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STATUTORY INSTRUMENTS

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**2000 No. 2326**

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

Part I

Interpretation Etc.

*Interpretation of Regulations*

**“Qualified person”**

5.—(1) In these Regulations, “qualified person” means a person who is an EEA national and in the United Kingdom as—

- (a) a worker;
- (b) a self-employed person;
- (c) a provider of services;
- (d) a recipient of services;
- (e) a self-sufficient person;
- (f) a retired person;
- (g) a student; or
- (h) a self-employed person who has ceased activity;

or who is a person to whom paragraph (4) applies.

(2) A worker does not cease to be a qualified person solely because—

- (a) he is temporarily incapable of work as a result of illness or accident; or
- (b) he is involuntarily unemployed, if that fact is duly recorded by the relevant employment office.

(3) A self-employed person does not cease to be a qualified person solely because he is temporarily incapable of work as a result of illness or accident.

(4) This paragraph applies to—

- (a) the family member of a qualified person referred to in paragraph (1)(h), if—
  - (i) the qualified person has died; and
  - (ii) the family member was residing with him in the United Kingdom immediately before his death;
- (b) the family member of a qualified person referred to in paragraph 1(b) where—
  - (i) the qualified person has died;
  - (ii) the family member resided with him immediately before his death; and
  - (iii) either—

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- (aa) the qualified person had resided continuously in the United Kingdom for at least the two years immediately before his death; or
- (bb) the death was the result of an accident at work or an occupational disease; or
- (cc) his surviving spouse is a United Kingdom national.

(5) For the purposes of paragraph (4)(b), periods of absence from the United Kingdom which do not exceed three months in any year or periods of absence from the United Kingdom on military service are not to be taken into account.