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STATUTORY INSTRUMENTS

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**2020 No. 1209**

**The Citizens' Rights (Application Deadline and  
Temporary Protection) (EU Exit) Regulations 2020**

**PART 3**

**Saving of the EEA Regulations 2016 etc. during the grace  
period and whilst applications are finally determined**

**Grace period**

**3.—**(1) This regulation has effect if the EEA Regulations 2016 are revoked on IP completion day (with or without savings).

(2) The provisions of the EEA Regulations 2016 specified in regulations 5 to 10 continue to have effect (despite the revocation of those Regulations) with the modifications specified in those regulations in relation to a relevant person during the grace period.

(3) The provisions specified in regulation 11 apply in relation to a relevant person during the grace period as if any reference to the EEA Regulations 2016 or any provision of those Regulations are to the Regulations or provision of the Regulations as continued in effect and modified by regulations 5 to 10.

(4) The enactments specified in regulation 12 apply in relation to a relevant person during the grace period with the modifications specified in that regulation.

(5) For the purposes of this regulation—

- (a) the grace period is the period beginning immediately after IP completion day and ending with the application deadline;
- (b) a person is to be treated as residing in the United Kingdom at any time which would be taken into account for the purposes of calculating periods when the person was continuously resident for the purposes of the EEA Regulations 2016 (see regulation 3);
- (c) a person who does not have the right to reside in the United Kingdom permanently is to be treated as having such a right if the person had a right of permanent residence in the United Kingdom under those Regulations (see regulation 15) and who, immediately before IP completion day, has been absent from the United Kingdom for a continuous period of 5 years or less (disregarding any period of absence before the person acquired the right of permanent residence).

(6) In this regulation—

“EEA document” means—

- (a) an EEA family permit issued under regulation 12 of the EEA Regulations 2016;
- (b) a registration certificate issued under regulation 17 of those Regulations, or
- (c) a residence card issued under regulation 18 of those Regulations;

“family member”—

- (a) has the same meaning as in paragraph (1) of regulation 7 of the EEA Regulations 2016 (read with paragraph (2) of that regulation) as those Regulations had effect immediately before IP completion day, and
- (b) includes an extended family member within the meaning of regulation 8 of those Regulations as they had effect immediately before IP completion day if that person—
  - (i) immediately before IP completion day satisfied the condition in regulation 8(5) of those Regulations (durable partner), or
  - (ii) holds a valid EEA document (regardless of whether that document was issued before or after IP completion day);

“relevant family member”, in relation to a person (“P”), means a family member who—

- (a) was a family member of P immediately before IP completion day;
- (b) is P’s child and—
  - (i) the child’s other parent is a relevant person or has leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules<sup>(1)</sup>;
  - (ii) the child’s other parent is a British citizen;
  - (iii) P has sole or joint rights of custody of the child in the circumstances set out in the last point of Article 10(1)(e)(iii) of the withdrawal agreement or the last point of Article 9(1)(e)(iii) of the EEA EFTA separation agreement, or
  - (iv) P falls within Article 10(1)(e)(iii) of the Swiss citizens’ rights agreement (children of beneficiaries of that agreement);
- (c) becomes a family member of P after IP completion day by virtue of being issued with an EEA document (see paragraph (b)(ii) of the definition of “family member”), or
- (d) is the spouse or civil partner of P and P is a national of Switzerland;

“relevant person” means a person who does not have (and who has not, during the grace period, had) leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules and who—

- (a) immediately before IP completion day—
  - (i) was lawfully resident in the United Kingdom by virtue of the EEA Regulations 2016, or
  - (ii) had a right of permanent residence in the United Kingdom under those Regulations (see regulation 15), or
- (b) is not a person who falls within sub-paragraph (a) but is a relevant family member of a person who immediately before IP completion day—
  - (i) did not have leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules, and
  - (ii) either—
    - (aa) was lawfully resident in the United Kingdom by virtue of the EEA Regulations 2016, or
    - (bb) had a right of permanent residence in the United Kingdom under those Regulations (see regulation 15).

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(1) Defined in section 17 of the European Union (Withdrawal Agreement) Act 2020.