

This guidance is based on the Immigration (EEA) Regulations 2006 and the Free Movement of Persons Directive 2004/38/EC



Home Office

European Economic Area (EEA) and Swiss nationals: Free movement rights

This guidance is based on the Immigration (European Economic Area) Regulations 2006 and the Free Movement of Persons Directive 2004/38/EC

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European Economic Area (EEA) and Swiss nationals: free movement rights

About this guidance

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This guidance tells you about the free movement rights of European Economic Area (EEA) and Swiss nationals, and who can enter and live in the UK under European Community (EC) law.</p> <p>The Immigration (EEA) Regulations 2006 (the Regulations) apply and interpret the UK's obligations under the Free Movement of Persons Directive 2004/38/EC (the Directive) into domestic law.</p> <p>The rights given to EEA nationals under these Regulations are known as free movement rights. For further information on the Regulations or the Directive see related links: Immigration (EEA) Regulations 2006 and Free Movement of Persons Directive (2004/38/EC)</p> <p>Switzerland is not part of the EEA, but Swiss nationals and their family members have the same free movement rights as EEA nationals.</p> <p>Changes to this guidance - This page tells you what has changed since the previous version of this guidance.</p> <p>Contact - This page tells you who to contact for more help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner - This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare - This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p> | <p>In this section Changes to this guidance Contact Information owner</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration (EEA) Regulations 2006 Free Movement of Persons Directive (2004/38/EC) The Immigration (EEA) (Amendment) Regulations 2009 The Immigration (EEA) (Amendment) Regulations 2011 Immigration (EEA) Amendment Regulations 2012</p> |
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| | | <p><u>Immigration (EEA Amendment) (no.2) Regulations 2012</u></p> <p><u>Immigration (EEA)(Amendment) Regulations 2013</u></p> <p><u>Immigration (EEA) (Amendment)(no. 2) Regulations 2013</u></p> <p><u>Immigration (EEA)(Amendment) Regulations 2014</u></p> <p><u>Immigration (EEA) (Amendment)(No. 2) Regulations 2014</u></p> <p><u>Immigration (EEA) (Amendment) (No. 3) Regulations 2014</u></p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Changes to this guidance

| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page lists changes to the 'European Economic Area (EEA) and Swiss nationals: free movement rights' guidance with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="495 533 835 611">Date of the change</th><th data-bbox="835 533 1538 611">Details of the change</th></tr></thead><tbody><tr><td data-bbox="495 611 835 651">7 April 2015</td><td data-bbox="835 611 1538 651">Minor changes made throughout.</td></tr><tr><td data-bbox="495 651 835 762">11 February 2015</td><td data-bbox="835 651 1538 762">Completely revised by the European operational policy team and the guidance, rules and forms team.</td></tr></tbody></table> | Date of the change | Details of the change | 7 April 2015 | Minor changes made throughout. | 11 February 2015 | Completely revised by the European operational policy team and the guidance, rules and forms team. | <p>In this section Contact Information owner</p> <p>Related links</p> <p>External links</p> |
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| Date of the change | Details of the change | | | | | | | |
| 7 April 2015 | Minor changes made throughout. | | | | | | | |
| 11 February 2015 | Completely revised by the European operational policy team and the guidance, rules and forms team. | | | | | | | |

European Economic Area (EEA) and Swiss nationals: free movement rights

Key facts

This page shows you the key facts for European Economic Area (EEA) and Swiss nationals wishing to apply for a document confirming their right of residence under the Immigration (EEA) Regulations 2006 ('the Regulations').

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| Eligibility requirements | <p>To qualify for a registration certificate confirming a right of residence in the UK for longer than 3 months, an EEA national must show:</p> <ul style="list-style-type: none"> • evidence of identity • evidence they are a national of a member state • evidence they are exercising a free movement right in the UK |
| Application forms | <p>EEA nationals do not need to complete an application form. However, if they wish to do so, they can apply for a document using the following forms:</p> <ul style="list-style-type: none"> • EEA (QP) – Application for a registration certificate as a qualified person • EEA(FM) – Application for a registration certificate as the family member of a qualified person • EEA(EFM) – Application for a registration certificate as the extended family member of a qualified person • EEA (PR) - Application for a document certifying permanent residence |
| Cost of application | <p>Since 01 July 2013, there has been a £55 administration charge for each person.</p> <p>EEA family permit applications are still free of charge.</p> |
| Residence documents | <p>The right of residence for an EEA or Swiss national and their direct family members does not depend on them holding a document issued under these regulations.</p> <p>These documents only confirm a right of residence as a qualified person or as a family member at the time the document is issued.</p> <p>Extended family members must apply for documents under these regulations to have their right of residence confirmed.</p> |
| Validity of documents | <p>Registration certificates and documents certifying permanent residence issued to EEA nationals have no expiry date.</p> |
| Dependants | <p>Under the regulations, EEA nationals can bring in direct family members if they meet the conditions of regulation 7, or extended family members if they meet the conditions of regulation 8 are met.</p> |
| Switching | <p>EEA nationals can change the basis of their stay as long as</p> |

This guidance is based on the Immigration (EEA) Regulations 2006 and the Free Movement of Persons Directive 2004/38/EC

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| | they continue to exercise their free movement rights in the UK. For example, a student can switch to become a worker and count both periods of residence towards acquiring permanent residence. |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Countries that qualify

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This section tells you which European Economic Area (EEA) country's nationals qualify for free movement rights, and which do not.</p> <p>For more information see related links:</p> <ul style="list-style-type: none">• Member States of the European Economic Area• Accession states• Nationals of Cyprus and Malta• The Baltic states• Countries that do not qualify for free movement rights. | <p>In this section Member states of the European Economic Area Accession states Nationals of Cyprus and Malta The Baltic States Countries that do not qualify for free movement rights</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration (Swiss Free Movement of Persons) (No 3) Regulations 2000</p> |
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European Economic Area (EEA) and Swiss nationals – Free movement rights

Member states of the European Economic Area

[About this guidance](#)
[Key facts](#)
[Countries that qualify](#)
[Rights of admission to the UK](#)

This page tells you the countries whose nationals may exercise free movement rights.

The European Economic Area (EEA) was established on 1 January 1994. As well as European Union (EU) countries, it also allows Iceland, Liechtenstein and Norway to take part in Europe's single market without having to join the EU.

The table below shows the EEA member states in alphabetical order.

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

Switzerland

Switzerland is not part of the EEA, but Swiss nationals and their family members also have the same free movement rights as EEA nationals and their family members. For further information on the Swiss Regulations see related links.

Gibraltar

Nationals of Gibraltar have full British citizenship and are considered part of the European Economic Community. This means people from Gibraltar have free movement rights within EEA member states other than the UK, and other EEA nationals may also exercise free movement rights within Gibraltar.

UK

A British citizen cannot exercise a free movement right in the UK. However, British citizens

In this section

[Accession states](#)
[Nationals of Cyprus and Malta](#)
[The Baltic States](#)
[Countries that do not qualify for free movement rights](#)

Related links

Links to staff intranet removed

External links

[Immigration \(Swiss Free Movement of Persons\) \(No 3\) Regulations 2000](#)

and their non-EEA national family members can benefit from European law if they meet the criteria established in the case of Surinder Singh. For more information, see related link: [Direct family members - Non-EEA national family members of British citizens \(Surinder Singh cases\)](#).

A person who is a national of an EEA member state, and who is also a British citizen is excluded from being treated as an EEA national under regulation 2 of the Immigration (EEA) Regulations 2006. For more information, see related link: [Non-EEA national family members of dual EEA and British citizens \(McCarthy cases\)](#).

European Economic Area (EEA) and Swiss nationals: free movement rights

Accession states

[About this guidance](#)
[Key facts](#)
[Countries that qualify](#)
[Rights of admission to the UK](#)

This page tells you about the European Economic Area (EEA) free movement rights of nationals of the accession states.

The accession states

Countries that joined the European Union in 2004 and 2007 had conditions placed on their nationals' rights to work in the UK.

EU8 nationals

Nationals of eight of the 10 countries that joined the EU in 2004 (known as EU8 countries) may enter and live in the UK in the same way as other EEA nationals. The EU8 countries are as follows:

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| Czech Republic | Estonia | Hungary | Latvia |
| Lithuania | Poland | Slovakia | Slovenia |

In addition to the EU8 countries Cyprus and Malta joined the EU in 2004. For more information on the free movement rights of nationals of Cyprus and Malta, see related link: [Nationals of Cyprus and Malta](#).

EU2 nationals

Bulgaria and Romania joined the EU in 2007 (known as EU2 nationals). From 1 January 2014, nationals of these countries no longer needed permission to work before taking employment.

For further information on EU2 and EU8 nationals, see related links: [Permanent residence for EU8 nationals](#) and [Permanent residence for EU2 nationals](#).

Croatia

Croatia joined the EU on 1 July 2013. From this date Croatian citizens became European

In this section

[Member states of the European Economic Area](#)
[Nationals of Cyprus and Malta](#)
[The Baltic States](#)
[Countries that do not qualify for free movement rights](#)

Related links

Links to staff intranet removed

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| | <p>Economic Area (EEA) nationals and like all EEA and Swiss nationals can enter and live in the UK.</p> <p>Croatian nationals wishing to reside in the UK for longer than 3 months as a worker will normally need permission before starting work.</p> <p>For further information on Croatian nationals and the restrictions which apply, see related link: Permanent residence for Croatian nationals.</p> | |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Nationals of Cyprus and Malta

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page tells you about the European Economic Area (EEA) rights of free movement of nationals of Cyprus and Malta.</p> <p>Cyprus and Malta are two of the 10 countries that joined the EEA in 2004, but some of their nationals did not have any restrictions placed on their free movement rights. They are able to live and work in the UK and are allowed registration certificates.</p> <p>Non-EEA family members of nationals from Cyprus and Malta are entitled to have residence cards and EEA family permits.</p> <p>Establishing Cypriot nationality Cyprus remains divided by the 'Green Line' which separates the Turkish Republic of Northern Cyprus from the rest of the island.</p> <p>The Republic of Cyprus is a full member of the European Union (EU). Anyone who has a passport or other travel document issued by the Republic of Cyprus is allowed free movement rights within the EU.</p> <p>The Turkish Republic of Northern Cyprus (TRNC) is not recognised by the British government and is not a member state of the EU. Anyone who has a passport or other travel document issued by TRNC may present them as proof of identity but will not be allowed free movement rights within the EU.</p> | <p>In this section Member states of the European Economic Area Accession states The Baltic States Countries that do not qualify for free movement rights</p> <p>Related links Links to staff intranet removed</p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

The Baltic states

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page tells you about applications from holders of alien passports issued by the Baltic states, Estonia, Latvia or Lithuania.</p> <p>Alien passports You must check all passports submitted to make sure the holder does not have alien status. This includes, but is not limited to, the Baltic states, Estonia, Lithuania or Latvia.</p> <p>Although they look very similar, alien passports are not proof of EEA nationality. Alien passports can be identified by looking at the personal details page, where the holder will be noted as holding an alien's passport.</p> <p>You must make sure they provide evidence to show they are true nationals of the claimed country and do not have alien status. People with alien status must be treated as non-EEA nationals.</p> <p>The Estonian authorities may issue identity cards instead of passports to non-Estonian nationals. In these circumstances the identity card will have 'XXX' next to the nationality. If an applicant presents such a card this is not evidence of Estonian nationality.</p> <p>Latvia and Lithuania do not issue identity cards to alien nationals.</p> <p>If you receive a valid application from someone claiming to be an EEA national but the passport or identity card they submit does not confirm this, then you must refuse the application on this basis.</p> | <p>Related links Member states of the European Economic Area Accession states Nationals of Cyprus and Malta Countries that do not qualify for free movement rights</p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Countries that do not qualify for free movement rights

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page tells you which European countries are not included in the European Economic Area (EEA) although they are geographically part of Europe.</p> <p>Andorra, Monaco, San Marino and Vatican City These countries, or micro states, are not part of the European Union or the EEA. Anyone who holds a passport from one of these states is not regarded as an EEA national and cannot benefit from free movement rights on that basis unless they also hold the nationality of an EEA member state.</p> <p>Isle of Man and the Channel Islands Citizens of these islands are British citizens. However not all citizens of the islands can benefit from European Community free movement rights. Certain citizens have an endorsement in their passports that says: 'Holder is not entitled to benefit from EC provisions relating to employment or establishment'. Anyone with this endorsement is not regarded as an EEA national and cannot exercise free movement rights in EEA member states on that basis. An EEA national working or studying in the Isle of Man or Channel Islands is not regarded as exercising free movement rights under the provisions of free movement. However, under article 6 of Protocol 3 of the UK's Act of Accession, citizens of these islands will be regarded as an EEA national and benefit from free movement rights in member states other than the UK if they have, at any time, been resident in the UK for five years, or a parent, or grandparent were:</p> <ul style="list-style-type: none">• born• adopted• naturalised, or• registered in the UK. | <p>Related links Member states of the European Economic Area Accession states Nationals of Cyprus and Malta The Baltic States</p> |
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This guidance is based on the Immigration (EEA) Regulations 2006 and the Free Movement of Persons Directive 2004/38/EC

European Economic Area (EEA) and Swiss nationals – Free movement rights

Rights of residence

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This section tells you the difference stages of the rights of residence in the UK for European Economic Area (EEA) nationals.</p> <p>For more information see related links:</p> <ul style="list-style-type: none">• Initial rights of residence• Extended rights of residence• Permanent rights of residence. | <p>In this section Initial rights of residence in the UK Extended rights of residence in the UK Permanent rights of residence in the UK</p> <p>Related links Links to staff intranet removed</p> |
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European Economic Area (EEA) and Swiss nationals: Free movement rights

Initial right of residence in the UK

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page explains the initial right of residence in the UK for European Economic Area (EEA) nationals.</p> <p>An EEA national can live in the UK for a period of up to 3 months providing they hold either a valid:</p> <ul style="list-style-type: none">• national identity card issued by an EEA state• passport issued by an EEA state <p>During this initial period of residence, EEA nationals are not subject to any conditions or formalities other than the requirement to hold a valid identity card or passport.</p> <p>They do not need to show they are, or will be, exercising free movement rights as a qualified person. For more information on the meaning of a qualified person, see related link: Qualified persons.</p> <p>An EEA national must not become an unreasonable burden on the social assistance system of the UK during their initial residence.</p> <p>If they become an unreasonable burden they will cease to have a right to residence and can be removed from the UK in line with regulation 19(3)(a) of the Immigration (EEA) Regulations 2006.</p> <p>If someone was removed from the UK on grounds of fraud and abuse in line with regulation 21B within the last 12 months, they do not have an automatic right of admission under regulation 11. For more information on persons removed on grounds of fraud and abuse, see related link: Abuse of rights, fraud and verification.</p> | <p>In this section Extended rights of residence in the UK Permanent rights of residence in the UK</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration (EEA) Regulations 2006 Free Movement of Persons Directive (2004/38/EC) The Immigration (EEA) (Amendment) Regulations 2009 The Immigration (EEA) (Amendment) Regulations 2011 Immigration (EEA) Amendment Regulations 2012</p> |
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| | | <p><u>Immigration (EEA Amendment) (no.2) Regulations 2012</u></p> <p><u>Immigration (EEA)(Amendment) Regulations 2013</u></p> <p><u>Immigration (EEA) (Amendment)(no. 2) Regulations 2013</u></p> <p><u>Immigration (EEA)(Amendment) Regulations 2014</u></p> <p><u>Immigration (EEA) (Amendment)(No. 2) Regulations 2014</u></p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Extended right of residence in the UK

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page explains the extended right of residence in the UK for European Economic Area (EEA) nationals.</p> <p>In line with regulation 14 of the Immigration (EEA) Regulations 2006, an EEA national can continue to live in the UK beyond the initial 3 month period for as long as they are a qualified person, or the family member of a qualified person.</p> <p>Regulation 6 defines a qualified person as a:</p> <ul style="list-style-type: none">• jobseeker• worker• self-employed person• self-sufficient person• student <p>For information on the categories in which an EEA national can be a 'qualified persons', see related links: Qualified persons.</p> <p>It is not compulsory for EEA nationals or their family members to apply for documentation using one of the EEA applications forms (EEA(QP), EEA(FM) or EEA(EFM)). You can accept a letter asking to be considered under European law and you must not reject applications because an application form has not been used or has not been fully completed. However, the applicant must pay the specified fee.</p> <p>For information see related links:</p> <ul style="list-style-type: none">• Processes and procedures• Direct family members | <p>In this section Initial rights of residence in the UK Permanent rights of residence in the UK</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration (EEA) Regulations 2006 Free Movement of Persons Directive (2004/38/EC) The Immigration (EEA) (Amendment) Regulations 2009 The Immigration (EEA) (Amendment) Regulations 2011 Immigration (EEA) Amendment Regulations</p> |
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| | <ul style="list-style-type: none">• Extended family members <p>If someone was removed from the UK under regulation 21B(1)(c) or (d) in the last 12 months, they are not entitled to an extended right of residence under regulation 14 unless they have successfully applied to have the effects of that removal decision set aside by the Secretary of State. For more information, see related link – Abuse of rights, fraud and verification</p> <p>Public policy, public security and public health This right of residence in the UK is subject to regulation 19(3)(b) of the regulations, which says an EEA national and their family members(s) may be removed from the UK on the grounds of public policy, public security or public health.</p> | <p>2012</p> <p>Immigration (EEA Amendment) (no.2) Regulations 2012</p> <p>Immigration (EEA)(Amendment) Regulations 2013</p> <p>Immigration (EEA) (Amendment)(no. 2) Regulations 2013</p> <p>Immigration (EEA)(Amendment) Regulations 2014</p> <p>Immigration (EEA) (Amendment)(No. 2) Regulations 2014</p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Permanent rights of residence in the UK

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page explains the right of permanent residence in the UK for European Economic Area (EEA) nationals.</p> <p>An EEA national is automatically entitled to live permanently in the UK once they have lived here continuously for a period of 5 years in line with the current or previous EEA laws.</p> <p>Although it is not compulsory, those who qualify can apply for a document certifying permanent residence using an EEA(PR) application form.</p> <p>It is not compulsory for EEA nationals or their family members to apply for documentation using one of the EEA applications forms. A letter asking to be considered under European law is acceptable and applications must not be rejected because an application form has not been used or has not been fully completed. However, the applicant must pay the specified application fee.</p> <p>If an EEA national chooses not to apply for a document certifying permanent residence but later applies for British citizenship they must provide evidence to show they have the right of permanent residence.</p> <p>For information on applications for a document certifying permanent residence, see related links: Processes and procedures.</p> <p>Permanent residence for nationals of accession states Nationals of member states which have joined the EU since 2004 (EU8 countries, EU2 countries and Croatia) must have met any transitional arrangement which applied to them if they wish to rely on time spend in the UK to get a right of permanent residence.</p> <p>Nationals of accession states can rely on time spent in the UK before the date on which the member state of which they are a national joined the EU for the purposes of getting a right</p> | <p>In this section Initial rights of residence in the UK Extended rights of residence in the UK</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration (EEA) Regulations 2006 Free Movement of Persons Directive (2004/38/EC) The Immigration (EEA) (Amendment) Regulations 2009 The Immigration (EEA) (Amendment) Regulations 2011 Immigration (EEA) Amendment Regulations 2012</p> |
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| | <p>of permanent residence in certain circumstances.</p> <p>For further information on this, please see related links: EEA case law - Lassal and Dias.</p> <p>For more information on permanent residence for nationals of accession states, see related links:</p> <ul style="list-style-type: none">• Permanent residence for EU8 nationals• Permanent residence for EU2 nationals• Permanent residence for Croatian nationals <p>Public policy, security and health</p> <p>This right of residence in the UK is subject to regulation 19(3)(b) of the regulations, which say an EEA national and their family members(s) may be removed from the UK on the grounds of public policy, public security or public health.</p> | <p>Immigration (EEA Amendment) (no.2) Regulations 2012</p> <p>Immigration (EEA)(Amendment) Regulations 2013</p> <p>Immigration (EEA) (Amendment)(no. 2) Regulations 2013</p> <p>Immigration (EEA)(Amendment) Regulations 2014</p> <p>Immigration (EEA) (Amendment)(No. 2) Regulations 2014</p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Contact

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| <p>About this guidance Key facts Countries that qualify Rights of admission to the UK</p> | <p>This page tells you who to contact for more help with a specific case of free movement rights of European Economic Area (EEA) nationals and their family members.</p> <p>If you have read the relevant regulations and this guidance and still need more help with this category, you must first ask your senior caseworker.</p> <p>If the question cannot be answered by your senior caseworker they must discuss it with the SEO senior caseworker. If they cannot answer the question your SEO senior caseworker can email the free movement operational policy team. See related link.</p> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the operational policy team, who will commission GRaFT to update the guidance, if appropriate.</p> <p>GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.</p> | <p>In this section Changes to this guidance Information owner</p> <p>Related links Links to staff intranet removed</p> |
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European Economic Area (EEA) and Swiss nationals: free movement rights

Information owner

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This page tells you about this version of the 'European Economic Area (EEA) and Swiss nationals: Free movement rights' guidance and who owns it.

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| Version | 12.0 |
| Valid from date | 7 April 2015 |
| Policy owner | Free movement operational policy team |
| Cleared by director | Kristian Armstrong |
| Director's role | Head of criminality and enforcement policy unit |
| Clearance date | 27 January 2015 |
| This version approved for publication by | John Thompson |
| Approver's role | Head of migration policy |
| Date of approval | 2 March 2015 |

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the free movement operational policy team, who will ask GRaFT to update the guidance, if appropriate.

GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.

Related links
[Changes to this guidance](#)
[Contact](#)

External links
Links to staff intranet removed