
STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 2016

PART 3

RESIDENCE DOCUMENTATION

Verification of a right of residence

22.—(1) This regulation applies where the Secretary of State—

- (a) has reasonable doubt as to whether a person (“A”) has a right to reside or a derivative right to reside; or
- (b) wants to verify the eligibility of a person (“A”) to apply for an EEA family permit or documentation issued under Part 3.

(2) Where this regulation applies, the Secretary of State may invite A to—

- (a) provide evidence to support the existence of a right to reside or a derivative right to reside (as the case may be), or to support an application for an EEA family permit or documentation under this Part; or
- (b) attend an interview with the Secretary of State.

(3) If A purports to have a right to reside on the basis of a relationship with another person (“B”), (including, where B is a British citizen, through having lived with B in another EEA State), the Secretary of State may invite B to—

- (a) provide information about their relationship or residence in another EEA State; or
- (b) attend an interview with the Secretary of State.

(4) If without good reason A or B (as the case may be)—

- (a) fails to provide the information requested;
- (b) on at least two occasions, fails to attend an interview if so invited;

the Secretary of State may draw any factual inferences about A’s entitlement to a right to reside as appear appropriate in the circumstances.

(5) The Secretary of State may decide following the drawing of an inference under paragraph (4) that A does not have or ceases to have a right to reside.

(6) But the Secretary of State must not decide that A does not have or ceases to have a right to reside on the sole basis that A failed to comply with this regulation.

(7) This regulation may not be invoked systematically.