



GUIDANCE NOTES FOR APPLYING AS A EUROPEAN NATIONAL OR AS THE FAMILY MEMBER OF A EUROPEAN NATIONAL

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The following notes advise EEA nationals – which for these purposes includes European citizens, and nationals of Norway, Iceland, Liechtenstein and Switzerland – and members of their families about the documentation they will need to support an application made under the Immigration (European Economic Area) Regulations 2006 (“the 2006 Regulations”).

These notes explain what information EEA nationals and members of their family who are living in the United Kingdom need to supply in order to apply for a registration certificate or a residence card to confirm the holder’s rights of residence under European law. The notes also explain what information EEA nationals and their families need to supply in order to apply for confirmation of permanent residence (which is usually acquired after living in the United Kingdom in accordance with the 2006 Regulations for five years, but may be acquired earlier than that in some circumstances – see regulation 15 of the 2006 Regulations).

Please note that this material is not applicable for Bulgarian and Romanian nationals, who should go to www.ukba.homeoffice.gov.uk/eucitizens/bulgarianandromaniannationals/ for further information.

REGISTRATION CERTIFICATES

A registration certificate is a document issued to an EEA national that confirms that person's right of residence under European law as at the date of issue. **You are not required to have a registration certificate to enter, live or work (or exercise any other treaty right) in the United Kingdom.**

If you are a national of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia working in the UK under the Workers Registration Scheme, you are not eligible to apply for a registration certificate until you have completed 12 months of continuous employment in the United Kingdom or otherwise ceased to be subject to that scheme. Further information on this can be found at www.ukba.homeoffice.gov.uk/workingintheuk/eea/wrs/

Applications for a registration certificate should be made using application form EEA1, which can be found at www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea1.pdf

The documentation you need to send us along with your application is:

1. VALID EVIDENCE OF IDENTITY

Valid passports or European Identity cards for you and all family members included with your application. **Original passports or identity cards must be submitted.** The documents must not have expired, and must be signed in the relevant places. Certified copies will not be accepted.

If your identity documents have already been submitted to the UK Border Agency and are currently being held in relation to another application, you must provide a covering letter along with your application which advises us of the details of when your documents were submitted along with your Home Office reference number.

2. EVIDENCE THAT YOU ARE EXERCISING TREATY RIGHTS IN THE UNITED KINGDOM

You need to provide documentation to show how you are exercising a treaty right in the United Kingdom. There are a number of options for this.

- **If you are working**, you need to provide us with proof of your employment. This can be by providing pay slips, a letter from your employer or an employment contract. These documents must show that you are currently exercising treaty rights so need to be dated within six weeks of the date of your application.

If you are a national of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia and you are working, you need to provide us with documentation which shows that you are not subject to the Workers Registration Scheme. Exemption from this scheme will normally be on the basis of having been in 12 months' continuous employment whilst registered on the scheme. In this case you can provide proof of exemption by providing pay slips, a letter from your employer or an employment contract. These documents must show that you are currently working so need to be dated within six weeks of the date of your application. You also need to show that you have complied with the Workers Registration Scheme whilst you completed this employment. This will normally require providing your Workers Registration Scheme cards and certificates. You should provide these for each employer you had during the 12-month period.

- **If you are self-employed**, you need to provide us with documents to show that you are self-employed. Documents that would support this include evidence of paying national insurance contributions, bank statements which show income earned or accountants' letters.
- **If you are a student**, you need to provide a school, college or university letter confirming enrolment and the completion date of the course. You will also need to provide a statement confirming that you have sufficient financial resources during your period of study along with supporting evidence such as a bank statement or evidence of a grant or scholarship; and evidence that you have comprehensive sickness insurance.
- **If you are economically self-sufficient**, you need to supply evidence of comprehensive sickness insurance and funds sufficient to maintain yourself and any family members included in your application during the time you intend to reside on this basis. These funds can come from the employment or self-employment of any of your family members legally working and residing in the UK with you. Documentary evidence of their employment or funds should be supplied.

3. EVIDENCE OF RELATIONSHIP FOR ANY FAMILY MEMBERS INCLUDED ON YOUR APPLICATION

You need to provide us with proof that the family members included on your application are related to you as claimed. To demonstrate this, you will need to provide original marriage, civil partnership or birth certificates. If you are living with a partner who is not your spouse or civil partner, you will need to provide proof that you are in a durable relationship. You would generally need to show us that you have been in a subsisting relationship for two years or more. This could be through joint bank or building society statements, joint tenancy agreements, council tax bills or evidence that you are both paying utility bills at the property at which you reside.

4. PHOTOGRAPHS

We require photographs in order to produce any residence documents, so you should also include with your application two identical colour passport-size photographs of yourself with your name written on the back of each one, and two identical colour passport-size photographs of any family members included in the application with their names written on the back of each one.

The photographs should be in colour, recent (within a month of the date of your application), and approximately 45 millimetres high and 35 millimetres wide, the size of a passport photo.

Each photograph must show the individual's full face clearly against a light background. Sunglasses are not acceptable. Nor is any head covering unless this has to be worn for religious or cultural reasons. But if the covering conceals the face, this will not be acceptable.

RESIDENCE CARDS

Family members who come to the United Kingdom with an EEA national but who are not themselves a national of an EEA country can apply for a residence card, with some exceptions (see Family Member Residence Stamp). The card confirms that person's right of residence under European law as at the date of issue. Residence cards are normally valid for five years and take the form of an endorsement that is placed in the holder's passport.

Applications for a residence card should be made using application form EEA2, which can be found at www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea2.pdf

The documentation you need to send us along with your application is:

1. VALID EVIDENCE OF IDENTITY

Valid passports for you and all non-European family members included on your application. **Original passports must be submitted.** The documents must not have expired and must be signed in the relevant places. Certified copies will not be accepted. We also require an original valid passport or European Identity card for your European family member.

2. EVIDENCE THAT YOUR EUROPEAN FAMILY MEMBER IS EXERCISING TREATY RIGHTS IN THE UNITED KINGDOM

- **If they are working:** If your EEA family member is working, you need to provide us with proof of their employment. This can be by providing pay slips, a letter from their employer or an employment contract. These documents must show that they are currently exercising treaty rights, so need to be dated within six weeks of the date of your application.

If your European family member is a national of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia and is working, you need to provide us with documentation which shows that they have been in 12 months' continuous employment whilst registered on the Workers Registration Scheme. This can be by providing pay slips, a letter from their employer or an employment contract. These documents must show that they are currently exercising treaty rights so need to be dated within six weeks of the date of your application. You also need to show that they were registered with the Workers Registration Scheme whilst they completed this employment, by providing their Workers Registration Scheme cards and certificates. You should provide these for each employer they had during the 12-month period.

- **If they are self-employed:** If your EEA family member is self-employed, you need to provide us with documents to show that they are self-employed. Documents that would support this include evidence of paying national insurance contributions, bank statements which show income earned or accountants' letters.
- **If they are a student:** If your EEA family member is a student, you need to provide a school, college or university letter confirming enrolment and the completion date of the course. You will also need to provide a statement from the student confirming that the student has sufficient resources during the period of study to support him or herself and any family members during the period of study, along with supporting evidence such as a bank statement or evidence of a grant or scholarship. Please note that a Residence Card application can generally only be accepted from the spouse, civil partner or child of the student, or the child of the spouse or civil partner, when the European national is exercising

treaty rights as a student. Other family members will generally not automatically qualify for a Residence Card.

- **If they are economically self-sufficient:** If your EEA family member is economically self-sufficient, you need to supply evidence of comprehensive sickness insurance and funds sufficient to maintain themselves and any family members included on your application during the time you intend to reside on this basis. The comprehensive sickness insurance must include emergency cover.

3. EVIDENCE OF RELATIONSHIP FOR ANY FAMILY MEMBERS INCLUDED ON YOUR APPLICATION

You need to provide us with proof that you and the family members included on your application are related to you and/or the EEA national as claimed. To demonstrate this, you will need to provide original marriage, civil partnership or birth certificates. If you are living with a partner who is not your spouse or civil partner, you will need to provide proof that you are in a durable relationship. You would generally need to show us that you have been in a subsisting relationship for two years or more. This could be through joint bank or building society statements, joint tenancy agreements, council tax bills or evidence that you are both paying utility bills at the property at which you reside.

Note that your EEA national family may be self-sufficient on the basis of your financial resources. If this is the case and you are applying as a family member of a self-sufficient EEA national, you will need to provide proof that you have sufficient financial resources to render your EEA national family member self-sufficient. You also require proof that your EEA national family member has comprehensive medical insurance for him/herself and all accompanying family members.

4. PHOTOGRAPHS

We require photographs in order to produce any residence documents, so you should also include with your application two identical colour passport-size photographs of yourself with your name written on the back of each one, and two identical colour passport-size photographs of any family members included in the application with their names written on the back of each one.

The photographs should be in colour, recent (within a month of the date of your application), and approximately 45 millimetres high and 35 millimetres wide, the size of a passport photo.

Each photograph must show the individual's full face clearly against a light background. Sunglasses are not acceptable. Nor is any head covering unless this has to be worn for religious or cultural reasons. But if the covering conceals the face, this will not be acceptable.

FAMILY MEMBER RESIDENCE STAMP

Residence cards are not immediately available to all family members. Family members who are not themselves nationals of an EEA country and who are in the United Kingdom with a national of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia who is working under the Workers Registration Scheme are not eligible to apply for a residence card whilst the national continues to work under that scheme, which normally continues until the national has been employed continuously in the United Kingdom for 12 months. Until the 12 months are completed, a family member who is not an EEA national can apply for a family member residence stamp to confirm his/her right of residence under European law.

Applications for a family member residence stamp should be made using application form FMRS, which can be found at www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/fmrs.pdf

The documentation you need to send us along with your application is:

1. PHOTOGRAPHS

We require photographs in order to produce any residence documents, so you should also include with your application two identical colour passport-size photographs of yourself with your name written on the back of each one, and two identical colour passport-size photographs of any family members included in the application with their names written on the back of each one.

The photographs should be in colour, recent (within a month of the date of your application), and approximately 45 millimetres high and 35 millimetres wide, the size of a passport photo.

Each photograph must show the individual's full face clearly against a light background. Sunglasses are not acceptable. Nor is any head covering unless this has to be worn for religious or cultural reasons. But if the covering conceals the face, this will not be acceptable.

2. VALID EVIDENCE OF IDENTITY

Valid passports for you and all family members included on your application. **Original passports must be submitted.** The documents must not have expired and must be signed in the relevant places. Certified copies will not be accepted. We also require an original valid passport or European Identity card for your European family member.

3. EVIDENCE THAT YOUR EEA FAMILY MEMBER IS WORKING IN ACCORDANCE WITH THE WORKERS REGISTRATION SCHEME

You need to submit evidence that your EEA national family member is working in accordance with the Workers Registration Scheme. This will generally require providing their Workers Registration Card and Certificate. You will also need to supply payslips or employers letters confirming the employment.

4. EVIDENCE OF RELATIONSHIP

You need to provide us with proof that you and the family members included on your application are related to you and/or the EEA national as claimed. To demonstrate this, you will need to provide original marriage, civil partnership or birth certificates.

PERMANENT RESIDENCE FOR EEA NATIONALS

An EEA national who acquires permanent residence under the 2006 Regulations can apply for confirmation of his or her permanent residence status. Permanent residence will normally be acquired after you have lived in the United Kingdom for a continuous period of five years in accordance with the 2006 Regulations – that is, you will need to have been living in the United Kingdom as a worker/jobseeker, in self-employment, studying or self-sufficient throughout the five-year period or to have been a family member of such a person or a person with permanent residence.

For your residence in the United Kingdom to be considered continuous, you should not be absent from the United Kingdom for more than six months each year. Longer absences for compulsory military service will not affect your residence. Additionally, a single absence of a maximum of 12 months for important reasons such as pregnancy, child birth, serious illness, study, vocational training or posting overseas will not affect your residence.

EEA nationals will be issued with a document that confirms they are permanent residents in the United Kingdom. This document has no expiry date. Applications by EEA nationals should be made using application form EEA3, which can be found at www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea3.pdf

The documentation you need to send us along with your application is the same as the evidence required for a Registration Certificate, except that you must provide proof that you have been resident in the United Kingdom for a continuous five-year period and that you were exercising treaty rights during this time. Examples of how you can prove that you have been resident include tenancy agreements, utility bills and bank statements. Examples of the evidence to support exercising treaty rights can be found under the Registration Certificate section of these guidance notes. You will need to provide documentation which confirms that all the family members included on the application form have been resident for the full five-year period. In the case of children, this may include school or nursery letters or immunisation records.

In addition to acquiring permanent residence as a result of residing in the United Kingdom for five years, an EEA national may acquire permanent residence in certain circumstances on retirement or as a result of a permanent incapacity to work.

- **If you are retired**, you need to provide proof of receipt of a pension. You also need to provide proof that you were employed or self-employed in the United Kingdom for at least 12 months prior to retirement. Please see the notes above on exercising treaty rights as a worker or self-employed person for details of how to demonstrate this.

You will also need to provide evidence that you resided in the United Kingdom for at least three years continuously prior to the date of your retirement. Evidence for this would include tenancy agreements, utility bills or bank statements.

- **If you have ceased employment or self-employment as a result of a permanent incapacity to work**, you will need to provide us with proof that you are permanently incapacitated by providing a doctor's letter or medical report confirming incapacity. This document should include details on whether or not the incapacity is likely to be permanent. A GP letter alone is insufficient for this purpose.

You also need to provide evidence that you resided in the United Kingdom for more than two

years prior to ceasing work or self-employment (tenancy agreements, utility bills or bank statements), or evidence that the incapacity was as a result of an accident at work or an occupational disease that entitles you to a pension payable in full or in part by an institution in the United Kingdom. This could be in the form of a letter from your previous employer and proof that the pension is in payment.

PERMANENT RESIDENCE FOR NON-EEA NATIONAL FAMILY MEMBERS OF EEA NATIONALS

Third-country national family members who acquire permanent residence under the 2006 Regulations can apply for confirmation of their permanent residence status. Permanent residence will normally be acquired after you have lived in the United Kingdom for a continuous period of five years in accordance with the 2006 Regulations. You will need to have been living in the United Kingdom throughout the five-year period and you will need to be able to demonstrate that your EEA national family member has been working/seeking work, in self-employment, studying or self-sufficient during this time.

For your residence in the United Kingdom to be considered continuous, you should not be absent from the United Kingdom for more than six months each year. Longer absences for compulsory military service will not affect your residence. Additionally, a single absence of a maximum of 12 months for important reasons such as pregnancy, child birth, serious illness, study, vocational training or posting overseas will not affect your residence.

Non-EEA nationals will be issued with an endorsement that is placed in the holder's passport. This endorsement is valid for 10 years. Applications from non-EEA nationals should be made using application form EEA4, which can be found at www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea4.pdf

The documentation you need to send us along with your application is the same as the evidence required for a Residence Card, except that you must provide proof that you have been resident in the United Kingdom for a continuous five-year period and that your EEA or Swiss national family member was exercising treaty rights during this time. Examples of how you can prove that you have been resident include tenancy agreements, utility bills and bank statements. Examples of the evidence to support exercising treaty rights can be found under the Residence Card section of these guidance notes. You will need to provide documentation which confirms that all the family members included on the application form have been resident for the full five-year period. In the case of children, this may include school or nursery letters or immunisation records.