
STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 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) [^{F1}or self-employed person status under paragraph (4)(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
- (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.

[^{F2}(4) A person who is no longer in self-employment must continue to be treated as a self-employed person provided that the person—

- (a) is temporarily unable to engage in activities as a self-employed person as the result of an illness or accident;
- (b) is in duly recorded involuntary unemployment after having worked as a self-employed person 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 D and E;
- (c) is in duly recorded involuntary unemployment after having worked as a self-employed person 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 D and E;
- (d) is involuntarily no longer in self-employment and has embarked on vocational training; or
- (e) has voluntarily ceased self-employment and has embarked on vocational training that is related to the person's previous occupation.

(4A) A person to whom paragraph (4)(c) applies may only retain self-employed person status for a maximum of six months.

(4B) Condition D is that the person—

- (a) entered the United Kingdom as a self-employed person or in order to seek employment as a self-employed person; or
- (b) is present in the United Kingdom seeking employment or self-employment, immediately after enjoying a right to reside under sub-paragraphs (c) to (e) of the definition of qualified person in paragraph (1) (disregarding any period during which self-employed status was retained pursuant to paragraph (4)(b) or (c)).

(4C) Condition E is that the person provides evidence of seeking employment or self-employment and having a genuine chance of being engaged.]

(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 [^{F3}sub-paragraphs (b), (d) or (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); ^{F4}...
- (b) a jobseeker; [^{F5}or (c) a self-employed person under paragraph (4)(b)]

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 [^{F6}or, as the case may be, conditions D and E]—

- (a) in the case of a person to whom paragraph (2)(b) or (c) [^{F7}or (4)(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 [^{F8}or, as the case may be, condition E] has effect as if “compelling” were inserted before “evidence”.

Textual Amendments

- F1** Words in reg. 6(1) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(a)**
- F2** Reg. 6(4)-(4C) substituted for reg. 6(4) (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(b)**
- F3** Words in reg. 6(5)(b) substituted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(c)**
- F4** Word in reg. 6(7)(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. 2(d)**
- F5** Reg. 6(7)(c) and word inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(e)**
- F6** Words in reg. 6(8) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(f)(i)**
- F7** Words in reg. 6(8)(a) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(f)(ii)**
- F8** Words in reg. 6(10)(b) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), **Sch. para. 2(g)**

Status:

Point in time view as at 24/07/2018. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 6.