

Factsheet: Family life with EEA nationals

EEA nationals who are exercising their rights of free movement in the UK under EU law are entitled to have certain family members live with them in the UK.

The law governing the entry and residence of non-EEA national family members is dealt with under the provisions of European law as incorporated in The Immigration (European Economic Area) Regulations 2006. In general, the law is far more generous than the UK immigration rules in relation family members.

The EEA national must be a “qualified person” in order to engage his or her right for family members to live with them in the UK. In most cases this means that the EEA national must be a jobseeker, a worker, a self-employed person, a self-sufficient person or a student. To be accepted as exercising EEA rights as self-sufficient or a student, comprehensive sickness insurance is required

Non-EEA close family members have residency rights alongside the EEA national as long as the Entry Clearance Officer or the Secretary of State is satisfied that they are related as claimed.

Non-EEA extended family members might also have rights of residency but the requirements are more stringent.

Non-EEA national family members might also have a “derived” right of residence by virtue of the fact that they care for an EEA national citizen in the UK.

In certain circumstances family members may retain a right of residence even if the EEA national has died or they are divorced.

FAMILY MEMBERS

Spouse or civil partner
Direct descendants or those of the spouse or civil partner who are under 21 or dependents e.g children.
Dependent direct relatives in the ascending line or those of the spouse or civil partner e.g. parents.

EXTENDED FAMILY MEMBERS

A relative of the EEA national or those of the spouse or civil partner who:

- (i) was previously dependent in another country and is currently dependent on the EEA national;
- (ii) was previously a member of the EEA national's household and is currently a member of the household;
- (iii) was previously dependent in another country and is currently a member of the EEA national's household;
- (iv) was previously a member of the EEA national's household and is currently dependent.

A relative of the EEA national or of the spouse or civil partner who, on serious health grounds, requires their personal care.

An unmarried partner who can prove that he or she is in a “durable relationship” with the EEA national.

RETAINED RIGHTS

In certain circumstances where the EEA national has died or following divorce from the EEA national.

DERIVED RIGHTS

In certain circumstances where requiring the non-EEA national to leave would also force the EEA national to leave and thereby be deprived of rights e.g. non-EEA parents of EEA national children.

EEA NATIONAL MUST BE A “QUALIFIED PERSON”