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STATUTORY INSTRUMENTS

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**2016 No. 1052**

**The Immigration (European Economic Area) Regulations 2016**

**PART 3**

**RESIDENCE DOCUMENTATION**

**Issue of registration certificate**

**17.—(1)** The Secretary of State must issue a registration certificate to a qualified person immediately on application and production of—

- (a) a valid national identity card or passport issued by an EEA State; and
- (b) proof that the applicant is a qualified person.

(2) In the case of a worker, confirmation of the worker's engagement from the worker's employer or a certificate of employment is sufficient proof for the purposes of paragraph (1)(b).

(3) The Secretary of State must issue a registration certificate to an EEA national who is the family member of a qualified person or of an EEA national with a right of permanent residence under regulation 15 immediately on application and production of—

- (a) a valid national identity card or passport issued by an EEA State; and
- (b) proof that the applicant is such a family member.

(4) The Secretary of State must issue a registration certificate to an EEA national who is a family member who has retained the right of residence on application and production of—

- (a) a valid national identity card or passport; and
- (b) proof that the applicant is a family member who has retained the right of residence.

(5) The Secretary of State may issue a registration certificate to an extended family member not falling within regulation 7(3) who is an EEA national on application if—

- (a) the application is accompanied or joined by a valid national identity card or passport;
- (b) the relevant EEA national is a qualified person or an EEA national with a right of permanent residence under regulation 15; and
- (c) in all the circumstances it appears to the Secretary of State appropriate to issue the registration certificate.

(6) Where the Secretary of State receives an application under paragraph (5) an extensive examination of the personal circumstances of the applicant must be undertaken by the Secretary of State and if the application is refused, the Secretary of State must give reasons justifying the refusal unless this is contrary to the interests of national security.

(7) A registration certificate issued under this regulation must state the name and address of the person registering and the date of registration.

(8) A registration certificate is—

- (a) proof of the holder's right to reside on the date of issue;
- (b) no longer valid if the holder ceases to have a right to reside under these Regulations;

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*Status: Point in time view as at 24/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, PART 3. (See end of Document for details)*

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(c) invalid if the holder never had a right to reside under these Regulations.

(9) This regulation is subject to regulations 24 (refusal to issue or renew and revocation of residence documentation) and 25 (cancellation of a right of residence).

### **Issue of residence card**

**18.**—(1) The Secretary of State must issue a residence card to a person who is not an EEA national and is the family member of a qualified person or of an EEA national with a right of permanent residence under regulation 15 on application and production of—

- (a) a valid passport; and
- (b) proof that the applicant is such a family member.

(2) The Secretary of State must issue a residence card to a person who is not an EEA national but who is a family member who has retained the right of residence on application and production of—

- (a) a valid passport; and
- (b) proof that the applicant is a family member who has retained the right of residence.

(3) On receipt of an application under paragraph (1) or (2) and the documents that are required to accompany the application the Secretary of State must immediately issue the applicant with a certificate of application for the residence card and the residence card must be issued no later than six months after the date on which the application and documents are received.

(4) The Secretary of State may issue a residence card to an extended family member not falling within regulation 7(3) who is not an EEA national on application if—

- (a) the application is accompanied or joined by a valid passport;
- (b) the relevant EEA national is a qualified person or an EEA national with a right of permanent residence under regulation 15; and
- (c) in all the circumstances it appears to the Secretary of State appropriate to issue the residence card.

(5) Where the Secretary of State receives an application under paragraph (4) an extensive examination of the personal circumstances of the applicant must be undertaken by the Secretary of State and if the application is refused, the Secretary of State must give reasons justifying the refusal unless this is contrary to the interests of national security.

(6) A residence card issued under this regulation is valid for—

- (a) five years from the date of issue; or
- (b) in the case of a residence card issued to the family member or extended family member of a qualified person, the envisaged period of residence in the United Kingdom of the qualified person,

whichever is the shorter.

(7) A residence card—

- (a) must be called “Residence card of a family member of [F1a Union citizen]”;
- (b) is proof of the holder’s right to reside on the date of issue;
- (c) is no longer valid if the holder ceases to have a right to reside under these Regulations;
- (d) is invalid if the holder never had a right to reside under these Regulations.

(8) This regulation is subject to regulations 24 and 25.

### Textual Amendments

- F1** Words in reg. 18(7)(a) substituted (31.1.2017) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2017 \(S.I. 2017/1\)](#), reg. 1(2), [Sch. para. 1](#)

### Issue of a document certifying permanent residence and a permanent residence card

**19.**—(1) The Secretary of State must, as soon as possible, issue an EEA national with a right of permanent residence under regulation 15 with a document certifying permanent residence on application and the production of—

- (a) a valid national identity card or passport issued by an EEA State; and
- (b) proof that the EEA national has a right of permanent residence.

(2) The Secretary of State must issue a person who is not an EEA national who has a right of permanent residence under regulation 15 with a permanent residence card no later than six months after an application is received and the production of—

- (a) a valid passport; and
- (b) proof that the person has a right of permanent residence.

(3) Subject to paragraph (4) a permanent residence card is valid for ten years from the date of issue and must be renewed on application.

(4) A document certifying permanent residence and a permanent residence card is—

- (a) proof that the holder had a right to reside under regulation 15 on the date of issue;
- (b) no longer valid if the holder ceases to have a right of permanent residence under regulation 15;
- (c) invalid if the holder never had a right of permanent residence under regulation 15.

(5) This regulation is subject to regulations 24 and 25.

### Issue of a derivative residence card

**20.**—(1) The Secretary of State must issue a person with a derivative residence card on application and on production of—

- (a) a valid national identity card issued by an EEA State or a valid passport; and
- (b) proof that the applicant has a derivative right to reside under regulation 16.

(2) On receipt of an application under paragraph (1) the Secretary of State must issue the applicant with a certificate of application as soon as possible.

(3) A derivative residence card issued under paragraph (1) is valid until—

- (a) the date five years from the date of issue; or
- (b) any earlier date specified by the Secretary of State when issuing the derivative residence card.

(4) A derivative residence card issued under paragraph (1) must be issued as soon as practicable.

(5) A derivative residence card is—

- (a) proof of the holder's derivative right to reside on the day of issue;
- (b) no longer valid if the holder ceases to have a derivative right to reside under regulation 16;
- (c) invalid if the holder never had a derivative right to reside under regulation 16.

(6) This regulation is subject to regulations 24 and 25.

*Status: Point in time view as at 24/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, PART 3. (See end of Document for details)*

## Procedure for applications for documentation under this Part and regulation 12

21.—(1) An application for documentation under this Part, or for an EEA family permit under regulation 12, must be made—

- (a) online, submitted electronically using the relevant pages of [www.gov.uk](http://www.gov.uk); or
- (b) by post or in person, using the relevant application form specified by the Secretary of State on [www.gov.uk](http://www.gov.uk).

(2) All applications must—

- (a) be accompanied <sup>F2</sup>... by the evidence or proof required by this Part or regulation 12, as the case may be, as well as that required by paragraph [<sup>F3</sup>(5)], within the time specified by the Secretary of State on [www.gov.uk](http://www.gov.uk); and
- (b) be complete.

(3) An application for a residence card or a derivative residence card must be submitted while the applicant is in the United Kingdom.

(4) When an application is submitted otherwise than in accordance with the requirements in this regulation, it is invalid.

[<sup>F4</sup>(4A) An application for documentation under this Part, or for an EEA family permit under regulation 12, is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5).]

(5) Where an application for documentation under this Part is made by a person who is not an EEA national on the basis that the person is or was the family member of an EEA national or an extended family member of an EEA national, the application must be accompanied <sup>F5</sup>... by a valid national identity card or passport in the name of that EEA national.

(6) Where—

- (a) there are circumstances beyond the control of an applicant for documentation under this Part; and
- (b) as a result, the applicant is unable to comply with the requirements to submit an application online or using the application form specified by the Secretary of State,

the Secretary of State may accept an application submitted by post or in person which does not use the relevant application form specified by the Secretary of State.

### Textual Amendments

- F2** Words in [reg. 21\(2\)\(a\)](#) omitted (24.7.2018) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(a\)](#)
- F3** Word in [reg. 21\(2\)\(a\)](#) substituted (31.1.2017) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2017 \(S.I. 2017/1\)](#), [reg. 1\(2\)](#), [Sch. para. 2](#)
- F4** [Reg. 21\(4A\)](#) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(b\)](#)
- F5** Words in [reg. 21\(5\)](#) omitted (24.7.2018) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(c\)](#)

## Verification of a right of residence

22.—(1) This regulation applies where the Secretary of State—

- (a) has reasonable doubt as to whether a person (“A”) has a right to reside or a derivative right to reside; or
  - (b) wants to verify the eligibility of a person (“A”) to apply for an EEA family permit or documentation issued under Part 3.
- (2) Where this regulation applies, the Secretary of State may invite A to—
- (a) provide evidence to support the existence of a right to reside or a derivative right to reside (as the case may be), or to support an application for an EEA family permit or documentation under this Part; or
  - (b) attend an interview with the Secretary of State.
- (3) If A purports to have a right to reside on the basis of a relationship with another person (“B”), (including, where B is a British citizen, through having lived with B in another EEA State), the Secretary of State may invite B to—
- (a) provide information about their relationship or residence in another EEA State; or
  - (b) attend an interview with the Secretary of State.
- (4) If without good reason A or B (as the case may be)—
- (a) fails to provide the information requested;
  - (b) on at least two occasions, fails to attend an interview if so invited;
- the Secretary of State may draw any factual inferences about A’s entitlement to a right to reside as appear appropriate in the circumstances.
- (5) The Secretary of State may decide following the drawing of an inference under paragraph (4) that A does not have or ceases to have a right to reside.
- (6) But the Secretary of State must not decide that A does not have or ceases to have a right to reside on the sole basis that A failed to comply with this regulation.
- (7) This regulation may not be invoked systematically.

**Status:**

Point in time view as at 24/07/2018.

**Changes to legislation:**

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