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STATUTORY INSTRUMENTS

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**2000 No. 2326**

**The Immigration (European Economic Area) Regulations 2000**

**Part IV**

**Residence Permits and Documents**

**Issue of residence permits and residence documents**

**15.**—(1) Subject to regulations 16 and 22(1), the Secretary of State must issue a residence permit to a qualified person on application and production of—

- (a) a valid identity card or passport issued by an EEA State; and
- (b) the proof that he is a qualified person.

(2) Subject to regulation 22(1), the Secretary of State must issue a residence permit to a family member of a qualified person (or, where the family member is not an EEA national, a residence document) on application and production of—

- (a) a valid identity card issued by an EEA State or a valid passport;
- (b) in the case of a family member who required an EEA family permit for admission to the United Kingdom, such a permit; and
- (c) in the case of a person not falling within sub-paragraph (b), proof that he is a family member of a qualified person.

(3) In the case of a worker, confirmation of the worker's engagement from his employer or a certificate of employment is sufficient proof for the purposes of paragraph (1)(b).

**Where no requirement to issue residence permit**

**16.**—(1) The Secretary of State is not required to grant a residence permit to—

- (a) a worker whose employment in the United Kingdom is limited to three months and who holds a document from his employer certifying that his employment is so limited;
- (b) a worker who is employed in the United Kingdom but who resides in the territory of an EEA State and who returns to his residence at least once a week;
- (c) a seasonal worker whose contract of employment has been approved by the Department for Education and Employment; or
- (d) a provider or recipient of services if the services are to be provided for no more than three months.

(2) The requirement in paragraph (1)(a) to hold a document does not apply to workers coming within the provisions of Council Directive [64/224/EEC](#) of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries<sup>(1)</sup>.

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(1) OJNo. 56, 4.4.64, p. 869 (OJ/SE 1st series 1963-64, p. 126).

### **Form of residence permit and residence document**

17.—(1) The residence permit issued to a worker or a worker’s family member who is an EEA national must be in the following form:

“Residence Permit for a National of an EEA State

This permit is issued pursuant to Regulation (EEC) No 1612/68 of the Council of the European Communities of 15 October 1968(2) and to the measures taken in implementation of the Council Directive of 15 October 1968(3).

In accordance with the provisions of the above-mentioned Regulation, the holder of this permit has the right to take up and pursue an activity as an employed person in the territory of the United Kingdom under the same conditions as United Kingdom national workers.”.

(2) A residence document issued to a family member who is not an EEA national may take the form of a stamp in that person’s passport.

### **Duration of residence permit**

18.—(1) Subject to the following paragraphs and to regulations 20 and 22(2), a residence permit must be valid for at least five years from the date of issue.

(2) In the case of a worker who is to be employed in the United Kingdom for less than twelve but more than three months, the validity of the residence permit may be limited to the duration of the employment.

(3) In the case of a seasonal worker who is to be employed for more than three months, the validity of the residence permit may be limited to the duration of the employment if the duration is indicated in the document confirming the worker’s engagement or in a certificate of employment.

(4) In the case of a provider or recipient of services, the validity of the residence permit may be limited to the period during which the services are to be provided.

(5) In the case of a student, the residence permit is to be valid for a period which does not exceed the duration of the course of study; but where the course lasts for more than one year the validity of the residence permit may be limited to one year.

(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.

(7) The validity of a residence permit is not to be affected by absence from the United Kingdom for periods of no more than six consecutive months or absence from the United Kingdom on military service.

### **Renewal of residence permit**

19.—(1) Subject to paragraphs (2) and (3) and to regulations 20 and 22(2), a residence permit must be renewed on application.

(2) On the occasion of the first renewal of a worker’s residence permit the validity may be limited to one year if the worker has been involuntarily unemployed in the United Kingdom for more than one year.

(3) In the case of a student whose first residence permit is limited to one year by virtue of regulation 18(5), renewal may be for periods limited to one year.

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(2) OJ No. L 257, 19.10.68, p.2 (OJ/SE 1st series 1968, vol. II, p. 475).

(3) Council Directive 68/360/EEC; OJ L 257, 19.10.68, p. 13 (OJ/SE 1st series 1968, vol. II, p. 485).

**Duration and renewal of residence permit or residence document granted to a family member**

**20.** The family member of an EEA national is entitled to a residence permit or residence document of the same duration as the residence permit granted to the qualified person of whose family he is a member; and the family member's residence permit or residence document is subject to the same terms as to renewal.