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# Immigration Briefing for University of Warwick

European Nationals and their Rights of  
Residence Post Brexit



# # European Union v EEA

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- # The EU is an economic and political union of 28 countries
- # It operates a single market which allows free movement of goods, capital, services and people between member states
- # EEA consist of the 28 EU countries plus Iceland, Liechtenstein and Norway allowing them to be part of the EU's single market
- # EEA nationals have the same rights as nationals of the EEA country they are in when it comes to working conditions, pay and social security (for example, benefits)



# # European Economic Area Members

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## # EEA Members:

Austria	Belgium	Bulgaria	Croatia	Cyprus
Czech Republic	Denmark	Estonia	Finland	France
Germany	Greece	Hungary	Iceland	Irish Republic
Italy	Latvia	Lichtenstein	Lithuania	Luxembourg
Malta	Netherlands	Norway	Poland	Portugal
Romania	Slovakia	Slovenia	Spain	Sweden
United Kingdom				

- # Switzerland – not EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.



# Nationals of Republic of Ireland

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Irish nationals enjoy separate rights to all other EEA members which allow them to residing in the UK and to be treated in the same way as British nationals in most circumstances.

-  The **Common Travel Area** between Britain and Ireland has been providing reciprocal immigration arrangements since before common membership of the EU.
  -  The **Ireland Act 1949** allows Irish nationals to enjoy a unique position giving them “non-foreign” status. The Irish in Britain are currently treated as immediately ‘settled’ from the date they take up ordinary residence. This permits Irish nationals to apply for a British Passport after five years continuous residence and also enables their children born here to acquire British citizenship.
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# # The Law- Overview

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## The Immigration (European Economic Area) Regulations 2006

- # Governs all members of the EEA residing in the UK
- # 'Free movement' rights
- # Right of Admission – **Regulation 11**
- # Initial Right of Residence – **Regulation 13**
  - 3 month period to live in the UK if you produce a valid nation ID card or passport issued by an EEA state
- # 'Qualified Person' defined under **Regulation 6** - Jobseeker, worker, self employed, self sufficient, student
- # Family Members defined under **Regulation 7** - spouses, civil partners and children under the age of 21 years.



# The Law- Overview - Continued

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- # Extended right of residence under **Regulation 14** as long as remain a 'qualified' person
- # Permanent right of residence under **Regulation 15** if remained a 'qualified' person for a continuous period of five years
- # Exclusion under **Regulation 19** which says EEA nationals and their family members may be removed from the UK on the grounds of public policy, public security or public health.



# # Since EU Referendum/Article 50 Case

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- # **23 June 2016** Referendum: UK voted by 52% to 48% to leave the EU
- # **11 July 2016** the Government released a statement to state that there has been no change to the rights and status of EEA nationals in the UK as a result of the June referendum
- # **19 July 2016** a number of actions were launched to prevent the government from formally triggering Article 50 (UK's exiting EU) without Parliament's authorisation.
- # **3 November 2016** High Court ruled that the government did not have the power to trigger Article 50 without Parliament's consent
- # **November 2016** Government appealed High Court decision blocking their decision to begin UK's exit from the EU.
- # **24 January 2017** Supreme Court ruled that Theresa May needs the approval of Parliament to trigger the Brexit process.



# # Europeans living in the UK less than 5 years - Registration Card

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## # Issue of Registration Card – Under **Regulation 16** on production of:

- a valid identity card or passport issued by an EEA State; and
- proof that you are a ‘qualified’ person

## # Benefits

- When UK formally leave the EU you can prove your right to live and work in the UK;
- Registration Card will also allow you to re-enter UK more easily when travelling and prove you qualify for certain benefits and services in the UK.



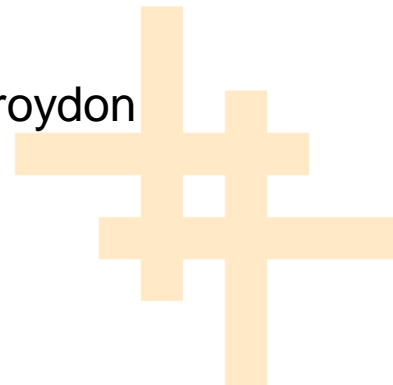


# # Europeans living in the UK less than 5 years - Registration Card

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## # Application Process:

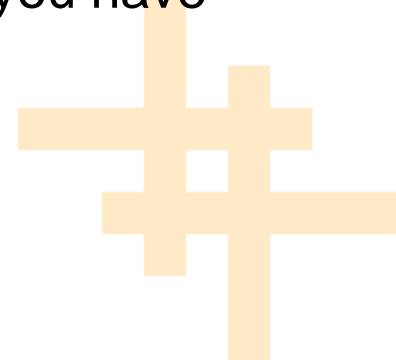
1. Read the [Guidance Note](#)
2. Complete application form EEA(QP) – [paper](#) or [online](#)
3. Pay £65 application fee
4. Send documents to Home Office, EEA Applications, PO Box 590, Durham, DH 99 1AD
5. Decision made within 6 months
6. Alternatively you can [book an appointment](#) at the Croydon Premium Service Centre to apply in person



# # EEA (QP) – Supporting Documents

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- # Two passport photographs
- # Valid Passport or National identity Card
- # Proof Employment - University to complete declaration on paper form (section 3B) or provide you with a signed/dated letter on their letter head to confirm
- # Proof of income – this can be your wage slips or bank statements showing receipt of your wages to cover at least 3 months before the date of your application
- # If you have been working for the University for less than 3 months your evidence should cover the entire period you have been employed.



## # Rule Change

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- # EEA nationals and your family members have automatic right to Permanent Residence by law after 5 years of continuous residence in the UK as a qualified person
- # Could apply for British Citizenship having possessed permanent residence for a 12 month period
- # On 12<sup>th</sup> November 2015 the rules changed meaning before applying for British citizenship, a permanent residence document application must be made
- # British Citizenship applications made without a permanent residence document are being refused and the application fee will not be refunded.



# # Europeans living in the UK 5 years or more - Permanent Residence Card

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- # Issue of Permanent Residence Card – Under **Regulation 18** on evidence you have :
  - been living in the UK as a ‘qualified’ person for a continuous period of 5 years; or
  - are a family member of an EEA national who is not himself an EEA national but who has resided in the United Kingdom in accordance with these Regulations for a continuous period of five years.
- # Benefits
  - You will be entitled to reside permanently in the UK and have similar rights to that of UK citizens
  - You can apply for a British Citizenship after having held PR for at least 12 months subject to meeting the requirements



# # Europeans living in the UK 5 years or more - Permanent Residence Card

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## # Application Process:

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# # EEA (PR) – Supporting Documents

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- # Two passport photographs
- # Valid Passport or National identity Card
- # Proof of Residence for full 5 year qualifying period- documents must be spread evenly throughout the 5years and come from a variety of sources (at least 2 documents for each year of residence is recommended) Examples include:
  - Bank statements/letters/Building society savings books/letters
  - Council tax bills or statements
  - Mortgage statements/agreement/ tenancy agreement(s)
  - Electricity and/or gas bills or statements
  - Water rates bills or statement/s
  - Telephone bills or statements
  - Letters from government officials e.g. DVLA, HMRC, DWP, TV licencing
  - Letter from GP, hospital or health service about appointments, medical treatment.



# # EEA(PR) Online Form

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## Who Can Use it

- # EEA nationals only, not their family members
- # Only 'qualified persons' who are workers or self employed (self sufficient people and students are not allowed to use)

## Process

- # Form Completed and £65 payment made online
- # Must still print the form and send it with your supporting documents to the EEA team for processing



# # EEA(PR) Online Form

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## Advantages

- # Passport Return Service
- # User friendly and less complicated than 85 page paper form

## Disadvantages

- # All questions are mandatory
- # No fast track option

[Let's take a look!](#)

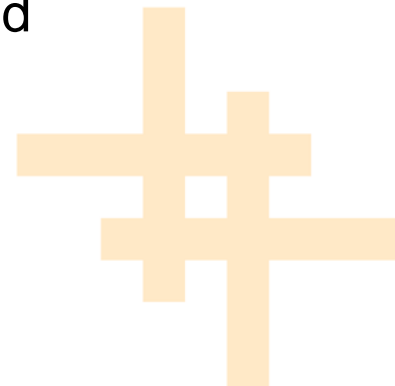




## # EEA (PR) – Supporting Documents

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- # Previous EEA documents, such as registration certificates, residence cards (if relevant)
  
- # Proof of Employment :-
  - Letter from each employer confirming the dates you worked for them, salary/wages, normal hours of work, and the reason the employment ended (if relevant)
  - Wage slips and/or bank statements showing receipt of wages for each job held during five year qualifying period
  - P60s for each year of the five year qualifying period

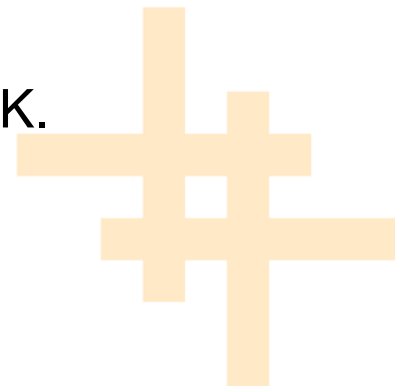


# # British Citizenship – Requirements

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## There are 7 basic requirements to be met:

- # You are 18 years or over;
- # You have lived in the UK for at least five years and not had excessive absences from the UK during that period;
- # You have held EEA permanent residence status for the last 12 months before your date of application;
- # You intend to live in the UK permanently;
- # You are a person of good character;
- # You have met the knowledge of English and life in the UK requirements; and
- # You have not broken any immigration laws while in the UK.



# # British Citizenship - Process

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- # Application Form: AN for Adults or MN1 for children under 18 years
- # Application Fee is currently £1236 or £936 for children under 18 years
- # Must provide your Permanent Residence Document
- # All applicants over 18 years must have knowledge of English Language AND pass a Life in the UK Test
- # Application is made to UKVI, Department 1, The Capital, New Hall Place, Liverpool, L3 9PP
- # Processing times takes up to 6 months
- # Once approved you must attend a Citizenship Ceremony



# Thank you

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**Any Questions?**

