



EEA nationals in the UK following the 'Brexit' vote

On 23rd June 2016, UK citizens have voted to *leave the European Union (EU)*. So far, there has been **no change** to the rights and status of EEA nationals in the UK as result of the referendum.

Recent developments

The Prime Minister has officially notified the European Union of the United Kingdom's withdrawal on the 29th March 2017. This starts a two-year process of negotiating the terms of separation.

The **status of EU nationals in the UK has not been guaranteed** in advance through the Act of Parliament that has been passed to enable the withdrawal. Instead, this is only likely to be resolved as part of the final settlement, if one is reached.

For now, though, **conditions for EU nationals in the UK have not changed**. When they do, we will update this briefing.

How can I prepare for Brexit?

The first step in protecting yourself against the possible effects of Brexit would be to consider applying for a **residence card** or a **document certifying permanent residence** in the UK.

Neither of these documents are compulsory. **They simply confirm the rights that you already hold as an EEA national**. But they are a simple way for EEA nationals to prove they were exercising their free movement rights in the UK before any UK withdrawal from the EU¹.

Certificate of permanent residence

If you have been living continuously **in the UK for at least 5 years** AND during that time you have been a **'qualified person'** (see below), you can apply for a certificate recognising **permanent residence**. This is also a step towards getting British citizenship.

¹ The AIRE Centre (2016) *Information note on the UK referendum decision and its potential implications*. Available from: <http://www.airecentre.org/data/files/resources/40/Information-Note-on-BREXIT-The-AIRE-Centre-01.07.16.pdf>.



To apply for a document certifying permanent residence, EEA nationals and family members (direct or extended) must either:

- use the **online form**, which is for EEA nationals, but not their family members², (<https://visas-immigration.service.gov.uk/product/eea-pr>)
- OR
- use the **paper form** EEA (PR) (<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

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 will still need to print the form once you have completed it online.

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.

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 5-10 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.

Registration certificate

If you are currently a 'qualified person' (see below) but have been **resident for LESS than 5 years**, you can apply for a **registration certificate** which shows you have a right to reside, work and rent property in the UK. This document may also be important to evidence your immigration status if laws are changed in the future.

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>.

Qualified persons

You can be a 'qualified person' by being a:

- Worker;

² If family members derive their right to reside from the EEA national and the former is not included in the application.



- Self-employed person;
- Looking for work, if registered with the Job Centre and actively looking for work, for a limited time;
- Self-sufficient person with Comprehensive Sickness Insurance;
- Student with Comprehensive Sickness Insurance;
- A direct family member of a 'qualified person' (child, spouse etc.);
- An extended family member, who is financially dependent on a 'qualified person'.

Read more about permanent residence in the [Right to Reside Guide for EU citizens](#).

The rules are complex and you should get legal advice as to whether you are a 'qualified person' or not.

Other resources

Brexit: What should EEA and EU nationals and their family members do now? by Colin Yeo, Garden Court Chambers, 12 July 2016:

• <https://www.freemovement.org.uk/brexit-what-should-eea-and-eu-nationals-and-their-family-members-do-now/>

How to make a permanent residence application. By Colin Yeo, Garden Court Chambers, 14 March 2016:

• <https://www.freemovement.org.uk/how-to-make-a-permanent-residence-application/>

Online EEA permanent residence and European passport return service now available. By Colin Yeo, Garden Court Chambers, 4 October 2016:

• <https://www.freemovement.org.uk/online-eea-permanent-residence-european-passport-return-service-now-available/>

Where can I seek help?

Law Centres

Law Centres give legal advice to people who cannot afford a lawyer. You can find one in your area here: • <http://www.lawcentres.org.uk/i-am-looking-for-advice>

East European Advice Centre

Charity that provides information, advice and support to people from Central and Eastern Europe from the 2004 and 2007 EU accession countries:

Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

• <http://www.eeac.org.uk/> ☎ 020 8741 1288

Citizens Advice Bureau

• **England:** ☎ 03444 111 444: • www.citizensadvice.org.uk/index/getadvice.htm

• **Scotland:** ☎ 0808 800 9060: • <http://www.cas.org.uk/>

This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Law Centres Network and can in no way be taken to reflect the views of the European Commission.

