

Your rights in the UK if you are from the **EEA**



Isabelle's story:

Isabelle grew up with her mother in the Ivory Coast. Her father is French but now lives in the UK with his second wife and their children.

When she turned eighteen she came to the UK to train in film and TV makeup. Because Isabelle is French as well as Ivorian she has the right to come to the UK as an EU citizen. So she moved in with her dad and step mum in London.

Everything went really well for about a year; she got on a good course, found a part time job in a beauty salon and started going out with a drama student. But then her grandmother in France had a stroke. Her father and step mother decided they would have to move back to Lyon to look after her. They asked Isabelle to go with them, but she really didn't want to leave her course – or her boyfriend.

'I didn't know what to do,' says Isabelle, 'I'd only just got settled in London and I was finally doing the course I'd always wanted to. But would I be allowed to stay on my own?'

See page 2 to find out what happened to Isabelle.

This leaflet explains your rights to enter, live, work and study in the United Kingdom (UK) if you are a national of a European Economic Area (EEA) country. We also look at your rights to bring your family and to get help with housing and health care.

The European Economic Area includes these countries:

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

Swiss nationals are also treated as if they were EEA nationals even though Switzerland is not part of the EEA.

Not all EEA nationals are treated the same.

There are different rules for people from eight of the newest member states; Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. These countries are sometimes known as 'the A8 states'. These EEA nationals are required to register under what is called the Worker Registration Scheme if they wish to take employment.

See our leaflet 'A8: Your rights in the UK'.

Nationals from Bulgaria and Romania are also treated differently. They must get permission from the Home Office before they take employment and permission will only be given if the job is of a certain sort. If you are from Bulgaria or Romania you should read the Home Office information at www.ukba.homeoffice.gov.uk/eucitizens/bulgarianandromaniannationals/

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What happened to Isabelle?

Isabelle was so worried about what would happen to her that her boyfriend suggested that she should see the student adviser at the college. After a bit of research the adviser explained to Isabelle that she would be able to stay on her course: as the daughter of an EU worker who has worked in the UK Isabelle is entitled to access vocational training. 'It was such a relief!' says Isabelle, 'I didn't have to worry about being asked to leave anymore.'

“I'm an EEA national. What are my rights in the UK?”



Living in the UK

If you are an EEA national you have the right to come to the UK and stay for up to three months for any reason. After three months, you have the right to continue living in the UK if:

- you are working (work can be a mix of work and study); or
- you have set up a business or are self employed; or
- you are studying in the UK after having worked here.

But if you are:

- looking for work; or
- studying in the UK without having worked; or
- just want to live here,

you can only stay if you have enough money to support yourself without help from 'public funds'. Public funds includes benefits like Income Support, Housing Benefit and Council Tax Benefit.



IF STUDYING YOU MUST BE ABLE TO SUPPORT YOURSELF.

Working and looking for work

As an EEA national you can work in the UK as an employee, or you can be self-employed or set up a business. You don't need a work permit.

Q I'm Portuguese and came to the UK to find work. I've been looking for a while now but haven't had any luck so far. Am I still entitled to be here?

A As an EEA national you are entitled to look for work here for as long as you like so long as you can manage without claiming benefits and have health insurance. However, if it takes you a while to find work, it may become more difficult for you to show that you are actively looking for it. As a guide, after six months without finding a job, it will be more important to prove your efforts to find work. A good way to do this is to register with your local Jobcentre Plus and make sure that you keep copies of any letters sent to employers and their replies.

Work can include a mix of work and studying and it can be temporary or part-time. Even if your wages are being topped up with benefits you can still be classed as a 'worker'.

As an EEA worker you have to pay the same tax and become entitled to the same welfare benefits as British citizens in the same situation as you.

If you lose your job or you're made redundant you won't lose your status as a worker straight away. If you worked for at least a year you will keep your worker status if you are registered with the Jobcentre Plus. If you lose your job before you've worked for a year you can only keep your worker status for more than six



months if there is a good chance of you finding another job and you are still registered as a work seeker.

If you have to stop working, for example because of an illness you may still be able to live in the UK unless it's very unlikely that you'll be able to go back to work. If this happens to you register with your local Jobcentre Plus to protect your rights.

You should not be discriminated against because of your nationality in terms of conditions of employment, pay or working conditions. If you think you are being discriminated against get advice from one of the organisations listed on page 7 and see our guide: www.advicenow.org.uk/grievances.

Studying

EEA nationals can come to the UK to study. There are three categories of students:

Independent students

You have the right to live in the UK until you have finished your studies. However you must have enough money to be able to support yourself. If you are basically self sufficient but something changes temporarily you may be allowed to keep your student status and even claim benefits or apply for a student loan.

Worker students

If you worked in the UK before studying you are classed as a worker student. If you are on a vocational training course associated with your work you will still be treated as a worker and so keep all your rights to claim benefits.

Children of EEA national workers

Children of EEA national workers here are entitled to study in the UK even if they are not themselves EEA nationals. They can also stay on to complete their studies even if their parents leave.

Your family

EEA national family members

If your family members are EEA nationals they can come and stay in the UK just like you can as long as they meet the rules on page 2.

Non EEA national family members

If they are not EEA nationals they can still come but it's more complicated.

Certain non EEA national 'family members' have more rights than others, including:

- Spouses
- Civil partners
- Children (including step-children and adopted children), grand children and great grand children up to the age of 21 (and those over 21 if they are still dependent) of the EEA national or their spouse or civil partner
- Dependant parents, grandparents and great-grandparents of either the EEA national or their spouse or civil partner – but see page 5 for students' families!

Any of these people can come and visit you in the UK (but if they are 'visa nationals' they will need to get an EEA family permit before they travel).

Visa national

If you are a national of a country where you normally need a visa to come to the UK for any reason, you are a visa national.

EEA family permit

A document given to non-EEA family members before they travel to allow them to enter the UK.

Even non-visa national family members in this group will need to get an EEA family permit if they want to come and live with you on a long term basis. If they try to get to the UK without one, the immigration officer may try to refuse them entry. However, officials are not allowed to turn back family members without the right documents without first giving them the chance to get those documents and prove that they are entitled to be here. If this happens to you, get advice.

All 'family members' in this group – whatever their nationality – also have the right to take up employment or self employment in the UK. If you're working your family members are entitled to all the welfare benefit that British families get.

Q I've been living and working in London for the last six months.

I'm Greek, but my wife and her two little girls are Albanian. I didn't want to bring them to London until I was settled and had somewhere for us all to live. I think the time is right now but a colleague told me that I wouldn't be able to bring them here because they're not EEA nationals. Is this true?

A Your wife and her daughters could come to live with you in

London as family members of an EEA national. They should apply for an EEA family permit for the UK from the British Embassy where they live. They will have to provide their passports and proof that you and your wife are married and that the children are yours or your wife's. They will also have to prove that you are Greek and working in the UK (or that you're self employed or have enough money to live on without help from 'public funds' – see page 2.)

More distant family members, and couples living together but not married or in a civil partnership, don't have the same rights. They are called "extended family members" and there are special rules for them. This area is very complicated, so if you're in this situation get advice. See page 7 for a list of useful organisations.



Your family if you're a student

The rules are completely different if you are a student. Students have the right to be accompanied by their spouse or civil partner and children who are under 21 or dependant. Other family members of students don't have the right to live in the UK, but only to have their entry and residence 'facilitated'.

Having their entry 'facilitated' does not mean that these relatives have the right to come to the UK. But it does mean that they must be given more favourable treatment than they would normally get under UK immigration law. They certainly can't be treated any less favourably than family members of British Citizens in the same situation.

Family members whose entry can be 'facilitated' include:

- Your parents and grandparents (and the parents and grandparents of your spouse or civil partner).
- More distant relatives who have been part of your family household or who are financially dependent on you or your spouse or civil partner.
- A partner that you have a committed relationship with even if you're not married or civil partners.



Be careful!

Family members can lose their rights. For example if you as the EEA national stop living or working in the UK they may not be entitled to stay here.

If you get divorced your ex could lose their rights if your marriage or civil partnership didn't last for more than three years (including one year in the UK). But if your relationship ended because of domestic violence the victim may not lose their rights even if the relationship was shorter.

Children have some important rights to stay in education even after the parents have left.

Divorced spouses of whatever nationality now have important rights if they are the main carer of the children of the EEA national, or if they have a court order for contact with those children.

You should get legal advice if you are in this situation.

Documents

If you are an EEA national who is entitled to stay in the UK you can apply for a Registration Certificate to prove it. You don't have to get one but it may be worth your while as it shows that you're entitled to the same rights and benefits as British nationals.

Apply using form EEA1. You can download it from the UKBA website (www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea1.pdf) or call **0870 241 0645**. The UKBA is supposed to issue the certificate within six months.

If someone in your family is not an EEA national they have to apply for a Residence Card to prove that they the right to stay in the UK with you. They can only get a Residence Card if you are entitled to a Registration Certificate. Apply using form EEA2 which you can download from: www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea2.pdf

The Home Office will give you a certificate to prove that you've applied for the Residence Card. They have to issue the card itself no later than six months after the application has been made.

Common problems

Benefits

If you are a worker, self employed or in business you are entitled to the same benefits as UK nationals. For general information on the UK benefits system see www.advicenow.org.uk/benefits

If you're an:

- independent student; or
- pensioner who hasn't worked here for long enough; or
- an EEA national who isn't a worker, self employed or in business

you must be able to show that you can live here without claiming benefits and that you have health insurance. However, sometimes you can claim benefits temporarily. If you need help on a short term basis get advice from a local advice agency.

If you're having problems claiming benefits it could be because you don't pass the 'habitual residence test' or that it is being applied to your case when you should be exempt from it. It can be quite complicated to prove that you are 'habitually resident' so if you're not sure get some advice.

Habitual residence test

A test which the UK government uses to decide if you're entitled to welfare benefits.

"My step-daughter was refused an EEA family permit"

Sometimes the UK Border Agency (UKBA) refuses to issue family permits if you don't have the right documents. Try to make sure that you have all the right documents and as much evidence as possible to prove the relationship.

are having difficulties paying your rent you might be able to get Housing Benefit, like Anna below. Get some advice.

"The entry clearance officer applied the wrong test"

Sometimes entry clearance officers dealing with applications from family members of EEA nationals living in the UK make wrong decisions. If you think this has happened in your case get legal advice. You have a right of appeal against any decision to refuse you a visa or EEA family permit, even for a visit.

Housing

EEA nationals have the same rights to rent and buy property as British nationals. If you are having problems finding accommodation get help from one of the organisations on page 7 or contact your local authority housing department. You can apply to go on the housing register and you will be assessed in the same way as all other applicants. If you

Getting medical treatment

EEA nationals who are here temporarily can get NHS treatment if they show their European Health Insurance Card (EHIC). You should get your EHIC before you leave your home country.

If you are living here as a worker or you're self employed or in business then you are entitled to the full range of NHS treatment, without the need for an EHIC.

Independent students, pensioners and those who are just staying here have to have medical insurance.

Anna's story

Anna is from Italy and loved living in Manchester, despite the rain. Then one day on the way to work she stumbled and fell heavily on her ankle. The x-ray confirmed her fears; it was broken in several places. She had to stay off work for two months. She was worried that she wouldn't be able to pay her rent without her wages coming in so she decided to try and claim Housing Benefit.

The woman at her local council told her that she couldn't claim Housing Benefit because she was no longer a 'worker'. Anna didn't know what to do. She was worried that she'd be evicted if she didn't pay her rent. But then a friend suggested that she try the local CAB to see if there was anything else she could do. The adviser told Anna that the woman at the council had made a mistake. Anna was entitled to Housing Benefit temporarily. The adviser helped her make an application, and this time it was successful. Anna was able to get better without having to worry too much about money and went back to work as good as new.

"I had to go back home to look after my dad for a few weeks while he was ill and now the benefits agency say that I'm not 'habitually resident'."

Your benefits agency office is wrong. You don't stop being habitually resident just because you've been away for a few weeks. Get some advice about how to appeal against their decision.

See page 7 for more information on where to get help.

Useful organisations

There are lots of different organisations who can offer advice and support. These include Law Centres, Citizens Advice Bureaux, other local advice agencies, student advisers and solicitors.

UK Border Agency

This is the government department responsible for immigration. They have a useful website with information for EEA nationals; www.ukba.homeoffice.gov.uk/eucitizens Their telephone Immigration Enquiry Bureau can answer basic questions; **0870 606 7766**

Advice UK advice centres

Advice UK is a support network for independent advice centres. You can find out whether there is an Advice UK advice centre near you by telephoning **020 7469 5200**. www.adviceuk.org.uk

Citizens Advice Bureaux (CABx)

Citizens Advice Bureaux help people resolve their legal, money and other problems by providing free information and advice. You can find your local CAB by going to www.citizensadvice.org.uk/index or looking under 'Citizens Advice Bureaux' in The Phone Book.

UKCISA: UK Council for International Student Affairs

UKCISA provides advice and information to international students studying in the UK through its website. If you cannot find the answer to your question on their website, you can phone their advice line. www.ukcisa.org.uk
Telephone: 020 7107 9922
(1pm–4pm Monday to Friday)

Community Legal Advice

Community Legal Advice is a free, confidential service to help people deal with their legal problems. Through its helpline and website you can get contact details of local advice centres and solicitors who hold the CLS Quality Mark: **Community Legal Advice telephone services (0845 345 4 345)** www.communitylegaladvice.org.uk

This area of law is very complicated. The Aire Centre is a specialist law centre which exists to provide expert help to advisers in this field. If your adviser wants to be sure that they are giving you the right advice they can contact The Aire Centre:

The Aire Centre

www.airecentre.org

Telephone: 020 7831 4276

Unfortunately The Aire Centre can't give advice to members of the public.

Jargon buster

The jargon	What it means
EEA family permit	A document which is given to non EEA family members of EEA nationals before they travel, to allow them to enter the UK.
EEA national	A citizen of the European Economic Area. See page 1 for a list of countries in the European Economic Area.
Entry clearance officer	A British official who examines applications for entry into the UK in your home country. They decide whether or not to issue you with entry clearance or a visa.
Habitual residence test	A test which the UK government uses to decide if you normally live in this country in order to decide if you're entitled to benefits.
Public funds	Means tested benefits such as Income Support, Job Seekers Allowance and Housing Benefit.
Registration Certificate	The document which is given to EEA nationals who have the right to stay in the UK.
Residence Card	The document which is given to non-EEA family members of EEA nationals who have the right to stay in the UK.
UK Border Agency (UKBA)	UKBA is part of the Home Office, which is a British government department. UKBA is responsible for migration to the UK.
Visa	A document issued by a British Embassy or High Commission before you travel, to allow you to enter the UK.

This information is produced by Advicenow. Other guides include:

- Parents apart
- Trouble at school
- LivingTogether
- Family Mediation
- Dealing with discrimination at work
- Working parents (or parents to be)
- Young workers
- Unfair dismissal
- Is that discrimination?
- Homeless and young?
Get your foot in the door...
- How to get good asylum advice
- Support for asylum seekers in the UK
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Claiming compensation
- 10 steps to sorting out your debts
- Dealing with bailiffs
- Identity theft
- What's a contract?
- Do I need a lawyer?
- Seven steps to solving a problem

You can read or download all these guides and more at www.advicenow.org.uk

“Advicenow is the liveliest, least stuffy, most accessible and understandable website on legal matters that I’ve ever come across.”

Marcel Berlins, *The Guardian*

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Plain English Web Award 2004

The information in this guide applies to England and Wales only.

The law is complicated and every case is different. Get advice.

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If you have any comments on this leaflet please email us at feedback@advicenow.org.uk



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