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STATUTORY INSTRUMENTS

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**2016 No. 1052**

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

**PART 1**

**PRELIMINARY**

**“Worker”, “self-employed person”, “self-sufficient person” and “student”**

4.—(1) In these Regulations—

- (a) “worker” means a worker within the meaning of Article 45 of the Treaty on the Functioning of the European Union<sup>(1)</sup>;
- (b) “self-employed person” means a person who is established in the United Kingdom in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union<sup>(2)</sup>;
- (c) “self-sufficient person” means a person who has—
  - (i) sufficient resources not to become a burden on the social assistance system of the United Kingdom during the person’s period of residence; and
  - (ii) comprehensive sickness insurance cover in the United Kingdom;
- (d) “student” means a person who—
  - (i) is enrolled, for the principal purpose of following a course of study (including vocational training), at a public or private establishment which is—
    - (aa) financed from public funds; or
    - (bb) otherwise recognised by the Secretary of State as an establishment which has been accredited for the purpose of providing such courses or training within the law or administrative practice of the part of the United Kingdom in which the establishment is located;
  - (ii) has comprehensive sickness insurance cover in the United Kingdom; and
  - (iii) has assured the Secretary of State, by means of a declaration, or by such equivalent means as the person may choose, that the person has sufficient resources not to become a burden on the social assistance system of the United Kingdom during the person’s intended period of residence.

(2) For the purposes of paragraphs (3) and (4) below, “relevant family member” means a family member of a self-sufficient person or student who is residing in the United Kingdom and whose right to reside is dependent upon being the family member of that student or self-sufficient person.

(3) In sub-paragraphs (1)(c) and (d)—

- (a) the requirement for the self-sufficient person or student to have sufficient resources not to become a burden on the social assistance system of the United Kingdom during the

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(1) OJ No C326, 26.10.12, p65.

(2) OJ No C326, 26.10.12, p67.

intended period of residence is only satisfied if the resources available to the student or self-sufficient person and any of their relevant family members are sufficient to avoid the self-sufficient person or student and all their relevant family members from becoming such a burden; and

- (b) the requirement for the student or self-sufficient person to have comprehensive sickness insurance cover in the United Kingdom is only satisfied if such cover extends to cover both the student or self-sufficient person and all their relevant family members.

(4) In paragraph (1)(c) and (d) and paragraph (3), the resources of the student or self-sufficient person and, where applicable, any of their relevant family members, are to be regarded as sufficient if—

- (a) they exceed the maximum level of resources which a British citizen (including the resources of the British citizen’s family members) may possess if the British citizen is to become eligible for social assistance under the United Kingdom benefit system; or
- (b) paragraph (a) does not apply but, taking into account the personal circumstances of the person concerned and, where applicable, all their relevant family members, it appears to the decision maker that the resources of the person or persons concerned should be regarded as sufficient.

(5) For the purposes of regulation 16(2) (criteria for having a derivative right to reside), references in this regulation to “family members” includes a “primary carer” as defined in regulation 16(8).