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Dear John

During the Second Reading on the EEA Nationals (Indefinite Leave to Remain) Bill on Friday 19 July, you asked for clarification of who constitutes a family member who could join an EEA national in the UK or accompany them here.

The EEA Nationals (Indefinite Leave to Remain) Bill proposes that the definition of a family member of an EEA national is as follows:

Family members of EEA nationals

For the purposes of section 1, a person will be regarded as—

(a) a "family member" if they are a person defined as such under regulation 7 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052);

(b) an "extended family member" if they are a person defined as such under regulation 8 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052).

The Immigration (European Economic Area) Regulations 2016 implement the Free Movement Directive in the UK. Regulation 7 provides for the following so-called 'direct' family members:

- spouse or civil partner;
- direct descendants of the EEA national or of their spouse or civil partner who are:
 - under the age of 21; or
 - dependants of the EEA national or of their spouse or civil partner; and
- dependent direct relatives in the ascending line of the EEA national or of their spouse or civil partner.

Regulation 8 provides for the following extended family members who are not a family member under regulation 7:

- the partner (other than a civil partner) of an EEA national who can prove they are in a durable relationship with the EEA national;
- a relative of an EEA national who is residing in a country other than the UK and is dependent on the EEA national or is a member of their household, and either:

- is accompanying the EEA national to the UK or wishes to join them here; or
- has joined them in the UK and continues to be dependent on them or to be a member of their household;
- a relative of an EEA national who strictly requires the personal care of the EEA national on serious health grounds; or
- a relative of an EEA national who would meet the requirements of the Immigration Rules (other than those relating to entry clearance) for indefinite leave to enter or remain as a dependent relative of the EEA national.

Consistent with the draft Withdrawal Agreement with the EU and with our published policy on citizens' rights in a 'no deal' scenario,¹ the definitions of a family member of an EEA national under the EU Settlement Scheme reflect the scope of the direct and extended family definitions in the Immigration (European Economic Area) Regulations 2016 and the Free Movement Directive. The definitions can be found in the Immigration Rules for the scheme in Annex 1 of Appendix EU to the Rules (copy attached).

I hope this letter addresses the point you raised. I will also place a copy of this letter in the House library.

With very best wishes
Diana

BARONESS BARRAN

Viscount Waverley
House of Lords

¹ <https://www.gov.uk/government/publications/policy-paper-on-citizens-rights-in-the-event-of-a-no-deal-brexit>

1. Home (<https://www.gov.uk/>)
2. Entering and staying in the UK (<https://www.gov.uk/entering-staying-uk>)
3. Immigration adviser services (<https://www.gov.uk/entering-staying-uk/immigration-adviser-services>)

Immigration Rules

From:: **Home Office**
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Immigration Rules Appendix EU

EU, other EEA and Swiss citizens and family members

Appendix EU

EU, other EEA and Swiss citizens and their family members

Purpose

EU1. This Appendix sets out the basis on which an **EEA citizen** and their family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.

Requirements and procedure

EU2. The applicant will be granted indefinite leave to enter (where the application is made outside the UK) or indefinite leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and
- The applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU3. The applicant will be granted five years' limited leave to enter (where the application is made outside the UK) or five years' limited leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- The applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU4. Where a person has been granted limited leave to enter or remain under this Appendix:

- They must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to their dependency on another person) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- They remain able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 are met.

EU5. Where a person has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix and that person also has a right to enter or reside under the **EEA Regulations**, the leave does not have effect to the person's detriment in so far as the leave is incompatible with that right to enter or reside for as long as that person has that right.

EU6. A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.

EU7. Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

EU8. Annex 2 applies to the consideration by the Secretary of State of a valid application made under this Appendix.

Valid application

EU9. A valid application has been made under this Appendix where:

- (a) It has been made using the **required application process**;
- (b) The **required proof of identity and nationality** has been provided;
- (c) The **required proof of entitlement to apply from outside the UK** has been provided, where the application is made outside the UK; and
- (d) The **required biometrics** have been provided.

EU10. An application will be rejected as invalid where it does not meet the requirements in paragraph EU9.

Eligibility for indefinite leave to enter or remain

Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen or their family member, or as a person with a derivative right to reside or with a Zambrano right to reside

EU 11. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **relevant EEA citizen** or their family member (or as a **person with a derivative right to reside** or a **person with a Zambrano right to reside**) where the Secretary of State is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application, one of conditions 1 to 7 set out in the following table is met:

Condition	Is met where:
1.	<ul style="list-style-type: none">(a) The applicant is:<ul style="list-style-type: none">(i) a relevant EEA citizen; or(ii) a family member of a relevant EEA citizen; or(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and(b) The applicant has a documented right of permanent residence; and(c) No supervening event has occurred

Condition	Is met where:
2.	<p>(a) The applicant is:</p> <p>(i) a relevant EEA citizen; or</p> <p>(ii) a family member of a relevant EEA citizen; or</p> <p>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and</p> <p>(b) There is valid evidence of their indefinite leave to enter or remain</p>
3.	<p>(a) The applicant is:</p> <p>(i) a relevant EEA citizen; or</p> <p>(ii) a family member of a relevant EEA citizen; or</p> <p>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</p> <p>(iv) a person with a derivative right to reside; or</p> <p>(v) a person with a Zambrano right to reside; and</p> <p>(b) The applicant has completed a continuous qualifying period of five years in any (or any combination) of those categories; and</p> <p>(c) Since then no supervening event has occurred</p>
4.	<p>(a) The applicant is a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) Since they did so, no supervening event has occurred</p>
5.	<p>(a) The applicant is a family member of a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) The relevant EEA citizen:</p> <p>(i) Has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the Islands); or</p> <p>(ii) Would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; and</p> <p>(c) Sub-paragraph (a) was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(d) Since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred</p>
6.	<p>(a) The applicant is a family member of a relevant EEA citizen who has died and the relevant EEA citizen was resident in the UK as a worker or self-employed person at the time of their death; and</p> <p>(b) The relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least two years before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(c) The applicant was resident in the UK with the relevant EEA citizen immediately before their death and since then no supervening event has occurred</p>

Condition	Is met where:
7.	<p>(a) The applicant is a child under the age of 21 years of a relevant EEA citizen, or of their spouse or civil partner, and either:</p> <p>(i) The marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) The person who is now their spouse or civil partner was the durable partner of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(b) The relevant EEA citizen (or, as the case may be, their spouse or civil partner):</p> <p>(i) Has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the Islands); or</p> <p>(ii) (In the case of a person who is an Irish citizen as a matter of Irish law and who has not made a valid application under this Appendix) would be granted that leave if they made such an application</p>

Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen

EU12. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has a documented right of permanent residence; and</p> <p>(c) No supervening event has occurred</p>
2.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) There is valid evidence of their indefinite leave to enter or remain</p>

Condition	Is met where:
3.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has completed a continuous qualifying period in the UK of five years in either (or any combination) of those categories; and</p> <p>(c) The applicant was, for any period of residence as a family member of a qualifying British citizen relied upon under sub-paragraph (b), in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(d) Since completing the continuous qualifying period of five years, no supervening event has occurred</p>
4.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen (and the marriage or civil partnership was formed before the specified date); and</p> <p>(b) The applicant is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under this Appendix</p>

EU13. The reference to the applicant completing a continuous qualifying period of five years:

- In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside before becoming the family member of a qualifying British citizen; and
- In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside.

Eligibility for limited leave to enter or remain

EU14. The applicant meets the eligibility requirements for limited leave to enter or remain where the Secretary of State is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, condition 1 or 2 set out in the following table is met:

Condition	Is met where:
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Condition	Is met where:
1.	<p>(a) The applicant is:</p> <p>(i) a relevant EEA citizen; or</p> <p>(ii) a family member of a relevant EEA citizen; or</p> <p>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</p> <p>(iv) a person with a derivative right to reside; or</p> <p>(v) a person with a Zambrano right to reside; and</p> <p>(b) The applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period of less than five years</p>
2.	A or B applies:
A.	<p>(a) The applicant is:</p> <p>(i) A family member of a qualifying British citizen and is (or, as the case may be, for the relevant period was) in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations, regardless of whether in the UK the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person under regulation 6 of the EEA Regulations; or</p> <p>(ii) A family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) In either case, the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period in the UK of less than five years</p>
B.	<p>(a) The applicant is child under the age of 21 years of the spouse or civil partner of the qualifying British citizen (and the marriage or civil partnership was formed before the specified date); and</p> <p>(b) The applicant is (or, as the case may be, for the relevant period was) in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations, regardless of whether in the UK the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person under regulation 6 of the EEA Regulations; and</p> <p>(c) The spouse or civil partner has been or is being granted limited leave to enter or remain under this Appendix</p>

Suitability

EU15. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or
- (b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(2) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to an **Islands deportation order**; or
- (b) The applicant is subject to an **Islands exclusion decision**.

EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Secretary of State is satisfied that it is proportionate to refuse the application where:

- (a) In relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or
- (b) The applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights under Directive 2004/38/EC.

EU17. The references in paragraphs EU15 and EU16 to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

Annex 1 - Definitions

Term	Definition
adopted child	<p>a child adopted in accordance with a decision taken:</p> <p>(a) by the competent administrative authority or court in the UK or the Islands; or</p> <p>(b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or</p> <p>(c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption</p>
child	<p>(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or of a qualifying British citizen) or of their spouse or civil partner; or</p> <p>(b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen (or of a qualifying British citizen) or of their spouse or civil partner; and</p> <p>(ii) dependent on the relevant EEA citizen (or on the qualifying British citizen) or on their spouse or civil partner, unless the applicant was previously granted limited leave to enter or remain under this Appendix as a child on the basis that sub-paragraph (a) above applied (or under its equivalent in the Islands on that basis)</p> <p>'dependent' means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or of the qualifying British citizen) or of their spouse or civil partner; and</p> <p>(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or by the qualifying British citizen) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) 'child' includes:</p> <p>(i) an adopted child of; or</p> <p>(ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or</p> <p>(iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or</p> <p>(iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or</p>

Term	Definition
	<p>(v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or</p> <p>(vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</p> <p>(vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or</p> <p>(x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or</p> <p>(xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian, (as the case may be) a relevant EEA citizen (or a qualifying British citizen) or their spouse or civil partner, but 'child' does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) 'direct descendant' also includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 of this Appendix or condition 4 in the table in paragraph EU12; and</p> <p>(c) 'spouse or civil partner' means (as the case may be) the person described in subparagraph (a)(i) of the entry for 'family member of a qualifying British citizen' or in subparagraph (a) of the entry for 'family member of a relevant EEA citizen' in this table</p>
civil partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is, or (as the case may be) for the relevant period was, in a same sex relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or with a qualifying British citizen); and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a civil partnership of convenience; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p>

Term	Definition
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a civil partnership, durable partnership or marriage entered into as a means to circumvent:</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or</p> <p>(b) any other provision of UK immigration law or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Islands under Islands law</p>
<p>continuous qualifying period</p>	<p>a period of residence in the UK and Islands (save for the purpose of meeting condition 3 in the table in paragraph EU12 of this Appendix or condition 2A in the table in paragraph EU14, where the period of residence must be in the UK):</p> <p>(a) which began before the specified date; and</p> <p>(b) during which none of the following occurred:</p> <p>(i) absence(s) from the UK and Islands which exceeded a total of six months in any 12-month period, except for:</p> <p>(aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting); or</p> <p>(bb) any period of absence on compulsory military service; or</p> <p>(cc) any period of absence on a posting on Crown service or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service; or</p> <p>(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or</p> <p>(iii) any of the following, unless it has been set aside or no longer has effect in respect of the person:</p> <p>(aa) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(bb) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than under the EEA Regulations; or</p> <p>(ee) an Islands deportation order; or</p> <p>(ff) an Islands exclusion decision; and</p> <p>(c) (where the period is less than five years) which continues at the date of application</p>
<p>Crown service</p>	<p>service as:</p> <p>(a) a member of HM Forces (as defined in the Armed Forces Act 2006); or</p> <p>(b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or</p> <p>(c) a permanent member of the British Council</p>

Term	Definition
custody of a child	the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and those which are subject to a court order for determining with whom the child is to live and when
date of application	<p>the date on which the application is submitted under the required application process, which means:</p> <p>(a) (in the case of the relevant on-line application form) the date on which that form is submitted on-line; or</p> <p>(b) (in the case of a paper application form):</p> <p>(i) the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or</p> <p>(ii) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office address specified on the form</p>
dependent parent	<p>the direct relative in the ascending line of a relevant EEA citizen (or of a qualifying British citizen) or of their spouse or civil partner</p> <p>in addition:</p> <p>(a) 'direct relative in the ascending line' includes a grandparent or great-grandparent; and</p> <p>(b) 'spouse or civil partner' means (as the case may be) the person described in subparagraph (a)(i) of the entry for 'family member of a qualifying British citizen' or in subparagraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (or on the qualifying British citizen), or on their spouse or civil partner, is assumed</p>
dependent relative	<p>(a) a relative of their sponsor but not the sponsor's spouse, civil partner, durable partner, child or dependent parent; and the relative is, or (as the case may be) for the relevant period was, a dependant of the sponsor, a member of their household or in strict need of their personal care on serious health grounds; and</p> <p>(b) the person holds a relevant document as the dependent relative of their sponsor for the period of residence relied upon</p> <p>'sponsor' means here:</p> <p>(a) a relevant EEA citizen who has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix (or who would be granted that leave, if they made a valid application under this Appendix); or</p> <p>(b) the spouse or civil partner of such a relevant EEA citizen, where the application for that relevant document was made before 1 February 2017; or</p> <p>(c) a qualifying British citizen</p>

Term	Definition
deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of conduct committed after the specified date, or conduct committed before that date where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)</p> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
documented right of permanent residence	<p>the Secretary of State is satisfied from the information available to them that:</p> <p>(a)(i) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the EEA Regulations, or with a residence permit or residence document under the Immigration (European Economic Area) Order 1994 endorsed to show permission to remain in the UK indefinitely; and</p> <p>(ii) this document or card is not invalid under regulation 19(4)(c); and</p> <p>(iii) this document or card has not been revoked, and its renewal has not been refused, under regulation 24 (except where the revocation or refusal occurred because the person had been absent from the UK for a period of more than two, and no more than five, consecutive years); and</p> <p>(iv) the person’s right to reside has not been cancelled under regulation 25; or</p> <p>(b) the person has been given notice in writing under paragraphs 256 to 257A of the Immigration Rules of the Bailiwick of Guernsey showing that they may remain indefinitely, and this notice has not been revoked or otherwise ceased to be effective; or</p> <p>(c) the person has been issued by the relevant Minister with a document in accordance with paragraphs 255 to 258 of the Immigration Rules of the Bailiwick of Jersey in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or otherwise ceased to be effective; or</p> <p>(d) the person has been issued with a letter certifying permanent residence, or their passport has been stamped to that effect, under the Immigration (European Economic Area) Regulations of the Isle of Man, and this evidence has not been revoked, invalidated or cancelled</p>

Term	Definition
durable partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or with a qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) the person holds a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) for the period of residence relied upon, unless the date of application is after 31 December 2020 and the person was resident outside the UK at that date; and</p> <p>(c) it is, or (as the case may be) for the relevant period was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p> <p>in addition, to meet condition 6 in the table in paragraph EU11 of this Appendix, the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen rather than to the date of application</p>
educational course	a general educational course, apprenticeship or vocational training course, as provided by regulation 10(7) of the EEA Regulations
EEA Regulations	the Immigration (European Economic Area) Regulations 2016 (as they have effect at the date of application or as they had effect immediately before they were revoked)
EEA citizen	a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a relevant naturalised British citizen) is not also a British citizen
evidence of birth	<p>(a) (in the case of a child) the full birth certificate(s) or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or of the qualifying British citizen) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) of the entry for 'family member of a qualifying British citizen' or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; or</p> <p>(b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or of the qualifying British citizen) or of their spouse or civil partner, as described in sub-paragraph (a) above</p>

Term	Definition
exclusion decision	<p>a direction given by the Secretary of State that a person must be refused entry to the UK on the ground that that person's presence in the UK would not be conducive to the public good:</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain"; and for "an EEA decision" read "an exclusion direction")</p>
exclusion order	<p>an order made under regulation 23(5) of the EEA Regulations</p>
family member of a qualifying British citizen	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that:</p> <p>(a) they are (and for the relevant period have been), or (as the case may be) for the relevant period they were, resident in the UK before the specified date as:</p> <p>(i) the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable before the specified date; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(iii) the child or dependent parent of a qualifying British citizen; or</p> <p>(iv) the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (i) above; or</p> <p>(v) the dependent relative of a qualifying British citizen and that family relationship and the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date; and</p> <p>(b) they satisfied the conditions in regulation 9(2) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) immediately before returning to the UK with the qualifying British citizen (who is to be treated as the British citizen ("BC") to whom those provisions refer)</p>

Term	Definition
family member of a relevant EEA citizen	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <p>(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and:</p> <p>(i) the partnership was formed and was durable before the specified date; and</p> <p>(ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or</p> <p>(c) the child or dependent parent of a relevant EEA citizen; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above; or</p> <p>(e) resident in the UK before the specified date as the dependent relative of a relevant EEA citizen (or of their spouse or civil partner, where the application for the relevant document referred to in the entry for 'dependent relative' in this table was made before 1 February 2017) and that family relationship and the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date (or, as the case may be, before 1 February 2017)</p>

Term	Definition
family member who has retained the right of residence	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (d) below are met:</p> <p>(a) the applicant is an EEA citizen or non-EEA citizen who:</p> <p>(i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and</p> <p>(ii) was resident in the UK as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period of at least a year immediately before the death of that person; or</p> <p>(b) the applicant is an EEA citizen or non-EEA citizen who:</p> <p>(i) is the child of:</p> <p>(aa) a relevant EEA citizen (or of a qualifying British citizen) who has died or of their spouse or civil partner immediately before their death; or</p> <p>(bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the UK or of their spouse or civil partner at that point; and</p> <p>(ii) was attending an educational course in the UK immediately before the relevant EEA citizen (or the qualifying British citizen) died or ceased to be a relevant EEA citizen (or a qualifying British citizen), and continues to attend such a course; or</p> <p>(c) the applicant is an EEA citizen or non-EEA citizen who is the parent with custody of a child who meets the requirements of sub-paragraph (b); or</p> <p>(d) the applicant ("A") is an EEA citizen or non-EEA citizen who:</p> <p>(i) ceased to be a family member of a relevant EEA citizen (or a qualifying British citizen) on the termination of the marriage or civil partnership of A; for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or that qualifying British citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and</p> <p>(ii) was resident in the UK at the date of the termination; and</p> <p>(iii) one of the following applies:</p> <p>(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had been resident in the UK for a continuous qualifying period of at least one year during its duration; or</p> <p>(bb) A has custody of a child of the relevant EEA citizen (or the qualifying British citizen); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or the qualifying British citizen), where the child is under the age of 18 years and where a court has ordered that such access must take place in the UK; or</p> <p>(dd) the continued right of residence in the UK of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting</p>
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time

Term	Definition
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain"; and for "an EEA decision" read "a deportation decision")
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be refused entry to the Island concerned on the ground that that person's presence there would not be conducive to the public good, except for such a direction made in respect of conduct committed before the specified date (unless the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain"; and for "an EEA decision" read "an exclusion direction")
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen

Term	Definition
person who has ceased activity	<p>the person:</p> <p>(a) has terminated activity as a worker or self-employed person in the UK and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in the UK for at least 12 months and resided in the UK and Islands for a continuous qualifying period of more than three years; or</p> <p>(b) 'stopped being a worker or self-employed person in the UK owing to permanent incapacity to work, having resided in the UK and Islands for a continuous qualifying period of more than the preceding two years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the UK; or</p> <p>(c) resided in the UK for a continuous qualifying period of at least three years as a worker or self-employed person, immediately before becoming a worker or self-employed person in a country listed in the entry for 'EEA citizen' in this table, while retaining a place of residence in the UK to which they return, as a rule, at least once a week</p> <p>in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b) above do not apply where the Secretary of State is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen is the spouse or civil partner of a British citizen (substituting 'British citizen' for 'relevant EEA citizen' in the entry for, as the case may be, 'spouse' or 'civil partner' in this table)</p>
person with a derivative right to reside	<p>a person with, by the specified date, a right to reside in the UK by virtue of regulation 16(1) of the EEA Regulations:</p> <p>(a) regardless of whether, in respect of the criterion in regulation 16(2)(b)(ii) of the EEA Regulations, the EEA citizen meets, or (as the case may be) met, the requirement in regulation 4(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK; and</p> <p>(b) excluding a person satisfying the criteria in:</p> <p>(i) paragraph (5) of regulation 16(1) of the EEA Regulations; or</p> <p>(ii) paragraph (6)(c) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the UK under paragraph (5)</p>
person with a Zambrano right to reside	<p>a person:</p> <p>(a) with, by the specified date, a right to reside in the UK by virtue of regulation 16(1) of the EEA Regulations, by satisfying the criteria in:</p> <p>(i) paragraph (5) of that regulation; or</p> <p>(ii) paragraph (6)(c) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the UK under paragraph (5); and</p> <p>(b) without leave to enter or remain in the UK granted under another part of these Rules</p>
qualifying British citizen	<p>a British citizen who:</p> <p>(a) has been or was resident in the UK with the applicant for a continuous qualifying period which corresponds or corresponded with the continuous qualifying period on which the applicant relies; and</p> <p>(b) satisfied regulation 9(2) and (4)(a) of the EEA Regulations (as the British citizen ("BC") to whom those provisions refer) immediately before returning to the UK with the applicant (who is to be treated as the family member ("F") to whom those provisions refer)</p>

Term	Definition
relevant document	<p>(a) a family permit, registration certificate, residence card, document certifying permanent residence or permanent residence card issued by the UK under the EEA Regulations (or the equivalent document or other evidence issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man); and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective and it remained valid for the period of residence relied upon</p>
relevant EEA citizen	<p>(a) an EEA citizen resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen who, having been resident in the UK and Islands as described in sub-paragraph (a) above:</p> <p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the Islands); or</p> <p>(ii) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; or</p> <p>(c) where the applicant is a family member of an EEA citizen resident in the UK and Islands for a continuous qualifying period who is a relevant naturalised British citizen, a relevant naturalised British citizen resident in the UK and Islands for a continuous qualifying period</p>
relevant naturalised British citizen	<p>a relevant EEA citizen as described in sub-paragraph (a) of the entry for 'relevant EEA citizen' in this table, who also:</p> <p>(a) comes within paragraph (b) of the definition of "EEA national" in regulation 2(1) of the EEA Regulations; and</p> <p>(b) meets the criteria contained in regulation 9A(2) or (3) as the dual national ("DN") to whom those provisions refer</p>
required application process	<p>(a) (unless sub-paragraph (b) or (c) applies) the relevant on-line application form and a relevant process set out in that form for:</p> <p>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</p> <p>(ii) providing the required biometrics; or</p> <p>(b) the required paper application form where this is mandated on gov.uk and a relevant process set out in that form for:</p> <p>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</p> <p>(ii) providing the required biometrics; or</p> <p>(c) a paper application form where this has been issued individually to the applicant by the Secretary of State, via the relevant process for this set out on gov.uk, and a relevant process set out in that form for:</p> <p>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</p> <p>(ii) providing the required biometrics</p>

Term	Definition
required biometrics	<p>(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and</p> <p>(b) (in the case of a non-EEA citizen without a specified relevant document making an application within the UK) the fingerprints of the applicant (also within that meaning of “biometric information”),</p> <p>in both cases provided in accordance with the required application process</p>
required evidence of family relationship	<p>in the case of:</p> <p>(a) a spouse without a documented right of permanent residence – a relevant document as the spouse of the relevant EEA citizen (or of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands;</p> <p>(b) a civil partner without a documented right of permanent residence – a relevant document as the civil partner of the relevant EEA citizen (or of the qualifying British citizen); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands;</p> <p>(c) a child without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their evidence of birth and, where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent in the Islands) as a child, evidence which satisfies the Secretary of State that sub-paragraph (b)(ii) of the entry for ‘child’ in this table is met;</p> <p>(d) a dependent parent without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their evidence of birth;</p> <p>(e) a durable partner:</p> <p>(i) a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the durable partnership continues to subsist (or did so for the period of residence relied upon); or</p> <p>(ii) where the applicant is seeking to come to the UK after 31 December 2020, evidence which satisfies the Secretary of State that the partnership was formed and was durable before that date and that the partnership remains durable; or</p> <p>(f) a dependent relative – a relevant document as the dependent relative of their sponsor (in the entry for ‘dependent relative’ in this table) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988), evidence which satisfies the Secretary of State that the relationship continues to subsist (or did so for the period of residence relied upon)</p> <p>in addition:</p> <p>(a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include their death certificate or other evidence which the Secretary of State is satisfied evidences</p>

Term	Definition
	<p>the death; and</p> <p>(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, the required evidence of family relationship must include:</p> <p>(i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, or the qualifying British citizen, of whom the applicant is a family member:</p> <p>(aa) (in the case of an EEA citizen or a qualifying British citizen) their valid passport (and 'valid' here and in sub-paragraph (bb) means that the document is genuine and has not expired or been cancelled or invalidated); or</p> <p>(bb) (in the case of an EEA citizen) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix,</p> <p>unless (in any case) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; and</p> <p>(ii) evidence which satisfies the Secretary of State that:</p> <p>(aa) where the applicant is a family member of a relevant EEA citizen, either that EEA citizen was a relevant EEA citizen as described in sub-paragraph (a) in the entry for 'relevant EEA citizen' in this table throughout the continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b) or (c) in the entry for 'relevant EEA citizen' in this table; or</p> <p>(bb) where the applicant is a family member of a qualifying British citizen, that British citizen was a qualifying British citizen throughout the continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; and</p> <p>(c) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Secretary of State can require the applicant to submit the original document where the Secretary of State has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required proof of entitlement to apply from outside the UK</p>	<p>(a) in the case of an EEA citizen:</p> <p>(i) their valid passport; or</p> <p>(ii) their valid national identity card, where this contains an interoperable biometric chip, unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; or</p> <p>(b) in the case of a non-EEA citizen, their valid specified relevant document, unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, 'valid' here means that the document is genuine and has not expired or been cancelled or invalidated</p>

Term	Definition
required proof of identity and nationality	<p>(a) in the case of an EEA citizen making an application within the UK: (i) their valid passport; or (ii) their valid national identity card; or (b) in the case of a non-EEA citizen making an application within the UK: (i) their valid passport; or (ii) their valid specified relevant document; or (iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), unless (in the case of (a) or (b)) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, 'valid' here means that the document is genuine and has not expired or been cancelled or invalidated</p>
self-employed person	<p>there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either:</p> <p>(a) a self-employed person as defined in regulation 4(1) of the EEA Regulations; or (b) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of "qualified person" under regulation 6 of the EEA Regulations</p>
specified date	<p>(a) if the United Kingdom withdraws from the European Union with a Withdrawal Agreement, 2300 GMT on 31 December 2020; or (b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement:</p> <p>(i) the date and time of withdrawal in the references to specified date in:</p> <ul style="list-style-type: none"> - condition 7 in the table in paragraph EU11 of this Appendix; - condition 4 in the table in paragraph EU12 of this Appendix; - condition 2B in the table in paragraph EU14 of this Appendix; - sub-paragraph (a) of the entry for 'continuous qualifying period' in this table; - the entry for 'deportation order' in this table; - the entry for 'exclusion decision' in this table; - sub-paragraph (a) of the entry for 'family member of a qualifying British citizen' in this table; - sub-paragraphs (a) and (b) of the entry for 'family member of a relevant EEA citizen' in this table; - the entry for 'Islands deportation order' and for 'Islands exclusion decision' in this table; - the entry for 'person with a derivative right of residence' in this table; - the entry for 'person with a Zambrano right of residence' in this table; and - sub-paragraph (a) of the entry for 'relevant EEA citizen' in this table; or <p>(ii) otherwise, such date as will be specified in this Appendix in due course</p>
specified relevant document	<p>within the meaning of 'relevant document' in the relevant entry in this table, a residence card or permanent residence card issued by the UK under the EEA Regulations on the basis of an application made on or after 6 April 2015</p>

Term	Definition
spouse	<p>(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen (or with a qualifying British citizen) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a marriage of convenience; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p>
supervening event	<p>at the date of application:</p> <p>(a) the applicant has been absent from the UK and Islands for a period of more than five consecutive years (at any point since they last acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man, or since they last completed a continuous qualifying period of five years); or</p> <p>(b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person:</p> <p>(i) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(ii) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(iii) an exclusion decision; or</p> <p>(iv) a deportation order, other than under the EEA Regulations; or</p> <p>(v) an Islands deportation order; or</p> <p>(vi) an Islands exclusion decision</p>
termination of the marriage or civil partnership	the date on which the order finally terminating the marriage or civil partnership is made by a court
the UK and Islands	the United Kingdom and the Islands taken together
valid evidence of their indefinite leave to enter or remain	<p>(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by the Home Office, confirming that the applicant has indefinite leave to enter or remain in the UK, which has not lapsed or been revoked or invalidated; or</p> <p>(b) the Secretary of State is otherwise satisfied from the evidence or information available to them that the applicant has indefinite leave to enter or remain in the UK or the Islands, which has not lapsed or been revoked or invalidated</p>

Term	Definition
worker	there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either: (a) a worker as defined in regulation 4(1) of the EEA Regulations; or (b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of "qualified person" under regulation 6 of the EEA Regulations

Annex 2 – Consideration of a valid application

A2.1. A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the Secretary of State; and
- (b) any other information or evidence made available to the Secretary of State (including from other government departments) at the date of decision.

A2.2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain, the Secretary of State may invite the applicant to:

- (a) provide further information or evidence that they meet those requirements; or
- (b) be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(2) If the applicant purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person ("P"), including where P is a qualifying British citizen, the Secretary of State may invite P to:

- (a) provide information or evidence about their relationship with the applicant, their residence in the UK or, where P is a qualifying British citizen, their residence in a country listed in the entry for 'EEA citizen' in the table at Annex 1 to this Appendix; or
- (b) be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or P (as the case may be):

- (a) fails to provide the information or evidence requested; or
- (b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the Secretary of State may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.

(4) The Secretary of State may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain.

(5) The Secretary of State must not decide that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the applicant or P failed on at least two occasions to comply with an invitation to be interviewed.

