
STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 2016

[^{F1}PART 2

EEA RIGHTS

[^{F1}Right of permanent residence

15.—(1) The following persons acquire the right to reside in the United Kingdom permanently—

- (a) an EEA national who has resided in the United Kingdom in accordance with these Regulations for a continuous period of five years;
- (b) a family member of an EEA national who is not an EEA national but who has resided in the United Kingdom with the EEA national in accordance with these Regulations for a continuous period of five years;
- (c) a worker or self-employed person who has ceased activity;
- (d) the family member of a worker or self-employed person who has ceased activity, provided—
 - (i) the person was the family member of the worker or self-employed person at the point the worker or self-employed person ceased activity; and
 - (ii) at that point, the family member enjoyed a right to reside on the basis of being the family member of that worker or self-employed person;
- (e) a person who was the family member of a worker or self-employed person where—
 - (i) the worker or self-employed person has died;
 - (ii) the family member resided with the worker or self-employed person immediately before the death; and
 - (iii) the worker or self-employed person had resided continuously in the United Kingdom for at least two years immediately before dying or the death was the result of an accident at work or an occupational disease;
- (f) a person who—
 - (i) has resided in the United Kingdom in accordance with these Regulations for a continuous period of five years; and
 - (ii) was, at the end of the period, a family member who has retained the right of residence.

(2) Residence in the United Kingdom as a result of a derivative right to reside does not constitute residence for the purpose of this regulation.

(3) The right of permanent residence under this regulation is lost through absence from the United Kingdom for a period exceeding two years.

(4) A person who satisfies the criteria in this regulation is not entitled to a right to permanent residence in the United Kingdom where the Secretary of State or an immigration officer has made a decision under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1), [^{F2}or an order under regulation 23(5)

(exclusion order) or 32(3) (deportation order), unless that decision or order, as the case may be, is set aside, revoked or otherwise no longer has effect].]

Textual Amendments

- F1** Regulations revoked (31.12.2020) by Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20), s. 9(1), Sch. 1 para. 2(2) (with s. 4(2)); S.I. 2020/1279, **reg. 4(e)** (with savings and modifications in: S.I. 2020/1209, **regs. 3(1)(2), 4(1)-(3), 5-10** in relation to a relevant person for the purposes of final determination of applications during the grace period; S.I. 2020/1210, **reg. 2, Sch.** for the purpose of removing a person who is protected by the citizens' rights provisions; S.I. 2020/1309, **Sch. 3 paras. 1-6** in relation to deportation and exclusion orders, pending applications for documentation and existing appeal rights and appeals; and S.I. 2020/1309, **Sch. 4 paras. 1, 2, 4** in relation to access to benefits and services for persons who are members of the post-transition period group)
- F2** Words in reg. 15(4) substituted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018](#) (S.I. 2018/801), **reg. 1(2), Sch. para. 9**

Modifications etc. (not altering text)

- C1** Reg. 15 continued (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1209), **regs. 1(1), 3(1)(2), 4(1)-(3), 6**
- C2** Reg. 15 continued (with modifications) (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1309), **reg. 1(2), Sch. 4 paras. 1, 2, 4** (as amended (2.2.2023) by [The Immigration \(Restrictions on Employment etc.\) \(Amendment\) \(EU Exit\) Regulations 2023](#) (S.I. 2023/12), **reg. 5(2)(a)**)

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 15.