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**B I L L**

TO

Amend the Immigration Act 1971 to grant indefinite leave to remain in the United Kingdom to all EEA nationals, their family members and extended family members who are resident in the United Kingdom on the date of exit from the European Union.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment to section 2 of the Immigration Act 1971**

- (1) Section 2 of the Immigration Act 1971 (statement of right of abode in United Kingdom) is amended as follows.
- (2) After subsection (1)(b), insert—
  - “(c) he is an EEA national as defined under regulation 2 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052) who was resident in the United Kingdom on the date of exit from the European Union; or 5
  - (d) he is a “family member”, “extended family member” or “family member who has retained the right of residence” of an EEA national or British citizen resident in the United Kingdom on the date of exit from the European Union.” 10
- (3) For subsection (2) substitute—
  - “(2) In relation to Commonwealth citizens, EEA nationals, and the family members, extended family members and family members who have retained the right of residence, who have right of abode in the United Kingdom by virtue of subsection (1)(b), (1)(c) and (1)(d) above, this Act, except this section and section 5(2) shall apply as if they were British citizens; and in this Act (except the aforesaid) “British citizen” shall be construed accordingly.” 15  
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## 2 Residency in the United Kingdom

- (1) For the purposes of section 1, a person will be regarded as having been resident in the United Kingdom on the date of exit from the European Union if that person can demonstrate that he or she was on that date—
- (a) employed or self-employed and paying national insurance in the United Kingdom; 5
  - (b) in full time study in the United Kingdom;
  - (c) on an electoral register in the United Kingdom;
  - (d) a family member who had retained the right of residency under regulation 10 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052); 10
  - (e) otherwise a “qualified person” under regulation 6 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052); or
  - (f) compliant with such other criteria to demonstrate residency in the United Kingdom as may be established by the Secretary of State by regulations made by statutory instrument. 15
- (2) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

## 3 Family members of EEA nationals 20

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

- (a) a “family member” if they are a person defined as such under regulation 7 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052);
- (b) an “extended family member” if they are a person defined as such under regulation 8 of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052). 25

## 4 Extent, commencement and short title

- (1) This Act extends to the whole of the United Kingdom.
- (2) This Act comes into force on the day on which it is passed. 30
- (3) This Act may be cited as the EEA Nationals (Indefinite Leave to Remain) Act 2017.



# EEA Nationals (Indefinite Leave to Remain) Bill

## [HL]

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# B I L L

To amend the Immigration Act 1971 to grant indefinite leave to remain in the United Kingdom to all EEA nationals, their family members and extended family members who are resident in the United Kingdom on the date of exit from the European Union.

*Lord Oates*

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