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STATUTORY INSTRUMENTS

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**2006 No. 1003**

**The Immigration (European Economic Area) Regulations 2006**

**PART 1**

**INTERPRETATION ETC**

**Citation and commencement**

1. These Regulations may be cited as the Immigration (European Economic Area) Regulations 2006 and shall come into force on 30<sup>th</sup> April 2006.

**General interpretation**

2.—(1) In these Regulations—

“the 1971 Act” means the Immigration Act 1971 <sup>M1</sup>;

“the 1999 Act” means the Immigration and Asylum Act 1999 <sup>M2</sup>;

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;

[<sup>F1</sup> the 2014 Act ” means the Immigration Act 2014;]

[<sup>F2</sup> “the Accession Regulations ” means the Accession (Immigration and Worker Registration) Regulations 2004;]

[<sup>F3</sup>“civil partner” does not include—

(a) a party to a civil partnership of convenience; or

(b) the civil partner (“C”) of a person (“P”) where a spouse, civil partner or durable partner of C or P is already present in the United Kingdom;]

“decision maker” means the Secretary of State, an immigration officer or an entry clearance officer (as the case may be);

[<sup>F4</sup>“deportation order” means an order made pursuant to regulation 24(3);]

[<sup>F5</sup>“derivative residence card” means a card issued to a person, in accordance with regulation 18A, as proof of the holder’s derivative right to reside in the United Kingdom as at the date of issue;]

“document certifying permanent residence” means a document issued to an EEA national, in accordance with regulation 18, as proof of the holder’s permanent right of residence under regulation 15 as at the date of issue;

[<sup>F5</sup>“durable partner” does not include the durable partner (“D”) of a person (“P”) where a spouse, civil partner or durable partner of D or P is already present in the United Kingdom and where that marriage, civil partnership or durable partnership is subsisting;]

[<sup>F6</sup> “ EEA decision” means a decision under these Regulations that concerns—

(a) a person’s entitlement to be admitted to the United Kingdom;

- (b) a person's entitlement to be issued with or have renewed, or not to have revoked, a registration certificate, residence card, derivative residence card, document certifying permanent residence or permanent residence card;
- (c) a person's removal from the United Kingdom; or
- (d) the cancellation, pursuant to regulation 20A, of a person's right to reside in the United Kingdom <sup>[F7]</sup>;

but does not include decisions under regulations 24AA (human rights considerations and interim orders to suspend removal) or 29AA (temporary admission in order to submit case in person)];

"EEA family permit" means a document issued to a person, in accordance with regulation 12, in connection with his admission to the United Kingdom;

"EEA national" means a national of an EEA State <sup>[F8]</sup>who is not also a <sup>[F9]</sup>British citizen];

"EEA State" means—

- (a) a member State, other than the United Kingdom;
- (b) Norway, Iceland or Liechtenstein; or
- (c) Switzerland;

"entry clearance" has the meaning given in section 33(1) of the 1971 Act <sup>M3</sup>;

"entry clearance officer" means a person responsible for the grant or refusal of entry clearance;

<sup>[F10]</sup>"exclusion order" means an order made under regulation 19(1B)];

"immigration rules" has the meaning given in section 33(1) of the 1971 Act;

"military service" means service in the armed forces of an EEA State;

"permanent residence card" means a card issued to a person who is not an EEA national, in accordance with regulation 18, as proof of the holder's permanent right of residence under regulation 15 as at the date of issue;

<sup>[F11]</sup> <sup>«F12</sup>... qualifying EEA State residence card" means—

- (a) <sup>[F13]</sup>a valid document] called a "Residence card of a family member of a Union Citizen" issued under Article 10 of Council [Directive 2004/38/EC](#) (as applied, where relevant, by the EEA Agreement) by an EEA State listed in sub-paragraph (b) to a non- EEA family member of an EEA national as proof of the holder's right of residence in that State;
- (b) <sup>[F14]</sup> any EEA State, except Switzerland ];]

"registration certificate" means a certificate issued to an EEA national, in accordance with regulation 16, as proof of the holder's right of residence in the United Kingdom as at the date of issue;

"relevant EEA national" in relation to an extended family member has the meaning given in regulation 8(6);

"residence card" means a card issued to a person who is not an EEA national, in accordance with regulation 17, as proof of the holder's right of residence in the United Kingdom as at the date of issue;

<sup>[F15]</sup>"spouse" does not include—

- (a) a party to a marriage of convenience; or
- (b) the spouse ("S") of a person ("P") where a spouse, civil partner or durable partner of S or P is already present in the United Kingdom;]

<sup>F16</sup> ...

(2) Paragraph (1) is subject to paragraph 1(a) of Schedule 4 (transitional provisions).

[<sup>F17</sup>(3) Section 11 of the 1971 Act (construction of references to entry) shall apply for the purpose of determining whether a person has entered the United Kingdom for the purpose of these Regulations as it applies for the purpose of determining whether a person has entered the United Kingdom for the purpose of that Act.]

#### Textual Amendments

- F1** Words in reg. 2(1) inserted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 1(a)**
- F2** Words in reg. 2(1) inserted (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 5, **Sch. 2 para. 1**
- F3** Words in reg. 2(1) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 1(b)** (with Sch. 3)
- F4** Words in reg. 2(1) inserted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 1, **Sch. 1 para. 1(a)(i)**
- F5** Words in reg. 2(1) inserted (16.10.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(2), **Sch. 1 para. 1(a)** (with Sch. 3)
- F6** Words in reg. 2(1) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 1(c)** (with Sch. 3)
- F7** Words in reg. 2(1) inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/1976\)](#), reg. 1, **Sch. para. 1(a)** (with reg. 4)
- F8** Words in reg. 2(1) inserted (16.10.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(2), **Sch. 1 para. 1(d)** (with Sch. 3)
- F9** Words in reg. 2(1) substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F10** Words in reg. 2(1) inserted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 1, **Sch. 1 para. 1(a)(ii)**
- F11** Words in reg. 2(1) inserted (7.4.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/3032\)](#), reg. 2(2), **Sch. 1 para. 1**
- F12** Word in reg. 2(1) omitted (28.7.2014) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/1976\)](#), reg. 1, **Sch. para. 1(b)** (with reg. 4)
- F13** Words in reg. 2(1) substituted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 1(b)(i)**
- F14** Words in reg. 2(1) substituted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#), reg. 2, **Sch. 1 para. 1(b)(ii)**
- F15** Words in reg. 2(1) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#), reg. 2(1), **Sch. 1 para. 1(e)** (with Sch. 3)
- F16** Words in reg. 2(1) deleted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(1)**
- F17** Reg. 2(3) inserted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 1, **Sch. 1 para. 1(b)**

#### Marginal Citations

- M1** 1971 c. 77.
- M2** 1999 c. 33.
- M3** Section 33(1) is amended by paragraph 5 of the Schedule to the [Immigration Act 1988 \(c. 14\)](#).

### Continuity of residence

3.—(1) This regulation applies for the purpose of calculating periods of continuous residence in the United Kingdom under regulation 5(1) and regulation 15.

(2) Continuity of residence is not affected by —

- (a) periods of absence from the United Kingdom which do not exceed six months in total in any year;
- (b) periods of absence from the United Kingdom on military service; or
- (c) any one absence from the United Kingdom not exceeding twelve months for an important reason such as pregnancy and childbirth, serious illness, study or vocational training or an overseas posting.

(3) But continuity of residence is broken if a person is removed from the United Kingdom under [<sup>F18</sup>these Regulations].

#### Textual Amendments

**F18** Words in reg. 3(3) substituted (1.6.2009) by [Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#) , reg. 1 , [Sch. 1 para. 2](#)

### “Worker”, “self-employed person”, “self-sufficient person” and “student”

4.—(1) In these Regulations —

- (a) “worker” means a worker within the meaning of [<sup>F19</sup>Article 39 of the Treaty establishing the European Community[<sup>F19</sup> Article 45 of the Treaty on the Functioning of the European Union]]<sup>M4</sup>;
- (b) “self-employed person” means a person who establishes himself in order to pursue activity as a self-employed person in accordance with Article [<sup>F20</sup>43 of the Treaty establishing the European Community[<sup>F20</sup> Article 49 of the Treaty on the Functioning of the European Union]];
- (c) “self-sufficient person” means a person who has—
  - (i) sufficient resources not to become a burden on the social assistance system of the United Kingdom during his period of residence; and
  - (ii) comprehensive sickness insurance cover in the United Kingdom;
- (d) “student” means a person who—
  - [<sup>F21</sup>(i) is enrolled, for the principal purpose of following a course of study (including vocational training), at a public or private establishment which is—
    - (aa) financed from public funds; or
    - (bb) otherwise recognised by the Secretary of State as an establishment which has been accredited for the purpose of providing such courses or training within the law or administrative practice of the part of the United Kingdom in which the establishment is located;]
  - (ii) has comprehensive sickness insurance cover in the United Kingdom; and
  - (iii) assures the Secretary of State, by means of a declaration, or by such equivalent means as the person may choose, that he has sufficient resources not to become a burden on the social assistance system of the United Kingdom during his period of residence.

(2) For the purposes of paragraph (1)(c) [<sup>F22</sup>or (d)], where family members of the person concerned reside in the United Kingdom and their right to reside is dependent upon their being family members of that person—

- (a) the requirement for that person to have sufficient resources not to become a burden on the social assistance system of the United Kingdom during his period of residence shall only be satisfied if his resources and those of the family members are sufficient to avoid him and the family members becoming such a burden;
- (b) the requirement for that person to have comprehensive sickness insurance cover in the United Kingdom shall only be satisfied if he and his family members have such cover.

<sup>F23</sup>(3) .....

[<sup>F24</sup>(4) For the purposes of paragraphs (1)(c) and (d) and [<sup>F25</sup>paragraph (2)], the resources of the person concerned and, where applicable, any family members, are to be regarded as sufficient if—

- (a) they exceed the maximum level of resources which a [<sup>F26</sup>British citizen] and his family members may possess if he is to become eligible for social assistance under the United Kingdom benefit system; or
- (b) paragraph (a) does not apply but, taking into account the personal situation of the person concerned and, where applicable, any family members, it appears to the decision maker that the resources of the person or persons concerned should be regarded as sufficient.]

[<sup>F27</sup>(5) For the purpose of regulation 15A(2) references in this regulation to “family members” includes a “primary carer” as defined in regulation 15A(7).]

#### Textual Amendments

- F19** Words in reg. 4(1)(a) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#) , art. 2(1) , **Sch. Pt. 2** (with art. 2(2) )
- F20** Words in reg. 4(1)(b) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#) , art. 2(1) , **Sch. Pt. 2** (with art. 2(2) )
- F21** Reg. 4(1)(d)(i) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 2(a)** (with Sch. 3 )
- F22** Words in reg. 4(2) inserted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#) , reg. 2, **Sch. 1 para. 2(a)**
- F23** Reg. 4(3) omitted (6.4.2015) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#) , reg. 2, **Sch. 1 para. 2(b)**
- F24** Reg. 4(4) substituted (2.6.2011) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2011 \(S.I. 2011/1247\)](#) , regs. 1(1) , **2(2)**
- F25** Words in reg. 4(4) substituted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\)](#) , reg. 2, **Sch. 1 para. 2(c)**
- F26** Words in reg. 4(4)(a) substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#) , reg. 1 , **Sch. para. 7(2)**
- F27** Reg. 4(5) inserted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 2(b)** (with Sch. 3 )

#### Marginal Citations

- M4** OJ No. C325, 24.12.02, p. 51.

### “Worker or self-employed person who has ceased activity”

5.—(1) In these Regulations, “worker or self-employed person who has ceased activity” means an EEA national who satisfies the conditions in paragraph (2), (3), (4) or (5).

- (2) A person satisfies the conditions in this paragraph if he—
- (a) terminates his activity as a worker or self-employed person and—
    - (i) has reached the age at which he is entitled to a state pension on the date on which he terminates his activity; or
    - (ii) in the case of a worker, ceases working to take early retirement;
  - (b) pursued his activity as a worker or self-employed person in the United Kingdom for at least twelve months prior to the termination; and
  - (c) resided in the United Kingdom continuously for more than three years prior to the termination.
- (3) A person satisfies the conditions in this paragraph if—
- (a) he terminates his activity in the United Kingdom as a worker or self-employed person as a result of a permanent incapacity to work; and
  - (b) either—
    - (i) he resided in the United Kingdom continuously for more than two years prior to the termination; or
    - (ii) the incapacity is the result of an accident at work or an occupational disease that entitles him to a pension payable in full or in part by an institution in the United Kingdom.
- (4) A person satisfies the conditions in this paragraph if—
- (a) he is active as a worker or self-employed person in an EEA State but retains his place of residence in the United Kingdom, to which he returns as a rule at least once a week; and
  - (b) prior to becoming so active in that EEA State, he had been continuously resident and continuously active as a worker or self-employed person in the United Kingdom for at least three years.
- (5) A person who satisfies the condition in paragraph (4)(a) but not the condition in paragraph (4)(b) shall, for the purposes of paragraphs (2) and (3), be treated as being active and resident in the United Kingdom during any period in which he is working or self-employed in the EEA State.
- (6) The conditions in paragraphs (2) and (3) as to length of residence and activity as a worker or self-employed person shall not apply in relation to a person whose spouse or civil partner is a <sup>F28</sup>British citizen].
- (7) <sup>F29</sup>[Subject to <sup>F30</sup>regulations 6(2), 7A(3) or 7B(3)], for the purposes of this regulation—]
- (a) periods of inactivity for reasons not of the person's own making;
  - (b) periods of inactivity due to illness or accident; and
  - (c) in the case of a worker, periods of involuntary unemployment duly recorded by the relevant employment office,
- shall be treated as periods of activity as a worker or self-employed person, as the case may be.

#### Textual Amendments

**F28** Words in reg. 5(6) substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#) , reg. 1 , **Sch. para. 7(2)**

**F29** Words in reg. 5(7) substituted (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#) , regs. 1(1) , 5 , **Sch. 2 para. 2**

**F30** Words in reg. 5(7) substituted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 2**

### “Qualified person”

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

- (a) a jobseeker;
- (b) a worker;
- (c) a self-employed person;
- (d) a self-sufficient person; or
- (e) a student.

(2) [<sup>F31</sup>Subject to [<sup>F32</sup>regulations 7A(4) and 7B(4)], a person who is no longer working shall not cease to be treated as a worker for the purpose of paragraph (1)(b) if—]

- (a) he is temporarily unable to work as the result of an illness or accident;

[<sup>F33</sup>(b) he is in duly recorded involuntary unemployment after having been employed in the United Kingdom for at least one year, provided that he—

- (i) has registered as a jobseeker with the relevant employment office; and
- (ii) satisfies conditions A and B;]

[<sup>F34</sup>(ba) he is in duly recorded involuntary unemployment after having been employed in the United Kingdom for less than one year, provided that he—

- (i) has registered as a jobseeker with the relevant employment office; and
- (ii) satisfies conditions A and B;]

- (c) he is involuntarily unemployed and has embarked on vocational training; or

- (d) he has voluntarily ceased working and embarked on vocational training that is related to his previous employment.

[<sup>F35</sup>(2A) A person to whom paragraph (2)(ba) applies may only retain worker status for a maximum of six months.]

(3) A person who is no longer in self-employment shall not cease to be treated as a self-employed person for the purpose of paragraph (1)(c) if he is temporarily unable to pursue his activity as a self-employed person as the result of an illness or accident.

[<sup>F36</sup>(4) For the purpose of paragraph (1)(a), a “jobseeker” is a person who satisfies conditions [<sup>F37</sup>A and B[<sup>F37</sup>A, B and, where relevant, C]][<sup>F37</sup>.]

(5) Condition A is that the person—

- (a) entered the United Kingdom in order to seek employment; or
- (b) is present in the United Kingdom seeking employment, immediately after enjoying a right to reside pursuant to paragraph (1)(b) to (e) (disregarding any period during which worker status was retained pursuant to paragraph (2)(b) or (ba)).

(6) Condition B is that the person can provide evidence that he is seeking employment and has a genuine chance of being engaged.

(7) A person may not retain the status of a worker pursuant to paragraph (2)(b), or jobseeker pursuant to paragraph (1)(a), for longer than [<sup>F38</sup>six months][<sup>F38</sup>the relevant period]] unless he can provide compelling evidence that he is continuing to seek employment and has a genuine chance of being engaged[<sup>F38</sup>.]]



[<sup>F39</sup>(8) In paragraph (7), “the relevant period” means—

- (a) in the case of a person retaining worker status pursuant to paragraph (2)(b), a continuous period of six months;
- (b) in the case of a jobseeker, [<sup>F40</sup>182[<sup>F40</sup>91]] days, minus the cumulative total of any days during which the person concerned previously enjoyed a right to reside as a jobseeker, not including any days prior to a continuous absence from the United Kingdom of at least 12 months.

(9) Condition C applies where the person concerned has, previously, enjoyed a right to reside under this regulation as a result of satisfying conditions A and B—

- (a) in the case of a person to whom paragraph (2)(b) or (ba) applied, for at least six months; or
- (b) in the case of a jobseeker, for at least [<sup>F41</sup>182[<sup>F41</sup>91]] days in total.]

[<sup>F39</sup>unless the person concerned has, since enjoying the above right to reside, been continuously absent from the United Kingdom for at least 12 months.

(10) Condition C is that the person has had a period of absence from the United Kingdom.

(11) Where condition C applies—

- (a) paragraph (7) does not apply; and
- (b) condition B has effect as if “compelling” were inserted before “evidence”.]

#### Textual Amendments

- F31** Words in reg. 6(2) substituted (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 5, **Sch. 2 para. 3**
- F32** Words in reg. 6(2) substituted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\)Regulations2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 3(a)**
- F33** Reg. 6(2)(b) substituted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\)Regulations2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 3(b)** (with Sch. 3 para. 1 )
- F34** Reg. 6(2)(ba) inserted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\)Regulations2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 3(c)**
- F35** Reg. 6(2A) inserted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\)Regulations2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 3(d)**
- F36** Reg. 6(4)-(7) substituted for reg. 6(4) (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\)Regulations2013 \(S.I. 2013/3032\)](#), reg. 2(1), **Sch. 1 para. 3(e)**
- F37** Words in reg. 6(4) substituted (1.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2014 \(S.I. 2014/1451\)](#), regs. 1, **3(2)** (with reg. 4)
- F38** Words in reg. 6(7) substituted (1.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2014 \(S.I. 2014/1451\)](#), regs. 1, **3(3)** (with reg. 4)
- F39** Reg. 6(8)-(11) inserted (1.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2014 \(S.I. 2014/1451\)](#), regs. 1, **3(4)** (with reg. 4)
- F40** Word in reg. 6(8)(b) substituted (10.11.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 3\) Regulations 2014 \(S.I. 2014/2761\)](#), regs. 1, **3(2)** (with reg. 4)
- F41** Word in reg. 6(9)(b) substituted (10.11.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 3\) Regulations 2014 \(S.I. 2014/2761\)](#), regs. 1, **3(2)** (with reg. 4)

#### Modifications etc. (not altering text)

- C1** Reg. 6 modified (temp from 1.7.2013 to 30.6.2018) (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations2013 \(S.I. 2013/1460\)](#), reg. 1(1)(2)7(1) (with reg. 11(8) )



- C2** Reg. 6(1) excluded (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#) , regs. 1(1) , **5(1)** (with reg. 11(8) )
- C3** Reg. 6(2) excluded (1.1.2007) by [Accession \(Immigration and Worker Authorisation\) Regulations 2006 \(S.I. 2006/3317\)](#) , regs. 1(1) , **6(3)**
- C4** Reg. 6(2) excluded (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#) , regs. 1(1) , **5(2)** (with reg. 11(8) )

## Family member

7.—(1) Subject to paragraph (2), for the purposes of these Regulations the following persons shall be treated as the family members of another person—

- (a) his spouse or his civil partner;
- (b) direct descendants of his, his spouse or his civil partner who are—
  - (i) under 21; or
  - (ii) dependants of his, his spouse or his civil partner;
- (c) dependent direct relatives in his ascending line or that of his spouse or his civil partner;
- (d) a person who is to be treated as the family member of that other person under paragraph (3).

(2) A person shall not be treated under paragraph (1)(b) or (c) as the family member of a student residing in the United Kingdom after the period of three months beginning on the date on which the student is admitted to the United Kingdom unless—

- (a) in the case of paragraph (b), the person is the dependent child of the student or of his spouse or civil partner; or
- (b) the student also falls within one of the other categories of qualified persons mentioned in regulation 6(1).

(3) Subject to paragraph (4), a person who is an extended family member and has been issued with an EEA family permit, a registration certificate or a residence card shall be treated as the family member of the relevant EEA national for as long as he continues to satisfy the conditions in regulation 8(2), (3), (4) or (5) in relation to that EEA national and the permit, certificate or card has not ceased to be valid or been revoked.

(4) Where the relevant EEA national is a student, the extended family member shall only be treated as the family member of that national under paragraph (3) if either the EEA family permit was issued under regulation 12(2), the registration certificate was issued under regulation 16(5) or the residence card was issued under regulation 17(4).

## [<sup>F42</sup>Application of the Accession Regulations

7A.—(1) This regulation applies to an EEA national who was an accession State worker requiring registration on 30th April 2011 (‘an accession worker’).

(2) In this regulation—

“accession State worker requiring registration” has the same meaning as in regulation 1(2)(d) of the Accession Regulations;

“legally working” has the same meaning as in regulation 2(7) of the Accession Regulations.

(3) In regulation 5(7)(c), where the worker is an accession worker, periods of involuntary unemployment duly recorded by the relevant employment office shall be treated only as periods of activity as a worker—

- (a) during any period in which regulation 5(4) of the Accession Regulations applied to that person; or

- (b) when the unemployment began on or after 1st May 2011.
- (4) Regulation 6(2) applies to an accession worker where he—
- (a) was a person to whom regulation 5(4) of the Accession Regulations applied on 30th April 2011; or
- (b) became unable to work, became unemployed or ceased to work, as the case maybe, on or after 1st May 2011.
- (5) For the purposes of regulation 15, an accession worker shall be treated as having resided in accordance with these Regulations during any period before 1st May 2011 in which the accession worker—
- (a) was legally working in the United Kingdom; or
- (b) was a person to whom regulation 5(4) of the Accession Regulations applied.
- (6) Subject to paragraph (7), a registration certificate issued to an accession worker under regulation 8 of the Accession Regulations shall, from 1st May 2011, be treated as if it was a registration certificate issued under these Regulations where the accession worker was legally working in the United Kingdom for the employer specified in that certificate on—
- (a) 30th April 2011; or
- (b) the date on which the certificate is issued where it is issued after 30th April 2011.
- (7) Paragraph (6) does not apply—
- (a) if the Secretary of State issues a registration certificate in accordance with regulation 16 to an accession worker on or after 1st May 2011; and
- (b) from the date of registration stated on that certificate.]

#### Textual Amendments

**F42** Reg. 7A inserted (1.5.2011) by [The Accession \(Immigration and Worker Registration\) \(Revocation, Savings and Consequential Provisions\) Regulations 2011 \(S.I. 2011/544\)](#), regs. 1(1), 5, **Sch. 2 para. 4**

#### Modifications etc. (not altering text)

**C5** Regs. 7A 7B continue (with modifications) (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), reg. 1(2)(b), **Sch. 4 para. 2**

### [<sup>F43</sup> Application of the EU2 Regulations

**7B.**—(1) This regulation applies to an EEA national who was an accession State national subject to worker authorisation before 1st January 2014.

(2) In this regulation—

“accession State national subject to worker authorisation” has the same meaning as in regulation 2 of the EU2 Regulations ;

“the EU2 Regulations ” means the Accession (Immigration and Worker Authorisation) Regulations 2006.

(3) Regulation 2(12) of the EU2 Regulations (accession State national subject to worker authorisation: legally working) has effect for the purposes of this regulation as it does for regulation 2(3) and (4) of the EU2 Regulations .

(4) In regulation 5(7)(c), where the worker is an accession State national subject to worker authorisation, periods of involuntary unemployment duly recorded by the relevant employment

office must only be treated as periods of activity as a worker when the unemployment began on or after 1st January 2014.

(5) Regulation 6(2) applies to an accession State national subject to worker authorisation where the accession State national subject to worker authorisation became unable to work, became unemployed or ceased to work, as the case may be, on or after 1st January 2014.

(6) For the purposes of regulation 15, an accession State national subject to worker authorisation must be treated as having resided in accordance with these Regulations during any period before 1st January 2014 in which the accession State national subject to worker authorisation was legally working in the United Kingdom.

(7) An accession worker card issued to an accession State national subject to worker authorisation under regulation 11 of the EU2 Regulations before 1st January 2014 must be treated as if it were a registration certificate issued under these Regulations so long as it has not expired . ]

#### Textual Amendments

**F43** Reg. 7B inserted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\) Regulations 2013 \(S.I. 2013/3032\)](#) , reg. 2(1) , **Sch. 1 para. 4**

#### Modifications etc. (not altering text)

**C5** Regs. 7A 7B continue (with modifications) (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), reg. 1(2)(b), **Sch. 4 para. 2**

### “Extended family member”

**8.—(1)** In these Regulations “ extended family member ” means a person who is not a family member of an EEA national under regulation 7(1)(a), (b) or (c) and who satisfies the conditions in paragraph (2), (3), (4) or (5).

(2) A person satisfies the condition in this paragraph if the person is a relative of an EEA national, his spouse or his civil partner and—

- (a) the person is residing in [<sup>F44</sup>a country other than the United Kingdom]<sup>F45</sup>... and is dependent upon the EEA national or is a member of his household;
- (b) the person satisfied the condition in paragraph (a) and is accompanying the EEA national to the United Kingdom or wishes to join him there; or
- (c) the person satisfied the condition in paragraph (a), has joined the EEA national in the United Kingdom and continues to be dependent upon him or to be a member of his household.

(3) A person satisfies the condition in this paragraph if the person is a relative of an EEA national or his spouse or his civil partner and, on serious health grounds, strictly requires the personal care of the EEA national his spouse or his civil partner.

(4) A person satisfies the condition in this paragraph if the person is a relative of an EEA national and would meet the requirements in the immigration rules (other than those relating to entry clearance) for indefinite leave to enter or remain in the United Kingdom as a dependent relative of the EEA national were the EEA national a person present and settled in the United Kingdom.

(5) A person satisfies the condition in this paragraph if the person is the partner of an EEA national (other than a civil partner) and can prove to the decision maker that he is in a durable relationship with the EEA national.

(6) In these Regulations “ relevant EEA national ” means, in relation to an extended family member, the EEA national who is or whose spouse or civil partner is the relative of the extended

family member for the purpose of paragraph (2), (3) or (4) or the EEA national who is the partner of the extended family member for the purpose of paragraph (5).

#### Textual Amendments

- F44** Words in reg. 8(2)(a) substituted (2.6.2011) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2011 \(S.I. 2011/1247\)](#) , reg. 1(1) , **2(3)**
- F45** Words in reg. 8(2)(a) omitted (8.11.2012) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#) , reg. 1 , **Sch. para. 1**

#### Family members of [<sup>F46</sup>British citizen]

**9.—(1)** [<sup>F47</sup>If the conditions in paragraph (2) are satisfied, these Regulations apply to a person who is the family member of a British citizen as if the British citizen (“P”) were an EEA national.

(2) The conditions are that—

- (a) P is residing in an EEA State as a worker or self-employed person or was so residing before returning to the United Kingdom;
- (b) if the family member of P is P’s spouse or civil partner, the parties are living together in the EEA State or had entered into the marriage or civil partnership and were living together in the EEA State before the British citizen returned to the United Kingdom; and
- (c) the centre of P’s life has transferred to the EEA State where P resided as a worker or self-employed person.

(3) Factors relevant to whether the centre of P’s life has transferred to another EEA State include—

- (a) the period of residence in the EEA State as a worker or self-employed person;
- (b) the location of P’s principal residence;
- (c) the degree of integration of P in the EEA State.

(4) Where these Regulations apply to the family member of P, P is to be treated as holding a valid passport issued by an EEA State for the purpose of the application of regulation 13 to that family member.]

F54

#### Textual Amendments

- F46** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F47** Reg. 9 substituted (1.1.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No.2\)Regulations2013 \(S.I. 2013/3032\)](#), reg. 2(1), Sch. 1 para. 5 (with Sch. 3 para. 2)
- F48** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F49** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F50** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F51** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F52** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**

- F53** Words in reg. 9 substituted (8.11.2012) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2560\)](#), reg. 1, **Sch. para. 7(2)**
- F54** Reg. 9 (as inserted 25.11.2016) omitted (1.2.2017) by [The Immigration \(European Economic Area\) Regulations 2016, S.I. 2016/1052](#), **reg. 1(2)(b)**, 46

**“Family member who has retained the right of residence”**

**10.**—(1) In these Regulations, “family member who has retained the right of residence” means, subject to paragraph (8), a person who satisfies the conditions in paragraph (2), (3), (4) or (5).

(2) A person satisfies the conditions in this paragraph if—

- [<sup>F55</sup>(a) he was a family member of a qualified person or of an EEA national with a permanent right of residence when that person died; ]
- (b) he resided in the United Kingdom in accordance with these Regulations for at least the year immediately before the death of [<sup>F56</sup> the qualified person or the EEA national with a permanent right of residence ] ; and
- (c) he satisfies the condition in paragraph (6).

(3) A person satisfies the conditions in this paragraph if—

- (a) he is the direct descendant of—
- (i) [<sup>F57</sup> a qualified person or an EEA national with a permanent right of residence ] who has died;
- (ii) a person who ceased to be a qualified person on ceasing to reside in the United Kingdom; or
- (iii) the person who was the spouse or civil partner of [<sup>F58</sup> the qualified person or the EEA national with a permanent right of residence ] mentioned in sub-paragraph (i) when he died or is the spouse or civil partner of the person mentioned in sub-paragraph (ii); and
- (b) he was attending an educational course in the United Kingdom immediately before [<sup>F59</sup> the qualified person or the EEA national with a permanent right of residence ] died or ceased to be a qualified person and continues to attend such a course.

(4) A person satisfies the conditions in this paragraph if the person is the parent with actual custody of a child who satisfies the condition in paragraph (3).

(5) A person satisfies the conditions in this paragraph if—

- [<sup>F60</sup>(a) he ceased to be a family member of a qualified person or of an EEA national with a permanent right of residence on the termination of the marriage or civil partnership of that person; ]
- (b) he was residing in the United Kingdom in accordance with these Regulations at the date of the termination;
- (c) he satisfies the condition in paragraph (6); and
- (d) either—
- (i) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had resided in the United Kingdom for at least one year during its duration;
- (ii) the former spouse or civil partner of [<sup>F61</sup> the qualified person or the EEA national with a permanent right of residence ] has custody of a child of the qualified person;

- [<sup>F62</sup>(iii) the former spouse or civil partner of the qualified person or the EEA national with a permanent right of residence has the right of access to a child of the qualified person or the EEA national with a permanent right of residence, where the child is under the age of 18 and where a court has ordered that such access must take place in the United Kingdom; or ]
- (iv) the continued right of residence in the United Kingdom of the person is warranted by particularly difficult circumstances, such as he or another family member having been a victim of domestic violence while the marriage or civil partnership was subsisting.
- (6) The condition in this paragraph is that the person—
- (a) is not an EEA national but would, if he were an EEA national, be a worker, a self-employed person or a self-sufficient person under regulation 6; or
- (b) is the family member of a person who falls within paragraph (a).
- (7) In this regulation, “ educational course ” means a course within the scope of Article 12 of Council Regulation ( EEC ) No. 1612/68 on freedom of movement for workers <sup>M5</sup>.
- (8) A person with a permanent right of residence under regulation 15 shall not become a family member who has retained the right of residence on the death or departure from the United Kingdom of [<sup>F63</sup> the qualified person or the EEA national with a permanent right of residence ] or the termination of the marriage or civil partnership, as the case may be, and a family member who has retained the right of residence shall cease to have that status on acquiring a permanent right of residence under regulation 15.

#### Textual Amendments

- F55** Reg. 10(2)(a) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(a)** (with Sch. 3 )
- F56** Words in reg. 10(2)(b) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(d)** (with Sch. 3 )
- F57** Words in reg. 10(3)(a)(i) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(e)** (with Sch. 3 )
- F58** Words in reg. 10(3)(a)(iii) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(d)** (with Sch. 3 )
- F59** Words in reg. 10(3)(b) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(d)** (with Sch. 3 )
- F60** Reg. 10(5)(a) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(b)** (with Sch. 3 )
- F61** Words in reg. 10(5)(d)(ii) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(d)** (with Sch. 3 )
- F62** Reg. 10(5)(d)(iii) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(c)** (with Sch. 3 )
- F63** Words in reg. 10(8) substituted (16.7.2012) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2012 \(S.I. 2012/1547\)](#) , reg. 2(1) , **Sch. 1 para. 3(d)** (with Sch. 3 )

#### Marginal Citations

- M5** OJ No. L 257, 19.10.68, p. 2 (OJ/SE 1<sup>st</sup> series 1968, vol II, p. 475).

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006, PART 1.