



Home Office

Immigration Returns, Enforcement and Detention
General instructions

Guidance for Immigration Enforcement in respect of EU, other EEA and Swiss citizens and their family members

Version 2.0

Valid during grace period – 1 January 2021 – 30 June 2021

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About this guidance

This document forms part of Immigration Enforcement General Instructions.

This guidance includes information in relation to individuals that have entered illegally in breach of a deportation order. In relation to other criminal deportation action see: Criminality guidance.

For detailed information about the general status of EEA citizens and their family members and their specific status in certain circumstances, see: European guidance.

For further information about the leave granted to EEA citizens on entry to the UK for various purposes, see Border Force guidance: EEA controls post transition period.

This guidance provides Immigration Enforcement staff with information about the arrangements and processes in relation to EU, European Economic Area (EEA) and Swiss citizens (hereafter referred to in the guidance as 'EEA citizens' except where a distinction is required) and their non-EEA family members following the UK's exit from the EU. It tells you about arrangements that are in force between **1 January 2021 and 30 June 2021** – described in this guidance as the 'grace period' during which there may be individuals entitled to the protections of the Withdrawal Agreement with the EU, the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement ('the citizens' rights agreements') who are eligible for status under the EU Settlement Scheme (EUSS) but have not yet applied.

It includes guidance (or links to other guidance) in relation to establishing the existence of their right to enter and remain in the UK and their entitlement to work, benefits, services and citizenship. It also describes potential sanctions for those who have no legitimate status or deceptively claim they have legitimate status based on being an EEA citizen, including administrative removal and deportation. Information is also provided about travel documents, data access and the importance of recording your interaction, decisions and actions.

The aim of this guidance is to provide:

- advice on how individuals can evidence their rights in the UK and to demonstrate their right to work and other entitlements
- advice on how we can protect the rights of those with rights protected by the relevant citizens' rights agreements (including vulnerable applicants) and the safeguards that must be followed to ensure that EEA citizens with a legitimate right to stay are not incorrectly subjected to enforcement action

- an overview of the actions you might consider if the individual is not able to evidence that they are lawfully 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 Enforcement policy.

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 email the Guidance Rules and Forms team.

Publication

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

- version **2.0**
- published for Home Office staff on **25 February 2021**

Changes from last version of this guidance

This supersedes the previous guidance chapter 'EEA administrative removal' contained in General Instructions, which is now withdrawn. It also replaces any reference in previous guidance to consideration and management of EEA removal, detention, service of notices and management of data by reference to the chapter 'EEA administrative removal'.

Related content

[Contents](#)

European guidance

Common Travel Area guidance

EU settlement scheme guidance

Criminality guidance

Background

Terms used in this guidance

Citizens' rights agreements: (referred to in this guidance as the agreements) provide protection to EEA citizens and their family members (including third country national family members) living in the UK or who have acquired a right of permanent residence under the EEA Regulations before the end of the transition period with the right to reside, study, work and access services. This group is eligible to apply for status through the EU Settlement Scheme (EUSS) during the grace period. The citizens' rights agreements also provide for frontier workers, the healthcare cohort and Swiss service providers. see: European guidance

Common Travel Area (CTA): refers to an administrative arrangement between the UK, Ireland and the Crown Dependencies (Isle of Man, Guernsey and Jersey). The CTA is underpinned by domestic, not EU, legislation. See: CTA guidance

EEA citizen: a national of either a member state of the European Union (EU), one of the European Economic Area member states (Iceland, Liechtenstein or Norway), or Switzerland. Except in certain specific cases, an EEA citizen is not also a British citizen. Whilst Irish Citizens are EEA citizens, there are special arrangements for Irish citizens, see: European guidance

Frontier worker: is an EEA national who pursued an economic activity in the UK by 31 December 2020 (by being employed or self-employed), and continues to do so, but is not primarily resident in the UK. Their travel to the UK can be occasional or ad hoc (for example, once or twice a year, or to complete occasional contracts) or regular (for example, working in the UK during the week and returning home at the weekend). The basic requirements to be a frontier worker are that the EEA national:

- is not primarily resident in the UK, which means they either
- spend less than 180 days in the UK in any 12-month period, or
- return to their country of residence at least once every 6 months, or
- return to their country of residence at least twice in every 12 months and
- undertakes meaningful and effective work in the UK

Where an EEA national was a frontier worker by the end of the transition period, they will continue to have rights as a frontier worker once the transition period ends for as long as they continue to be a frontier worker. It is also possible to "retain" rights as a frontier worker in certain circumstances. Frontier workers have a right to enter the UK and do not require permission to enter.

Grace period: the period provided for in Article 18(2) of the EU-UK Withdrawal Agreement (and equivalent provisions of the EEA EFTA Withdrawal Agreement and Citizens' Rights Agreement with Switzerland), which runs from the end of the transition period on 31 December 2020 until 30 June 2021 and during which special arrangements apply.

Transition period: the period between the UK's **withdrawal from the EU on 11pm 31 January 2020 and 11pm 31 December 2020.**

Lawful residence / legitimate stay: in this guidance, means residence in the UK in accordance with the EEA Regulations'.

Non-EEA family member: For detailed advice concerning the definitions of who is considered to be an EEA dependant, see: [EU Settlement Scheme Family Permit and Travel Permit](#)

S2 Healthcare cohort: Residents of EU or EEA States or Switzerland, who applied by the end of the transition period to have a course of planned healthcare treatment in the UK under the 'S2 route are entitled (if that authorisation is granted) to travel to the UK to undergo the treatment. They may also be accompanied by another person such as a friend, family member or carer for the purpose of providing care and support during planned treatment. They may be any nationality but accompanying persons must reside in the EEA or Switzerland. Patient's whose treatment is authorised are issued with an 'S2 certificate of entitlement to scheduled treatment' (also known as a 'Portable Document S2').

Saved rights: The saved Immigration (European Economic Area) Regulations 2016 will continue to apply to an individual without EUSS leave who was lawfully resident by the end of the transition period until the end of the grace period or until their application for leave under the EUSS is finally determined, provided they apply by the required date of 30 June 2021.

Service Providers from Switzerland: individuals of any nationality employed by a business or company based in Switzerland, and who need to travel to the UK to provide a service on behalf of their employer. The employer must have a contract that was signed and commenced before 11pm 31 December 2020. Swiss nationals can be self-employed service providers, but must also be based in Switzerland, and must have a contract which meets the requirements above.

Signposting: the general advice and information given to individuals who are identified as EEA citizens and who, although apparently eligible, indicate that they have yet to engage with the EUSS process. For most practical purposes, this is an explanation of how to access relevant on-line information and includes providing an

information leaflet, In some circumstances it may be necessary to provide additional advice and support: see [secondary examination](#).

Treaty rights: in this guidance, refers to free movement rights afforded to EEA citizens and family members under the EU Treaties which continue to have effect until 31 December 2020.

Background

The UK left the EU on 31 January 2020 and, in accordance with the terms of the agreements, entered a transition period which ended at 11.00pm on 31 December 2020.

Any EEA citizen and their family member lawfully resident or who had acquired a right of permanent residence in the UK under the EEA Regulations before the end of the transition period on 31 December 2020 and who has not yet obtained leave under the EU Settlement Scheme has relevant rights of entry and residence in the UK saved pending a successful application to the EUSS made before 30 June 2021. These rights will also continue after 30 June 2021 for those with a pending application or until the final determination of any appeal against a refusal of an application made before that date.

For most EEA nationals and their family members who have already obtained EUSS leave, it is this leave that is the basis for their lawful residence in the UK from 31 December 2020 onwards. As it is not possible for an immigration officer (IO) to rely on proof of EUSS leave as a method of identification until 30 June 2021; administrative arrangements must ensure that those who are eligible for, but have not yet applied for EUSS leave, are not disadvantaged during the grace period. EEA nationals who are eligible for EUSS are not required to apply until 30th June 2021 and no power to compel them should be implied. Refused or rejected applications are not barriers to the submission of further applications.

From 1 July onwards. (subject to a pending applications or outstanding appeals) a person must have EUSS leave or fall within one of the other cohorts with rights under the agreements. The challenge facing Immigration Enforcement (IE) is to:

- identify and, where appropriate, assist those who are lawfully resident in the UK, including those who have longstanding residence rights, to secure proof of their status
- identify those who have rights under the citizens' rights agreements (such as frontier workers or service providers from Switzerland) and identify those falsely claiming to have them

- identify those who have no leave – such as those with expired leave or whose leave has been cancelled or curtailed
- take prompt action against EEA citizens when the relevant statutory test for enforcement action is met. Refer to revised guidance from Criminality policy on the tests to be met for Deportation Orders / Exclusion Orders / exclusion directions / refusals at the border for those with rights under the CR agreements, see: Criminality guidance

Those EEA nationals and their family members resident in the UK before 31 December 2020 can apply to the EU Settlement Scheme (EUSS) for a UK immigration status to remain in the UK and are able to do so until 30 June 2021 (or after if they have ‘reasonable grounds’ for missing the deadline). Those arriving on or after 1 January 2021 must successfully apply for leave or obtain visitor leave at the border, and meet the relevant immigration conditions, under the future points-based system if they wish to enter or stay in the UK - unless they have rights as part of a cohort protected by the relevant citizens’ rights agreements. Frontier workers continue to have declaratory rights to work when in the UK. From 1 July 2021 it is mandatory for non-Irish frontier workers to hold a frontier worker permit on entry to the UK for the purpose of exercising frontier worker rights.

From 1 January 2021, EEA nationals wishing to provide services in the UK must have permission to do so. Service Providers based in Switzerland must meet the criteria in “[Appendix EU Service Providers from Switzerland](#)” in the Immigration Rules.

See also:

- European guidance

Related content

[Contents](#)

General principles during grace period

During the grace period, it is likely that some people who are lawfully here will not always be able to satisfy you and other relevant bodies that this is the case. You must exercise care in establishing the rights and status of those claiming rights and assist them to evidence their rights by 'signposting' them to the process that they need to follow. This guidance provides advice for a variety of possible scenarios but can never be a comprehensive guide and officers should consider the following general principles when investigating those that are or may be EEA citizens and their family members:

1. Evidence of liability to immigration enforcement action in these cases may be incomplete or ambiguous while work continues to provide EEA citizens with the necessary evidence of their legitimate status. **Until further notice, evidence suggesting liability to enforcement action must be established to a very high degree. For practical purposes this means:**
 - there is evidence of behaviour that meets the public policy, public security or public health test under EEA Regulations, see: Criminality guidance
 - there are strong grounds to suspect a fraudulent claim to be an EEA citizen
 - there are strong grounds to suspect that the individual is fraudulently claiming to be married to or related to an EEA citizen to gain an advantage
 - the individual is otherwise known or suspected to be involved in criminal activity
 - they are subject to an extant deportation order or exclusion order See within this guidance:
 - [Liability to administrative removal](#)
 - [Examination and indicators of status](#)

The benefit of any doubt should otherwise be allowed in favour of the individual being examined. See: [assessing evidence](#)

1. An EEA citizen or their family members may have saved rights under the EEA Regulations 2016 during the grace period. See: [assessing evidence](#)
2. Irish citizens do not require leave to enter or remain in the UK for any reason, including to work, study or settle, except for in a limited number of circumstances: See: CTA guidance
3. EEA nationals who are eligible for EUSS can apply until 30th June 2021 and no power to compel them should be implied. Refused or rejected applications are not barriers to the submission of further applications but these must be considered in accordance with normal practice. Previous failure to exercise Treaty rights does not bar the individual from applying to the EUSS. If they do so, and if the application is successful, the status granted under EUSS

supersedes previous notice of liability to removal. If, following consideration of the facts and circumstances as described in this guidance, you are satisfied that the strength of evidence strongly suggests that the individual is not an EEA citizen and/or is misrepresenting or falsifying their relationship to an EEA citizen, it may be appropriate to continue to a [Schedule 2 examination \(in the case of encounters during visits and operations\)](#) and consideration of administrative removal action. You must however carefully note the advice within this document concerning [assessing evidence](#) and the appropriate authority that must be sought

EEA citizens: liability to administrative removal or deportation

In the cases of EEA citizens and/or their family members arrested for criminal offences, consideration must first be given to whether it is right to consider deportation action. In addition, consider whether there is evidence of behaviour that meets the public policy, public security or public health test under EEA Regulations, for instance, on sham marriage grounds.

See also:

- within this guidance: [Examination and indicators](#)
- Criminal casework guidance
- [EEA decisions on grounds of public policy and public security](#)

An EEA citizen may have entered the UK illegally and may be liable to administrative removal if:

- they entered in breach of a deportation or exclusion order
- they entered using false or fraudulent documentation
- they entered the UK Via the Common Travel Area in certain circumstances.
See: CTA guidance
- they entered the UK either clandestinely or by deliberately circumventing UK border controls, within 12 months of a previous removal under regulation 23(6)(a) or 23(6)(c)
- they entered the UK where not entitled to do so by virtue of regulation 23(1) or (3) of the EEA Regulations or regulation 12 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020

An EEA citizen who arrived in the UK on or **after** 1 January 2021 by the above means should be considered in accordance with the guidance [Administrative Removal](#) unless they are entering as the joining family member of another EEA

national with saved rights under the EEA Regs or are eligible for leave under the EUSS as a member of a protected cohort. There are specific arrangements for Irish citizens – see CTA guidance.

An EEA citizen, or an individual with protected rights under the Withdrawal Agreement, who arrived in the UK **before** 1 January 2021 by the above means must be carefully considered as they may still benefit from arrangements that existed under EU regulations. See: [assessing evidence of status](#)

Related content

[Contents](#)

Operational encounters / interviews: general principles and key points:

1. **Where, after exploratory questioning, the available evidence leads you to reasonably suspect the person is in breach of immigration law, you must examine the individual and establish whether they have a legal basis of stay. If the individual claims to be an EEA citizen and you are satisfied this is the case they should not be arrested, and no notice of liability considered for service at the time of encounter except in the circumstances detailed in (1) above.**
2. During all enforcement interviews: fully explain your purpose in establishing the person's status:
 - act flexibly and sensibly in assessing available evidence where travel documentation and entry/exit records are not immediately available
 - act objectively and based on all available evidence, without preconceptions about the likelihood of the individual being an EEA citizen based on any protected characteristic, or any other individual characteristics such as spoken language
3. Where you are satisfied the individual is, or may be, an EEA citizen or their family member who is eligible for the EUSS but has yet to secure proof of their status, provide information (signpost them) to make an application to the EUSS
4. Where there are grounds to suspect the individual has vulnerabilities or needs that mean they need more help to make an application, act immediately to refer them to UKVI
5. Do not promote or encourage voluntary departure for EEA citizens except for:
 - those whose lack of lawful status has been confirmed
 - those who are subject to an extant deportation order and it is not intended to prosecute in this instance
 - where there are overriding compassionate circumstances that mean the provision of support for voluntary departure is acting in the best interests of the individual or their dependant or dependants and it appears that the individual may not be exercising treaty rights in the UK see: Voluntary returns guidance
6. The listed points that follow are explained more fully in the following guidance:
 - you are not required to assess an individual's eligibility for the EUSS. You do however need to identify those who may be eligible for EUSS and should

advise those who were resident in the UK before 31 December 2020 to apply to the EUSS before the deadline - see: [examination and indicators](#)

- eligibility for EUSS is not solely dependent on the date of entry
- during all encounters you must fully consider and apply the guidance contained in safeguarding – establishing lawful residence and the additional information contained within this guidance, see [assessing evidence](#)
- encounters with any individual during visits and operations must be recorded on Pronto in accordance with existing instructions. However, no record of the encounter is to be made on CID or ATLAS where it results only in signposting the individual to EUSS. See: record of encounter

Examination and indicators of status

EEA Cohorts

EEA citizens that you encounter within the UK will be part of one of the following cohorts:

- those who have been granted status under the EUSS - this will be either settled status (indefinite leave to enter or remain in the UK) or pre-settled status (five years limited leave to enter or remain in the UK)
- those who have been granted an EUSS family permit
- those who arrive from 1 Jan 2021, with either visitor leave or leave under the points-based system
- those who are eligible for the EUSS but have not yet applied or who have an application pending
- those with saved rights under the EEA Regulations, who are still lawfully resident until the end of the GP.
- those who have been issued with a frontier worker permit
- those who are eligible for a frontier worker permit but have not yet applied, or are Irish and therefore not required to hold a permit
- those who have been granted entry clearance as a Service Provider from Switzerland
- those that require leave but do not have it, for instance, clandestine and/or deceptive illegal entry
- those who have been granted entry clearance or permission to stay as an S2 Healthcare Visitor
- Irish citizens relying on rights under CTA arrangements and who qualify for those rights

Interviewing and examining EEA citizens

This section is about enforcement interviews conducted during operations with individuals that may be EEA citizens or their family members.

Any examination of available evidence also provides the opportunity to consider evidence or suspicion of vulnerability. See: [Identifying people at risk](#).

The enforcement interviews guidance must be followed when encountering any person on an Immigration Enforcement visit and applies equally to those who claim to be, or there are grounds to suspect that they are, an EEA citizen or their non-EEA family member. **You must ensure that you are fully aware of and understand the information in that guidance relating to exploratory questioning.** The purpose of exploratory questioning is to form a view of whether the individual is potentially related to the intelligence basis for the operation or that they are subject to immigration control and whose status may warrant further, formal examination in accordance with paragraphs 2 and 2A of schedule 2 to the Immigration Act 1971. More generally, exploratory questioning is necessary to eliminate individuals from an enquiry as quickly as possible. A refusal to answer questions or provide proof of their status does not, of itself, constitute grounds to reasonably suspect that the person is an immigration offender but may be considered in conjunction with other evidence and circumstances.

You must attempt to establish through [exploratory questioning](#) whether the individual may be related to the intelligence basis for the visit. They may, in the course of that conversation, give you cause to conclude that they may:

- be an EEA citizen and/or has current or previous rights of residence as an EEA citizen or because of their relationship to an EEA citizen
- have exercised frontier workers' rights while in the United Kingdom
- be a service provider from Switzerland

Note: For those in the healthcare cohort, an accompanying person can be family member, a friend or a carer.

Official – sensitive: start of section

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Official – sensitive: end of section

If during exploratory questioning, the person tells you they are an EEA citizen or a non-EEA family member, explain to them that the Home Office wishes to ensure that EEA citizens with lawful status in the UK are properly recorded and safeguarded against misunderstandings that might affect their entitlements. If the individual indicates that they have settled or pre-settled status under the EUSS or an outstanding application under this scheme, but has no evidence to that effect, explain that they may, if they wish, give their consent for you to check documents in their possession and/or Home Office systems, to confirm that they have applied to the EUSS and to confirm their pre-settled or settled status.

If, during exploratory questioning, the person voluntarily produces satisfactory evidence of their lawful residence and there is no evidence of behaviour that meets the following criteria, their claim to lawful residence should be accepted, except where:

- there is evidence of behaviour that meets the public policy, public security or public health test under EEA Regulations (as saved for the grace period cohort)
- there are reasonable grounds to suspect a fraudulent claim to be an EEA citizen, the individual is known or suspected to be involved in criminal activity, they are subject to an extant deportation order or exclusion order, or have otherwise engaged in adverse behaviour that meets the threshold for enforcement action

In which case, continue schedule 2 examination.

Conducting a Schedule 2 examination

See: Enforcement interviews

If the information available to you following exploratory questioning suggests that they are or may be an EEA citizen or their family member, a frontier worker, a Swiss service provider or a person with S2 Healthcare leave you must consider the available evidence and decide, on that basis, whether the individual sits within one of the following broad categories:

1. Evidence suggests, to your satisfaction, that the person is an EEA citizen or has protected rights of residence that warrant consideration under EUSS.
2. Evidence suggests that they are an EEA citizen who does not need EUSS leave, or who had or needed a different type of leave – for instance, a post-transition period arrival during the grace period or a frontier worker.
3. Unsatisfactory or no evidence exists to suggest that the individual has a reasonable, credible claim to be an EEA citizen (or family member?). There are reasonable grounds to doubt their claim to their stated identity, nationality, their means of entry to the UK or that the evidence presented is genuine.

Clarify whether the individual has already made an EUSS application. Where you are satisfied of the person's evidence of identity and that a valid application to EUSS is outstanding, take no further action.

If following exploratory questioning you have information causing you to believe a person is not an EEA national or family member, and that they require leave and do not have it, you must continue to examine their status.

If, because of that examination, you have reason to suspect that the documents presented may be stolen, being misused, are counterfeit, or that the person is not otherwise entitled to them, you may reasonably suspect that the individual is seeking to conceal their identity and status and may be a person subject to control under Immigration Act 1971 and liable to removal. However, in all circumstances, you must consider whether there are any grounds to suspect that they may be entitled to some other permission or residual right; for instance, a legacy right to citizenship. See: next section - [Safeguarding those that may have citizenship or residency rights](#).

De-arrest following investigation

A person properly arrested on suspicion of being liable to removal who subsequently claims to be an EEA citizen and provides grounds to suspect that they may have residence rights of any kind, should be de-arrested and treated as per the advice elsewhere in this guidance unless:

- there is evidence of identity abuse and/or forgery that raises reasonable suspicion that the individual is falsely claiming legitimate status
- the individual has also been arrested for criminal offences and further consideration has to be given as to whether they meet the public policy criteria to deport – see: criminality guidance

Record of encounter

Encounters with any person during visits and operations must be recorded in accordance with the guidance contained in Record keeping during enforcement visits on the Police Reporting and Notebook Organiser (PRONTO) app on the Digital Pocket Note Book (DPNB).
only.

No record of the encounter is to be made on CID or ATLAS where it results only in signposting the individual to EUSS.

The recording of minimum details on Pronto serves to:

- provide a defence against any future claims of unlawful examination
- provide accurate information about the reasons for questioning and the numbers of those investigated

Official – sensitive: start of section

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Official – sensitive: end of section

Safeguarding those that may have citizenship or residency rights

This section is about what you must do where a case is referred to you or if you encounter an individual who, although there is no evidence of their status in the UK, claims they have protected rights as an EEA citizen or a family member thereof

This is additional guidance to that contained in safeguarding – establishing lawful residence about the steps that must be taken in relation to those who may have been long resident in the UK or descended from people born abroad with a claim to be British. That guidance notes the difficulty that some people may have in demonstrating their lawful status in view of the complex development of UK nationality law and residence regulations; similarly, those that have enjoyed the right of freedom of movement under EEA regulations since 1973 may have limited evidence to demonstrate their national status and residence.

Individuals encountered by, or notified to, Immigration Enforcement, or who have made an application to the Home Office, may claim to be British citizens, EEA citizens that are lawfully resident or otherwise exempt from immigration control; for instance, because they have been granted indefinite leave to remain. In some

circumstances, particularly those with very long residence and/or little recent travel or engagement with the Home Office, evidence may be more difficult to obtain. Those who are unable to immediately provide proof of their status may not be able to do so for a variety of valid reasons and a careful assessment must be made to determine whether it is likely either that the individual is attempting to conceal their unlawful status or whether they have a credible claim to be lawfully resident. See: [assessing evidence](#). The following section provides examples of further consideration necessary in certain scenarios.

Common scenarios: enforcement visits and operations

The following scenarios provide additional advice in relation to the '[assessing evidence](#)' section within this guidance. EEA citizens will not generally be the subject of tasking, but these scenarios may occur as a result of incidental encounters while visiting premises.

Entry in breach of a deportation order

A deportation order made under EEA regulations cancels leave and EUSS rights. Others subject to extant deportation orders may retain residence rights that must be considered.

For full details of consideration of deportation cases, see [Criminality guidance](#)

An individual that has entered the UK in breach of an extant EEA deportation order is an illegal entrant and liable to be removed. They are not entitled to apply for EUSS. Status as an actual or claimed EEA citizen is not material to that fact and action to consider and/or enforce removal may continue during the grace period provided that:

- any leave wrongly obtained or obtained by deception following entry is cancelled
- the individual is the person named on the order and that any dispute on this has been resolved
- full consideration has been given to usual considerations of relevant vulnerability and/or human rights in accordance with 'returns consideration'

See also: [actions following assessment](#) including levels of authorisation

Recently arrived EEA citizen detected working

Example: Individual encountered working who claims to be an EEA Frontier Worker.

Establish whether the individual has a [Frontier Worker](#) permit. They are not required to hold one in order to be admitted to the UK until after the grace period but may have found it convenient to use one on entering employment. If so, check whether the employer has a record of it.

- ascertain what right to work checks were undertaken and when
- record encounter on Pronto

Long term resident / worker: non-engagement with EUSS

Example: EEA citizen who has been living and working in UK since 2002 encountered during enforcement visit to business premises. Individual has not yet applied for EUSS and states that he has no intention to.

In these circumstances:

- ascertain what right to work checks were undertaken and whether appropriate documents were seen and recorded, when employment commenced – or whether any subsequent right to work checks were made and evidence retained
- people with a right of permanent residence need to apply for EUSS before the deadline of 30 June 2021 if they wish to stay in the UK after the end of the grace period; those remaining after the grace period has ended must be able to demonstrate that they have an ongoing right to remain

If encountered during grace period, then record encounter and signpost to information on how to make an EUSS application. Note that we can encourage an application, but this does not have to be made before the end of the grace period and if an individual is encountered again (still having not made an EUSS application) that position remains the same.

Evidence of criminality / anti-social behaviour

The criteria by which these may be determined and the appropriate steps to take are contained in criminality guidance.

Suspected marriage abuse

During the Grace Period, an EEA citizen does not require any form of entry clearance to come to the UK to form a marriage or civil partnership whilst visiting.

Any EEA citizen who has:

- entered or attempted to enter into a sham marriage
- assisted someone else to enter or attempt to enter into a sham marriage

but who is also confirmed as not having protected rights under the Withdrawal Agreement (for example, EUSS has been refused on suitability grounds) and not being eligible to benefit from arrangements that existed under EU regulations, may be liable for administrative removal on sham marriage grounds.

EEA citizens who are confirmed as having protected rights under the Withdrawal Agreement and who have been found to have engaged in the sham marriage behaviour listed above, may have an alternative removal pathway such as deportation on public policy grounds.

A non-EEA national found to have engaged in a marriage of convenience may also be liable for administrative removal on sham marriage grounds.

See: guidance – Marriage investigation - removal pathways.

Return of EEA citizens previously removed prior to 1 January 2021

Example: EEA citizen who was removed before 1 January 2021 and has re-entered the UK in the 12 months following removal, and they have not made an application to have the decision set aside

Establish:

- when the person arrived
- whether the person was admitted at the Border and disclosed the material fact of their previous removal to the immigration officer
- whether or not there are reasonable grounds to suspect they deliberately withheld material information that would have been bound to have resulted in their being refused entry and that they therefore entered illegally having employed deception

An EEA citizen previously administratively removed can make an application from outside the UK to have that decision set aside, if there has been a material change in the circumstances which justified that decision. This also applies if Border Force refuse re-admission to an EEA citizen who has been removed under either regulations 23(6)(a) or 23(6)(c). See Border Force guidance

Disputed or unknown residence / citizenship rights

See within this guidance:

- [General principles](#)
- [Safeguarding those that may have citizenship or residency rights](#)
- [Secondary examination process](#)

Evidence of possible right or permission to remain emerges following administrative arrest

Example: An individual is properly arrested because there are [reasonable grounds](#) to suspect they are liable to removal. They or their property is searched and/or further physical or verbal evidence is obtained from elsewhere that suggests they may have rights under the citizens' rights agreements.

Example: An individual is arrested after leaving premises in a manner that suggests a clear attempt to evade investigation. See: Arrest and restraint – pursuit. They or their property is searched and/or further physical or verbal evidence is obtained from elsewhere that suggests they may have a right or permission to remain.

Actions:

- question the person in order to ascertain the reasons for their actions, for example, the reasons for apparently trying to evade you or presenting misleading information
- consider their claim of withdrawal agreement rights, by examining their statements, checking any documentation presented or completing a systems check
- if there are grounds to suspect a reasonable and credible claim to residency rights, [de-arrest](#), signpost to EUSS if appropriate and update Pronto
- consider [secondary examination](#)

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General principles: Returns preparation

Review and initial consideration:

The processes described in the previous General Instructions guidance, 'EEA administrative removal', are now withdrawn and should not be used. Form IS151a is no longer to be served excepting some voluntary departure cases (see: Voluntary departures guidance). This includes those whose status and any associated offences can be traced and determined prior to 1 January 2021 and who might, at that time, have been liable to removal because they were not exercising treaty rights.

Extant appeals against decisions under the EEA Regulations in force before 1 January 2021 are still valid and must be processed appropriately. Equally, appealable decisions made under the saved EEA Regulations during the grace period continue to generate an appeal right and will be considered and determined. Returns Preparation should continue to review the status of non-EEA citizens where appropriate (following a negative decision on an application for documentation or where rights are otherwise unsubstantiated under the EEA Regulations 2016).

Consideration of the status of individuals and their family members during any initial encounter may be based on incomplete information. Further consideration by removals preparation caseworkers in relation to possible administrative removal must take account of all available information including that contained in Home Office records, independent health assessments, witness statements, submissions and representations. A full and comprehensive assessment of the individual's immigration history must be completed, ensuring all previous engagement is considered.

Where an individual is identified as having either saved rights under the EEA Regulations 2016 or may be eligible to apply under the EUSS, they should be signposted to make an application to the EUSS.

A previous failure to exercise treaty rights does not bar the individual from applying to the EUSS. If they do so, and if the application is successful, the status granted by the EUSS supersedes previous notice of liability to removal.

If an individual has applied under EUSS and the application has been refused, all appeal rights must be exhausted, and a full assessment of all relevant circumstances completed before consideration of administrative removal. Where the individual holds no rights under the EEA Regulations or any protection from the Withdrawal

Agreement, the case may be considered for administrative removal - applying the [evidence assessment](#).

Consideration of whether it is right to continue with or initiate removal action must be based on the individual circumstances of each case. Consideration of relevant circumstances includes but is not limited to:

- known criminality and/or anti-social behaviour; see Criminology guidance
- Known or suspected vulnerabilities that make it unreasonable or unrealistic to effect enforced removal - see: Appendix FM, Adults at risk in detention guidance
- new, substantive, representations concerning legality, policy and procedure

Where continued returns preparation is considered appropriate, service of a notice of liability to removal may be served and bail conditions imposed provided that:

- appeal rights are exhausted – including any appeal against refusal of EUSS
- claimed rights as a spouse /dependant of an EEA citizen have been fully examined and discounted

See: [levels of authority](#)

Representations and submissions

New information that is relevant to the decision to initiate or continue enforcement action must be fully considered. However, where the information submitted has already been considered substantively and the grounds for refusal are soundly based then removal action may continue subject to renewed [authorisation](#).

Extant EEA administrative removal cases

EEA citizens and their family members who, prior to 1 January 2021, were served with notice that they are liable to removal, (extant cases), remain liable to removal. Cases must be reviewed following any appeal determination and/or at the point of the variation of bail conditions and assessed against this guidance to confirm that the individual has not obtained EUSS leave. If, following review, it is right that removal action should continue, the individual must be served with form RED0004 and notified of the reason for the decision in accordance with the guidance Administrative Removal.

The following should be noted:

- extant appeals against an IS.151B (EEA) served before 31 December 2020 should continue to be heard during the grace period - do not serve a new RED notice - the appeal is based on the regulations and guidance that were extant at the time of the decision
- appeal rights that become exhausted during the grace period: a failed appeal against a pre-grace period decision does not negate the possibility that the individual may still be eligible for EUSS - the IS151a should stand and bail stay in place until after the grace period (removal may only proceed either after the grace period or on confirmation that appeal rights are exhausted and any EUSS application has been refused)
- non-EEA citizens whose EU law-derived right of stay is dependent on an EEA citizen but who lose that basis of stay may therefore be liable to removal during or after the grace period in accordance with standard guidance in relation to consideration of administrative removal. See: administrative removal and curtailment / cancellation

See also:

- EUSS family permits
- European guidance

Scenarios: Returns consideration and preparation

Family members

See also: Family separation

Joining Family Members (JFM) applications

This part of the EUSS is for specific family members of EEA citizens who are joining their EEA sponsor after 1 January 2021. The EEA sponsor must have been in the UK on or before 30 December 2020. You must check that a TCN (or an EEA citizen entering the UK from 1 January 2021) is not a JFM before commencing any enforcement activity.

Status assessment:

Consider the following:

- review TCN family member claims to determine any rights held under the EEA Regulations and/or under EUSS (given the criteria is different with certain family member cohorts) - those who we deem to have possible rights under EUSS are nudged towards making an application and no further action is taken

- if rights are not apparent from information/ evidence we hold, we may seek to verify rights by requesting further evidence from the individual - see: [secondary examination](#)

Example: Non-EEA national with a refused EEA Residence Card application previously as the spouse of an EEA national. Marriage has been deemed one of convenience following a marriage interview. Subsequent appeal against the decision to refuse to issue an EEA Residence Card has been dismissed with the marriage of convenience finding maintained. The individual hasn't applied to the EUSS.

Action: Review all known information held including the reasons for previous refusal decision, criminality, family life, and vulnerabilities. Exhaust any potential eligibility to apply under the EUSS, ensuring the previous sham marriage finding remains relevant. Once exhausted, consideration should be given to administrative removal. See: [levels of authority](#)

Example: Non-EEA national divorced from EEA spouse. Failed application on retained rights under the EEA Regulations on the basis of Treaty rights only. The individual hasn't applied to the EUSS.

Action: Assess the case fully, including the refusal decision and any subsequent appeal. If it is deemed that the individual may be eligible for the EUSS then signpost them to make an application.

Example: Non-EEA refused under EUSS after applying as a dependent relative of an EEA national. Refusal as relationship and dependency not accepted.

Action: Assess the case fully, including an up-to-date assessment as to whether they may be eligible for the EUSS. If it is considered that the individual would not be eligible under the EUSS then consider whether administrative removal is appropriate. See: [levels of authority](#)

Example: Non-EEA parent of an EEA national over 18 years of age. Last application under the EEA Regulations refused on the basis of no evidence of ongoing dependency. The individual has applied to the EUSS, but the application has been rejected due to a failure to submit valid identity documents.

Action: Assess the case fully, including the previous refusal decision, subsequent appeal and the reasons for the rejection of the EUSS application. Consider further engagement with the individual to determine their intentions and current circumstances. If it is deemed that the individual may be eligible for the EUSS then signpost them to make another application. If it is considered the individual would not

be eligible under EUSS then consider whether administrative removal is appropriate. See: [levels of authority](#)

Resident family members before 1 January 2021: loss of status

Family members of EEA nationals in the Citizens' Rights cohort may fall for consideration of enforcement action where the basis of their stay has changed. For instance, a non-EEA partner previously issued with an EEA residence card based on their subsisting relationship where the relationship has ended by way of divorce or formal cessation of civil partnership, and they have no claim to retained rights status.

Determine whether relationship subsists, or they have retained rights. Where it apparently subsists, their status will be determined in line with that of the EEA citizen following the end of the grace period. If the relationship does not subsist, action should be considered as per curtailment / cancellation guidance See:

- in this guidance - [Liability to administrative removal or deportation](#)
- Criminality guidance
- [EEA decisions on grounds of public policy and public security](#)

Post appeal scenarios

Approach

Extant appeals against an IS.151B (EEA) served before 31 December 2020 should continue in the grace period unless superseded by a successful application for leave. Where the appeal is dismissed in such cases and there is no other basis of stay removal action may continue in accordance with 'removal consideration'

Leave obtained by deception – including EUSS

See also: within this guidance: [curtailment](#)

Where leave is sought or obtained by deception, including sham marriage and fraudulent EUSS applications, and where it is established that the individual is not an EEA citizen,

Further action to remove may only proceed on confirmation that the individual is not eligible for or has been refused EUSS leave and must be considered in reference to 'removal consideration'. Where deception is employed, but the individual is an EEA citizen, a RED0001 may be served, authorised by at least G7, notifying liability to removal.

The power to cancel EUSS leave where obtained by fraud / deception is stated within Appendix EU annex 3 paragraph 1(c).

The status review unit first need to curtail/revoke EUSS leave before removal action continues. Details for such individuals should be referred to SRU via the referral form on Horizon, with evidence of the deception, EUSS team will consider whether curtailment/revocation of leave is appropriate. Leave must be refused / cancelled before further removal action takes place.

Note that cancellation of EUSS leave gives rise to a right of appeal that is suspensive of removal and you must ensure that removal action is suspended where an appeal is made to such a cancellation.

Deception possibly meeting the criminality threshold should be referred to FNO RC for consideration.

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Assessing evidence / deciding next action

During the grace period, the main challenge for IE is in distinguishing between the Citizens' Rights cohort already present in the UK before 1 January 2021 but who have not yet applied for EUSS status, or those otherwise protected by the citizens' rights agreements, and other EEA citizens who have arrived during the grace period.

EEA citizens and their family members who have yet to obtain EUSS leave will continue to be entitled to be admitted to or reside in the UK under the EEA Regulations until the savings of those regulations expire. EEA passport holders may continue to use e-gates at ports of entry into the UK. However, removal or deportation may still be appropriate in cases of adverse behaviour which meets the public policy, public security, public health test under the EEA Regulations.

If, following Schedule 2 examination, the individual claims to be an EEA citizen or family member with a right to remain in the UK, or otherwise protected by the citizens' rights agreements, they should be signposted to the EUSS if they are eligible and encouraged to apply.

Initial evidence assessment: continuation of enforcement action

This section is about whether the grounds established during investigation make it reasonable and proportionate to consider administrative enforcement action other than voluntary return. Enforcement action in this context means a decision to initiate the [secondary examination](#) process or move directly to service of notice that the individual is liable to be removed.

Further information on the reasonable grounds to be considered in relation to non-engagement with the EUSS process will be included in EUSS guidance at the end of the grace period.

Any request by an individual to voluntarily leave the UK should be referred to the VRS service who will conduct the necessary checks. See: [voluntary departures eligibility](#)

You must attempt to investigate any individual you may encounter while conducting your enquiries to establish their lawful status and whether they are a person subject to control under the Immigration Act 1971 and whether they have a lawful right to

reside in the UK or other permitted basis of stay. You must conduct such enquiries within the constraints described elsewhere in Immigration Enforcement General Instructions.

The degree of available information on which to base a decision to continue investigation, and the nature of that investigation, is dependent on the nature of the information given and the degree of cooperation offered by the individual during exploratory questions or Schedule 2 examination.

Those that cannot or will not provide satisfactory evidence of their status, or otherwise will not assist you in establishing such evidence, present the greatest risk of inappropriate arrest and it is vital that you explore every practical means of gathering information to help justify your decision to proceed or not to proceed.

You must consider several possibilities including that:

- the individual may have a lawful status but is exercising their legitimate right not to disclose personal data – there is no coercive power to make someone cooperate with exploratory questioning and they may have legitimate reasons for not wanting to talk to you. The individual may be reassured by an explanation of your purpose and aims.
- they may have a right to reside whose nature they do not understand or which they are unaware of; for instance, the fact that an individual may have applied for and been refused a status under the current immigration rules does not invalidate any pre-existing right that may exist. The individual may not have been aware of their entitlement when making their application.
- they may have no basis of stay and are seeking to evade further investigation by obstructing your enquiries– being uncooperative can never, on its own, provide reasonable grounds that an offence has been committed but may, in combination with other information and circumstances, contribute to your concluding that they are attempting to conceal unlawful acts or status
- you may have misunderstood or misinterpreted information that means further advice is needed – it is recognised that EU and UK nationality law are highly complex, and it is reasonable for you to act with caution and seek further advice and clarification where necessary

In the context of this guidance, if there are any reasonable grounds to suspect that there is a credible but unsubstantiated claim to lawful residence, no notice of liability to removal should be served at that time. You may however consider whether to initiate further enquiries via [secondary examination](#)

What can be considered reasonable grounds in the context of the circumstances described requires an objective assessment of:

- the circumstances in which the individual was encountered – for instance, the nature of the premises, their activity and associations when encountered
- any supporting evidence available from Home Office databases and paper records – that may prompt someone who is reluctant to engage with you to confirm or dispute the information and/or reassure them that you have a legitimate need to clarify the accuracy of the data
- whether their statements, if any, accord with known procedures and rules at the times stated and, in the case of those claiming to be EEA citizens, are consistent with the EEA regulations that existed at any relevant date in their account
- the strength and consistency of information within available documentary evidence – which may not be restricted to Home Office documents
- the degree to which any statements can be corroborated by other sources, such as family members, employers or others

Any information should be considered very carefully and, if dismissed, be revaluated considering any further evidence or changed circumstances. It must be reemphasised that, even if the circumstances and actions of the individual when encountered might usually be considered to undermine their credibility, they may still have actual or potential residence or citizenship rights that they are unaware of.

Those that may have apparently lost their EEA residence may still be eligible for consideration under EUSS. Your assessment of whether further consideration of administrative enforcement action is appropriate must be based on a careful assessment of all available evidence and circumstances.

Decision options and next action

The following options are a summary of possible decisions given the general circumstances described in each.

1. No further action:

You are satisfied that the individual is an EEA citizen, their family member or a person with rights under the withdrawal agreements (such as a frontier worker) who has/have taken steps to confirm their status

2. Signposting only:

You are satisfied that the individual is an EEA citizen, an EEA family member, or a person with EEA derived rights of residence and who is eligible for but has yet to apply to the EUSS

3. Signposting and support

You are satisfied that the individual is an EEA citizen, an EEA family member, or a person with EEA derived rights of residence and who is eligible to apply for EUSS but has yet to do so and there are grounds to believe that the person is vulnerable and may be unable to do so.

4. Enforcement action - Referral to VRS:

The individual requests assistance to return to their home country. VRS to review eligibility, see within this guidance, [voluntary returns](#) eligibility

5. Curtailment / cancellation see: General Instructions, curtailment guidance and the section within this guidance, [cancellation of leave – EEA citizens](#)

6. Enforcement action – arrest and administrative removal consideration process:

The decision whether to arrest sits with the immigration officer, in accordance with the guidance contained in 'arrest and restraint' and administrative removal. In the context of this guidance, the fact and circumstances of the arrest must be notified to and reviewed by a senior officer as soon as practically possible.

Authorisation to initiate returns consideration or enforce removal

Initial notification of liability to removal

May be authorised by CIO/SCW where the criteria described above is met

Active removal action

Any removal directions / removal window set to take proactive removal action during the grace period must generally be authorised by at least G7. Exceptions to this are described in the following sections where appropriate.

Voluntary departures

If VRS establish that an applicant is not exercising treaty rights in the UK, they will be required to be served a 101 as amended form, which the applicant must sign and then be served form IS151AEEA. Wording for both forms has been agreed though policy and Legal. Authorisation in accordance with: Voluntary departure guidance

Curtailment / cancellation of leave to remain

Where the individual is not a genuine EEA citizen or their family member, because either:

- they obtained EUSS leave using a false document (such as an altered or counterfeit identity document)
- they are an imposter
- they obtained their EEA nationality by deception

and they have EUSS leave, you may cancel their leave, provided that the deception was material and cancellation is proportionate.

See also:

- Curtailment guidance
- Criminality guidance in relation to the revocation of indefinite leave

In order to establish whether an individual holds EUSS leave you will need to contact your local Regional Command and Control Unit (RCCU) for confirmation. If it is confirmed, you must:

- find out the date on which EUSS status was granted
- where the information potentially justifying cancellation pre-dates the grant of status and the Home Office were aware of that information at the time of the grant of EUSS status, you should assume this intelligence has been considered in the grant of EUSS leave and should not be relied upon to cancel such status
- where the conduct flagged post-dates the grant of status or new intelligence has come to light since the grant of EUSS leave, then it should form part of the cancellation consideration. It is important to note that pre-grant conduct may be considered in line with post-grant conduct if an ongoing pattern of adverse behaviour can be demonstrated
- obtain from the RCCU the Unique Application Number (UAN). This is a 16-digit reference and, where proceeding with cancellation, should be recorded on Pronto / Atlas

It should be noted that, although any previous administrative removal or refusal of admission may form part of a public policy, public security or public health consideration, you must not cancel leave purely because there has been a previous refusal or administrative removal. The public policy, public security and public health test needs to be considered in full, including considering any new facts and circumstances that are relevant to the decision.

The assessment threshold for cancelling a person's EUSS leave increases the longer the person has been in the UK:

- where a person has settled status (indefinite leave to remain or enter) their leave can only be cancelled on serious grounds of public policy or public security
- where a person has settled status and they have been resident in the UK for a continuous period of at least 10 years or if they are under the age of 18, the decision may only be taken on imperative grounds of public security (unless they are a child and the decision is in their best interest)

Cancellation of EUSS leave must be referred to a grade G7 Officer in the first instance.

Curtailment: right of appeal / review

Non-EUSS migrants have no Right of Appeal (RoA) against the cancellation/curtailment decision (although, where the cancellation decision is made at the border, they have the right to request an Administrative Review). However, a non-EUSS migrant may be able to seek a Judicial Review, or they could raise a fresh Human Rights claim following a cancellation/curtailment decision.

Where leave is curtailed in-country, they are either curtailed to a date in the future and therefore still have leave until the new expiry date; or, their leave is cancelled with immediate effect and are put on bail as they are liable to removal.

Where leave is cancelled at the border the individual will either be bailed or detained until the Administrative Review process is concluded.

Voluntary departures by EEA citizens: eligibility

EEA citizens may now request and be eligible for voluntary return (Those entering the UK pre 1/1/21 and post). Voluntary departure arrangements will not apply to individuals who are self-funding their departure unless they need HO assistance such as obtaining travel documentation.

EEA citizens should be referred to the Voluntary Returns Service (VRS), **only** if:

- they have no actual right to stay, VRS can work with the applicant to establish possible extant leave, saved EEA rights of residence or other rights under the withdrawal agreements
- they make a fully informed request to return home voluntarily; that is, that they understand the availability and purpose of EUSS, do not want to apply and understand the implications of not doing so VRS will also explore this with the applicant (a checklist has been created that VRS will work through with the applicant to check whether they may still be exercising treaty rights - if the applicant is then they will not be eligible to apply to voluntarily leave the UK until after 30 June 2021)

The individual must provide details of their means and date of entry to determine liability to enforcement action and eligibility for voluntary return. VRS will seek to establish whether the individual is liable / qualifies for administrative return and will also work with the individual to identify what assistance they need to return.

Check / confirm that:

- no EUSS application has been made or, if made, is still open
- there is no ongoing appeal against a refusal of EUSS leave
- they have had the agreed checklist of questions read to them and it is confirmed that the person is not exercising treaty rights in the UK

The IS101 (as amended) must be signed and received by VRS and an IS151AEEA served before any public expense removal can be arranged. See: [Authorisation and service – voluntary departures](#)

See Voluntary and assisted returns.

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Secondary examination process

Further guidance about determining whether an individual has rights under the citizens' rights agreements is contained within: Safeguarding and establishing lawful residence.

Where further enquiries are needed to establish whether an individual has a right to reside or remain, they may be invited to submit evidence to UKVI and/or attend a follow-up interview to gain further information and review available evidence.

Secondary examination is a voluntary process whose aim is to help establish whether and how the individual may have residency or citizenship rights. It is most likely to be appropriate only in exceptional circumstances, for instance where the individual has vulnerabilities that mean they may not understand their need to engage with EUSS or do not otherwise have the capacity to do so.

Secondary examination in this context is not an enforcement interview and is not intended to investigate any suspected criminal offence. If, as a result of enquiries, further information creates a reasonable suspicion that the individual is liable to removal or has committed a criminal offence, such as deception, it must be investigated separately in accordance with the guidance contained in administrative removal and enforcement interviews and the purpose of the interview made clear at the outset.

Establishing evidence of residence or rights under the citizens' rights agreements

Those agreeing to the secondary examination process should be invited to provide evidence on which to demonstrate their eligibility for status. Indicators of residence may include documentary evidence in the form of some or all of the following:

- documents previously issued by the Home Office (such as a document issued for emergency travel purposes, or a frontier worker permit) provided there is no evidence that this identity or nationality was confirmed in error, fraudulently, or has significantly changed
- an expired passport or other required document, bearing the applicant's name and photograph
- an official document issued by the authorities of the applicant's country of origin which confirms their identity and nationality, including birth certificate, marriage certificate, driving licence, tax / social security statement, national service

document, or emergency travel document or similar – this is not an exhaustive list and other similar documents may be considered

- official document issued by UK national and local authorities that may, when considered with other evidence, help corroborate residence history - this can include a UK driving licence, National Insurance number card, or tax or pension statement – this is not an exhaustive list and other similar documents may be considered
- an official document issued by the authorities of an EEA Member State which confirms the applicant's identity and nationality, including a document confirming permanent residence in that state or registration as the family member of an EEA citizen exercising Treaty rights in that state
- the applicant's biometrics (facial photograph and, in the case of a non-EEA citizen, fingerprints) which match an existing government record confirming their identity and nationality
- financial records including bank statements showing a record of in-country transactions, HMRC statements of national insurance paid, P60s
- witness statements corroborating the claim to unbroken residence provided by a person with an established personal or official connect during the relevant periods
- a travel ticket to the UK confirming previous in-bound travel as evidence of residence for the month of entry

Where other means of ascertaining an applicant's identity and nationality have been exhausted, you may, with the individual's consent, consider referral to the embassy, consulate or high commission in the UK of the applicant's claimed country of origin seeking confirmation as to any records held about the claimed identity and nationality. You must be satisfied that such an approach would not put the applicant or their family at risk.

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