

STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 2016

[^{F1}PART 4

REFUSAL OF ADMISSION AND REMOVAL ETC

[^{F1}Application of Part 4 to a person with a derivative right to reside

28.—(1) This regulation applies where a person—

- (a) would, but for this Part of these Regulations, be entitled to a derivative right to reside (other than a derivative right to reside conferred by regulation 16(3));
- (b) holds a derivative residence card; or
- (c) has applied for a derivative residence card.

(2) Where this regulation applies, this Part of these Regulations applies as though—

- (a) references to “the family member of an EEA national” referred instead to “a person with a derivative right to reside”;
- (b) references to a registration certificate, a residence card, a document certifying permanent residence or a permanent residence card referred instead to a “derivative residence card”;
- (c) regulation 24(5) instead conferred on an immigration officer the power to revoke a derivative residence card where the holder is not at that time a person with a derivative right to reside; and
- (d) regulations 24(4) and 27(3) and (4) were omitted.]

Textual Amendments

F1 Regulations revoked (31.12.2020) by Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20), s. 9(1), Sch. 1 para. 2(2) (with s. 4(2)); [S.I. 2020/1279](#), [reg. 4\(c\)](#) (with savings and modifications in: [S.I. 2020/1209](#), [regs. 3\(1\)\(2\)](#), [4\(1\)-\(3\)](#), [5-10](#) in relation to a relevant person for the purposes of final determination of applications during the grace period; [S.I. 2020/1210](#), [reg. 2](#), [Sch.](#) for the purpose of removing a person who is protected by the citizens’ rights provisions; [S.I. 2020/1309](#), [Sch. 3 paras. 1-6](#) in relation to deportation and exclusion orders, pending applications for documentation and existing appeal rights and appeals; and [S.I. 2020/1309](#), [Sch. 4 paras. 1, 2, 4](#) in relation to access to benefits and services for persons who are members of the post-transition period group)

Modifications etc. (not altering text)

- C1** Reg. 28 continued (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020](#) ([S.I. 2020/1209](#)), [regs. 1\(1\)](#), [3\(1\)\(2\)](#), [4\(1\)-\(3\)](#), [7](#)
- C2** Reg. 28 continued (with modifications) (31.12.2020) by [S.I. 2026/1309](#), [reg. 1\(2\)](#), [Sch. 3 paras. 4-6](#)

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 28.