

Immigration Rules v EC Law - Adult Dependent Relatives

Immigration Rules – Appendix FM Adult Dependent Relative Rule (fee £3,250)

Family members:

- Grandparents, parents, brothers, sisters, son/daughter over 18 (E-ECDR.2.1).
- must as a result of age, illness or disability require **long-term personal care** to perform **everyday tasks**. (E-ECDR.2.4.)
- must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because-
- (a) it is **not available** and there is no person in that country who can reasonably provide it; or
- (b) it is **not affordable**. (E-ECDR.2.5)
- E-ECDR.3.1. The applicant must provide evidence that they can be **adequately maintained, accommodated** and **cared** for in the UK by the sponsor without recourse to public funds (E-ECDR.3.1). Undertaking for a period of **5 years** (E-ECDR.3.2).

Directive 2004/38/EC Immigration (EEA) Regulations 2016

Family members:

- A's direct descendants, or the direct descendants of A's spouse/civil partner who are either—
 - (i) **aged under 21**; or
 - (ii) **dependants** of A, or of A's spouse/civil partner (Reg 7(1)(b))
- **dependent** direct relatives in A's **ascending line**, or in that of A's spouse or civil partner (Reg 7(1)(c))

Extended Family members (regs 8(2)-(5):

A relative of EEA national (A) who is

- residing in a country other than the UK, **dependent** upon **or** a member of A's **household**; **or**
- on serious health grounds, strictly requires A's personal care; **or**
- would meet the requirements in the immigration rules on adult dependent relatives (of EU national)