense of Regulation 19(3)(c) of the 2006 EEA Regulations.

2017

### 2017

On 1 February 2017 the [Immigration \(European Economic Area\) Regulations 2016](#) entered into force and revoked the 2006 EEA Regulations. It introduces a new “misuse of rights” provision.

On 1 February 2017 new Home Office EEA administrative removal Operational Guidance version 3.0 was published. This guidance interpreted rough sleeping as “misuse of rights” in the sense of the new Regulation 26(3)(c) of the 2016 EEA Regulations

On 14 December 2017 the [High Court rules](#) that:

- the Home Office policy on removing EEA nationals for rough sleeping was unlawful because rough sleeping was not capable of amounting to an “abuse of rights”;
- that the policy was discriminatory against EEA nationals, and
- that the Home Office was carrying out a policy of systematically verifying whether rough sleepers were abusing their treaty rights or not which is also unlawful.<sup>3</sup>

On 14 December 2017 new [EEA administrative removal Operational Guidance](#) version 4.0. were published which removed any reference to rough sleeping.

<sup>3</sup> There were other relevant case law in 2017, including:

7 November 2017/ [Court of Appeal](#) / related to the extension of the Worker Registration Scheme for A8 nationals.

14 November 2017/ Court of Justice of the European Union ([Lounes](#)) / related to EU citizens naturalised British.

20 December 2017/Court of Justice of the European Union ([Florea Gusa v Minster for Social Protection \(Ireland\)](#)) / related to the rights of self-employed EU citizens who become unemployed.



## What we do

Homeless Link is the national membership charity for organisations working directly with people who become homeless or live with multiple and complex support needs. We work to improve services and campaign for policy change that will help end homelessness.

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