
STATUTORY INSTRUMENTS

2019 No. 1155

The Immigration (European Economic Area) (Amendment) Regulations 2019

Amendments to the Immigration (European Economic Area) Regulations 2016

2.—(1) The Immigration (European Economic Area) Regulations 2016(1) are amended as follows.

- (2) In regulation 2(1) (general interpretation), in the definition of “EEA decision”—
 - (a) in sub-paragraph (b)—
 - (i) after “or not to have revoked,” insert “an EEA family permit,”;
 - (ii) for “a decision that an application for the above documentation is invalid”, substitute “a decision to reject an application for the above documentation as invalid”;
 - (b) in the words after sub-paragraph (d), for “reject” substitute “refuse”.
- (3) In regulation 5 (meaning of “worker or self-employed person who has ceased activity”)—
 - (a) in paragraph (3)(a), after “continuously for more than two years” insert “immediately”;
 - (b) in paragraph (4)(b), at the start, insert “immediately”.
- (4) In regulation 7(3)(a) (meaning of “family member”) after “regulation” insert “8(1A),”.
- (5) In regulation 8 (meaning of “extended family member”)—
 - (a) in paragraph (1), after “paragraph” insert “(1A),”;
 - (b) after paragraph (1) insert—

“(1A) The condition in this paragraph is that the person—

 - (a) is under the age of 18;
 - (b) is subject to a non-adoptive legal guardianship order in favour of an EEA national that is recognised under the national law of the state in which it was contracted;
 - (c) has lived with the EEA national since their placement under the guardianship order;
 - (d) has created family life with the EEA national; and
 - (e) has a personal relationship with the EEA national that involves dependency on the EEA national and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the EEA national.”;
 - (c) in paragraph (3), after “personal care of the EEA national” insert “or the spouse or civil partner of the EEA national”;
 - (d) in paragraph (5), after “an EEA national,” insert “or the child (under the age of 18) of that partner”;
 - (e) in paragraph (7)—

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- (i) for “paragraphs (2) and (3)” substitute “paragraphs (2), (3) and (4)”;
- (ii) omit the words from and including “where on the basis of being” until the end of the paragraph;
- (f) after paragraph (7) insert—
 - “(8) Where an extensive examination of the personal circumstances of the applicant is required under these Regulations, it must include examination of the following—
 - (a) the best interests of the applicant, particularly where the applicant is a child;
 - (b) the character and conduct of the applicant; and
 - (c) whether an EEA national would be deterred from exercising their free movement rights if the application was refused.”.
- (6) In regulation 9(2) (family members and extended family members of British citizens)—
 - (a) for sub-paragraph (d) substitute—
 - “(d) either—
 - (i) F was a family member of BC during all or part of their joint residence in the EEA State;
 - (ii) F was an EFM of BC during all or part of their joint residence in the EEA State, during which time F was lawfully resident in the EEA State; or
 - (iii) EFM was an EFM of BC during all or part of their joint residence in the EEA State, during which time EFM was lawfully resident in the EEA State;”;
 - (b) in sub-paragraph (e), at the end insert “and”;
 - (c) after sub-paragraph (e), insert—
 - “(f) the conditions in sub-paragraphs (a), (b) and (c) have been met concurrently.”.
 - (7) In regulation 10(5) (meaning of “family member who has retained the right of residence”), for “termination” substitute “initiation of proceedings for the termination”.
 - (8) In regulation 21(4) (procedure for applications for documentation under this Part and regulation 12), at the end, insert “and must be rejected”.
 - (9) In regulation 36 (appeal rights)—
 - (a) in paragraph (4)(b)—
 - (i) in paragraph (iii)—
 - (aa) for “proof that the criteria in regulation 7 are met” substitute “proof that the definition of “family member” in regulation 7(1) is met”;
 - (bb) omit “or”;
 - (ii) in paragraph (iv), for “proof that the criteria in regulation 10 are met” substitute “proof that the definition of “family member who has retained the right of residence” in regulation 10(1) is met; or”;
 - (iii) after paragraph (iv), insert—
 - “(v) in the case of a person claiming to be the relative of an EEA national who is an extended family member, proof that the definition of “extended family member” in regulation 8(1) is met.”;
 - (b) in paragraph (6)(c)—
 - (i) omit paragraph (i);
 - (ii) in paragraph (ii)(bb), for “a family member” substitute “an extended family member”.

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Commencement Information

II Reg. 2 in force at 15.8.2019, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2023/1143 Sch. 2 Pt. 1](#)