
STATUTORY INSTRUMENTS

2016 No. 1052

The Immigration (European Economic Area) Regulations 2016

[^{F1}PART 1

PRELIMINARY

[^{F1}Family members [^{F2}and extended family members] of British citizens

9.—(1) If the conditions in paragraph (2) are satisfied, these Regulations apply to a person who is the family member (“F”) of a British citizen (“BC”) as though the BC were an EEA national.

[^{F3}(1A) These Regulations apply to a person who is the extended family member (“EFM”) of a BC as though the BC were an EEA national if—

- (a) the conditions in paragraph (2) are satisfied; and
- (b) the EFM was lawfully resident in the EEA State referred to in paragraph (2)(a)(i).]

(2) The conditions are that—

- (a) BC—
 - (i) is residing in an EEA State as a worker, self-employed person, self-sufficient person or a student, or so resided immediately before returning to the United Kingdom; or
 - (ii) has acquired the right of permanent residence in an EEA State;
- (b) F [^{F4}or EFM] and BC resided together in the EEA State; ^{F5}...
- (c) F [^{F6}or EFM] and BC’s residence in the EEA State was genuine.

[^{F7}[^{F8}(d) either—

- (i) F was a family member of BC during all or part of their joint residence in the EEA State;
- (ii) F was an EFM of BC during all or part of their joint residence in the EEA State, during which time F was lawfully resident in the EEA State; or
- (iii) EFM was an EFM of BC during all or part of their joint residence in the EEA State, during which time EFM was lawfully resident in the EEA State;]
- (e) genuine family life was created or strengthened during [^{F9}F or EFM and BC’s] joint residence in the EEA State]; [^{F10}and]

[^{F11}(f) the conditions in sub-paragraphs (a), (b) and (c) have been met concurrently.]

(3) Factors relevant to whether residence in the EEA State is or was genuine include—

- (a) whether the centre of BC’s life transferred to the EEA State;
- (b) the length of F [^{F12}or EFM] and BC’s joint residence in the EEA State;
- (c) the nature and quality of the F [^{F13}or EFM] and BC’s accommodation in the EEA State, and whether it is or was BC’s principal residence;

- (d) the degree of F [^{F14}or EFM] and BC's integration in the EEA State;
- (e) whether F's [^{F15}or EFM's] first lawful residence in the EU with BC was in the EEA State.
- (4) This regulation does not apply—
- (a) where the purpose of the residence in the EEA State was as a means for circumventing any immigration laws applying to non-EEA nationals to which F [^{F16}or EFM] would otherwise be subject (such as any applicable requirement under the 1971 Act to have leave to enter or remain in the United Kingdom); ^{F17}...
- ^{F18}(b)
- (5) Where these Regulations apply to F [^{F19}or EFM], BC is to be treated as holding a valid passport issued by an EEA State for the purposes of the application of these Regulations to F [^{F19}or EFM].
- (6) In paragraph (2)(a)(ii), BC is only to be treated as having acquired the right of permanent residence in the EEA State if such residence would have led to the acquisition of that right under regulation 15, had it taken place in the United Kingdom.
- (7) For the purposes of determining whether, when treating the BC as an EEA national under these Regulations in accordance with paragraph (1), BC would be a qualified person—
- (a) any requirement to have comprehensive sickness insurance cover in the United Kingdom still applies, save that it does not require the cover to extend to BC;
- (b) in assessing whether BC can continue to be treated as a worker under regulation 6(2)(b) or (c), BC is not required to satisfy condition A;
- (c) in assessing whether BC can be treated as a jobseeker as defined in regulation 6(1), BC is not required to satisfy conditions A and, where it would otherwise be relevant, condition C.]

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. 9 heading inserted (28.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Regulations 2019 \(S.I. 2019/468\)](#), regs. 1(2), [3\(4\)](#)
- F3** Reg. 9(1A) inserted (28.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Regulations 2019 \(S.I. 2019/468\)](#), regs. 1(2), [3\(5\)\(a\)](#)
- F4** Words in reg. 9(2)(b) inserted (28.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Regulations 2019 \(S.I. 2019/468\)](#), regs. 1(2), [3\(5\)\(b\)\(i\)](#)
- F5** Word in reg. 9(2)(b) omitted (24.7.2018) by virtue of [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), [Sch. para. 3\(a\)](#)
- F6** Words in reg. 9(2)(c) inserted (28.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Regulations 2019 \(S.I. 2019/468\)](#), regs. 1(2), [3\(5\)\(b\)\(ii\)](#)
- F7** Reg. 9(2)(d)(e) inserted (24.7.2018) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2018 \(S.I. 2018/801\)](#), reg. 1(2), [Sch. para. 3\(b\)](#)
- F8** Reg. 9(2)(d) substituted (15.8.2019) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2019 \(S.I. 2019/1155\)](#), regs. 1, [2\(6\)\(a\)](#)

- F9** Words in reg. 9(2)(e) substituted (28.3.2019) by virtue of The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(b)(iv)**
- F10** Word in reg. 9(2)(e) inserted (15.8.2019) by The Immigration (European Economic Area) (Amendment) Regulations 2019 (S.I. 2019/1155), regs. 1, **2(6)(b)**
- F11** Reg. 9(2)(f) inserted (15.8.2019) by The Immigration (European Economic Area) (Amendment) Regulations 2019 (S.I. 2019/1155), regs. 1, **2(6)(c)**
- F12** Words in reg. 9(3)(b) inserted (28.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(c)(i)**
- F13** Words in reg. 9(3)(c) inserted (28.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(c)(ii)**
- F14** Words in reg. 9(3)(d) inserted (28.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(c)(iii)**
- F15** Words in reg. 9(3)(e) inserted (28.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(c)(iv)**
- F16** Words in reg. 9(4)(a) inserted (28.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(d)(i)(aa)**
- F17** Word in reg. 9(4)(a) omitted (28.3.2019) by virtue of The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(d)(i)(bb)**
- F18** Reg. 9(4)(b) omitted (28.3.2019) by virtue of The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(d)(ii)**
- F19** Words in reg. 9(5) inserted (28.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019 (S.I. 2019/468), regs. 1(2), **3(5)(e)**

Modifications etc. (not altering text)

- C1** Reg. 9 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), 5
- C2** Reg. 9 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 paras. 4-6**
- C3** Reg. 9 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. 4 paras. 1, 2, **4** (as amended (2.2.2023) by The Immigration (Restrictions on Employment etc.) (Amendment) (EU Exit) Regulations 2023 (S.I. 2023/12), **reg. 5(2)(a)**)

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) Regulations 2016, Section 9.