



Interim operational instruction

Date: XX November 2016

## **Index EEA Regulations 2016: Surinder Singh cases**

Please see the Border Force Guidance <internal link redacted>. If you have any queries please email Border Force NCC <email address redacted>.

### **Contact details**

If you want to publish an interim operational instruction please send an email to the National Command Centre: Border Force NCC <email address redacted>

All instructions must be submitted on this template, meet accessibility standards <internal link redacted> and be cleared at director level.

**Border Force**

Interim operational instruction

Issue no:

**Subject:** EEA Regulations 2016: Surinder Singh cases

**Action:** Follow these instructions

**Circulation:** All Border Force staff

**Issued by:** Border Force Operational Policy

**Instruction to staff:**

The new EEA Regulations 2016 which relate to the rights of family members of British citizens returning to the UK after living in another member state (commonly known as Surinder Singh cases), will come into effect on **25 November 2016**. Border Force officers must follow the updated Surinder Singh guidance, which can be found here <internal link redacted>

The main changes include:

- British citizens exercising treaty rights as a student or self-sufficient person can now be treated the same as British citizens who have acquired a right of permanent residence in another EEA member state. Previously this provision was limited only to workers and self-employed people.
- Broadening the existing 'centre of life' test to allow Border Force officers to consider a wider range of factors and evidence to determine whether residence in the other EEA member state was genuine.
- Introduction of a 'purpose test' as set out in regulation 9 which allows Border Force officers to consider whether the true motive was to enable a non-EEA national family member to enter or reside in the UK without having to meet the stricter requirements of the Immigration Rules.
- A non-EEA national family member may only accompany or join a British citizen if the British citizen is a qualified person (as defined under regulation 6) on their return to the UK and if the British citizen remains in the UK beyond the usual three months' initial right of residence.

**Background:**

On 3 November 2016, the Immigration (European Economic Area) Regulations 2016 were laid. The 'Surinder Singh' changes are the first changes to come into effect, amending regulation 9 of the Immigration (European Economic Area) Regulations 2006.

**Official - Sensitive**

**Contact for this instruction:** Border Force National Immigration and Customs Enquiries (BF NICE) <contact details redacted>

**Mandatory field**

**Director clearance:** Yes

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**Review date:** xx May 2017

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