
STATUTORY INSTRUMENTS

2006 No. 1003

The Immigration (European Economic Area) Regulations 2006

PART 1

INTERPRETATION ETC

“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—

[^{F1}(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 [^{F2} 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) [^{F3} 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 [^{F4} 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 [^{F5} 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—

[^{F6}(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 [^{F7} the qualified person or the EEA national with a permanent right of residence] has custody of a child of the qualified person;
 - [^{F8}(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 ^{M1} .

(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 [^{F9} 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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)

Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006, Section 10. (See end of Document for details)

Marginal Citations

M1 OJ No. L 257, 19.10.68, p. 2 (OJ/SE 1st series 1968, vol II, p. 475).

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There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2006, Section 10.