

SCHEDULE 1

Amendments to the Immigration (European Economic Area) Regulations 2006

Regulation 12 (issue of EEA family permit)

5. In regulation 12—

(a) after paragraph (1) insert—

“(1A) An entry clearance officer must issue an EEA family permit to a person who applies and provides proof that, at the time at which he first intends to use the EEA family permit, he—

(a) would be entitled to be admitted to the United Kingdom by virtue of regulation 11(5); and

(b) will (save in the case of a person who would be entitled to be admitted to the United Kingdom by virtue of regulation 11(5)(a)) be accompanying to, or joining in, the United Kingdom any person from whom his right to be admitted to the United Kingdom under regulation 11(5) will be derived.

(1B) An entry clearance officer must issue an EEA family permit to a family member who has retained the right of residence.”;

(b) in paragraph (5) from “is subject to a deportation or exclusion order” until the end substitute “is not entitled to be admitted to the United Kingdom as a result of regulation 19(1A) or falls to be excluded in accordance with regulation 19(1B)”; and

(c) after paragraph (5) insert—

“(6) An EEA family permit will not be issued under this regulation to a person (“A”) who is the spouse, civil partner or durable partner of a person (“B”) where a spouse, civil partner or durable partner of A or B holds a valid EEA family permit.”.