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STATUTORY INSTRUMENTS

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**2016 No. 1052**

**The Immigration (European Economic Area) Regulations 2016**

**PART 2**

**EEA RIGHTS**

**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), unless that decision is set aside or otherwise no longer has effect.