



Settling in the UK

The European Economic Area (EEA) was set up in a 1994 **treaty** between European Union member states and other participating countries.

EEA nationals do not need visas to come to or be in the UK. Your rights come from Treaty laws that have been adopted by the UK. Coming to the UK is your right and you do not have to ask for permission.

EEA nationals and their families have the **right to reside**. This means that you have a right to live in the UK and can also work, claim benefits and apply for **permanent residence**.

Right to reside

If you are an EEA national, you have a **right to reside in the UK for 3 months**. You must have a valid national identity card or passport but you will not be able to access income-related benefits.

You can **extend your right to reside beyond 3 months** if you are a '**qualified person**'. This means that you are one of the following:

1. A worker

You must be in full-time or part-time employment.

If you temporarily stop working, you can still be considered to have **retained** your status as a worker if:

- you are **temporarily** unable to work as the result of an illness, accident or maternity
- you were employed but lost your job for reasons which are **not your fault** (involuntarily unemployed). You have to be registered as a jobseeker at Jobcentre Plus **and** either:
 - were employed for one year or more before becoming unemployed
 - have been unemployed for no more than six months **or**
 - can provide evidence that you are looking for work in the UK and have a real chance of getting a job.
- you are **involuntarily** unemployed and have started vocational training **or**
- you have voluntarily stopped working and started on vocational training related to your previous employment.

Maternity leave does **not** cancel your status as a worker.



2. Self-employed

You should be able to show evidence that you are self-employed, such as a copy of business accounts or an accountant's letter.

If you stop working, you can only **retain** your self-employed status if it is due to illness or accident, or maternity.

Maternity leave does **not** cancel your status as self-employed.

3. A student

You must be able to provide a declaration of sufficient resources, comprehensive sickness insurance and be enrolled at a recognised educational institution.

Check for registered learning providers here: <https://www.ukrlp.co.uk/>

4. Self-sufficient (already have the money you need to live on)

You must show you have enough resources not to claim income-related benefits **and** have comprehensive sickness insurance cover. There is no fixed amount that is regarded as sufficient resources.

You may have your own funds or be supported financially by family or friends:

- an EEA national can qualify as self-sufficient based on the income of their non-EEA family member
- you can still be considered self-sufficient if family or friends provide you with free long-term accommodation **and** you also have enough funds to cover your living costs.

A retired person would qualify as self-sufficient if they can demonstrate that they have a pension and/or have sufficient funds not to claim income-related benefits.

5. Jobseeker (looking for a job)

You must show that you are looking for work and stand a real chance of finding it.

You will need to provide evidence of job interviews, qualifications and registration with Job Centre Plus or recruitment agencies. You will be expected to start work **within 3 months**.

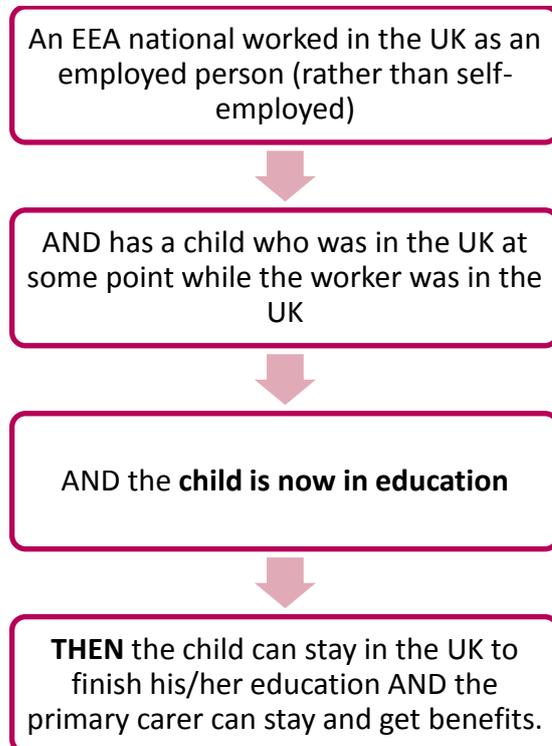
6. A family member of a person in one of these groups

See 'Family members of EEA nationals' below.

7. A primary carer - under certain conditions

Some people have a right to reside based on someone else's right to reside: not as a family member, but as a primary carer of that person. This is known as a "**Derivative** right to reside".





Periods of right to reside whereby the right to reside is 'derivative' do not count towards the period of residence required to get Permanent Residence.

8. A combination of the above

Permanent Residence

After you have lived in the UK for 5 years as a **qualified person** (see above) you will have **Permanent Residence**.

You become a permanent resident automatically. You do not need to show a document to prove it, but it can be useful to have one.

You can **apply** for a permanent residence **certificate** or **card**. This will prove your right to live in the UK permanently, and will entitle you to all the benefits, housing and homelessness assistance that British citizens are entitled to. You will need to prove that you have had a **right to reside** in the UK for 5 years (see above). You can rely on any 5-year period - it does not need to be the period immediately before you apply for benefits or Permanent Residence.

Periods of job-seeking mixed with periods when you were working should count towards your permanent right to reside. However, if you leave the UK for a period of more than 2 years, you may lose your Permanent Residence.

Applying

EEA nationals and family members (direct or extended) can use **Form EEA (PR)** or other versions of the form.

- <https://www.gov.uk/government/publications/apply-for-a-document-certifying-permanent-residence-or-permanent-residence-card-form-eea-pr>

You have to pay £65 for every person included in the application.



The online form and the European passport return service

EEA nationals (but not their family members) now have an option to pay and have their permanent residence applications checked before they submit them, so they do not need to submit their passports.

The Home Office has recently launched an **online** application form as an alternative to the EEA (PR) **paper** form. Only EEA nationals can use this form. Family members should use the paper form.

You can apply online but you will still need to print the form once you have completed it online. The cost to apply is still £65 per person.

If you use the online application form, you can get your passport back using the passport return service. The service allows you to send in a **photocopy** of your passport instead of the **original** passport, and to have your application checked and submitted to the Home Office on your behalf.

The link to the online form: <https://visas-immigration.service.gov.uk/product/eea-pr>.

This service is provided by local authorities or a nominated premium service centre. To find your nearest centre: <https://www.gov.uk/government/collections/european-passport-return-service>.

The service is available by appointment only. You must attend your appointment within 5 working days of submitting the online form. There is a service fee, whose amount you can find by contacting your local authority, which will also be able to confirm available appointments times.

Extended Family Members (includes unmarried partners)

You can only apply as an extended family member if you have held valid residence documentation (registration certificate, residence card, or EEA family permit) throughout the relevant qualifying period.

Absences

The 5-year period that qualifies you for permanent residency **will be broken** if you have been out of the UK for more than 6 months. However, some temporary absences are allowed. These include:

- absences of no longer than six months in a year;
- one absence of up to twelve months for very important reasons, such as pregnancy or childbirth, serious illness, study, job training, or employment postings abroad;
- compulsory military service.

Can I lose my permanent right to reside?

Once you have acquired a permanent right to reside, you will not lose it **unless**

- you stay out of the UK for two years or more in a row; or
- if you are convicted of a serious crime; or
- are a serious threat to public order or national security.

Early permanent residency

You might be able to get permanent residency earlier than 5 years if you stopped employment because of retirement, or if you have become permanently unable to work (permanent incapacity). You have to have:



- lived in the UK for at least 3 years, worked for at least 12 months and have reached pension age **or**
- lived in the UK for at least 2 years and stopped work or self-employment due to permanent incapacity.

You do **not** need to show 2 years' residence if:

- the incapacity was caused by an accident at work or an occupational disease that entitles you to claim Disability Living Allowance (DLA)/Personal Independence Payment (PIP) and/or Employment and Support Allowance (ESA); or
- your spouse or civil partner is a British citizen.

Family members of EEA nationals

If you are an EEA national with a right to reside in the UK, family members can live lawfully with you even if they don't have their own right to reside.

Who is a family member?

A family member of an EEA national means either a **direct** or **extended** family member. They do not have to be EEA nationals themselves.

Direct family members are:

- the spouse or civil partner of the EEA national
- children or grandchildren of the EEA national or their spouse or civil partner who are:
 - under 21
 - dependants (financially supported) of the EEA nationals or their spouse or civil partner
- dependent parents, grandparents or great grandparents of the EEA national or their spouse or civil partner

Brothers and sisters are **not** eligible, unless they are dependent on the EEA national or their health strictly requires personal care by the EEA national.

Students cannot bring parents, grandparents or great grandparents.

Extended family members are:

- long-term partners (in a relationship for more than two years)
- other family members who were dependent on the EEA national in the national's country
- people who were members of the household of the EEA national in the national's country whose health strictly requires personal care by the EEA national.

Non-EEA partners

Non-EEA nationals who are extended family members must have a document (an **EEA family permit**) issued by the Home Office to be in the UK lawfully.

If the EEA national is financially self-sufficient or a student, they and their dependent family members must:

- have enough resources of their own to not rely on the UK benefit system, and



- also have comprehensive sickness insurance (this does not apply to the children of students).

Relationship breakdown

You might lose the right to stay in the UK if you are a **non-EEA national** and your marriage or partnership with an EEA national comes to an end.

However, you can still be considered to have **retained** your right to reside when:

- the marriage has lasted for at least 3 years
- the two of you have lived together in the UK for at least 1 year during the marriage (including after the breakdown of the relationship)
- and both of you were economically active in the UK during the divorce proceedings.

After 5 years you will get permanent residency in the usual way.

If your relationship breaks down but you stay married to the EEA national, you can still get permanent residence (after 5 years) as long as both of you are living in the UK and your spouse or partner keeps their right to reside or permanent residency. You don't have to be living at the same address.

It is possible to get permanent residence if you get custody of the children of an EEA national so long as you have access to the children under a court order. Right of residence may be granted under 'particularly difficult circumstances' such as domestic violence.

The law is complicated and difficulties can arise when the relationship of an international couple breaks down. You should get advice before making any decisions.

Useful documents to prove permanent residence rights

Registration certificate or residence card

You do not have to have a registration certificate (for EEA nationals) or a residence card (for non-EEA nationals) to live in the UK. However, you may find it helpful to prove that you qualify for certain benefits and services, and, in the light of the outcome of the Referendum, it may also be important to evidence your immigration status if laws are changed in the future.

The certificate / card shows that you have a right to reside, work and rent property in the UK. A registration certificate / residence card can last up to 5 years.

EEA nationals can use **Form EEA (QP)**, direct family members can use **Form EEA (FM)**, and extended family members can use **Form EEA (EFM)**. Other versions of these forms are also acceptable. The cost is £65 per person.

You can also use the new online service: <https://visas-immigration.service.gov.uk/product/eea-qp>.

Comprehensive Sickness Insurance (CSI)

Comprehensive Sickness Insurance (CSI) can protect your income if you are unable to work because of an accident, long-term ill health or disability.

If you are not working in the UK (e.g. a student, a pensioner or looking for work) you will need CSI to show that you are self-sufficient.

Acceptable types of CSI:



- **Private health insurance** from a private health company, that covers you for the majority of risks while you are in the UK;
- Prove you are protected by **reciprocal arrangements with your home EEA country**, meaning that you were entitled to healthcare in your home EEA country for the relevant period. You can use forms S1 (formerly E106, E109 or E121), S2 (formerly E112) or S3;
- **European Health Insurance Card (EHIC)** issued by an EEA member state other than the UK (formerly form E111). This document counts **only if you make a declaration that you do not intend to stay in the UK permanently**. However, the declaration is not legally binding, and it is questionable whether the Home Office should ask for it.¹

EEA family permit

If your non-EEA family member wants to travel to the UK they will have to apply for a permit called an **EEA family permit**. It is free and lasts for 6 months. After the family permit ends, you can get a **UK residence card**. You must apply online:

- <https://www.gov.uk/family-permit>.

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¹ See the Free Movement Blog on this:

<https://www.freemovement.org.uk/comprehensive-sickness-insurance-what-is-it-and-who-needs-it/> [Accessed 14 October 2016].

