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STATUTORY INSTRUMENTS

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**2016 No. 1052**

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

**[<sup>F1</sup>PART 2**

**EEA RIGHTS**

**[<sup>F1</sup>Right of admission to the United Kingdom**

**11.**—(1) An EEA national must be admitted to the United Kingdom on arrival if the EEA national produces a valid national identity card or passport issued by an EEA State.

(2) A person who is not an EEA national must be admitted to the United Kingdom if that person is—

- (a) a family member of an EEA national and produces on arrival a valid passport and qualifying EEA State residence card, provided the conditions in regulation 23(4) (family member of EEA national must accompany or join EEA national with right to reside) are met; or
- (b) a family member of an EEA national, a family member who has retained the right of residence, a person who meets the criteria in paragraph (5) or a person with a right of permanent residence under regulation 15 and produces on arrival—
  - (i) a valid passport; and
  - (ii) a valid EEA family permit, residence card, derivative residence card or permanent residence card.

(3) An immigration officer must not place a stamp in the passport of a person admitted to the United Kingdom under this regulation who is not an EEA national if the person produces a residence card, a derivative residence card, a permanent residence card or a qualifying EEA State residence card.

(4) Before an immigration officer refuses admission to the United Kingdom to a person under this regulation because the person does not produce on arrival a document mentioned in paragraph (1) or (2), the immigration officer must provide every reasonable opportunity for the document to be obtained by, or brought to, the person or allow the person to prove by other means that the person is—

- (a) an EEA national;
  - (b) a family member of an EEA national with a right to accompany that EEA national or join that EEA national in the United Kingdom;
  - (c) a person who meets the criteria in paragraph (5); or
  - (d) a family member who has retained the right of residence or a person with a right of permanent residence under regulation 15.
- (5) The criteria in this paragraph are that a person (“P”)—
- (a) previously resided in the United Kingdom under regulation 16(3) and would be entitled to reside in the United Kingdom under that regulation were P in the country;

- (b) is accompanying an EEA national to, or joining an EEA national in, the United Kingdom and P would be entitled to reside in the United Kingdom under regulation 16(2) were P and the EEA national both in the United Kingdom;
  - (c) is accompanying a person (“the relevant person”) to, or joining the relevant person in, the United Kingdom and—
    - (i) the relevant person is residing, or has resided, in the United Kingdom under regulation 16(3); and
    - (ii) P would be entitled to reside in the United Kingdom under regulation 16(4) were P and the relevant person both in the United Kingdom;
  - (d) is accompanying a person who meets the criteria in sub-paragraph (b) or (c) (“the relevant person”) to the United Kingdom and—
    - (i) P and the relevant person are both—
      - (aa) seeking admission to the United Kingdom in reliance on this paragraph for the first time; or
      - (bb) returning to the United Kingdom having previously resided there pursuant to the same provisions of regulation 16 in reliance on which they now base their claim to admission; and
    - (ii) P would be entitled to reside in the United Kingdom under regulation 16(6) were P and the relevant person there; or
  - (e) is accompanying a British citizen to, or joining a British citizen in, the United Kingdom and P would be entitled to reside in the United Kingdom under regulation 16(5) were P and the British citizen both in the United Kingdom.
- (6) Paragraph (7) applies where—
- (a) a person (“P”) seeks admission to the United Kingdom in reliance on paragraph (5)(b), (c) or (e); and
  - (b) if P were in the United Kingdom, P would have a derived right to reside under regulation 16(8)(b)(ii).
- (7) Where this paragraph applies a person (“P”) must only be regarded as meeting the criteria in paragraph (5)(b), (c) or (e) where P—
- (a) is accompanying the person with whom P would on admission to the United Kingdom jointly share care responsibility for the purpose of regulation 16(8)(b)(ii); or
  - (b) has previously resided in the United Kingdom pursuant to regulation 16(2), (4) or (5) as a joint primary carer and seeks admission to the United Kingdom in order to reside there again on the same basis.
- (8) But this regulation is subject to regulations 23(1), (2), (3) and (4) and 31.
- [<sup>F2</sup>(9) A person is not entitled to be admitted by virtue of this regulation where that person is subject to a decision under regulation 23(6)(b) (removal decision).]

### Textual Amendments

**F1** Regulations revoked (31.12.2020) by Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20), s. 9(1), Sch. 1 para. 2(2) (with s. 4(2)); [S.I. 2020/1279](#), [reg. 4\(c\)](#) (with savings and modifications in: [S.I. 2020/1209](#), [regs. 3\(1\)\(2\)](#), [4\(1\)-\(3\)](#), [5-10](#) in relation to a relevant person for the purposes of final determination of applications during the grace period; [S.I. 2020/1210](#), [reg. 2](#), [Sch.](#) for the purpose of removing a person who is protected by the citizens’ rights provisions; [S.I. 2020/1309](#), [Sch. 3 paras. 1-6](#) in relation to deportation and exclusion orders, pending applications for documentation and existing appeal rights and appeals; and [S.I. 2020/1309](#), [Sch. 4 paras. 1, 2, 4](#) in

relation to access to benefits and services for persons who are members of the post-transition period group)

- F2** Reg. 11(9) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 5**

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

- C1** Reg. 11 modified by S.I. 1994/1405, art. 7 (as amended) (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), **11**
- C2** Reg. 11 modified by S.I. 1993/1813, Sch. 4 para. 5 (as amended) (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), **5(9)**
- C3** Reg. 11 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, **art. 5**) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(3), **6**
- C4** Reg. 11 continued (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(1)(2)**, 4(1)-(3), **6**
- C5** Reg. 11 continued (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), reg. 1(2), **Sch. 3 paras. 4-6**

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 11.