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STATUTORY INSTRUMENTS

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**2016 No. 1052**

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

**[<sup>F1</sup>PART 3**

**RESIDENCE DOCUMENTATION**

**[<sup>F1</sup>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 [<sup>F2</sup>a 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.]

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

- C1** Reg. 18 continued (with modifications) (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 para. 3(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 18.