
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (European Economic Area) Regulations 2016 ([S.I. 2016/1052](#), “the principal Regulations”).

Paragraph 1 of the Schedule amends regulation 18(7)(a) so that a residence card must be called “Residence card of a family member of a Union citizen” instead of “Residence card of a family member of an EEA national”.

Paragraph 2 of the Schedule corrects an incorrect cross-reference in regulation 21(2)(a).

Paragraph 3 of the Schedule amends regulation 24(6) to ensure that immigration officers can revoke EEA family permits. This reflects the wording contained in the corresponding provision of the Immigration (European Economic Area) Regulations 2006 ([S.I. 2006/1003](#) “the 2006 Regulations”), which will be revoked by the principal Regulations on 1st February 2017.

Paragraph 4 of the Schedule inserts a new savings provision in paragraph 3 into Schedule 4 to make it clear that the principal Regulations do not affect an appeal against, or a person’s right to appeal against, an EEA decision made under the 2006 Regulations.

Paragraph 5 of the Schedule inserts a new transitional provision in paragraph 9 into Schedule 6. This largely reflects transitional provision made by paragraph 2 of Schedule 3 to the Immigration (European Economic Area) (Amendment) Regulations 2012 ([S.I. 2012/1547](#), “the 2012 Regulations”), which addressed the position of persons who acted in reliance on the definition of an “EEA national” in the 2006 Regulations prior to the amendment of that definition by the 2012 Regulations. However, there is a variation to take account of the fact that: (i) any application for documentation that brings a family member within the scope of new paragraph 9 will now have been finally determined and therefore it is no longer necessary to preserve the application of the transitional provision for those who have outstanding appeal rights; and (ii) any EEA family permit issued following an application that brings a family member within the scope of new paragraph 9 would have been issued more than 6 months ago and therefore it is no longer necessary to preserve the application of the transitional provision for those who are yet to use their EEA family permit.

An impact assessment has not been produced for these Regulations as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.

F1 [Regulations revoked \(31.12.2020\) by The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\), regs. 1\(2\), 51](#)

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (European Economic Area) (Amendment) Regulations 2017 (revoked).