

STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 2016

VALID FROM 25/11/2016

PART 1

PRELIMINARY

“Qualified person”

6.—(1) In these Regulations—

“jobseeker” means an EEA national who satisfies conditions A, B and, where relevant, C;

“qualified person” means a person who is an EEA national and in the United Kingdom as—

- (a) a jobseeker;
- (b) a worker;
- (c) a self-employed person;
- (d) a self-sufficient person; or
- (e) a student;

“relevant period” means—

- (a) in the case of a person retaining worker status under paragraph (2)(b), a continuous period of six months;
- (b) in the case of a jobseeker, 91 days, minus the cumulative total of any days during which the person concerned previously enjoyed a right to reside as a jobseeker, not including any days prior to a continuous absence from the United Kingdom of at least 12 months.

(2) A person who is no longer working must continue to be treated as a worker provided that the person—

- (a) is temporarily unable to work as the result of an illness or accident;
- (b) is in duly recorded involuntary unemployment after having been employed in the United Kingdom for at least one year, provided the person—
 - (i) has registered as a jobseeker with the relevant employment office; and
 - (ii) satisfies conditions A and B;
- (c) is in duly recorded involuntary unemployment after having been employed in the United Kingdom for less than one year, provided the person—
 - (i) has registered as a jobseeker with the relevant employment office; and
 - (ii) satisfies conditions A and B;
- (d) is involuntarily unemployed and has embarked on vocational training; or

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Changes to legislation: There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 6. (See end of Document for details)

- (e) has voluntarily ceased working and has embarked on vocational training that is related to the person's previous employment.
- (3) A person to whom paragraph (2)(c) applies may only retain worker status for a maximum of six months.
- (4) A person who is no longer in self-employment continues to be treated as a self-employed person if that person is temporarily unable to engage in activities as a self-employed person as the result of an illness or accident.
- (5) Condition A is that the person—
 - (a) entered the United Kingdom in order to seek employment; or
 - (b) is present in the United Kingdom seeking employment, immediately after enjoying a right to reside under sub-paragraphs (b) to (e) of the definition of qualified person in paragraph (1) (disregarding any period during which worker status was retained pursuant to paragraph (2)(b) or (c)).
- (6) Condition B is that the person provides evidence of seeking employment and having a genuine chance of being engaged.
- (7) A person may not retain the status of—
 - (a) a worker under paragraph (2)(b); or
 - (b) a jobseeker;for longer than the relevant period without providing compelling evidence of continuing to seek employment and having a genuine chance of being engaged.
- (8) Condition C applies where the person concerned has, previously, enjoyed a right to reside under this regulation as a result of satisfying conditions A and B—
 - (a) in the case of a person to whom paragraph (2)(b) or (c) applied, for at least six months; or
 - (b) in the case of a jobseeker, for at least 91 days in total,unless the person concerned has, since enjoying the above right to reside, been continuously absent from the United Kingdom for at least 12 months.
- (9) Condition C is that the person has had a period of absence from the United Kingdom.
- (10) Where condition C applies—
 - (a) paragraph (7) does not apply; and
 - (b) condition B has effect as if “compelling” were inserted before “evidence”.

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