

SCHEDULE 3

Regulation 6

Transitional Provisions

Qualified person

1. For the purposes of paragraph 3(b) to (e) of Schedule 1—
 - (a) any period of employment in the United Kingdom before the coming into force of these Regulations is to be treated as a period of employment under regulation 6 of the 2006 Regulations as amended by these Regulations; and
 - (b) any period—
 - (i) of duly recorded involuntary unemployment; or
 - (ii) during which a person was a jobseeker for the purposes of regulation 6(1)(a) of the 2006 Regulations,before the coming into force of these Regulations is to be disregarded.

Family members of British citizens

2.—(1) The substitution of regulation 9 of the 2006 Regulations by paragraph 5 of Schedule 1 has no effect in relation to the family member (“F”) of a British citizen where the criteria in subparagraphs (2) or (3) are met.

(2) The criterion in this subparagraph is met where, upon the coming into force of these Regulations, F was a person with a permanent right to reside in the United Kingdom under the 2006 Regulations.

(3) The criteria in this subparagraph are met where, upon the coming into force of these Regulations, F was a person with a right to reside under the 2006 Regulations; and

- (a) held a valid registration certificate, residence card or EEA family permit issued under the 2006 Regulations;
- (b) had made an application under the 2006 Regulations for a registration certificate, residence card or EEA family permit which had not been determined; or
- (c) had made an application under the 2006 Regulations for a registration certificate or residence card which had been refused and in respect of which an appeal under regulation 26 of the 2006 Regulations could be brought while the appellant is in the United Kingdom (excluding the possibility of an appeal out of time with permission) or was pending (within the meaning of regulation 25(2) of the 2006 Regulations).

(4) Where met, the criteria in subparagraphs (2) and (3) remain satisfied until the occurrence of the earliest of the following events—

- (a) the date six months after an EEA family permit has been issued if F has not within that period been admitted to the United Kingdom;
- (b) the date on which an appeal against a decision referred to in subparagraph (3)(c) can no longer be brought (ignoring the possibility of an appeal out of time with permission) where no such appeal has been brought;
- (c) the date on which any appeal against a decision referred to in subparagraph 3(c) is finally determined, is withdrawn or is abandoned (within the meaning of regulation 25(2) of the 2006 Regulations), save where the outcome of the appeal process is that the document in question falls to be granted;

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- (d) the date on which F ceases to be the family member of an EEA national or a family member who has retained the right of residence, within the meaning of regulation 10 of the 2006 Regulations; or
- (e) the date on which F's right of residence under regulation 15 of the 2006 Regulations (permanent right of residence) is lost in accordance with paragraph (2) of that regulation (right of permanent residence lost through more than two years' consecutive absence).

Abuse of rights or fraud

3. For the purposes of paragraph 18 of Schedule 1, insofar as it inserts regulation 21B(1)(b) into the 2006 Regulations, any removal pursuant to regulation 19(3)(a) of the 2006 Regulations before the coming into force of these Regulations is to be disregarded.