

STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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(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 (HC329), 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 (HC523), 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

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(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) and 9 September 2019 (HC 2631).

Implementation

The changes set out in this statement to Part 9 shall take effect on 31 October 2019.

The changes set out in this statement to Appendix EU shall take effect:

- (i) subject to sub-paragraph (ii), below, on 31 October 2019; and
- (ii) in relation to applications made under Part 2 of Appendix EU:
 - (a) on the later of 31 October 2019 or the date on which the United Kingdom withdraws from the European Union without a Withdrawal Agreement, as defined in Annex A to Part 2, where the applicant is an ‘EEA citizen’ (as defined in Annex A); and
 - (b) on the later of 4 December 2019 or a date thereafter on which the United Kingdom withdraws from the European Union without a Withdrawal Agreement, as defined in Annex A to Part 2, where the applicant is a ‘relevant family member’ (as defined in Annex A).

The changes set out in this statement to Appendix EU (Family Permit) shall take effect on 31 October 2019.

The changes set out in this statement to Appendix AR (EU) shall take effect on 4 December 2019 and will apply in respect of applications made under Appendix EU on or after that date.

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 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 Part 1 of Appendix EU.

(3) Part 9 does not apply to applications made under Part 2 of Appendix EU, except for paragraphs 322(1E) and (13), which apply to such applications, regardless of the application of paragraph 5 of these Rules.”.

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

“(3) Part 9 does not apply to leave to enter or remain that was granted by virtue of Part 1 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.

(4) Part 9 does not apply to leave to remain that was granted by virtue of Part 2 of Appendix EU, except for paragraphs 321B, 323(i), 323(ia), 323(ii), 323(iv), 323(vi) and 323(vii), which apply to such leave, regardless of the

application of paragraph 5 of these Rules.”.

9.3 After paragraph E320., insert:

“F320(1). If the UK leaves the European Union without a Withdrawal Agreement (as defined in Annex 1 to Part 1 of Appendix EU), and to the extent that the European Community Association Agreement with Turkey (ECAA) is disapplied by Chapter 5 of Part 2 of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019, including any rights, powers, liabilities, obligations, restrictions, remedies and procedures derived from that agreement, Part 9 does not apply to:

(a) Applications for entry clearance or limited leave to enter or remain by virtue of the ECAA, except for paragraphs 320(2), 320(6), 320(7A), 320(7B), 320(7BB), 320(11), 320(18A), 320(18B), 320(19), 320(22) and 320(23), and 322(1B), 322(2), 322(2A), 322(3), 322(5), 322(5A), 322(12) and 322(13), which apply to such applications where the relevant decision falls within sub-paragraph (2); or

(b) Limited leave to enter or remain which was granted by virtue of the ECAA, except for paragraphs 321C, 323(i) and 323(ia), which apply to such leave where the relevant decision falls within sub-paragraph (2).

(2) A decision falls within this sub-paragraph where:

(a) It is being made in respect of a person who did not have entry clearance or limited leave to enter or remain by virtue of the ECAA immediately before the date and time of the UK’s withdrawal from the European Union; or

(b) It is being made in respect of a person who did have entry clearance or limited leave to enter or remain in the UK by virtue of the ECAA immediately before the date and time of the UK’s withdrawal from the European Union and either:

(i) The decision is based on conduct committed after the date and time of withdrawal; or

(ii) The decision is based on conduct committed before or after the date and time of withdrawal, and the person to whom the decision relates has been convicted of an offence in respect of conduct committed after the date and time of withdrawal, which has resulted in a sentence of imprisonment.”.

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 “EEA decision” read “a decision under paragraph 321B of the Immigration Rules”); or

(ii) Their leave to enter or remain in the United Kingdom was granted by virtue of Part 1 of Appendix EU, or their leave to enter the United Kingdom was granted by virtue of having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit), and cancellation is justified on the ground that, the United Kingdom having withdrawn from the European Union without a Withdrawal Agreement (as defined in Annex 1 to Part 1 of Appendix EU), cancellation is conducive to the public good:

(aa) on the basis of the person’s conduct committed after the date and time of withdrawal; or

(bb) on the basis of the person’s conduct committed before or after the date and time of withdrawal, where:

(aaa) their leave (or, in the case of a person with 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), their entry clearance) was not granted on the basis that they are a specified EEA citizen (as defined in Annex 1 to Part 1 of Appendix EU or, as the case may be, in Annex 1 to Appendix EU (Family Permit)) or their family member (falling within the definition of family member of a relevant EEA citizen as defined in Annex 1 to Part 1 of Appendix EU or, as the case may be, in Annex 1 to Appendix EU (Family Permit)); and

(bbb) their conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment; or

(iii) Their leave to remain was granted by virtue of Part 2 of Appendix EU and cancellation is justified on the ground that it is conducive to the public good; or

(iv) 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

(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 After paragraph 321B., insert:

“321C. Subject to paragraph F320, a person's limited leave to enter or remain granted by virtue of the European Community Association Agreement with Turkey (ECAA), which is in force on their arrival in or while they are outside the United Kingdom may be cancelled:

(a) If the cancellation is justified on the ground that it is conducive to the public good; or

(b) If the cancellation is justified on grounds that, in relation to the relevant application for entry clearance or limited leave to enter or remain by virtue of the ECAA, 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 entry clearance or limited leave to enter or remain by virtue of the ECAA.”.

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 Part 1 of 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)”; and except where this paragraph applies in respect of a person granted leave to remain under Part 2 of Appendix EU, where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2)-(3), 322(5) and 322(5A)”; and

except where this paragraph applies in respect of a person who has been granted limited leave to enter or remain by virtue of the European Community Association Agreement with Turkey, where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2)-(3), 322(5) and 322(5A))”; 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 (or, under Part 2 of Appendix EU, as the relevant family member of) a person (“P”) and P’s leave to enter or remain is being, or has been, curtailed; or”.

Changes to Appendix AR (EU)

AR(EU)1.1 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 Part 1 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 Part 1 of Appendix EU and not indefinite leave to enter or remain under paragraph EU2; or

(c) Refuse their application under paragraph ETLR5 of Part 2 of Appendix EU.”.

AR(EU)1.2 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:

(a) Refuse their application under paragraph EU6 of Part 1 on suitability grounds as set out in paragraph EU15 or EU16; or

(b) Refuse their application under paragraph ETLR5 of Part 2 on suitability grounds as set out in paragraph ETLR12, ETLR13 or ETLR14.”.

AR(EU)1.3 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) of Part 1 or under paragraph ETLR10(1) of Part 2.”.

AR(EU)1.4 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 (in respect of an application made under Part 1) for a different grant, of leave under Appendix EU.”.

Changes to Appendix EU

EU1.1 For Appendix EU, substitute:

“Appendix EU: EU, other EEA and Swiss citizens and family members

Part 1 – EU Settlement Scheme

Purpose

EU1. This Part of 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 Part of 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 Part of 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 Part of 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 Part of this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.

EU7. Annex 1 and Annex 2 set out definitions which apply to this Part of this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Part of this Appendix makes provision, does not apply to an application made under this Part of this Appendix.

EU8. Annex 3 applies to the consideration by the Secretary of State of a valid application made under this Part of this Appendix.

Valid application

EU9. A valid application has been made under this Part of 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 Part of 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 Part of 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: (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: (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: (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: (i) meets the requirements of sub-paragraph (b) of the definition of relevant EEA citizen in Annex 1; or (ii) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); and (c) Sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and (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 (e) Since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred
6.	(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 (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 (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
7.	(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: (i) the marriage was contracted or the civil partnership was formed before the specified date ; or (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 (b) The relevant EEA citizen (or, as the case may be, their spouse or civil partner): (i) has been or is being granted indefinite leave to enter or remain under this Part of this Appendix (or under its equivalent in the Islands); or (ii) (in the case of an Irish citizen who has not made a valid application under this Part of this Appendix) would be granted that leave if they made such an application; or

	(iii) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1)
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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.	(a) The applicant is (or, as the case may be, was): (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 has a documented right of permanent residence; and (c) No supervening event has occurred
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) There is valid evidence of their indefinite leave to enter or remain
3.	(a) The applicant is (or, as the case may be, for the relevant period was): (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 has completed a continuous qualifying period in the UK of five years in either (or any combination) of those categories; and (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 (d) Since completing the continuous qualifying period of five years, no supervening event has occurred
4.	(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: (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 (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 (c) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under this Part of this Appendix
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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; or (vi) a person who had a derivative or Zambrano right to reside; and (b) The applicant is not eligible for indefinite leave to enter or remain under this Part of 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 Part of 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 Part of 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 Part of 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 Part of 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 Part of 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 Part of 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 Part 1 of Appendix EU to the Immigration Rules”; and for “EEA decision” read “a decision under paragraph EU16 of Part 1 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

(cc) In respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a **Withdrawal Agreement**), on the ground that the decision is conducive to the public good, where:

(aaa) the applicant is not a **specified EEA citizen** or a family member of a specified EEA citizen; and

(bbb) the applicant's conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment.

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 Part of 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 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	(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 (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 (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 Part of this Appendix as a child on the basis that sub-paragraph (a) above applied (or under its equivalent in the Islands on that basis) 'dependent' means here that: (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 (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 (c) there is no need to determine the reasons for that dependence or for the recourse to that support in addition: (a) ‘child’ includes: (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 (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or (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 (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 (viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or (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
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	of Tynwald) has been made appointing as their special guardian; or (xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian, (as the case may be) a relevant EEA citizen (or a qualifying British citizen) or their spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and (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 Part of this Appendix or condition 4 in the table in paragraph EU12; and (c) ‘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’ or in the entry for ‘spouse or civil partner of a relevant EEA citizen’ in the table in Annex 2 to which the entry for ‘family member of a relevant EEA citizen’ in this table refers
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 same sex relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or with a qualifying British citizen); and (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	a civil partnership, durable partnership or marriage entered into as a means to circumvent:
durable partnership of convenience	(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

marriage of convenience	(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 Part of this Appendix; in condition 2 in the table in paragraph EU14 of this Part 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, unless the person is a specified relevant family member, began before the specified date; and (b) during which none of the following occurred: (i) absence(s) from the UK and Islands which exceeded a total of six months in any 12-month period, except for: (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 (ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or (iii) any of the following, unless it has been set aside or no longer has effect in respect of the

	person: (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 (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 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	the date on which, and the time (according to GMT) on that day at which, the United Kingdom withdraws from the European Union
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’ or in the entry for ‘spouse or civil partner of a relevant EEA citizen’ in the table in Annex 2 to which the entry for ‘family member of a relevant EEA citizen’ in this table refers; 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 qualifying British citizen is not a person under the age of 18 years, or on their spouse or civil partner, is assumed
dependent relative	(a) a relative of their sponsor but not the sponsor’s spouse, civil partner, durable partner, child or dependent parent; and the relative is, or (as the case may be) for the relevant period was, a dependant of the sponsor, a member of their household or in strict need of their personal care on serious health grounds; and (b) the person holds a relevant document as the dependent relative of their sponsor for the period of residence relied upon ‘sponsor’ means here: (a) a relevant EEA citizen who has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under this Part of this Appendix (or who would be granted that leave, if they made a valid application under this Part of this Appendix); or (b) the spouse or civil partner of such a relevant EEA citizen, where the application for that relevant document was made before 1 February 2017; or

	(c) a qualifying British citizen
deportation order	as the case may be: (a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or (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: (i) conduct committed after the specified date; or (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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or (iii) conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (aaa) the applicant is not a specified EEA citizen or a family member of a specified EEA citizen; and (bbb) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment 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
documented right of permanent residence	the Secretary of State is satisfied from the information available to them that: (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

	(ii) this document or card is not invalid under regulation 19(4)(c); and (iii) this document or card has not been revoked, and its renewal has not been refused, under regulation 24 (except where the revocation or refusal occurred because the person had been absent from the UK for a period of more than two, and no more than five, consecutive years); and (iv) the person's right to reside has not been cancelled under regulation 25; or (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 (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 (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
durable partner	(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 (b) the person holds a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) for the period of residence relied upon, unless the date of application is after 31 December 2020 and the person was resident outside the UK at that date; and (c) it is, or (as the case may be) for the relevant period was, not a durable partnership of convenience; and (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 in addition, to meet condition 6 in the table in paragraph

	EU11 of this Part of this Appendix, the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen rather than to the date of application
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
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’ or in the entry for ‘spouse or civil partner of a relevant EEA citizen’ in the table in Annex 2 to which the entry for ‘family member of a relevant EEA citizen’ in this table refers; 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 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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”); or (c) in respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (i) the applicant is not a specified EEA citizen or a family member of a specified EEA citizen; and (ii) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment
exclusion order	an order made under regulation 23(5) of the EEA Regulations
family member of a qualifying British citizen	a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that: (a) they have (or, as the case may be, had) returned to the UK: (i) before 2300 GMT on 29 March 2022, as the spouse or civil partner of a qualifying British citizen, and: (aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or (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 (ii) (where sub-paragraph (a)(i)(bb) 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 (iii) before 2300 GMT on 29 March 2022, as the durable partner of a qualifying British citizen, and: (aa) the partnership was formed and was durable before the date and time of withdrawal; and (bb) the partnership remains durable at the date of application; or (iv) before 2300 GMT on 31 December 2020, as the

	durable partner of a qualifying British citizen, and: (aa) the partnership was formed and was durable after the date and time of withdrawal; and (bb) the partnership remains durable at the date of application; or (v) before 2300 GMT on 29 March 2022, as the child or dependent parent of a qualifying British citizen; or (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 (i) above; or (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 (ii) above; or (viii) before 2300 GMT on 31 December 2020, as the dependent relative of a qualifying British citizen and that family relationship and the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the UK with the qualifying British citizen; and (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: (i) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) before 31 December 2020, with the qualifying British citizen having been resident in an EEA State (as defined in regulation 2(1) of the EEA Regulations) immediately before the date and time of withdrawal; and (ii) (regardless of whether the United Kingdom withdraws from the European Union with or without a Withdrawal Agreement) 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 (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
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	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
family member of a relevant EEA citizen	as set out in Annex 2
family member who has retained the right of residence	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: (a) the applicant is an EEA citizen or non-EEA citizen who: (i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and (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 (b) the applicant is an EEA citizen or non-EEA citizen who: (i) is the child of: (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 (bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the UK or of their spouse or civil partner at that point; and (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 (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 (d) the applicant (“A”) is an EEA citizen or non-EEA citizen who: (i) ceased to be a family member of a relevant EEA citizen (or a qualifying British citizen) on the termination of the marriage or civil partnership of A; for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or that qualifying British

	citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and (ii) was resident in the UK at the date of the termination; and (iii) one of the following applies: (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 (bb) A has custody of a child of the relevant EEA citizen (or the qualifying British citizen); or (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 (dd) the continued right of residence in the UK of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting
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
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the

	Isle of Man
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or (c) in respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (i) the applicant is not a specified EEA citizen or a family member of a specified EEA citizen; and (ii) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment
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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”); or (c) in respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal

	Agreement), where: (i) the applicant is not a specified EEA citizen or a family member of a specified EEA citizen; and (ii) the applicant's conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person who has ceased activity	the person: (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 (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 (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 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 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)
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 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
person with a derivative right to reside	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 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: (a) regardless of whether, in respect of the criterion in regulation 16(2)(b)(ii) of the EEA Regulations, the EEA citizen meets, or (as the case may be) met, the requirement in regulation 4(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK; and (b) regardless (where the person was previously granted limited leave to enter or remain under this Part of 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(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and (c) excluding a person satisfying the criteria in: (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	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 were: (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: (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 Part of 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 (b) without leave to enter or remain in the UK granted under another part of these Rules
qualifying British citizen	a British citizen who: (a) has (or, as the case may be, for the relevant period had) returned to the UK with the applicant: (i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022; or (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 (b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer): (i) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) before 31 December 2020, and must have been resident in an EEA State (as defined in regulation 2(1) of the EEA Regulations) immediately before the date and time of withdrawal; and (ii) (regardless of whether the United Kingdom withdraws from the European Union with or without a Withdrawal Agreement) 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 (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
relevant document	(a) 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 (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 (b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and (c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon
relevant EEA citizen	(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 (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: (i) has been or is being granted indefinite leave to enter or remain under this Part of this Appendix (or under its equivalent in the Islands); or (ii) would be granted indefinite leave to enter or remain under this Part of this Appendix, if they made a valid application under it; or (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
relevant naturalised British citizen	(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 (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 Part of this Appendix, if they made a valid application under it; and in either case the person also: (c) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and (d) meets the criteria contained in regulation 9A(2) or (3) 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 Part of this Appendix, they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)
required application process	(a) (unless sub-paragraph (b) or (c) applies) the relevant on-line application form and a relevant process set out in that form for:

	(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 (b) the required paper application form where this is mandated on gov.uk and a relevant process set out in that form for: (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 (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: (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	(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and (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), in both cases provided in accordance with the required application process
required evidence of family relationship	in the case of: (a) a spouse without a documented right of permanent residence – a relevant document as the spouse of the relevant EEA citizen (or of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; (b) a civil partner without a documented right of permanent residence – a relevant document as the civil partner of the relevant EEA citizen (or of the qualifying British citizen); a valid civil partnership certificate recognised under the law of England and Wales, Scotland

	or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; (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 Part of 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; (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; (e) a durable partner: (i) a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the durable partnership continues to subsist (or did so for the period of residence relied upon); or (ii) where the applicant is seeking to come to the UK after 31 December 2020, evidence which satisfies the Secretary of State that the partnership was formed and was durable before that date and that the partnership remains durable; or (f) a dependent relative – a relevant document as the dependent relative of their sponsor (in the entry for ‘dependent relative’ in this table) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 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)
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	in addition: (a) where the eligibility requirements to be met for leave to be granted under this Part of 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 (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: (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: (aa) (in the case of a relevant EEA citizen who is not a relevant naturalised British citizen or of a qualifying British citizen) their valid passport (and ‘valid’ here and in sub-paragraph (bb) means that the document is genuine and has not expired or been cancelled or invalidated); or (bb) (in the case of a relevant EEA citizen who is not a relevant naturalised British citizen) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Part of this Appendix; or (cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen) the evidence required by sub-paragraph (aa) or (bb), 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, unless (in any case) the Secretary of State agrees to accept alternative evidence of
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	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 (ii) evidence which satisfies the Secretary of State that: (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 citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b) or (c) in the entry for ‘relevant EEA citizen’ in this table; or (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 (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
required proof of entitlement to apply from outside the UK	(a) in the case of an EEA citizen: (i) their valid passport; or (ii) their valid national identity card, where this contains an interoperable biometric chip, unless the Secretary of State agrees to accept alternative

	evidence of entitlement to apply from outside the UK where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; or (b) in the case of a non-EEA citizen, their valid specified relevant document, unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated
required proof of identity and nationality	(a) in the case of an EEA citizen making an application within the UK: (i) their valid passport; or (ii) their valid national identity card; or (b) in the case of a non-EEA citizen making an application within the UK: (i) their valid passport; or (ii) their valid specified relevant document; or (iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), unless (in the case of (a) or (b)) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated
self-employed person	there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either: (a) a self-employed person as defined in regulation 4(1) of the EEA Regulations; or (b) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-

	employed person within the meaning of “qualified person” under regulation 6 of the EEA Regulations
specified date	(a) if the United Kingdom withdraws from the European Union with a Withdrawal Agreement: (i) (where sub-paragraph (a)(ii) does not apply) 2300 GMT on 31 December 2020; or (ii) (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: - condition 3 in the table in paragraph EU12 of this Part of this Appendix; - condition 2 in the table in paragraph EU14 of this Part of this Appendix; - 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; or (b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement: (i) the date and time of withdrawal in the references to specified date in: - condition 7 in the table in paragraph EU11 of this Part of this Appendix; - paragraph EU16(c)(ii)(bb) of this Part of this Appendix; - (where sub-paragraph (b)(ii) or (b)(iii) does not apply) sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table; - the entry for ‘deportation order’ in this table; - the entry for ‘exclusion decision’ in this table; - in the table in Annex 2; - the entry for ‘Islands deportation order’ in this table; - the entry for ‘Islands exclusion decision’ in this table; - the entry for ‘person with a derivative right of residence’ in this table;

	- the entry for ‘person with a Zambrano right of residence’ in this table; and - sub-paragraph (a) of the entry for ‘relevant EEA citizen’ in this table; or (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) 2300 GMT on 31 December 2020 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: - condition 3 in the table in paragraph EU12 of this Part of this Appendix; - condition 2 in the table in paragraph EU14 of this Part of this Appendix; - 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; or (iii) (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 to which sub-paragraph (b)(ii) above refers
specified EEA citizen	a relevant EEA citizen who is a national of Iceland, Liechtenstein, Norway or Switzerland
specified relevant document	within the meaning of ‘relevant document’ in the relevant entry 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
specified relevant family member	(if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) a person who: (a) was not resident in the UK and Islands before the date and time of withdrawal; or (b) is a child born after the date and time of withdrawal; or (c) was resident in the UK and Islands before the date and time of withdrawal, but: (i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of ‘continuous

	qualifying period' in this table has occurred; or (ii) the event referred to in sub-paragraph (a) in the definition of 'supervening event' in this table has occurred; or (d) is a family member of a relevant EEA citizen as described in one of the following entries in the table in Annex 2: (i) sub-paragraph (b) of the entry for 'spouse or civil partner of a relevant EEA citizen'; or (ii) sub-paragraph (b) of the entry for 'durable partner of a relevant EEA citizen'; or (iii) sub-paragraph (b) of the entry for 'child or dependent parent of the spouse or civil partner of a relevant EEA citizen'; or (iv) the entry for 'dependent relative of a relevant EEA citizen or of their spouse or civil partner'
spouse	(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 (b) it is, or (as the case may be) for the relevant period was, not a marriage of convenience; and (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
supervening event	at the date of application: (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 (b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person: (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 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 (iii) an exclusion decision; or (iv) a deportation order, other than by virtue of the EEA Regulations; or (v) an Islands deportation order; or (vi) an Islands exclusion decision
termination of the marriage or civil partnership	the date on which the order finally terminating the marriage or civil partnership is made by a court
the UK and Islands	the United Kingdom and the Islands taken together
valid evidence of their indefinite leave to enter or remain	(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 (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
Withdrawal Agreement	an agreement between the United Kingdom and the European Union which is made under Article 50(2) of the Treaty on European Union and provides for a transition period during which substantially all of the rights and obligations regarding citizens' rights under the EU Treaties apply to and in the United Kingdom
worker	there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either: (a) a worker as defined in regulation 4(1) of the EEA Regulations; or (b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of "qualified person" under regulation 6 of the EEA Regulations

Annex 2 – Family member of a relevant EEA citizen

A2.1. In this Part of this Appendix, a ‘family member of a relevant EEA citizen’ is 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 – the family member of a relevant EEA citizen on the basis of meeting the requirements in one of the five categories set out in the following table:

Category	Requirements
1. spouse or civil partner of a relevant EEA citizen	(a)(i) the requirements are that: (aa) the marriage was contracted or the civil partnership was formed before the specified date; or (bb) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of ‘durable partner’ in the table 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 (ii) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement, and the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the applicant meets the requirements in one of sub-paragraphs (aa) to (cc) as follows: (aa) the requirements are that: (i) the applicant: - was in the UK and Islands at the date and time of withdrawal; or - was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for indefinite leave to enter or remain in paragraph EU11 of this Part of this Appendix; or - was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix on the basis of a continuous qualifying period which began before the date and time of withdrawal; and (ii) the date of application is before 1 January 2021; or (bb) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the marriage or civil partnership continues to exist at the date of application; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in

	paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the relevant EEA citizen is not a specified EEA citizen; and - the date of application is before 30 March 2022; or (cc) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the marriage or civil partnership continues to exist at the date of application; and - the relevant EEA citizen is a specified EEA citizen; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the date of application is any date; or (b) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) the requirements are that: (i) the marriage was contracted or the civil partnership was formed after the date and time of withdrawal; and (ii) the applicant does not rely on any period of residence in the UK and Islands before the marriage was contracted or the civil partnership was formed; and (iii) the marriage or civil partnership continues to exist at the date of application; and (iv) (if the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the date of application is: (aa) before 1 January 2021; or (bb) (where the relevant EEA citizen is a Swiss citizen) within five years of the date and time of withdrawal
2. durable partner of a relevant EEA citizen	(a)(i) the requirements are that: (aa) the partnership was formed and was durable before the specified date; and (bb) 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); and (ii) (if the United Kingdom withdraws from the European

	Union without a Withdrawal Agreement, and the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the applicant meets the requirements in one of sub-paragraphs (aa) to (cc) as follows: (aa) the requirements are that: (i) the applicant: - was in the UK and Islands at the date and time of withdrawal; or - the applicant was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for indefinite leave to enter or remain in paragraph EU11 of this Part of this Appendix; or - the applicant was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix on the basis of a continuous qualifying period which began before the date and time of withdrawal; and (ii) the date of application is before 1 January 2021; or (bb) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the partnership remains durable at the date of application; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the relevant EEA citizen is not a specified EEA citizen; and - the date of application is before 30 March 2022; or (cc) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the partnership remains durable at the date of application; and - the relevant EEA citizen is a specified EEA citizen; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in
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	paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the date of application is any date; or (b) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) the requirements are that: (i) the partnership was formed and was durable after the date and time of withdrawal; and (ii) the applicant does not rely on any period of residence in the UK and Islands before the partnership was formed and was durable; and (iii) the partnership remains durable at the date of application; and (iv) (if the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the date of application is before 1 January 2021
3. child or dependent parent of a relevant EEA citizen	(a) the child or dependent parent of a relevant EEA citizen; and (b) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement, and the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the applicant meets the requirements in one of sub-paragraphs (i) to (v) as follows: (i) the requirements are that: (aa) the applicant: - was in the UK and Islands at the date and time of withdrawal; or - was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for indefinite leave to enter or remain in paragraph EU11 of this Part of this Appendix; or - is a child born after the date and time of withdrawal, and relies on meeting the eligibility requirements for indefinite leave to enter or remain on the basis of meeting condition 7 in the table in paragraph EU11 of this Part of this Appendix; or - was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix on the basis of a continuous qualifying period which began before the date and time of withdrawal; and

	(bb) the date of application is before 1 January 2021; or (ii) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the relationship existed at the date and time of withdrawal and continues to exist at the date of application; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the relevant EEA citizen is not a specified EEA citizen; and - the date of application is before 30 March 2022; or (iii) the requirements are that: - the applicant is a child born after the date and time of withdrawal; and - the relationship continues to exist at the date of application; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix; and - the relevant EEA citizen is not a specified EEA citizen; and - the date of application is before 30 March 2022; or (iv) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the relationship existed at the date and time of withdrawal and continues to exist at the date of application; and - the relevant EEA citizen is a specified EEA citizen; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the date of application is any date; or (v) the requirements are that: - the applicant is a child born after the date and
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	time of withdrawal; and - the relationship continues to exist at the date of application; and - the relevant EEA citizen is a specified EEA citizen; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix; and - the date of application is any date
4. child or dependent parent of the spouse or civil partner of a relevant EEA citizen	(a)(i) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a)(i) of the entry for ‘spouse or civil partner of a relevant EEA citizen’ in this table; and (ii) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement, and the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the following requirements are met: (aa) the spouse or civil partner meets the requirements in sub-paragraph (a)(ii) of the entry for ‘spouse or civil partner of a relevant EEA citizen’ in this table or, where the spouse or civil partner is an Irish citizen, they would do so if they made a valid application under this Part of this Appendix within the permitted timeframes; and (bb) the applicant meets the requirements in one of sub-paragraphs (bb)(i) to (bb)(v) as follows: (i) the requirements are that: (aaa) the applicant: - was in the UK and Islands at the date and time of withdrawal; or - the applicant was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for indefinite leave to enter or remain in paragraph EU11 of this Part of this Appendix; or - the applicant is a child born after the date and time of withdrawal, and relies on meeting the eligibility requirements for indefinite leave to enter or remain on the basis of meeting condition 7 in the table in paragraph EU11 of this Part of this Appendix; or - the applicant was outside the UK and Islands at the date and time of withdrawal, and relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix on the basis of a continuous qualifying period which began before the date and

	time of withdrawal; and (bbb) the date of application is before 1 January 2021; or (ii) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the relationship existed at the date and time of withdrawal and continues to exist at the date of application; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the relevant EEA citizen is not a specified EEA citizen; - the date of application is before 30 March 2022; or (iii) the requirements are that: - the applicant is a child born after the date and time of withdrawal; and - the relationship continues to exist at the date of application; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix; and - the relevant EEA citizen is not a specified EEA citizen; and - the date of application is before 30 March 2022; or (iv) the requirements are that: - the applicant was outside the UK and Islands at the date and time of withdrawal; and - the relationship existed at the date and time of withdrawal and continues to exist at the date of application; and - the relevant EEA citizen is a specified EEA citizen; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix and is a specified relevant family member (in accordance with sub-paragraph (a) or (c) of the relevant definition in Annex 1); and - the date of application is any date; or (v) the requirements are that:
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	- the applicant is a child born after the date and time of withdrawal; and - the relationship continues to exist at the date of application; and - the relevant EEA citizen is a specified EEA citizen; and - the applicant relies on meeting the eligibility requirements for limited leave to enter or remain in paragraph EU14 of this Part of this Appendix; and - the date of application is any date; or (b) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) the following requirements are met: (i) the applicant is the child or dependent parent of a spouse or civil partner who meets the requirements in sub-paragraph (b) of the entry for ‘spouse or civil partner of a relevant EEA citizen’ in this table or, where the spouse or civil partner is an Irish citizen, who would do so if they made a valid application under this Part of this Appendix within the permitted timeframes; and (ii) the applicant does not rely on any period of residence in the UK and Islands before the marriage was contracted or the civil partnership was formed; and (iii) the relationship of the applicant to the spouse or civil partner continues to exist at the date of application; and (iv) (if the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the date of application is before 1 January 2021
5. dependent relative of a relevant EEA citizen or of their spouse or civil partner	(a)(i) the dependent relative, before 1 January 2021, of a relevant EEA citizen (or of their spouse or civil partner, where the application for the relevant document referred to in sub-paragraph (b) of the definition of ‘dependent relative’ in the table in Annex 1 was made before 1 February 2017); and (ii) that family relationship and the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before 1 January 2021 (or, as the case may be, before 1 February 2017) and continues to exist at the date of application; and (iii) (if the applicant does not have limited leave to enter or remain granted under this Part of this Appendix) the date of application is before 1 January 2021

Annex 3 – Consideration of a valid application

A3.1. A valid application made under this Part of 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.

A3.2. (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 subparagraph (a)(i) of the entry for ‘EEA citizen’ in the table at Annex 1 to this Part of 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 P (as the case may be):

(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 P failed on at least two occasions to comply with an invitation to be interviewed.

Part 2 – European Temporary Leave to Remain

Purpose

ETLR1. This Part of this Appendix sets out the basis on which, where the United Kingdom has withdrawn from the European Union without a **Withdrawal Agreement**, an **EEA citizen** and their family members, and the family members of an **Irish citizen**, will, if they apply under it, be granted **European Temporary Leave to Remain**.

ETLR2. This Part of this Appendix does not have effect in connection with the residence scheme that operates in connection with the withdrawal of the United Kingdom from the European Union, and so does not constitute “residence scheme immigration rules” (see for example section 33 of the UK Borders Act 2007 and regulation 2 of the Immigration (European Economic Area) Regulations 2016).

Requirements and procedure

ETLR3. The applicant will be granted European Temporary Leave to Remain, of the duration and subject to the conditions set out in paragraph ETLR4, where:

- (a) The applicant has not previously been granted European Temporary Leave to Remain;
- (b) A valid application has been made in accordance with paragraphs ETLR8 and ETLR9;
- (c) The applicant meets the eligibility requirements in accordance with paragraph ETLR11; and
- (d) The applicant is not to be refused on grounds of suitability in accordance with paragraphs ETLR12 to ETLR14.

ETLR4. (1) Where the applicant is:

(a) An EEA citizen; and

(b) The date of application is before 1 January 2021,

European Temporary Leave to Remain will, subject to sub-paragraph (4), be granted for a period of 36 months from the date of decision.

(2) Where the applicant is a **relevant family member** of a **relevant EEA citizen**, European Temporary Leave to Remain will, subject to sub-paragraph (4), be granted for a period equal, as at the date of decision, to the remaining period of the European Temporary Leave to Remain granted to the relevant EEA citizen.

(3)(a) Where the applicant is:

(i) A relevant family member of an Irish citizen; and

(ii) The date of application is before 1 January 2021,

European Temporary Leave to Remain will, subject to sub-paragraph (4), be granted for a period of 36 months from the date of decision.

(b) Where the applicant is:

(i) A relevant family member of an Irish citizen; and

(ii) The date of application is on or after 1 January 2021,

European Temporary Leave to Remain will be granted until 31 December 2023.

(4) The date on which a grant of European Temporary Leave to Remain will expire may not be after 31 December 2023.

(5) The duration of a grant of European Temporary Leave to Remain may not be extended.

(6) A person granted European Temporary Leave to Remain must continue to meet the eligibility requirements for that leave which they met at the **date of application** (unless that leave was granted on the basis that the applicant was a **child**).

(7) A person granted European Temporary Leave to Remain must occupy **adequate accommodation** for the duration of that leave.

(8) Where a person granted European Temporary Leave to Remain 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.

ETLR5. A valid application made under this Part of this Appendix which does not meet the requirements for European Temporary Leave to Remain will be refused.

ETLR6. Annex A sets out definitions which apply to this Part of this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Part of this Appendix makes provision, does not apply to an application made under this Part of this Appendix.

ETLR7. Annex B applies to the consideration by the Secretary of State of a valid application made under this Part of this Appendix.

Valid application

ETLR8. A valid application has been made under this Part of this Appendix where:

- (a) It has been made in the UK using the **required application process**;
- (b) The **required proof of identity and nationality** has been provided;
- (c) The **required biometrics** have been provided; and
- (d) In addition, where the applicant is:
 - (i) A relevant family member of a relevant EEA citizen:
 - (aa) The **Unique Application Number** for the relevant EEA citizen has been provided;
 - (bb) The Unique Application Number for the **spouse, civil partner or partner** of the relevant EEA citizen has been provided, where the applicant is a child of that spouse, civil partner or partner (unless that person has died);
 - (cc) A **relevant document** for the applicant has been provided, unless the applicant is a child who was born in the UK; and
 - (dd) The **required evidence of family relationship** has been provided; or

(ii) A relevant family member of an Irish citizen:

(aa) A copy of the Irish citizen's valid passport or valid national identity card as an Irish citizen has been provided and, where the Secretary of State has reasonable doubt as to the authenticity of the copy submitted, the Secretary of State can require the applicant to submit the original document;

(bb) The Unique Application Number for the spouse, civil partner or partner of the Irish citizen has been provided, where the applicant is a child of that spouse, civil partner or partner (unless that person has died);

(cc) A relevant document for the applicant has been provided, unless the applicant is a child who was born in the UK; and

(dd) The required evidence of family relationship has been provided.

ETLR9. Where the applicant is under the age of 18 years, the application must be accompanied by evidence that it has been made with the consent of the applicant's parents (or of one parent where they have sole legal responsibility for the applicant), of the applicant's legal guardian or of the local authority or health and social care trust with parental responsibility for the applicant.

ETLR10. (1) An application made under this Part of this Appendix will be rejected as invalid where it does not meet the requirements in paragraph ETLR8 or ETLR9.

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

Eligibility

ETLR11. The applicant meets the eligibility requirements for European Temporary Leave to Remain where the Secretary of State is satisfied that, at the date of application, the applicant is resident in the UK, and is:

(a) An EEA citizen and the date of application is before 1 January 2021; or

(b) A relevant family member of a relevant EEA citizen and the date of application is before the date of expiry of any European Temporary Leave to Remain granted to the relevant EEA citizen; or

(c) A relevant family member of an Irish citizen and the date of

application is before 31 December 2023.

Suitability

ETLR12. (1) An application made under this Part of 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 Part of 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**.

ETLR13. An application made under this Part of 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 European Temporary Leave to Remain under this Part of 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) The refusal of the application is justified on the ground that the decision is conducive to the public good.

ETLR14. An application made under this Part of this Appendix may be refused on the grounds of suitability in accordance with Part 9 of these Rules as applied to an application made under this Part of this Appendix by paragraph D320(3).

ETLR15. The references in paragraphs ETLR12 and ETLR13 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 Part of this Appendix, has been set aside or no longer has effect in respect of the applicant.

Annex A – Definitions

Term	Definition
adequate accommodation	the accommodation: (a) is not overcrowded within the meaning of (as the case may be) the Housing Act 1985, the Housing (Scotland) Act 1987 or the Housing (Northern Ireland) Order 1988; and (b) does not contravene public health regulations
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	(a)(i) the direct descendant under the age of 18 years of a relevant EEA citizen (or of an Irish citizen) and of their spouse, civil partner or partner; and (ii) the spouse, civil partner or partner: (aa) has applied for European Temporary Leave to Remain and that application has not been rejected or refused; or (bb) has been granted European Temporary Leave to Remain and that leave has not lapsed or been cancelled or curtailed; or (b)(i) the direct descendant under the age of 18 years of a relevant EEA citizen (or of an Irish citizen); and (ii) either: (aa) the relevant EEA citizen (or the Irish citizen) is the child's sole surviving parent or has had sole responsibility for the child's upbringing; or (bb) there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the child's care; or (c) (where sub-paragraph (a) does not apply and the date of application is before 1 January 2021): (i) the direct descendant under the age of 18 years of the spouse, civil partner or partner of a relevant EEA citizen

	(or of an Irish citizen); and (ii) the spouse, civil partner or partner: (aa) has applied for European Temporary Leave to Remain and that application has not been rejected or refused; or (bb) has been granted European Temporary Leave to Remain and that leave has not lapsed or been cancelled or curtailed; or (d) (where the date of application is before 1 January 2021): (i) the direct descendant under the age of 18 years of a person who was the spouse, civil partner or partner of a relevant EEA citizen (or of an Irish citizen); and (ii) that person has died; and (iii) either: (aa) the relevant EEA citizen (or the Irish citizen) has sole legal responsibility for the child; or (bb) there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the child's care in addition: (a) 'child' includes: (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 (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or (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 (vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern
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	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 (viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or (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 (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 an Irish citizen) or their spouse, civil partner or partner, but ‘child’ does not include a child cared for by that person solely by virtue of a formal or informal fostering arrangement; and (b) ‘direct descendant’ does not include a grandchild or great-grandchild; and (c) ‘spouse, civil partner or partner’ means (as the case may be) the person described in sub-paragraph (b)(i) of the entry for ‘relevant family member’ in this table
civil partner	(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 same sex 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 (or with an Irish citizen); and (b) it is genuine and subsisting and not a civil partnership of convenience; and (c) neither party has another civil partner, a spouse or a 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	a civil partnership, marriage or partnership entered into as

convenience marriage of convenience partnership of convenience	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
date of application	the date on which the application is submitted under the required application process, which means the date on which the relevant on-line application form is submitted on-line
deportation order	as the case may be: (a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or (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 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
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) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (b) not also a British citizen or an Irish citizen
European Temporary Leave to Remain	limited leave to remain in the UK granted under paragraph ETLR3, and for the duration and subject to the conditions set out in paragraphs ETLR4, of this Part of this Appendix
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
exclusion order	an order made under regulation 23(5) of the EEA Regulations
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: (a) an Irish citizen as a matter of Irish law; and (b) resident in the UK; and (c) not subject to an extant deportation decision, deportation order, exclusion decision, exclusion order, Islands deportation order or Islands exclusion decision
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971
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
non-EEA citizen	a person who is not an EEA citizen, is not a British citizen and is not an Irish citizen
partner	(a) the person has been living together with the relevant EEA citizen (or with the Irish citizen) in a relationship akin to a marriage or civil partnership for at least two years at the date of application; (b) the person and the relevant EEA citizen (or the Irish citizen) must be aged 18 or over at the date of application; (c) the person and the relevant EEA citizen (or the Irish citizen) must not be so closely related that they would be prohibited from marrying each other in the UK; (d) the partnership is genuine and subsisting and not a partnership of convenience ; and (e) neither party has another 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
relevant document	(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), which: (i) was not subsequently revoked, or fell to be so, because the relationship had never existed or had ceased; and (ii) has not expired or otherwise ceased to be effective; or (b) 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 leave to enter or remain in the UK granted under or outside the Immigration Rules (other than as a visitor), which has not lapsed or been cancelled, curtailed, revoked or invalidated; or (c) evidence or information otherwise provided or available to the Secretary of State that satisfies them that the applicant: (i) has leave to enter or remain in the UK or the Islands (other than as a visitor), which has not lapsed or been cancelled, curtailed, revoked or invalidated; or (ii) is otherwise lawfully in the UK (other than as a visitor) in addition, where the applicant submits a copy of a document (and not the original), 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
relevant EEA citizen	an EEA citizen who: (a) has applied for European Temporary Leave to Remain before 1 January 2021, and that application has not been rejected or refused; or (b) has been granted European Temporary Leave to

	Remain on the basis of an application made before 1 January 2021, and that leave has not lapsed or been cancelled or curtailed
relevant family member	a person who: (a) is a non-EEA citizen or, where the date of application is on or after 1 January 2021, an EEA citizen; and (b) has satisfied the Secretary of State, including by the required evidence of family relationship, that they are: (i) the spouse, civil partner or partner of a relevant EEA citizen or of an Irish citizen; or (ii) the dependent child of a relevant EEA citizen or of an Irish citizen; or (iii) the dependent child of the spouse, civil partner or partner of a relevant EEA citizen or of an Irish citizen in addition: (a) ‘dependent’ means here that the child: (i) must not be married, in a civil partnership or have a partner; (ii) must not have formed an independent family unit; and (iii) must not be leading an independent life, which means that the child: (aa) is living with their parents (except where they are at boarding school, college or university as part of their full-time education); (bb) is not employed full-time; (cc) is wholly or mainly dependent upon their parents for financial support; and (dd) is wholly or mainly dependent upon their parents for emotional support (b) the reference to ‘their parents’ in sub-paragraph (a)(iii) of this entry also includes reference to one parent where they have sole legal responsibility for the child, to the child’s legal guardian or to the local authority or health and social care trust with parental responsibility for the child
required application process	the relevant on-line application form and a relevant process set out in that form for: (a) providing the required proof of identity and nationality; and (b) 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) (in the case of a non-EEA citizen) 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 of the Irish 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 (or of the Irish citizen); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; (c) a partner – evidence that the applicant has been living with the relevant EEA citizen, or with the Irish citizen, in a relationship akin to a marriage or civil partnership for at least two years at the date of application, and that the relationship continues to subsist; or (d) a child – a relevant document issued on the basis of the relevant family relationship or their full birth certificate (or other documentary evidence) showing that the applicant is the direct descendant of (or otherwise the child of) the relevant EEA citizen (or of the Irish citizen) or of their spouse, civil partner or partner, as described in sub-paragraph (b)(i) of the entry for ‘relevant family member’ in this table in addition: (a) 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 (b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English,

	the Secretary of State can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for European Temporary Leave to Remain
required proof of identity and nationality	(a) in the case of an EEA citizen: (i) their valid passport; or (ii) their valid national identity card; or (b) in the case of a non-EEA citizen: (i) their valid passport; or (ii) their valid specified relevant document; or (iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007)
specified relevant document	within the meaning of ‘relevant document’ in sub-paragraph (a) of the relevant entry in this table, a residence card or permanent residence card issued by the UK under the EEA Regulations on the basis of an application made on or after 6 April 2015
spouse	(a) the person is party to a marriage with a relevant EEA citizen or with an Irish citizen, and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and (b) it is genuine and subsisting and not a marriage of convenience ; and (c) neither party has another spouse, a civil partner or a partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party
Unique Application Number	the Home Office reference number for an application for European Temporary Leave to Remain, and: (a) that application has not been rejected or refused; and (b) where that leave has been granted, it has not lapsed or been cancelled or curtailed
valid	in relation to a document, it is genuine and has not expired or been cancelled or invalidated
Withdrawal Agreement	an agreement between the United Kingdom and the European Union which is made under Article 50(2) of the Treaty on European Union and provides for a transition period during which substantially all of the rights and obligations regarding citizens’ rights under the EU Treaties apply to and in the United Kingdom

Annex B – Consideration of a valid application

B1. A valid application made under this Part of 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.

B2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for European Temporary Leave to 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 European Temporary Leave to Remain on the basis of a relationship with another person ("P"), the Secretary of State may:

(a) request that P provide information or evidence about their relationship with the applicant or their residence in the UK; 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 P (as the case may be):

(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 European Temporary Leave to 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 European Temporary Leave to

Remain.

(5) The Secretary of State must not decide that the applicant does not meet the eligibility requirements for European Temporary Leave to Remain on the sole basis that the applicant or P failed on at least two occasions to comply with an invitation to be interviewed.”.

Changes to Appendix EU (Family Permit)

EU(FP)1.1 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 Part 1 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 Part 1 of 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 Part 1 of

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 Part 1 of 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 Part 1 of Appendix EU to the Immigration Rules”; and for “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; or

(cc) In respect of conduct committed before or after the **date and time of withdrawal** (if the United Kingdom withdraws from the European Union without a **Withdrawal Agreement**), on the ground that the decision is conducive to the public good, where:

(aaa) the applicant is not a family member of a **specified EEA citizen**; and

(bbb) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment.

(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	(a) the direct descendant under the age of 21 years of a relevant EEA citizen or of their spouse or civil partner; or (b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen or of their spouse or civil partner; and (ii) dependent on the relevant EEA citizen or on their spouse or civil partner ‘dependent’ means here that: (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 (b) such support is being provided to the applicant by the relevant EEA citizen or by their spouse or civil partner; and (c) there is no need to determine the reasons for that dependence or for the recourse to that support in addition: (a) ‘child’ includes: (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

	(Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or (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 (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 (viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or (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 (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 (b) ‘direct descendant’ also includes a grandchild or great-grandchild; and (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
civil partner	(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 same sex 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 (b) it is not a civil partnership of convenience; and (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
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
date and time of withdrawal	the date on which, and the time (according to GMT) on that day at which, the United Kingdom withdraws from the European Union
date of application	the date on which the application is submitted under the required application process
dependent parent	the direct relative in the ascending line of a relevant EEA 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) 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 (where the relevant EEA citizen is not a person under the age of 18 years), or on their spouse or civil partner, is assumed
deportation order	as the case may be: (a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or (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: (i) conduct committed after the specified date; or

	(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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or (iii) conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (aa) the applicant is not a family member of a specified EEA citizen; and (bb) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment 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
durable partner	(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 (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 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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”); or (c) in respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (i) the applicant is not a family member of a specified EEA citizen; and

	(ii) the applicant's conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment
exclusion order	an order made under regulation 23(5) of the EEA Regulations
family member of a relevant EEA citizen	a person who has satisfied the entry clearance officer, including 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 (iii) (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement) the marriage was contracted or the civil partnership was formed after the date and time of withdrawal; or (b) the durable partner of a relevant EEA citizen, and: (i) the partnership was formed and was durable before 31 December 2020; and (ii) the partnership remains durable at the date of application; and (iii) the date of application is after 31 December 2020; 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 subparagraph (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
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
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 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 Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or (c) in respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (i) the applicant is not a family member of a specified EEA citizen; and (ii) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment
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 has indefinite leave to enter or remain or who meets the requirements of paragraph

	EU11 or EU12 of Part 1 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”); or (c) in respect of conduct committed before or after the date and time of withdrawal (if the United Kingdom withdraws from the European Union without a Withdrawal Agreement), where: (i) the applicant is not a family member of a specified EEA citizen; and (ii) the applicant’s conduct committed after the date and time of withdrawal has resulted in a sentence of imprisonment
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
relevant document	(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 (b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and (c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon
relevant EEA citizen	an EEA citizen who: (a)(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under Part 1 of Appendix EU to these Rules (or under its equivalent in the Islands), 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 (or by the equivalent evidence in the Islands); or (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 Part 1 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed or revoked; or (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 Part 1 of 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 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 Part 1 of 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 same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; (c) a child – 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, evidence which satisfies the entry clearance officer that sub-paragraph (b)(ii) of the entry for ‘child’ in this table is met; (d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or their evidence of birth; (e) a durable partner – evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable by 31 December 2020 and that the partnership remains durable 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
required evidence of qualification	(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 Part 1 of Appendix EU to these Rules or under its equivalent in the Islands) their passport or national identity card as an Irish citizen, which is: (i) valid, which here and in sub-paragraph (b)(i)(aa) means that the document is genuine and has not expired or been cancelled or invalidated; and (ii) the original document and not a copy; or (b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen): (i) their passport or national identity card as an EEA citizen, which is: (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 (in either case): (c) information or evidence which satisfies the entry clearance officer that:

	(i) (in the case of a relevant EEA citizen who is an Irish citizen) they would be granted indefinite leave to enter or remain or limited leave to enter or remain under Part 1 of Appendix EU to these Rules, if they made a valid application under it; or (ii) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen) they 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 Part 1 of Appendix EU to these Rules, if they made a valid application under it in addition, where, in order to meet the requirements of sub-paragraph (b)(ii) or (c), 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
required proof of identity and nationality	the valid passport of the applicant ‘valid’ means that the document is genuine and has not expired or been cancelled or invalidated
specified date	(a) if the United Kingdom withdraws from the European Union with a Withdrawal Agreement, 2300 GMT on 31 December 2020; or (b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement, the date and time of withdrawal
specified EEA citizen	a relevant EEA citizen who is a national of Iceland, Liechtenstein, Norway or Switzerland
spouse	(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 (b) it is not a marriage of convenience; and (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
Withdrawal Agreement	an agreement between the United Kingdom and the European Union which is made under Article 50(2) of the Treaty on European Union and provides for a transition period during which substantially all of the rights and obligations regarding citizens’ rights under the EU Treaties apply to and in the United Kingdom

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 relevant EEA citizen on whom the applicant relies as being their family member provide information or evidence about their relationship with the applicant; or
- (b) invite the relevant EEA citizen on whom the applicant relies as being their family member 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) the relevant EEA citizen:

- (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 the relevant EEA citizen failed on at least two occasions to comply with an invitation to be interviewed.”.

