

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to Parliament pursuant to section 3(2) of
the Immigration Act 1971*

*Ordered by the House of Commons to be printed
12 March 2020*

(This document is accompanied by an Explanatory Memorandum)

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¹STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by them as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 29 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC 523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014

¹ This Statement of Changes can be viewed at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675), 11 October 2018 (HC 1534), 11 December 2018 (HC 1779), 20 December 2018 (HC 1849), 7 March 2019 (HC 1919), 1 April 2019 (HC 2099), 9 September 2019 (HC 2631), 24 October 2019 (HC 170) and 30 January 2020 (HC 56).

Implementation

The following sections shall take effect on 6 April 2020. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain has been made before 6 April 2020, such applications will be decided in accordance with the Immigration Rules in force on 5 April 2020:

- Part 3 – Paragraph 3.1
- Appendix G – Paragraphs G1 to G4
- Appendix V – Paragraph V1

The following changes shall take effect on 6 April 2020. For administrative review applications made before 6 April 2020, the Immigration Rules in force on 5 April 2020 will apply:

- Appendix AR – Paragraph AR1

The other changes set out in this statement shall take effect on 6 April 2020.

Review

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2017; and

- (b) subject to the paragraph below, each successive period of five years.

If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

“Relevant Rule” means an Immigration Rule which:

- (a) imposes requirements, restrictions or conditions, or sets standards, in relation to any activity carried on by a business or voluntary or community body; or
- (b) relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions or standards which relate to any activity carried on by a business or voluntary or community body.

Changes to Part 3

- 3.1 In paragraph A57B(c)(iii), delete “Bridge Schools Inspectorate;” and delete “; the Schools Inspection Service”.

Changes to Part 5

- 5.1 For paragraph 144 (vi)(b)(1), substitute:

“(1) provides the specified documents from an English language test provider approved by the Secretary of State for these purposes which clearly show the applicant’s name, the qualification obtained (which must meet or exceed the standard described above in speaking and listening) and the date of the award. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk, or”.

Changes to Part 6A

- 6A.1 Delete paragraph 245HF (d)(vi)(4).
- 6A.2 Delete paragraph 245HF (d)(vi)(5).
- 6A.3 Delete paragraph 245HF (d)(vi)(6).
- 6A.4 Delete paragraph 245HF (d)(vi)(7).
- 6A.5 Delete paragraph 245HF (d)(vi)(8).

Changes to Part 9

- 9.1 For paragraph D320., substitute:

“D320(1). Part 9 does not apply to applications made under Appendix EU (Family Permit).

(2) Part 9 does not apply to applications made under Appendix EU.”.

9.2 In paragraph E320., for sub-paragraphs (3) and (4), substitute:

“(3) Part 9 does not apply to leave to enter or remain that was granted by virtue of Appendix EU, except for paragraphs 321B, 323(i), 323(ia), and 323(ii), which apply to such leave, regardless of the application of paragraph 5 of these Rules.”.

9.3 Delete paragraph F320.

9.4 For paragraph 321B., substitute:

“321B. A person’s leave to enter or remain which is in force on their arrival in or while they are outside the United Kingdom may be cancelled:

(a) If that person has leave to enter or remain in the United Kingdom granted by virtue of Appendix EU, or leave to enter the United Kingdom granted by virtue of having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit); and

(b)(i) The cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether those 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 “a decision under paragraph 321B of the Immigration Rules”); or

(ii) The cancellation is justified on the ground that it is conducive to the public good, on the basis of the person’s conduct committed after 2300 Greenwich Mean Time on 31 December 2020; or

(iii) The cancellation is justified on grounds that, in relation to the relevant application under Appendix EU or Appendix EU (Family Permit), and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were 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 was material to the decision to grant the applicant leave to enter or remain under Appendix EU or (as the case may be) an entry clearance under Appendix EU (Family Permit); or

(iv) In respect of leave to enter granted by virtue of having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit), since that entry clearance was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled; or

(v) Their leave to enter or remain was granted by virtue of Appendix EU and they cease to meet the requirements of that Appendix.”.

9.5 Delete paragraph 321C.

9.6 In paragraph 323., for sub-paragraph (i), substitute:

“(i) on any of the grounds set out in paragraph 322(2)-(5A) above (except where this paragraph applies in respect of a person granted leave under Appendix Armed Forces, where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2) and (3) above and paragraph 8(e) and (g) of Appendix Armed Forces”; and except where this paragraph applies in respect of a person granted leave to enter or remain under Appendix EU or granted leave to enter by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit), where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2)-(2A)”; or”.

9.7 In paragraph 323., for sub-paragraph (vi), substitute:

“(vi) if the person was granted their current period of leave as the dependant of a person (“P”) and P’s leave to enter or remain is being, or has been, curtailed; or”.

Changes to Appendix AR

AR.1 In Appendix AR2.11(a)(ii), for “paragraph 321A(2)”, substitute “paragraph 321A(2) or 321B(b)(iii)”.

Changes to Appendix AR (EU)

AR(EU).1 For paragraph AR(EU)1.1., substitute:

“AR(EU)1.1. An applicant may only apply for an administrative review where an eligible decision has been made under Appendix EU, an eligible decision being a decision to:

(a) Refuse their application under paragraph EU6 of Appendix EU because the applicant does not meet the eligibility requirements for indefinite leave to enter or remain under paragraph EU11 or EU12 or for limited leave to enter or

remain under paragraph EU14; or

(b) Grant limited leave to enter or remain under paragraph EU3 of Appendix EU and not indefinite leave to enter or remain under paragraph EU2.”.

AR(EU).2 For paragraph AR(EU)1.1A., substitute:

“AR(EU)1.1A. An eligible decision under paragraph AR(EU)1.1. also includes a decision made under paragraph 321B of Part 9 of these Rules to:

(a) Cancel leave granted under Appendix EU on the grounds that the person ceases to meet the requirements of that Appendix for that leave; or

(b) Cancel leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit), on the grounds that since that entry clearance was granted, there has been a change in circumstances that is, or would have been, relevant to that person’s eligibility for that entry clearance, such that their leave to enter ought to be cancelled.”.

AR(EU).3 For paragraph AR(EU)1.2., substitute:

“AR(EU)1.2. An applicant may not apply for an administrative review where a decision has been made under Appendix EU to refuse their application under paragraph EU6 on suitability grounds as set out in paragraph EU15 or EU16.”.

AR(EU).4 For paragraph AR(EU)1.3., substitute:

“AR(EU)1.3. An applicant may not apply for an administrative review where their application under Appendix EU has been rejected as invalid under paragraph EU10(1).”.

AR(EU).5 In paragraph AR(EU)2.1., for sub-paragraph (c), substitute:

“(c) Information or evidence that was not before the decision-maker has been provided to the reviewer which shows that the applicant qualifies for a grant, or for a different grant, of leave under Appendix EU.”.

Changes to Appendix EU

EU.1 For Appendix EU, substitute:

“Appendix EU: EU, other EEA and Swiss citizens and 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 as a **child, dependent parent or dependent relative**) 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. (1) 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.

(2) Paragraphs 18 to 19A of the Immigration Rules (returning residents) do not apply to indefinite leave to enter or remain granted under this Appendix. A person granted such leave may resume their residence in the UK where, having been absent from **the UK and Islands**, that leave has not lapsed under article 13 of the Immigration (Leave to Enter and Remain) Order 2000.

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, where the application is made within the UK;
- (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. (1) An application made under this Appendix will be rejected as invalid where it does not meet the requirements in paragraph EU9.

(2) In paragraph 34BB of these Rules, sub-paragraphs (3) to (5) do not apply to applications made under this Appendix.

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

EU11. 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.	(a) The applicant: <ul style="list-style-type: none"> (i) is a relevant EEA citizen; or (ii) is (or, as the case may be, was) a family member of a relevant EEA citizen; or (iii) is (or, as the case may be, was) 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
2.	(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) There is valid evidence of their indefinite leave to enter or remain
3.	(a) The applicant: <ul style="list-style-type: none"> (i) is a relevant EEA citizen; or (ii) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen; or (iii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or (iv) is a person with a derivative right to reside; or (v) is a person with a Zambrano right to reside; or (vi) is a person who had a derivative or Zambrano right to reside; and (b) The applicant has completed a continuous qualifying period of five years in any (or any combination) of those categories; and (c) Since then no supervening event has occurred
4.	(a) The applicant is a relevant EEA citizen who is a person who has ceased activity ; and (b) Since they did so, no supervening event has occurred
5.	(a) The applicant is (or, as the case may be, was) a family member of a relevant EEA citizen who is a person who has ceased activity; and (b) The relevant EEA citizen: <ul style="list-style-type: none"> (i) meets the requirements of sub-paragraph (b) of the definition

	<p>of relevant EEA citizen in Annex 1; or</p> <p>(ii) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); and</p> <p>(c) Sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(d) The applicant was resident in the UK and Islands for a continuous qualifying period immediately before the relevant EEA citizen became a person who has ceased activity; and</p> <p>(e) 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>
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 an Irish citizen who has not made a valid application under this Appendix) would be granted that leave if they made such an application; or</p> <p>(iii) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1)</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 (or, as the case may be, was):</p> <ul style="list-style-type: none"> (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and <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> <ul style="list-style-type: none"> (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and <p>(b) There is valid evidence of their indefinite leave to enter or remain</p>
3.	<p>(a) The applicant is (or, as the case may be, for the relevant period was):</p> <ul style="list-style-type: none"> (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and <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 in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (b), lawfully resident 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 either:</p> <ul style="list-style-type: none"> (i) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or (ii) the person who is now their spouse or civil partner was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of durable partner in Annex 1 being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and <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 (or thereafter a family member who has retained the right of residence by virtue of a relationship with 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 (or thereafter 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:
1.	(a) The applicant is: (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; or (iv) a person with a derivative right to reside; or (v) a person with a Zambrano right to reside; and (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
2.	(a) The applicant is: (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (c), lawfully resident 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 (c) 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

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; or
- (c)(i) The applicant:
 - (aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules; and

(ii) The refusal of the application is justified either:

(aa) In respect of conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(c) of Appendix EU to the Immigration Rules”); or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good; or

(d) The applicant is a **relevant excluded person** based on conduct committed before the specified date and the Secretary of State is satisfied that the decision to refuse the application 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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(d) of Appendix EU to the Immigration Rules”); or

(e) The applicant is a relevant excluded person based on conduct committed after the specified date.

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	a child adopted in accordance with a relevant adoption decision
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> <ul style="list-style-type: none"> (i) an adopted child of; or (ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or (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 (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 (v) a child subject to a permanence order made under section 80 of the Adoption and Children

	<p>(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</p> <p>(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,</p> <p>(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 sub-paragraph (a)(i) or (a)(ii) of the</p>
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	entry for ‘family member of a qualifying British citizen’ in this table or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table
civil partner	(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 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 (b) it is, or (as the case may be) for the relevant period was, not a civil partnership of convenience ; and (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
civil partnership of convenience durable partnership of convenience marriage of convenience	a civil partnership, durable partnership or marriage entered into as a means to circumvent: (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 (b) any other provision of UK immigration law or any requirement of the Immigration Rules; or (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 (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
continuous qualifying period	a period of residence in the UK and Islands (save in condition 3 in the table in paragraph EU12 of this Appendix; in condition 2 in the table in paragraph EU14 of this Appendix; in sub-paragraph (a)(ii) or (d)(iii)(aa) of the entry for ‘family member who has retained the right of residence’ in this table; in sub-paragraph (c) of the entry for ‘person who has ceased activity’ in this table; and in the entry for ‘person with a derivative right to reside’ and for ‘person with a Zambrano right to reside’ in this table, where (in each case) the period of residence must be in the UK and the reference in sub-paragraphs (b)(i) and (ii) below to the UK and Islands is to be read as a reference to the UK): (a) which began before the specified date; and (b) during which none of the following occurred:

	<p>(i) absence(s) from the UK and Islands which exceeded a total of six months in any 12-month period, except for:</p> <ul style="list-style-type: none"> (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 (bb) any period of absence on compulsory military service; or (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 (dd) any period spent working in the UK marine area (as defined in section 42 of the Marine and Coastal Access Act 2009); or <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> <ul style="list-style-type: none"> (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 (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 (cc) an exclusion decision; or (dd) a deportation order, other than by virtue of the EEA Regulations; or (ee) an Islands deportation order; or (ff) an Islands exclusion decision; and <p>(c) (where the period is less than five years and the person has not acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the</p>
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	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) which continues at the date of application
Crown service	service as: (a) a member of HM Forces (as defined in the Armed Forces Act 2006); or (b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or (c) a permanent member of the British Council
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 and time of withdrawal	2300 GMT on 31 January 2020
date of application	the date on which the application is submitted under the required application process, which means: (a) (in the case of the relevant on-line application form) the date on which that form is submitted on-line; or (b) (in the case of a paper application form): (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 (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
dependent parent	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 in addition: (a) 'direct relative in the ascending line' includes: (i) a grandparent or great-grandparent; and (ii) an adoptive parent of an adopted child; and (b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; and (c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (or on the qualifying British citizen) – where the relevant EEA citizen or the

	<p>qualifying British citizen is not a person under the age of 18 years, or on their spouse or civil partner, is assumed</p>
dependent relative	<p>the person:</p> <p>(a)(i)(aa) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of their sponsor; and</p> <p>(bb) 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; or</p> <p>(ii) is a person who is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of their sponsor; or</p> <p>(iii) is a person under the age of 18 years who:</p> <p>(aa) is the direct descendant of the durable partner of their sponsor; or</p> <p>(bb) has been adopted by the durable partner of their sponsor, in accordance with a relevant adoption decision; and</p> <p>(b) holds a relevant document (as described in sub-paragraph (a)(i) or (a)(ii) of that entry in this table) as the dependent relative of their sponsor for the period of residence relied upon</p> <p>in addition, ‘sponsor’ means:</p> <p>(a) (where sub-paragraphs (a)(i) and (b) above apply):</p> <p>(i) 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>(ii) the spouse or civil partner (as described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table) of 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>(iii) a qualifying British citizen; or</p> <p>(iv) the spouse or civil partner of a qualifying British citizen as described in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table; or</p> <p>(b) (where the first sub-paragraph (a)(ii) in this entry and sub-paragraph (b) above apply or the first sub-paragraph</p>

	<p>(a)(iii) in this entry and sub-paragraph (b) above apply):</p> <p>(i) 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>(ii) a qualifying British citizen</p>
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:</p> <p>(i) conduct committed after the specified date; or</p> <p>(ii) conduct committed before the specified 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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; 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</p>

	<p>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 (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>
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 described in sub-paragraph (a)(i) or (a)(ii) of that entry in this table) 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</p>

	death of the relevant EEA citizen rather than to the date of application
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)(i) 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 (ii) not also a British citizen; or (b) a relevant naturalised British citizen; or (c)(i) a national of a country listed in sub-paragraph (a)(i) above; and (ii) (where the applicant meets the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member (“F”) to whom that paragraph refers) a British citizen within the meaning of the person (“P”) to whom that paragraph refers
evidence of birth	(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) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or (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
exclusion decision	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: (a) in respect of conduct committed after the specified

	<p>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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)</p>
exclusion order	an order made under regulation 23(5) of the EEA Regulations
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 have (or, as the case may be, had) returned to the UK:</p> <p>(i) before 2300 GMT on 29 March 2022, as the spouse or civil partner of a qualifying British citizen, and:</p> <p style="padding-left: 2em;">(aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p style="padding-left: 2em;">(bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of ‘durable partner’ in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; or</p> <p>(ii) (where sub-paragraph (a)(i)(bb) above does not apply) before 2300 GMT on 31 December 2020, as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal; or</p> <p>(iii) before 2300 GMT on 29 March 2022, as the durable partner of a qualifying British citizen, and:</p> <p style="padding-left: 2em;">(aa) the partnership was formed and was durable before the date and time of withdrawal; and</p> <p style="padding-left: 2em;">(bb) the partnership remains durable at the date of application; or</p> <p>(iv) before 2300 GMT on 31 December 2020, as the durable partner of a qualifying British citizen, and:</p> <p style="padding-left: 2em;">(aa) the partnership was formed and was durable after the date and time of withdrawal; and</p> <p style="padding-left: 2em;">(bb) the partnership remains durable at the date of</p>

	<p>application; or</p> <p>(v) before 2300 GMT on 29 March 2022, as the child or dependent parent of a qualifying British citizen; or</p> <p>(vi) before 2300 GMT on 29 March 2022, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (a)(i) above; or</p> <p>(vii) before 2300 GMT on 31 December 2020, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (a)(ii) above; or</p> <p>(viii) before 2300 GMT on 31 December 2020, as the dependent relative of a qualifying British citizen, or (as the case may be) of their spouse or civil partner as described in sub-paragraph (a)(i) or (a)(ii) above, and that family relationship and (in sub-paragraph (a)(i)(bb) of the entry for ‘dependent relative’ in this table) 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 applicant returned to the UK with the qualifying British citizen; and</p> <p>(b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member (“F”) to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member (“EFM”) to whom those provisions refer), in either case doing so:</p> <p style="padding-left: 40px;">(i) before 2300 GMT on 31 December 2020; and</p> <p style="padding-left: 40px;">(ii) 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); and</p> <p>(c) (where the applicant does not rely on having a documented right of permanent residence, on having completed a continuous qualifying period in the UK of five years, or on being a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen) the family relationship continues to exist at the date of application</p>
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) the dependent relative, before 1 January 2021, of a relevant EEA citizen (or of their spouse or civil partner, as described in sub-paragraph (a) above) and the family relationship continues to exist at the date of application</p>
<p>family member who has retained the right of residence</p>	<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 as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period in the UK 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</p>

	<p>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 of 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 of the marriage or civil partnership; 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 for a continuous qualifying period in the UK 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</p>
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	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
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
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
Irish citizen	a person who is an Irish citizen as a matter of Irish law
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where 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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; 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: (a) in respect of conduct committed after the specified date; or (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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; 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
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 for a continuous qualifying period in the UK 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 sub-paragraph (a)(i) of 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 who had a derivative or Zambrano right to reside	a person who was a person with a derivative right to reside or, as the case may be, a person with a Zambrano right to reside, immediately before they became, as the case may be, a relevant EEA citizen, a family member of a relevant EEA citizen, a person with a derivative right to reside, a person with a Zambrano right to reside or a family

	<p>member of a qualifying British citizen, and they have since remained, to the date of application, in any (or any combination) of those categories or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen</p>
<p>person who is subject to a non-adoptive legal guardianship order</p>	<p>a person who has satisfied the Secretary of State that, before the specified date, they:</p> <ul style="list-style-type: none"> (a) are under the age of 18 years; and (b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a relevant EEA citizen or of a qualifying British citizen (who, in either case, is their ‘sponsor’ in accordance with the second sub-paragraph (b) in the entry for ‘dependent relative’ in this table) that: <ul style="list-style-type: none"> (i) is recognised under the national law of the state in which it was contracted; and (ii) places parental responsibility on a permanent basis on the relevant EEA citizen or on the qualifying British citizen (in either case, solely or jointly with another party); and (c) have lived with the relevant EEA citizen (or with the qualifying British citizen) since their placement under the guardianship order; and (d) have created family life with the relevant EEA citizen (or with the qualifying British citizen); and (e) have a personal relationship with the relevant EEA citizen (or with the qualifying British citizen) that involves dependency on the relevant EEA citizen (or on the qualifying British citizen) and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the relevant EEA citizen (or by the qualifying British citizen)
<p>person with a derivative right to reside</p>	<p>a person who has satisfied the Secretary of State, including (where applicable) by the required evidence of family relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period in which they rely on having been a person with a derivative right to reside (before they then became a person who had a derivative or Zambrano right to reside) they were, resident for a continuous qualifying period in the UK with a derivative right to reside by virtue of regulation 16(1) of the EEA Regulations:</p> <ul style="list-style-type: none"> (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

	<p>comprehensive sickness insurance cover in the UK; and</p> <p>(b) regardless (where the person was previously granted limited leave to enter or remain under this Appendix as a person with a derivative right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(2)(b)(i) or regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</p> <p>(c) excluding a person satisfying the criteria in:</p> <ul style="list-style-type: none"> (i) paragraph (5) of regulation 16(1) of the EEA Regulations; or (ii) paragraph (6) 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)
person with a Zambrano right to reside	<p>a person who has satisfied the Secretary of State, including (where applicable) by the required evidence of family relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period in which they rely on having been a person with a Zambrano right to reside (before they then became a person who had a derivative or Zambrano right to reside) they were:</p> <p>(a) resident for a continuous qualifying period in the UK with a derivative right to reside by virtue of regulation 16(1) of the EEA Regulations, by satisfying the criteria in:</p> <ul style="list-style-type: none"> (i) paragraph (5) of that regulation; or (ii) paragraph (6) 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), regardless (where the person was previously granted limited leave to enter or remain under this Appendix as a person with a Zambrano right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and <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 (or, as the case may be, for the relevant period had) returned to the UK with the applicant:</p> <ul style="list-style-type: none"> (i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022; or

	<p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) before 2300 GMT on 31 December 2020; and</p> <p>(b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer):</p> <p>(i) before 2300 GMT on 31 December 2020; and</p> <p>(ii) immediately before returning to the UK with the applicant (who is to be treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer); and</p> <p>(c) was continuously resident in the UK in accordance with regulation 3 of the EEA Regulations throughout any period on which the applicant relies as being present in the UK by virtue of being a family member of a qualifying British citizen</p>
<p>relevant adoption decision</p>	<p>an adoption 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>
<p>relevant document</p>	<p>(a)(i) a family permit, registration certificate, residence card, document certifying permanent residence, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made under the EEA Regulations before (in the case of a family permit) 1 July 2021 and otherwise before 1 January 2021; or</p> <p>(ii) a document or other evidence equivalent to a document to which sub-paragraph (a)(i) above refers, and 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; or</p> <p>(iii) a biometric residence card issued by virtue of having been granted limited leave to enter or remain under this Appendix; and</p>

	<p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased; and</p> <p>(c) (subject to sub-paragraph (d) below) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon; and</p> <p>(d) for the purposes of the reference to ‘relevant document’ in the first sub-paragraph (b) of the entry for ‘dependent relative’ in this table, in sub-paragraph (b) of the entry for ‘durable partner’ in this table and in sub-paragraphs (e) and (f) of the entry for ‘required evidence of family relationship’ in this table, the relevant document may have expired, where:</p> <p>(i) before it expired, the applicant applied for a further relevant document (as described in sub-paragraph (a)(i) above) on the basis of the same family relationship as that on which that earlier relevant document was issued; and</p> <p>(ii) the further relevant document to which sub-paragraph (d)(i) above refers was issued by the date of decision on the application under this Appendix</p>
relevant EEA citizen	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) 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 a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table; or</p> <p>(d) where the applicant is the family member (“F”) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph, an EEA citizen:</p> <p>(i) in accordance with sub-paragraph (c) of that entry in this table; and</p> <p>(ii)(aa) resident in the UK and Islands for a continuous qualifying period which began before</p>

	<p>the specified date; or</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii)(aa) above, would, but for the fact that they are a British citizen, be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it</p>
relevant excluded person	<p>a person:</p> <p>(a) in respect of whom the Secretary of State has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph 339D of these Rules to exclude them from humanitarian protection; or</p> <p>(b) in respect of whom the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are reasonable grounds for regarding them as a danger to the security of the UK; or</p> <p>(c) who the Secretary of State considers to be a person in respect of whom sub-paragraph (a) or (b) above would apply except that:</p> <ul style="list-style-type: none"> (i) the person has not made a protection claim; or (ii) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph 339D of these Rules; or <p>(d) in respect of whom the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community of the UK</p>
relevant naturalised British citizen	<p>(a) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above, would, but for the fact that they are a British citizen, be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it;</p> <p>and in either case the person also:</p> <p>(c) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and</p> <p>(d) meets the criteria contained in regulation 9A(2) or (3)</p>

	as the dual national (“DN”) to whom those provisions refer (regardless of whether, save in conditions 5 and 6 in the table in paragraph EU11 of this Appendix, they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)
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> <ul style="list-style-type: none"> (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 (ii) providing the required biometrics; or <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> <ul style="list-style-type: none"> (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 (ii) providing the required biometrics; or <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> <ul style="list-style-type: none"> (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 (ii) providing the required biometrics
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”; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these),</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),</p>

	<p>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 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) (where sub-paragraph (e)(ii) or (e)(iii) below does not apply) a relevant document (as described in sub-paragraph (a)(i) or (a)(ii) of that entry in this table) 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 and sub-paragraph (e)(iii) below does not apply) evidence which satisfies the Secretary of State that the partnership was formed and was durable before the specified</p>
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	<p>date and that the partnership remains durable at the date of application; or</p> <p>(iii) (where the applicant has returned to the UK after 31 December 2020 as a family member of a qualifying British citizen as described in sub-paragraph (a)(iii) of that entry in this table) evidence which satisfies the Secretary of State that the partnership was formed and was durable before the date and time of withdrawal and that the partnership remains durable at the date of application; or</p> <p>(f) a dependent relative – a relevant document (as described in sub-paragraph (a)(i) or (a)(ii) of that entry in this table) 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 or under the Immigration (European Economic Area) Regulations of the Isle of Man), 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 the death; and</p> <p>(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, or is an EEA citizen without a documented right of permanent residence who relies on being (or, as the case may be, for the relevant period on having been) a family member of a qualifying British citizen, a family member of a relevant EEA citizen or a family member who has retained the right of 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 (or, as the case may be, for the relevant period was) a family member:</p> <p>(aa) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as</p>
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	<p>described in sub-paragraph (d) of that entry in this table, or in the case of a qualifying British citizen) their valid passport; or</p> <p>(bb) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table) 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; or</p> <p>(cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table) their valid passport or their valid national identity card as a national of a country listed in sub-paragraph (a)(i) in the entry for ‘EEA citizen’ in this table, and information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen,</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 (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, either that EEA citizen is (or, as the case may be, for the relevant period was) a relevant EEA citizen as described in sub-paragraph (a) in the entry for ‘relevant EEA citizen’ in this table, and is (or, as the case may be, was) such a relevant EEA citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a relevant EEA</p>
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	<p>citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b), (c) or (d) in the entry for ‘relevant EEA citizen’ in this table; or</p> <p>(bb) where the applicant is (or, as the case may be, for the relevant period was) a family member of a qualifying British citizen, that British citizen is (or, as the case may be, for the relevant period was) a qualifying British citizen, and is (or, as the case may be, was) a qualifying British citizen throughout any 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; and</p> <p>(d) ‘valid’ here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated</p>
<p>required proof of entitlement to apply from outside the UK</p>	<p>(a) in the case of an EEA citizen:</p> <ul style="list-style-type: none"> (i) their valid passport; or (ii) their valid national identity card, where this contains an interoperable biometric chip, <p>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,</p> <p>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</p>

	genuine and has not expired or been cancelled or invalidated
required proof of identity and nationality	<p>(a) in the case of an EEA citizen making an application within the UK:</p> <p>(i) their valid passport; or</p> <p>(ii) their valid national identity card; or</p> <p>(b) in the case of a non-EEA citizen making an application within the UK:</p> <p>(i) their valid passport; or</p> <p>(ii) their valid specified relevant document; or</p> <p>(iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007),</p> <p>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</p> <p>(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) (where sub-paragraph (b) below does not apply) 2300 GMT on 31 December 2020; or</p> <p>(b) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> - condition 3 in the table in paragraph EU12 of this Appendix; - condition 2 in the table in paragraph EU14 of this Appendix;

	<ul style="list-style-type: none"> - sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and - sub-paragraph (a) of the entry for ‘supervening event’ in this table
specified relevant document	<p>(a) within the meaning of sub-paragraph (a)(i) of the entry for ‘relevant document’ in this table, a residence card, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made on or after 6 April 2015; or</p> <p>(b) a biometric residence card as described in sub-paragraph (a)(iii) of the entry for ‘relevant document’ in this table</p>
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> <ul style="list-style-type: none"> (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 (ii) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under

	<p>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 by virtue of 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 Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
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>
worker	<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 worker as defined in regulation 4(1) of the EEA Regulations; or</p> <p>(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</p>

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:

(a) request that the applicant provide further information or evidence that they meet those requirements; or

(b) invite the applicant to 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:

(a) request that P 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 sub-paragraph (a)(i) of the entry for ‘EEA citizen’ in the table at Annex 1 to this Appendix; or

(b) invite P to be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

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

(a) fails within a reasonable timeframe specified in the request 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 (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.”.

Changes to Appendix EU (Family Permit)

EU(FP).1 For Appendix EU (Family Permit), substitute:

“Appendix EU (Family Permit)

Purpose

FP1. This Appendix sets out the basis on which a **non-EEA citizen** will, if they apply under it, be granted an entry clearance:

- (a) In the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** in the UK or to accompany them to the UK; or
- (b) In the form of an EU Settlement Scheme Travel Permit – to travel to the UK.

FP2. This Appendix has effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the UK by virtue of Appendix EU to these Rules.

Requirements and procedure

FP3. The applicant will be granted an entry clearance under this Appendix, valid for a period of six months from the date of decision, by an entry clearance officer where:

- (a) A valid application has been made in accordance with paragraph FP4;
- (b) The applicant meets the eligibility requirements in paragraph FP6(1) or (2); and
- (c) The applicant is not to be refused on grounds of suitability in accordance with paragraph FP7.

FP4. 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; and

(c) The **required biometrics** have been provided.

FP5. An application will be rejected as invalid where it does not meet the requirements in paragraph FP4(a) and (b), and will not be considered where it does not meet the requirement in paragraph FP4(c).

FP6. (1) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the **date of application**:

(a) The applicant is a non-EEA citizen;

(b) The applicant is a **family member of a relevant EEA citizen**;

(c) The relevant EEA citizen is resident in the UK or will be travelling to the UK within six months of the date of application;

(d) The applicant will be accompanying the relevant EEA citizen to the UK or joining them in the UK; and

(e) The applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, holds a valid EEA family permit issued under regulation 12 of the **EEA Regulations** or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules.

(2) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application:

(a) The applicant is a non-EEA citizen;

(b) The applicant has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed or revoked and which is evidenced by the Home Office reference number for that grant of leave;

(c) The applicant:

(i) Has been issued with a **relevant document** by the UK

under the EEA Regulations, or with a biometric residence card by virtue of having been granted leave under Appendix EU to these Rules; and

(ii) Has reported to the Home Office that that document or card has been lost or stolen; and

(d) The applicant will be travelling to the UK within six months of the date of application.

FP7. (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**.

(3) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the entry clearance officer 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 an entry clearance under this Appendix; or

(b)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this

Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules; and

(ii) The refusal of the application is justified either:

(aa) In respect of conduct committed before the **specified date**, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph FP7 of Appendix EU (Family Permit) to the Immigration Rules”); or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

(4) The references in this paragraph 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.

FP8. A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

FP9. 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.

FP10. Annex 2 applies to the consideration by the entry clearance officer of a valid application made under this Appendix.

Annex 1 - Definitions

Term	Definition
adopted child	a child adopted in accordance with a decision taken: (a) by the competent administrative authority or court in the UK or the Islands ; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or (c) in a particular case in which that decision in another country

	has been recognised in the UK or the Islands as an adoption
child	<p>(a) the direct descendant under the age of 21 years of a relevant EEA 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 their spouse or civil partner; and</p> <p>(ii) dependent on the relevant EEA citizen or on their spouse or civil partner</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen or of their spouse or civil partner; and</p> <p>(b) such support is being provided to the applicant by the relevant EEA 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> <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</p>

	<p>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</p> <p>(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 their spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA 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; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
civil partner	<p>(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is in a relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen; and</p> <p>(b) it is not a civil partnership of convenience; and</p> <p>(c) neither party has 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>
<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>
date of application	the date on which the application is submitted under the required application process

dependent parent	<p>the direct relative in the ascending line of a relevant EEA citizen or of their spouse or civil partner</p> <p>in addition:</p> <p>(a) ‘direct relative in the ascending line’ includes:</p> <p style="padding-left: 40px;">(i) a grandparent or great-grandparent; and</p> <p style="padding-left: 40px;">(ii) an adoptive parent of an adopted child; and</p> <p>(b) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (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 (where the relevant EEA citizen is not a person under the age of 18 years), or on their spouse or civil partner, is assumed</p>
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:</p> <p style="padding-left: 40px;">(i) conduct committed after the specified date; or</p> <p style="padding-left: 40px;">(ii) conduct committed before the specified 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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; 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>
durable partner	<p>(a) the person is, or (as the case may be) was, in a durable relationship with the relevant EEA 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) (where the applicant relies on having been in the UK as the durable partner of the relevant EEA citizen before the specified date, under sub-paragraph (a)(ii) of the entry for ‘family member of a relevant EEA citizen’ in this table) the person held a relevant</p>

	document as the durable partner of the relevant EEA citizen; and (c) it is, or (as the case may be) was, not a durable partnership of convenience; and (d) neither party has, or (as the case may be) 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
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
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)
evidence of birth	(a) (in the case of a child) the full birth certificate(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen or of their spouse or civil partner, as described in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; or (b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen or of their spouse or civil partner, as described in sub-paragraph (a) above
exclusion decision	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: (a) in respect of conduct committed after the specified date; or (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 in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "an exclusion direction")
exclusion order	an order made under regulation 23(5) of the EEA Regulations
family member of a relevant	a person who has satisfied the entry clearance officer, including

EEA citizen	by the required evidence of family relationship , that they are: (a) the spouse or civil partner of a relevant EEA citizen, and: (i) the marriage was contracted or the civil partnership was formed before the specified date; or (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 (b) the durable partner of a relevant EEA citizen, and: (i) the partnership was formed and was durable before the specified date; and (ii) the partnership remains durable at the date of application; and (iii) the date of application is after the specified date; or (c) the child or dependent parent of a relevant EEA citizen; or (d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above
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
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
Irish citizen	a person who is an Irish citizen as a matter of Irish law
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where 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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; 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

	<p>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 in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)</p>
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
relevant document	<p>(a) a family permit, residence card 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 the relationship or (where relevant) dependency had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon</p>
relevant EEA citizen	<p>an EEA citizen who:</p> <p>(a)(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands);</p> <p>or</p> <p>(ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(iii) (in the case of an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the Islands) the entry clearance officer is satisfied, including by the required evidence of qualification, would be granted such leave under that Appendix if they made a valid application</p>

	under it; or (b) is a relevant naturalised British citizen
relevant naturalised British 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: (a) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and (b) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship); and (c) the entry clearance officer is satisfied, including by the required evidence of qualification, comes within sub-paragraph (a) or (b) of the entry for ‘relevant naturalised British citizen’ in the table at Annex 1 to Appendix EU to these Rules
required application process	the relevant on-line application form and a relevant process set out in that form for providing the required proof of identity and nationality and for providing the required biometrics
required biometrics	(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and (b) the fingerprints of the applicant (also within that meaning of “biometric information”; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these), in both cases provided in accordance with the required application process
required evidence of family relationship	in the case of: (a) a spouse – a relevant document as the spouse of the relevant EEA 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; (b) a civil partner – a relevant document as the civil partner of the relevant EEA 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 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; (c) a child – a relevant document issued on the basis of the relevant family relationship or their evidence of birth and,

	<p>where the applicant is aged 21 years or over, evidence which satisfies the entry clearance officer that sub-paragraph (b)(ii) of the entry for ‘child’ in this table is met;</p> <p>(d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or their evidence of birth; or</p> <p>(e) a durable partner – evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable by the specified date and that the partnership remains durable at the date of application</p> <p>in addition, 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 entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required evidence of qualification</p>	<p>(a) (in the case of a relevant EEA citizen who is an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the Islands):</p> <ul style="list-style-type: none"> (i) their passport or national identity card as an Irish citizen, which is: <ul style="list-style-type: none"> (aa) valid; and (bb) the original document and not a copy; and (ii) information or evidence which satisfies the entry clearance officer that the person would be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it; or <p>(b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen):</p> <ul style="list-style-type: none"> (i) their passport or national identity card as an EEA citizen, which is: <ul style="list-style-type: none"> (aa) valid; and (bb) the original document and not a copy; and (ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is a British citizen; and (iii) information or evidence which satisfies the entry clearance officer that the person would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it

	<p>in addition:</p> <p>(a) ‘valid’ here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and</p> <p>(b) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii) or (b)(iii) above, the applicant submits a copy (and not the original) of a document, the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted</p>
required proof of identity and nationality	<p>the valid passport of the applicant</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>
specified date	2300 Greenwich Mean Time on 31 December 2020
spouse	<p>(a) the person is party to a marriage with a relevant EEA 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 not a marriage of convenience; and</p> <p>(c) neither party has 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>
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man

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 entry clearance officer; and
- (b) any other information or evidence made available to the entry clearance officer (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 entry clearance, the entry clearance officer may:

- (a) request that the applicant provide further information or evidence that they meet those requirements; or
- (b) invite the applicant to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(2) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may:

(a) request that the person (“P”) on whom the applicant relies as being the relevant EEA citizen with whom the applicant is in a family relationship provide information or evidence about their relationship with the applicant; or

(b) invite P to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

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

(a) fails within a reasonable timeframe specified in the request 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 entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.

(4) The entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.

(5) The entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.”.

Changes to Appendix G

G1. In the heading “Countries and territories taking part in the Tier 5 Youth Mobility Scheme and annual allocation of places for 2019”, for “2019” substitute “2020”.

G2. In paragraph 1, after Australia, for “31,000” substitute “30,000”.

G3. In paragraph 1, after New Zealand, for “14,000” substitute “13,000”.

G4. In paragraph 1, after Canada, for “6,000” substitute “5,000”.

G5. In paragraph 3, under Taiwan, add

“

- Hong Kong”.

G6. In paragraph 3, add bullet points before “Japan” and “Taiwan”.

Changes to Appendix J

J1. In paragraph 14(f) delete the final reference to “shortage occupation”.

Changes to Appendix K

K1. In table 1, United Kingdom Shortage Occupation List, after the row “2113 Physical Scientists”, insert a new row;

“

2114 Social and Humanities’ Scientists	Only the following jobs in this occupation code: Archaeologists
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”.

K2. In table 2, Scotland only Shortage Occupation List, delete the row for “2127 Production and process engineers”.

Changes to Appendix M

M1. For “Grand National Archery Society,” substitute “Archery GB”.

M2. After:

Tennis	Lawn Tennis Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
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insert;

“

Tennis	Tennis & Rackets Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
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”.

Changes to Appendix N

N1. Delete row starting “NHS Tayside International Staff Exchange Scheme”.

N2. Delete row starting “Royal Pharmaceutical Society international pre-registration scheme”.

N3. For row starting “UK Research and Innovation – Science, Research and Academia”, substitute:

“

<p>UK Research and Innovation – Science, Research and Academia</p>	<p>A scheme to enable UK Research and Innovation (UKRI) to engage with sponsored researchers within its own organisation as well as endorsing select Independent Research Organisations to hold a Tier 5 Licence. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted through an approved research institute, in a supernumerary role. The sponsored researcher may give lectures (which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer, undertake a period of work-based training/work experience/internship/place ment or work on research collaborations. UKRI provide endorsement for use of the scheme on behalf of the Department for Business, Energy and Industrial Strategy.</p>	<p>UK Research and Innovation (UKRI) and the following organisations endorsed by UKRI:</p> <ul style="list-style-type: none"> • Armagh Observatory and Planetarium • Babraham Institute • British Institute of International and Comparative Law • Centre for Ecology and Hydrology • Culham Centre for Fusion Energy/UK Atomic Energy Authority • Diamond Light Source Ltd • Earlham Institute • H R Wallingford Ltd • Historic Royal Palaces • Institute for Fiscal Studies • Institute of Development Studies • Institute of Occupational Medicine • International Institute for Environment and Development • John Innes Centre • Kew Gardens • National Centre for Social Research • National Institute of Agricultural Botany (NIAB) • National Museums of Scotland • National Oceanography Centre • Natural History Museum 	<p>Research & Training Programmes Maximum 24 months</p>	<p>All UK</p>
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		<ul style="list-style-type: none"> • Nesta • Overseas Development Institute • Plymouth Marine Laboratory • Quadram Institute Bioscience • Rothamsted Research • Royal Botanic Garden Edinburgh • Science Museum Group • Scottish Association for Marine Science • The Alan Turing Institute • The British Library • The British Museum • The Faraday Institution • The Francis Crick Institute • The James Hutton Institute • The National Archives • The Pirbright Institute • The Sainsbury’s Laboratory, Norwich • The Trustees of the Tate Gallery • The Welding Institute • Victoria and Albert Museum • Wellcome Trust Sanger Institute 		
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”.

Changes to Appendix V:

V1. In Visitors Appendix 1, in the definition of an “accredited institution”, delete “the Bridge Schools Inspectorate,” and delete “, the Schools Inspection Service”.

V2. In Appendix 5, in paragraph 1, for sub-paragraph (a) to (pp), substitute:

“

(a) Aldeburgh Festival

- (b) Barbican Festivals (Spring, Summer, Autumn)
- (c) Belfast International Arts Festival
- (d) Billingham International Folklore Festival of World Dance
- (e) Boomtown Festival
- (f) Breakin' Convention
- (g) Brighton Festival
- (h) Brighton Fringe
- (i) Brouhaha International Festival of Arts Engagement
- (j) BST Hyde Park
- (k) Cambridge Folk Festival
- (l) Camp Bestival
- (m) Celtic Connections
- (n) Cheltenham Festivals (Jazz, Science, Music & Literature Festivals)
- (o) Dance Umbrella
- (p) Download
- (q) Edinburgh Festival Fringe
- (r) Edinburgh International Book Festival
- (s) Edinburgh International Festival
- (t) Edinburgh Jazz and Blues Festival
- (u) Glasgow International Jazz Festival
- (v) Glastonbury
- (w) Glyndebourne
- (x) Greenbelt
- (y) Harrogate International Festivals
- (z) Hay Festival
- (aa) Huddersfield Contemporary Music Festival
- (bb) Isle of Wight Festival
- (cc) Latitude
- (dd) Leeds Festival
- (ee) Llangollen International Musical Eisteddfod
- (ff) London International Festival of Theatre (LIFT)
- (gg) London Jazz Festival (EFG)
- (hh) Meltdown (Southbank Centre)
- (ii) Norfolk & Norwich Festival
- (jj) Reading Festival
- (kk) Snape Proms
- (ll) The Royal Edinburgh Military Tattoo
- (mm) Wireless
- (nn) WOMAD
- (oo) WWE Live

”.

Changes to Appendix W

W1. In paragraph W7.5 for “Film” substitute “Cinema”.

W2. In paragraph W7.7.3(c) for “hosted or employed in at”, substitute “hosted at

or employed in”.

- W3. In paragraph W7.7.3(h) in both instances it occurs, after “a university, research institute or industry.” insert “Research experience includes time spent working toward completion of a PhD.”.
- W4. In paragraph W7.7.3(h)(i)(3) for “Research Assistant.” substitute “Research Assistant or equivalent position deemed acceptable by UKRI.”.
- W5. In the table in Annex 1, in the row for “endorsed funder”, for “National Institutes of Health Research” substitute “National Institute of Health Research”.
- W6. In the table in Annex 1, in the row for “peer-reviewed research fellowship or award”, in both instances it occurs for “Alzheimers” substitute “Alzheimer’s”.
- W7. In the table in Annex 1, in the row for “peer-reviewed research fellowship or award”, delete “Universities UK”.
- W8. In the table in Annex 1, in the row for “peer-reviewed research fellowship or award”, for “Wellcome Trust” substitute “Wellcome Trust”.
- W9. In Annex 2 for “who holds an award or grant from an *endorsed funder*” substitute “who holds, or provides critical contributions to work supported by, an award or grant from an *endorsed funder*”.
- W10. In Annex 2 after “CERN”, insert “Earthwatch Institute”.
- W11. In Annex 2 after “Institute of Occupational Medicine International Institute for Environment and Development”, insert “London Institute of Mathematical Sciences (LIMS)”.
- W12. In Annex 2 after “National Museums of Scotland”, insert “National Oceanography Centre”.
- W13. In Annex 2 after “National Portrait Gallery”, insert “The National Trust”.

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