



Home Office

# Processes and procedures for EEA documentation applications

Version 8.0

This guidance applies and interprets the Immigration (European Economic Area) Regulations 2016 (as amended).

# Contents

Contents.....	2
About this guidance.....	4
Contacts .....	4
Clearance .....	4
Changes from last version of this guidance .....	4
Procedure for applications for documentation .....	5
Transitional provisions: outstanding applications.....	5
Online .....	5
By post.....	6
Validity of applications .....	6
Incomplete forms .....	6
Missing documents or evidence.....	6
Part 3 – Residence documentation.....	7
Regulation 21(5) .....	7
Rejection of invalid applications.....	7
Specified application forms .....	9
European Economic Area (EEA) family permit .....	9
Registration certificate as a qualified person .....	9
Registration certificate or residence card as a direct family member .....	9
Registration certificate or residence card as an extended family member .....	10
Document certifying a right of permanent residence or permanent residence card .....	10
Derivative residence card .....	11
Application for an EEA family permit .....	12
Application for a registration certificate as a qualified person.....	13
Application for a registration certificate or residence card as a direct family member .....	15
Application for a registration certificate or residence card as an extended family member .....	17
Application for a document certifying permanent residence or permanent residence card .....	20
Application for a derivative residence card.....	23
Biometric information for non-EEA nationals.....	26
Certificates of application .....	27
Certificates of application and biometric information.....	27

Certificates of application: timescales .....	29
Residence cards .....	29
Derivative residence cards .....	29
Certificates of application: direct family members .....	30
Applications for a residence card.....	30
Persons who have retained a right of residence .....	30
Certificates of application: extended family members .....	32
Certificates of application: derivative rights applications .....	33
Identification document requirements.....	34
Alternative evidence of identity.....	35
Passport or ID card reported lost or stolen. ....	35
Alternative evidence .....	35
Circumstances where alternative ID must not be accepted.....	35
European Passport Return Service .....	36
Photocopies of documents .....	37
Translations of documents .....	38
Procedures: fees .....	39
EEA nationals: timescales for issuing.....	40
Registration certificates and documents certifying permanent residence .....	40
Non-EEA national family members of EEA nationals: timescales for issuing.....	41
Residence cards .....	41
Permanent residence cards .....	41
Derivative rights applications: timescales for issuing.....	42
Period of validity .....	42
Reconsiderations .....	43
Cases where reconsideration of a decision would be appropriate .....	43
Cases where reconsideration would not be appropriate .....	43
Where the applicant has already lodged an appeal .....	44
Other cases .....	44
Requests to expedite EEA applications.....	45
Information to include in a request to expedite a case .....	45
Deciding whether to expedite a case .....	45
Where the applicant is detained awaiting removal.....	46
Exceptional circumstances .....	46

# About this guidance

This guidance tells caseworkers what to consider when assessing an application for a document to confirm a right of residence in the UK for a European Economic Area (EEA) national qualified person or a family member of a EEA national.

It applies and interprets the [Immigration \(European Economic Area\) Regulations 2016](#) (as amended) (the 2016 regulations).

Swiss nationals are included in these regulations and you should consider their family members as if they were family members of EEA nationals.

It explains the topics that cut across all types of applications from EEA nationals and their family members for documents confirming their right of residence in the UK.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the European Migration Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Clearance

Below is information on when this version of the guidance was cleared:

- version **8.0**
- published for Home Office staff on **14 February 2019**

## Changes from last version of this guidance

Changes to reflect the Immigration (European Economic Area) (Amendment) Regulations 2018.

Changes to reflect [Regulation \(EU\) 2016/1191 on the Simplification of Public Documents](#). Minor administrative amendments throughout.

### Related content

[Contents](#)

Safeguard and promote child welfare

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)

[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Procedure for applications for documentation

This section tells you about the procedure for applications for documentation made under the Immigration (European Economic Area) Regulations 2016 (as amended) (the 2016 regulations).

## Transitional provisions: outstanding applications

Applications for a:

- EEA family permit
- registration certificate
- residence card
- document certifying permanent residence
- permanent residence card
- derivative residence card
- permission to be temporarily admitted in order to make a submission in person

made but not determined before 1 February 2017 are to be treated as having been made under the 2016 regulations. However, those applications are not required to have met the conditions of regulation 21 ([procedure for applications for documentation](#)) and therefore should not be rejected as invalid on the sole basis that they did not meet the procedure requirements set out in this guide.

From 1 February 2017, applications for documentation made under the 2016 regulations must:

- be made online (where applicable) or by post or in person using the specified application form
- be accompanied by valid ID for both applicant and sponsor
- be accompanied by the evidence or proof required by the regulations within the specified time
- be complete
- in the case of applications for a residence card or derivative residence, be submitted while the applicant is in the UK

For further information, see [procedure for applications for documentation](#).

For further information on biometric information for non-EEA nationals, please see: [Biometric information for non-EEA nationals](#).

## Online

Applicants must apply online (where applicable) or using the [specified hard-copy form](#). These forms can be found on the [GOV.UK website](#).

## By post

Applications made by post must be sent to the specified address, on the [specified hard-copy form](#), with the relevant fee and accompanying documents and evidence.

## Validity of applications

For an application for a document confirming a right of residence to be valid, it must be submitted on the specified application form, with all relevant sections completed. In addition, all applications must be accompanied by the relevant fee, documentation and evidence or proof required by the 2016 regulations. An application for a document confirming a right of residence, or a family permit, is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5).

## Incomplete forms

An application can be rejected as invalid if it is incomplete. All relevant sections of the application form must be completed. In particular, where the following sections of the application form are incomplete the application can be rejected as invalid.

Always required:

- payment details (and [payment of the fee](#))
- applicant's details
- applicant declaration

Required, where relevant:

- biometric information for non-EEA nationals
- your sponsor details
- sponsor declaration
- family members included in your application

## Missing documents or evidence

In line with regulation 21, an application for documentation must be accompanied by the evidence or proof required by:

- part 3 of the 2016 regulations (Residence documentation); or
- regulation 12 (Issue of EEA family permit),

An application made by the family member of an EEA national must be accompanied by:

- the evidence of the EEA national sponsor's identity and nationality as required by regulation 21(5) (Procedure for applications for documentation under Part 3 and regulation 12)

When assessing the documents and evidence provided, your overarching consideration should be a 'balance of probabilities' assessment.

Each case must be considered on its individual merits. If there are minor gaps in evidence provided, but considering the case in the round, you are satisfied that the applicant has been lawfully resident in the UK, you may accept the evidence. If the gaps are such that you are not satisfied the applicant has been lawfully resident in the UK, you should refuse the application.

### Part 3 – Residence documentation

Part 3 of the 2016 regulations (residence documentation) sets out the different residence documents (except for an EEA family permit which is covered at regulation 12) and the requirements which must be met in order for those documents to be issued. In line with regulation 21, the applications for documents must be accompanied, by the listed evidence or proof required by that Part or regulation 12, within any times specified by the regulations or guidance.

Further information is provided in the relevant sections of this guide.

### Regulation 21(5)

Regulation 21(5) specifies that where an application for documentation is made by a person who is not an EEA national on the basis that they are, or were, the family member of an EEA national, or an extended family member of an EEA national, the application must be accompanied by either a valid national identity card, or a passport for the EEA national sponsor.

Applications submitted by post or in person should be accompanied by the relevant evidence or proof required at the time the application is submitted.

If these conditions are not met then the application will be rejected as invalid.

### Rejection of invalid applications

In line with regulation 21(4), applications should be rejected as invalid where:

- the incorrect fee, or no fee has been submitted
- the incorrect form, or no form has been submitted
  - in line with regulation 21(6) there may be circumstances beyond the control of the applicant which means that they are unable to comply with the requirement to submit an application online (where applicable) or using the specified form
  - each case must be considered on its individual merits and you must refer to a senior caseworker in all instances - in such circumstances, you may

continue to accept an application submitted by post or in person which does not use the specified application form

- the requisite valid identification document or documents has not been submitted
  - in line with regulation 42, [alternative evidence of identity and nationality](#) may be accepted where the person is unable to obtain or produce the required document due to circumstances beyond the person's control
- the biometric sections have not been completed (where relevant) the relevant sections on the form have not been completed
- the specified documents, proof or evidence have not been submitted

In line with regulation 21(4A), applications should be rejected as invalid where:

- the person making the application is subject to a removal decision under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not include deportation orders or exclusion orders which were not made under the 2016 regulations.

In line with the definition of 'EEA Decision' in regulation 2, an application that is rejected as invalid because it has not been submitted in accordance with the regulations will not provide a right of appeal as the decision to reject the application as invalid is not considered an 'EEA decision'.

From 18 March 2016, the Home Office can retain an administration fee from in-country charged applications that are rejected as invalid. If an application is rejected in this way, you must refund the fee paid, minus a £25 administration fee.

## **Related content**

[Contents](#)

# Specified application forms

This section tells you about the application forms to be used for documentation confirming a right of admittance to the UK, and for documents confirming a right of residence under European Union (EU) law.

The current documentation confirming a right of admittance to the UK and for a right of residence under EU law, and their associated application forms, are listed below.

## European Economic Area (EEA) family permit

The following people can apply for an EEA family permit:

- non-EEA nationals who are family members of EEA nationals and who will be joining them in or accompanying them to the UK
- non-EEA nationals who have retained a right of residence in the UK and who are seeking to re-enter
- persons who have a derivative right of residence in the UK
- family members of British citizens who qualify under regulation 9
- non-EEA nationals who have acquired a right of permanent residence in the UK

Applicants must apply online, unless they live in North Korea. Applicants living in North Korea can apply on [form VAF5](#).

## Registration certificate as a qualified person

The following people can apply for a registration certificate:

- EEA nationals who are in the UK as a qualified person, as a:
  - worker (including those who have retained their worker status)
  - self-employed person (including those who have retained their self-employed status)
  - self-sufficient person
  - student
  - jobseeker

Applicants must apply online (where applicable) or using [form EEA\(QP\)](#).

## Registration certificate or residence card as a direct family member

The following people can apply for a registration certificate or residence card as a direct family member:

- EEA nationals (registration certificate) or non-EEA nationals (residence card) who are either a family member:
  - of an EEA national who is a qualified person

- of an EEA national with a right of permanent residence
- who has retained a right of residence under regulation 10
- of a British citizen who qualifies under regulation 9
- of a national of an EEA state who has acquired British citizenship and therefore qualifies under regulation 9A

An application for a residence card must be submitted while the applicant is in the UK.

Applicants must apply online (where applicable) or using the specified [form EEA\(FM\)](#).

## Registration certificate or residence card as an extended family member

The following people can apply for a registration certificate or residence card as an extended family member:

- EEA nationals (registration certificate) or non-EEA nationals (residence card) who are an extended family member of an EEA national who either:
  - is a qualified person
  - has a right of permanent residence

An application for a residence card must be submitted while the applicant is in the UK.

Applicants must apply online (where applicable) or using the specified [form EEA\(EFM\)](#).

## Document certifying a right of permanent residence or permanent residence card

The following people can apply for a document certifying permanent residence or a permanent residence card:

- EEA nationals (document certifying permanent residence) or non-EEA nationals (permanent residence card) who have acquired permanent residence by:
  - residing in the UK in accordance with the regulations for a continuous period of 5 years.
  - being an EEA national, or the family member of an EEA national with whom they reside, who has ceased activity in accordance with regulation 5
  - being the family member of an EEA national worker or self-employed person who has died, where the conditions of regulation 15(1)(e) are met
  - being a family member of an EEA national who has resided in the UK in accordance with the regulations for a continuous period of 5 years, and at the end of the 5 years have retained the rights to residence, in line with regulation 15(1)(f)

Applicants must apply online (where applicable) or using the specified [form EEA\(PR\)](#).

## Derivative residence card

The following people can apply for a derivative residence card:

- people with a derivative right of residence as the primary carer of a:
  - British citizen ('Zambrano' cases)
  - self-sufficient EEA national child ('Chen' cases)
  - child of an EEA national worker where that child is in education in the UK ('Ibrahim / Teixeira' cases)
- dependent children of a primary carer in one of the above categories
- children of EEA national workers who are in education in the UK ('Ibrahim/Teixeira' cases)

Applicants must apply online (where applicable) or using the specified [form DRF1](#).

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Application for an EEA family permit

This page tells you about applications for a European Economic Area (EEA) family permit under the 2016 regulations.

An EEA family permit is issued to family members of EEA nationals who are outside the UK to assist their entry to the UK to join or accompany the EEA national.

These permits are valid for a period of 6 months from their date of issue.

In certain circumstances, a family member of a British citizen can apply for an EEA family permit. For further information, please see: [Free movement rights: family members of British citizens](#)

Applications are dealt with by visa services and these applications are free of charge and must be treated as a priority application.

An application for an EEA family permit must be made online, unless the applicant is applying from North Korea. Applicants living in North Korea can apply using form [VAF5](#).

When applying for an EEA family permit, an application is only valid where it is submitted on the specified form, is complete, and includes:

- valid passport for applicant
- valid passport or EEA national identity card for the EEA national sponsor (a photocopy is acceptable for the purposes of an EEA family permit application)
- evidence of the relationship between the family member and their sponsor.

An application for a family permit is invalid if the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not apply where the deportation order or exclusion order was made otherwise than under the 2016 regulations.

For further information on applications for EEA family permits, see: [EEA Family Permits – Guidance for Entry Clearance Officers](#)

## Related content

[Contents](#)

## Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Application for a registration certificate as a qualified person

This page tells you about applications for a registration certificate as a qualified person under the 2016 regulations.

A registration certificate is a document issued to a European Economic Area (EEA) national who:

- is a qualified person
- is the family member of another EEA national who, either:
  - is a qualified person
  - has permanent residence
- is the family member of another EEA national and has retained a right of residence in the UK

For further information, please see related links:

- Free Movement Rights: Direct family members of European Economic Area (EEA) nationals
- Extended family members of EEA nationals

In line with regulation 21, an EEA national applying for a registration certificate must apply online (where applicable) or using the specified form EEA(QP) unless there are circumstances beyond the applicant's control which means they are unable to comply with this requirement.

For further information, see [Procedures for applications for documentation](#)

To qualify for a registration certificate as a qualified person, an application is only valid where it is submitted on the specified form, is complete, the relevant fee has been paid, and includes:

- a valid EEA national identity card or passport issued by an EEA state
- evidence they are a qualified person

An application for a registration certificate is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not apply where the deportation order or exclusion order was made otherwise than under the 2016 regulations.

For further information on the documents that can be submitted in support of an application for a registration certificate as a qualified person, please see: [Qualified persons](#)

Applicants who apply using hard copy form EEA(QP) cannot include their EEA family members on the same application form. EEA nationals who apply as a family member using a hard copy form must complete one of the following forms:

- [EEA\(FM\) to apply as a direct family member](#)
- [EEA\(EFM\) to apply as an extended family member](#)

#### **Related content**

[Contents](#)

#### **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Application for a registration certificate or residence card as a direct family member

This page tells you about applications for a registration certificate (from EEA nationals) or residence card (from non-EEA nationals) as a direct family member under the 2016 regulations.

A residence card can be issued to a non-EEA national who:

- is the family member of an EEA national who:
  - is a qualified person
  - has a right of permanent residence
- has retained a right of residence under regulation 10

An EEA national who is not a qualified person but who meets the above conditions can apply for a registration certificate as confirmation of their right of residence.

In line with regulation 21, a direct family member applying for a registration certificate or residence card must apply online (where applicable) or using the specified form EEA(FM), unless there are circumstances beyond the applicant's control which means they are unable to comply with this requirement.

For further information, see [procedures for applications for documentation](#)

To qualify for a registration certificate or residence card as a direct family member, an application is only valid where it is submitted on the specified form, is complete, the relevant fee has been paid, and includes:

- for EEA national family members - registration certificate (regulation 17):
  - valid EEA national identity (ID) card or passport issued by an EEA state for the applicant
  - a valid passport or valid national ID card for the relevant EEA national sponsor
  - proof that the applicant is such a family member (for example a marriage certificate or birth certificate)
  - proof that the relevant EEA national is a qualified person (this evidence will vary depending upon the basis on which the EEA national is exercising their free movement rights) or has permanent residence
- for non EEA national family members - residence card (regulation 18):
  - valid passport for applicant
  - a valid passport or valid national ID card for the relevant EEA national sponsor
  - proof that the applicant is such a family member (for example a marriage certificate or birth certificate)

- proof that the relevant EEA national is a qualified person (this evidence will vary depending upon the basis on which the EEA national is exercising their free movement rights) or has permanent residence

An application for a registration certificate or residence card is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not apply where the deportation order or exclusion order was made otherwise than under the 2016 regulations.

Applications for a residence card are only valid if submitted while the applicant is in the UK.

The EEA national sponsor does not need to have applied for or been issued with a registration certificate before a direct family member applies.

For further information on how to consider whether a person is the direct family member of an EEA national, see: [Free Movement Rights: Direct family members of European Economic Area \(EEA\) nationals](#)

In line with the Immigration (Provision of Physical Data) Regulations 2006 (as amended), from 6 April 2015 a non-EEA national applying for a residence card will have to enrol their biometrics in order to be issued a document confirming their right to reside in the UK under European Union (EU) law.

For further guidance on the process for enrolling biometrics, please see: [Biometric information for non-EEA nationals](#)

#### **Related content**

[Contents](#)

#### **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Application for a registration certificate or residence card as an extended family member

This page tells you about applications for a registration certificate (from EEA nationals) or a residence card (from non-EEA nationals) as an extended family member under the 2016 regulations.

Extended family members of EEA nationals who are qualified persons, or extended family members of EEA nationals who have a right of permanent residence, do not have an automatic right of residence. If extended family members wish to have a right to reside under the regulations beyond an initial 3 months, they must apply for, and be issued with:

- an EEA family permit if they are a non-EEA national
- a registration certificate (for EEA nationals) or residence card (for non-EEA nationals) once in the UK

The applicant must be either:

- the partner of the EEA national (but not their spouse or civil partner) and be in a durable (lasting) relationship with them
- a relative of the EEA national (but not their direct family member) who either:
  - has been dependent on the EEA national, or has been a member of the EEA national's household, before coming to the UK, and continues to be dependent on the EEA national, or be a member of their household
  - on serious health grounds strictly needs the personal care of the EEA national and would meet the requirements in the immigration rules for indefinite leave to enter/remain as a dependent relative (other than those relating to the requirement to hold entry clearance)

Each case must be considered on its individual merits.

Applicants must apply online (where applicable) or using the specified form EEA(EFM), as specified in regulation 21 of the 2016 regulations, unless there are circumstances beyond the applicant's control which means they are unable to comply with this requirement.

For further information, see [procedures for applications for documentation](#).

To qualify for a registration certificate or residence card as an extended family member (EFM) of an EEA national, where the EFM has not previously been issued with residency documentation, the application is only valid where it is submitted on the specified form, is complete, the relevant fee has been paid, and:

- where the EFM is themselves an EEA national seeking a registration certificate (regulation 17), includes:
  - a valid EEA national identity (ID) card or passport issued by an EEA state for the applicant
  - a valid passport or valid national ID card for the relevant EEA national sponsor
  - evidence of the relationship between the EFM and their sponsor.
  - proof that the relevant EEA national has permanent residence or is a qualified person (this evidence will vary depending upon the basis on which the EEA national is exercising their free movement rights)
- where relevant, evidence that they are:
  - in a durable (lasting) relationship with the EEA national
  - a relative of the EEA national and are dependent on them, a member of their household, strictly need their personal care on serious health grounds or would meet the requirements in the immigration rules for indefinite leave to enter/remain as a dependent relative
- where the EFM themselves is a non EEA national seeking a residence card (regulation 18):
  - valid passport for the applicant
  - a valid passport or valid national ID card for the relevant EEA national sponsor
  - evidence of the relationship between the EFM and their sponsor
  - proof that the relevant EEA national has permanent residence or is a qualified person (this evidence will vary depending upon the basis in which the EEA national is exercising their free movement rights)
- where relevant, evidence that they are:
  - in a durable (lasting) relationship with the EEA national
  - a relative of the EEA national and are dependent on them, a member of their household, strictly need their personal care on serious health grounds or would meet the requirements in the immigration rules for indefinite leave to enter or remain as a dependent relative.

An application for a registration certificate or residence card is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not apply where the deportation order or exclusion order was made otherwise than under the 2016 regulations.

Applications for a residence card are only valid if submitted while the applicant is in the UK.

For further information on how to consider whether a person is an extended family member of an EEA national see: [Extended family members of EEA nationals](#)

In line with the Immigration (Provision of Physical Data) Regulations 2006 (as amended), from 6 April 2015 a non-EEA national applying for a residence card will have to enrol their biometrics in order to be issued a document confirming their right to reside in the UK under European Union (EU) law.

For further guidance on the process for enrolling biometrics, please see: [Biometric information for non-EEA nationals](#)

**Related content**

[Contents](#)

**Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Application for a document certifying permanent residence or permanent residence card

This page tells you about applications for a document certifying a right of permanent residence or permanent residence card under the 2016 regulations.

An EEA national who has acquired permanent residence under the regulations can apply for a document certifying permanent residence.

A non-EEA national who has acquired permanent residence under the regulations can apply for a permanent residence card.

A person can acquire permanent residence in a number of ways, most commonly if they have resided in the UK in line with the regulations for a continuous period of 5 years. This can include time spent as:

- an EEA national qualified person
- the family member of a qualified person
- the family member of an EEA national with a right of permanent residence
- a family member who has retained a right of residence under regulation 10

An applicant can rely on residence in more than one of the categories listed above to make up the 5 year period as long as that period was continuous. For example, an EEA national may have resided in the UK for a period of time as the direct family member of an EEA national before becoming a qualified person in their own right.

An EEA national, or the family member of an EEA national, can qualify for permanent residence after a period of less than 5 years in certain circumstances. These include where an EEA national former worker or self-employed person:

- ceases activity in line with the conditions set out in regulation 5
- has died and the conditions in regulation 15(1)(e) are met

For further information, see:

- Free Movement Rights: Direct family members of European Economic Area (EEA) nationals
- Extended family members of EEA nationals

EEA nationals or their family members applying for a permanent residence card must apply online (where applicable) or using the specified form EEA(PR), in line with regulation 21 unless there are circumstances beyond the applicant's control which means they are unable to comply with this requirement.

For further information, see [procedures for applications for documentation](#) .

To qualify for a document certifying permanent residence or a permanent residence card (regulation 19), an application is only valid where it is submitted on the specified form, is complete, the relevant fee has been paid, and includes:

- proof of identity, which is:
  - for EEA nationals - a valid national identity card or passport issued by an EEA state
  - for non EEA nationals - a valid passport
- evidence to show they have a right to permanent residence, either because they have resided in the UK for a continuous period of 5 years and had a right of residence under the regulations throughout that period or because they fulfil one of the other qualifying conditions to obtain permanent residence
- when applying as family member or extended family member of an EEA national, a valid passport or valid national identity card for the relevant EEA national sponsor
- where relevant, evidence to show they are, or their family member is, an EEA national worker or self-employed person who has ceased activity
- where relevant, evidence they were the family member of an EEA national worker or self-employed person who has died, they resided with that EEA national immediately before their death, and either:
  - the worker or self-employed person had resided continuously in the UK for at least the 2 years immediately before their death
  - the death was the result of an accident at work or an occupational disease
- where relevant, evidence they have retained the right of residence and have resided in the UK for a continuous period of 5 years

As described in [‘Missing documents or evidence’](#) you should take a proportionate approach to the assessment of evidence provided by applicants.

The overarching principle applied to consideration of minor gaps in evidence is aligned to the Free Movement of Persons Directive (2004/38/EC) rule that continuity of residence is not broken by absences from the UK of up to 6 months in any 12 month period. You may exercise evidential discretion on a case by case basis. There must be no more than a cumulative total of 6 months gaps in evidence or absence from the UK in any 12 month period and you must be satisfied that, on the balance of probabilities, the applicant has been lawfully resident in the UK throughout the relevant qualifying period.

For example, where an applicant can provide strong evidence of exercising Treaty rights as a worker by providing 5 years of P60s, this can be accepted as evidence of residence in the UK, in most cases. If there is a period of jobseeking which is poorly evidenced but which is less than 6 months and the period is immediately followed by strong evidence that the applicant was working, it may be proportionate to conclude that the job-seeking activity was undertaken in accordance with the 2016 regulations.

An application for a document certifying permanent residence or a permanent residence card is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not

apply where the deportation order or exclusion order was made otherwise than under the 2016 regulations.

For further information on evidence of a right of residence, see:

- European Economic Area nationals qualified persons
- Free Movement Rights: Direct family members of European Economic Area (EEA) nationals
- Extended family members of EEA nationals
- Family members: retained the right of residence

For further information on identification requirements in EEA applications, see: [Identification document requirements](#).

In line with the Immigration (Provision of Physical Data) Regulations 2006 (as amended), from 6 April 2015 a non-EEA national applying for a permanent residence card will have to enrol their biometrics in order to be issued a document confirming their right to reside in the UK under European Union (EU) law.

For further guidance on the process for enrolling biometrics, please see: [Biometric information for non-EEA nationals](#)

#### **Related content**

[Contents](#)

#### **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Application for a derivative residence card

This page tells you about applications for a derivative residence card under the 2016 regulations.

A derivative residence card is a document confirming residence under regulation 16.

A person may have a derivative right of residence under 16 in one of the following categories:

- primary carers of:
  - British citizens ('Zambrano' cases)
  - self-sufficient EEA national children ('Chen' cases)
  - a child of an EEA national worker where that child is in education in the UK ('Ibrahim / Teixeira' cases)
- dependent children of primary carers in one of the categories set out above
- children of EEA national workers where that child is in education in the UK ('Ibrahim / Teixeira' cases)

Applicants must apply online (where applicable) or using the specified form DRF1, as provided for in regulation 21 of the 2016 regulations, unless there are circumstances beyond the applicant's control which mean they are unable to comply with this requirement.

To qualify for a derivative residence card (regulation 20) as a primary carer in one of the relevant categories, an application is only valid where it is submitted on the specified form, is complete, the relevant fee has been paid, and includes:

- a valid national identity (ID) card issued by an EEA state or a valid passport for the applicant
- a valid passport or valid national ID card for the relevant sponsor.
- evidence that they meet the relevant conditions under regulation 16

For information on ID requirements, see: [Identification document requirements](#).

Persons claiming a derivative right of residence as the primary carer of a British citizen (Zambrano) must also submit evidence to show:

- British citizenship for the person for whom they claim to be a primary carer
- that the British citizen would be unable to reside in the UK or in another EEA member state if the applicant had to leave the UK for an indefinite period

Persons claiming a derivative right of residence as the primary carer of a self-sufficient EEA national child (Chen) must also submit evidence to show the:

- EEA nationality for the child who they claim to be the primary carer for

- EEA national child has sufficient resources to support themselves and their primary carer or carers
- EEA national child and their primary carer or carers hold valid comprehensive sickness insurance
- EEA national child would be unable to remain in the UK if the applicant had to leave the UK for an indefinite period

Persons claiming a derivative right of residence as the primary carer of an child of an EEA national worker where that child is in education in the UK (Ibrahim/Teixera) must also submit evidence to show the:

- child who they claim to be a primary carer for is the child of an EEA national
- EEA national was a worker in the UK at a time when the child was in the UK
- child is currently in education in the UK
- child would be unable to continue their education in the UK if the applicant had to leave the UK

Persons claiming a derivative right of residence as a child of an EEA national worker where that child is in education in the UK (Ibrahim / Teixeira) must submit evidence to show that:

- they are the child of an EEA national
- the EEA national was a worker in the UK at a time when the applicant was in the UK
- the applicant is currently in education in the UK

Persons claiming a derivative right of residence as the dependent child of a primary carer in one of the categories set out above must also submit evidence to show:

- the person on whom their claim is based is their primary carer
- their relationship to that primary carer
- the primary carer has a derivative right of residence under regulation 16
- that asking the applicant to leave would prevent their primary carer from residing in the UK

An application for a derivative residence card is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5). This does not apply where the deportation order or exclusion order was made otherwise than under the 2016 regulations.

Applications for a derivative residence card are only valid if submitted while the applicant is in the UK.

For further information on how to consider whether a person can claim a derivative right of residence see: Derivative rights of residence

In line with the Immigration (Provision of Physical Data) Regulations 2006 (as amended), from 6 April 2015 a non-EEA national applying for a residence card will

have to enrol their biometrics in order to be issued a document confirming their right to reside in the UK under EU law.

For further guidance on the process for enrolling biometrics, see: [Biometric information for non-EEA nationals](#)

#### **Related content**

[Contents](#)

#### **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Biometric information for non-EEA nationals

This page tells you about the requirement for non-EEA nationals who have applied for any type of residence card under the 2016 regulations to give their biometric information.

In line with the Immigration (Provision of Physical Data) Regulations 2006 (as amended), from 6 April 2015 any non-EEA national applying for a residence card, derivative residence card or permanent residence card must give their biometric information to be issued a document confirming their right to reside in the UK under EU law. Any references in this guidance to a residence card, derivative residence card or permanent residence card includes a document issued in a biometric format.

The application will only be considered valid at the point at which the applicant successfully enrolls their biometric information.

If a non-EEA national does not give their biometric information within the specified timescale, you must reject their application as invalid. For information on the timescales given to applicants to enrol their biometric information, see: [Biometric information: failing to enrol](#).

This requirement applies to non-EEA nationals only. You must not ask an EEA national applicant to give their biometric information.

For further guidance on the process for enrolling biometrics, see:

- [Biometric information: introduction](#)
- [Biometric information: enrolment](#)

## Related content

[Contents](#)

## Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Certificates of application

This section tells you about certificates of application issued to people who have applied for a residence card or a derivative residence card under the 2016 regulations.

A certificate of application (COA) is a document confirming the holder has submitted an application for one of the following documents under the regulations:

- residence card
- derivative residence card

The COA does not confirm that the holder has a right of residence in the UK:

- a 'short' COA confirms receipt of the holder's application - it does not confirm any right to work for the applicant
- a 'long' COA confirms receipt of the holder's application and confirms the applicant's ability to take employment in the UK whilst their application is outstanding

## Certificates of application and biometric information

Applicants who fail to enrol their biometric information will not have made a valid application and will have no entitlement to be issued with a COA.

Applicants have 15 days to enrol their biometrics. This means that the earliest date in which the applicant will be issued a COA (providing they have enrolled their biometrics) will be at around day 17.

Where confirmation is received that biometric information has been successfully enrolled, either a long COA (which confirms employment) or a short COA (which does not confirm employment) will be issued based on the type of application and the information provided.

Where there is evidence that that the applicant has previously been known to the Home Office using a different identity than the one in which they have made their most recent application for a residence card or derivative residence card, then you must issue the applicant with a short COA.

If the applicant does not enrol their biometric information within the required period, the application will be rejected as invalid and a COA will not be issued.

For information on issuing a COA in different application types, see:

- [Certificates of application – direct family members](#)
- [Certificates of application – extended family members](#)
- [Certificates of application – derivative rights applications](#)

**Related content**

[Contents](#)

**Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Certificates of application: timescales

This page tells you about the process for issuing a certificate of application (COA) under the 2016 regulations.

## Residence cards

In line with regulation 18(3) of the 2016 regulations, on receipt of an application for a residence card and the documents that that are required to accompany that application, a COA must be issued 'immediately'.

Applicants who fail to enrol their biometric information will not have made a valid application and will have no entitlement to be issued with a COA. For further information see: [Certificates of application and biometric information](#)

For more information on COAs for residence cards, see:

- [Certificates of application – direct family members](#)
- [Certificates of application – extended family members](#)

## Derivative residence cards

In line with regulation 20(2), on receipt of an application for a derivative residence card and the documents that are required to accompany that application, a COA must be issued 'as soon as possible'.

For more information, see: [Certificates of application – derivative rights applications](#)

Applicants who fail to enrol their biometric information will not have made a valid application and will have no entitlement to be issued with a COA. For further information see: [Certificates of application and biometric information](#)

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Certificates of application: direct family members

This page tells you about certificates of application (COAs) issued to a direct family member of a European Economic Area (EEA) national under the 2016 regulations.

## Applications for a residence card

To be issued with a 'long' COA confirming a right to take employment while their application is under consideration, the applicant must have submitted:

- a valid passport
- a valid EEA national ID card or passport for the EEA national
- evidence of relationship to their EEA national (for example, marriage or birth certificates) and either:
  - evidence the EEA national has exercised free movement rights in the UK as a jobseeker, worker, self-employed person, self-sufficient person or student
  - evidence the EEA national has permanent residence in the UK.

If they have not submitted all of the evidence listed above, you must issue a 'short' COA, which does not confirm a right to take employment.

Anyone issued with a 'short' COA due to their failure to submit the required evidence cannot later be issued with a 'long' COA if they submit this evidence.

## Persons who have retained a right of residence

You must issue a 'long' COA to anyone who applies for a residence card because they retain a right of residence under regulation 10 provided that they submit the following evidence:

- a valid passport
- a valid national ID card or passport for the EEA national
- evidence of termination of relationship (for example, decree absolute, final order of dissolution of a civil partnership, death certificate) and either:
  - evidence the EEA national exercised free movement rights in the UK as a jobseeker, worker, self-employed person, self-sufficient person or student at the date of the termination
  - evidence the EEA national had permanent residence in the UK at the date of the termination

In cases of retained rights, there may be some circumstances where the applicant is unable to provide either the EEA national's identity or evidence they were exercising free movement rights at the date of the termination.

If the applicant provides a reasonable explanation for the missing information (for example because the applicant was the victim of domestic violence by the EEA national), then a 'long' COA can be issued. If in doubt, you must refer to a senior caseworker for advice.

Applicants who fail to enrol their biometric information will not have made a valid application and will have no entitlement to be issued with a COA. For further information see: [Certificates of application and biometric information](#).

#### **Related content**

[Contents](#)

#### **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Certificates of application: extended family members

This page tells you about certificates of application (COAs) regarding extended family members of a European Economic Area (EEA) national under the 2016 regulations.

Extended family members, including durable partners, of EEA nationals do not enjoy an automatic right of residence in the UK until they have been issued with a document by the Home Office confirming such a right.

You must issue a 'short' COA to extended family members who have submitted an application for a residence card regardless of the level of evidence submitted with their application.

Applicants who fail to enrol their biometric information will not have made a valid application and will have no entitlement to be issued with a COA. For further information see: [Certificates of application and biometric information](#)

## **Related content**

[Contents](#)

## **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)

[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Certificates of application: derivative rights applications

This page tells you about certificates of application (COAs) issued to people who have applied for a derivative residence card under regulation 16 of the 2016 regulations.

You must issue them with a 'long' COA confirming a right to take employment while their application is under consideration if they submit the following information:

- a valid passport
- a valid passport or EEA national ID card for the person they claim to derive a right from
- evidence of relationship to the person for whom they claim to be the primary carer

If any of the above evidence is not submitted with the application, you must issue a 'short' COA.

Applicants who fail to enrol their biometric information will not have made a valid application and will have no entitlement to be issued with a COA. For further information see: [Certificates of application and biometric information](#)

For further information on how to consider whether a person can claim a derivative right of residence see: Derivative rights of residence

For further information on ID requirements, see: [Identification document requirements](#).

## Related content

[Contents](#)

## Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Identification document requirements

This section tells you about the identity requirements for applications made under the 2016 regulations.

Acceptable evidence of identity for a European Economic Area (EEA) national is a valid:

- EEA national ID card
- passport issued by an EEA member state

If the EEA national is applying as the family member of another EEA national, they must also submit acceptable evidence of identity for that EEA national.

Acceptable evidence of identity for a non-EEA national applying for a document is a valid passport for themselves

A family member must also submit acceptable evidence of identity for their EEA national sponsor.

There are certain limited circumstances where [alternative evidence of identity](#) can be accepted.

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**Official - sensitive: end of section**

## Related content

[Contents](#)

## Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Alternative evidence of identity

This page tells you when alternative evidence of identity can be acceptable for the purposes of establishing a right of residence under 2016 regulations.

To benefit from certain provisions of the 2016 regulations, for example when applying for a document or seeking to appeal a decision, a person must present either a valid:

- national identity (ID) card issued by an EEA member state
- passport

Regulation 42 entitles the Secretary of State to accept alternative evidence of identity and nationality where a person is unable to produce the required documents due to circumstances beyond their control. This regulation does not apply to anyone seeking admission to the UK under regulation 11, as this already contains a provision allowing an applicant to establish their right to enter by other means.

## Passport or ID card reported lost or stolen.

If an ID document or passport is reported lost or stolen, it must not be accepted as valid evidence of identity.

## Alternative evidence

There may be exceptional reasons why a person cannot provide such documentation and you can accept alternative evidence of identity and nationality if they cannot produce the required document due to circumstances beyond their control.

This may be, for example, if they have been granted asylum in the UK and there would be a potential risk to the applicant in seeking documentation from the authorities in their home country, or their asylum claim has failed but there is an ongoing appeal against that decision.

In such cases, a Home Office issued application registration card (ARC) can be accepted as alternative evidence of identity and nationality. Where such alternative documentation is accepted, this can also be considered acceptable for the purposes of an applicant's appeal rights.

There may also be other reasons why a person cannot produce a passport or ID card. Each case must be considered on its individual merits and you must refer to a senior caseworker in all instances.

## Circumstances where alternative ID must not be accepted

The following are not sufficient reasons for accepting alternative ID:

- where the applicant claims cost or inconvenience as a reason for not supplying valid ID
- if an ARC card is submitted but the asylum claim was refused and the applicant's appeal rights are exhausted

## European Passport Return Service

The [European Passport Return Service](#) is offered via participating local authorities and a premium service centre in Belfast. It supports the online application service and enables people to retain their original passport whilst their application is being considered.

For applications for residency documentation submitted online, where the European Passport Return Service has been used by the applicant, a verified copy of the passport submitted to the Home Office by the participating local authority, is acceptable as an alternative to the applicant's original passport.

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)

[Free Movement of Persons Directive \(2004/38/EC\)](#)

[European Passport Return Service](#)

# Photocopies of documents

This page tells you the requirements for a document confirming a right of residence under the 2016 regulations.

Passports and identity documents must be originals. Copies of these documents should not be accepted, except, in the case of passports only, where they have been verified, copied and submitted to the Home Office by a local authority participating in the European Passport Return Service.

Where an EEA applicant has submitted photocopies of UK issued marriage / birth / divorce certificates rather than the originals, you can accept this unless you have concerns about the evidence submitted. You should also assess the overall level of evidence provided to see if it supports the application.

All documents that are not produced by an authority of another Member State and are not in English, must be accompanied by an official English translation.

If the applicant cannot submit these documents because they are being held by another department within the Home Office, you must make arrangements with the relevant department to have them sent to you.

Under regulation 42, [alternative evidence of identity](#) can be accepted in limited, exceptional circumstances.

For any other photocopied evidence received, you should consult a senior caseworker and assess the risk attached to accepting the photocopies.

## **Related content**

[Contents](#)

## **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)

[Free Movement of Persons Directive \(2004/38/EC\)](#)

[European Passport Return Service](#)

# Translations of documents

Regulation (EU) 2016/1191, otherwise known as Simplification Regulation, applies from 16 February 2019.

The Regulation removes the need to have documents legalised (ie no more [apostilles](#), or their equivalents in other Member States). This means there is no longer a requirement for the applicant to provide a certified English translation.

In place, Member State authorities, who issue these public documents, will be able to produce multilingual standard forms (MSFs) to accompany documents on request from the applicant.

You must accept MSFs in place of certified English translations of documents.

You must ask that these MSFs are provided when an applicant is presenting original documents.

This will apply to documents such as a:

- birth certificate
- marriage certificate
- death certificate
- divorce certificate
- adoption certificate

This list is not exhaustive and only applies to documents produced by an authority of another Member State. This includes documents issued by EU Member State authorities to third country nationals.

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The information on this page has been removed as it is restricted for internal Home Office use.

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**Official - sensitive: end of section**

## Related content

[Contents](#)

## Related external links

[Regulation \(EU\) 2016/1191](#)

# Procedures: fees

This page tells you about the fees attached to applications for a document confirming a right of residence, or a derivative right of residence, under the 2016 regulations.

EEA family permits are issued free of charge.

The following documentation has a fee of £65 for each applicant:

- registration certificate
- residence card
- document certifying a right of permanent residence
- permanent residence card
- derivative residence card

The fee applies to each applicant. For example, if an EEA national submits an application for registration certificates for themselves and 3 family members, they will need to submit the appropriate fee of £260, which is £65 for themselves and for each of their family members.

You must reject applications received without the correct fee as invalid.

From 18 March 2016, the Home Office can retain an administration fee from in-country charged applications that are rejected as invalid. If an application is rejected in this way, you must refund the fee paid minus a £25 administration fee. There is no legal basis under which the applicable fee can be waived, and you must not process applications which have been accepted in error if the correct fee has not been paid.

## **Related content**

[Contents](#)

## **Related external links**

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# EEA nationals: timescales for issuing

This page outlines the timescales within which the Home Office must process applications for documents confirming a right of residence from European Economic Area (EEA) nationals.

## Registration certificates and documents certifying permanent residence

Regulation 17(1) of the 2016 regulations says that a registration certificate must be issued to a qualified person, immediately on receipt of an application and production of the relevant documents.

Regulation 19(1) says you must issue a document certifying permanent residence as soon as possible after an application and relevant documents have been submitted.

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Non-EEA national family members of EEA nationals: timescales for issuing

This page outlines the timescales within which the Home Office must process applications for documents confirming a right of residence from non-European Economic Area (EEA) national family members of EEA nationals.

## Residence cards

Regulation 18(3) of the 2016 regulations says a residence card must be issued to a non-EEA national who is a family member of an EEA national who is a qualified person, or has a permanent right of residence within 6 months of receiving an application and producing:

- a valid passport
- proof that shows the applicant is a family member, as claimed

Regulation 18(3) applies the same timescales to non-EEA national family members who have retained a right of residence, when they produce:

- a valid passport
- proof the applicant is a family member who has retained the right of residence

## Permanent residence cards

Regulation 19(2) says a person who is not an EEA national who has a permanent right of residence must be issued with a permanent residence card no later than 6 months after the date the application and proof the person has such a right is received.

A permanent residence card must be issued with a validity period of 10 years.

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Derivative rights applications: timescales for issuing

This page outlines the timescales within which the Home Office must process applications for a derivative residence card.

Because derivative rights of residence are not covered directly by Directive 2004/38/EC (the 'free movement Directive'), applications are not subject to the 6 month timescales which apply to other residence card applications.

However, in line with regulation 20(4), applications for derivative residence cards must be considered 'as soon as practicable'.

## Period of validity

Derivative residence cards will usually be issued for a period of 5 years. In certain circumstances you may issue for an alternative period depending on the individual facts of the case.

For example, if a primary carer is claiming a derivative right of residence for their child who is due to reach the age of majority in 3 years time, and at which point they will cease to have a derived right to reside, then you must only issue a document for 3 years.

## Related content

[Contents](#)

## Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Reconsiderations

This section tells you when to consider requests for a reconsideration of a decision to refuse documentation under the 2016 regulations.

In some cases, it may be appropriate to reconsider a decision to refuse documentation or to issue a certain document where an applicant or their representative has requested the Home Office to do so.

## Cases where reconsideration of a decision would be appropriate

Reconsideration would be appropriate when:

- the applicant or representative raises a point of law - this could include accusations that the wrong regulation has been applied to the refusal
- the applicant or representative raises a challenge to Home Office policy – this could include where the wrong policy has been applied or the policy itself is alleged to be unlawful
- the applicant or representative has rightly drawn attention to the fact that evidence alleged not to have been provided in support of the application was actually with the Home Office at the relevant time
- new and compelling evidence was submitted before the refusal decision was dispatched that would, if it had been considered at the time, have led to documentation being issued

All decisions about whether to reconsider a case must be made by a HEO senior caseworker (SCW). Where it is agreed to reconsider, the SCW must allocate the reconsideration to a different caseworker than the original deciding officer. This will make sure that the case is looked at with a fresh pair of eyes. However, when a request for reconsideration is as a result of a caseworker error, the case should be returned to the original caseworker.

If, after reconsideration, it is decided to maintain the refusal you must write to the applicant or representative explaining why this is justified and their options for challenging the decision.

## Cases where reconsideration would not be appropriate

Reconsideration would not be appropriate when:

- the applicant or representative requests a reconsideration without putting forward any substantive arguments
- the applicant or representative submits documentary evidence after the refusal decision has been issued

- the applicant or representative asks for reconsideration on a different basis than the original application (for example under Article 8 of the European Convention on Human Rights)

## Where the applicant has already lodged an appeal

Generally, where the applicant has already lodged an appeal but they have asked for the decision to be reconsidered, this must be refused and the applicant advised to pursue their appeal through the proper channels.

## Other cases

In cases where the applicant or representative does not request a reconsideration but the case is withdrawn, prior to the appeal being heard, by the Presenting Officer, or in cases where the appeal is heard and allowed to the extent that it is remitted back to the Secretary of State for a reconsideration, these are dealt with separately and must be forwarded to the Sheffield Post Decision team.

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)  
[Free Movement of Persons Directive \(2004/38/EC\)](#)

# Requests to expedite EEA applications

This page tells you about requests to expedite an EEA application.

Applicants may contact the Home Office directly, or may ask their MP or a minister to make enquiries on their behalf. Contact details are on gov.uk at [gov.uk/contact UKVI](https://www.gov.uk/contact-ukvi).

Caseworkers must refer all requests for a case to be expedited to the appropriate email inbox.

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## Information to include in a request to expedite a case

When submitting a request for a case to be expedited, you must include the following information:

- full name
- date of birth
- date of application
- Royal Mail Recorded Delivery number (if applicable)
- method of payment used when making the application (card, cheque etc)
- case ID or Home Office reference (if known)
- date of planned removal (if applicable)

## Deciding whether to expedite a case

If you are unsure as to whether the application should be expedited, the request must be referred to the SEO Deputy Chief Caseworker.

## Where the applicant is detained awaiting removal

Requests must be considered on the basis of the evidence submitted. It will usually be appropriate to expedite a case where the applicant is a non-EEA national who claims to be the family member of an EEA national exercising Treaty rights, and the removal decision was not made under the 2016 regulations, for example if the decision was made under section 10 of the Nationality, Immigration and Asylum Act 1999.

It will not normally be necessary to expedite an application where the removal decision was made under the 2016 regulations. This is because in line with regulation 24(2), a removal decision made under the 2016 regulations cancels any outstanding application for EEA documentation. Therefore the application does not need to be considered.

## Exceptional circumstances

There may be exceptional, compelling circumstances that would merit an application being expedited. Examples of grounds which could be considered exceptional, compelling circumstances include:

- family emergencies such as bereavement or serious illness
- the need to travel for essential medical treatment overseas

In all cases, documentary evidence of the exceptional, compelling circumstances must be provided.

Family celebrations such as weddings and holidays are not generally considered exceptional, compelling 'family emergencies' which would merit expediting an application.

The application cannot be considered until the applicant has enrolled their biometrics.

### Related content

[Contents](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)

[Free Movement of Persons Directive \(2004/38/EC\)](#)