Home Office

European Economic Area (EEA) case law and appeals

This guidance applies and interprets the Immigration (European Economic Area) Regulations 2006 (as amended). These Regulations make sure the UK complies with its duties under the Free Movement of Persons Directive 2004/38/EC.

EEA case law and appeals

About this guidance

This guidance tells you about the case law relating to applications for a document to confirm a right of residence from European Economic Area (EEA) nationals and their family members.

It applies and interprets the Immigration (EEA) Regulations 2006 ('the Regulations'), which make sure the UK complies with its duties under the Free Movement of Persons Directive 2004/38/EC.

Under the regulations, Swiss nationals are included in the definition of EEA nationals. Their family members are considered as if they were family members of EEA nationals.

Changes to this guidance - This page tells you what has changed since previous versions guidance.

Contacts - This page tells you who to contact for help if your senior caseworker or line manager cannot answer your question.

Information owner - This page tells you about this version of the document and who owns it.

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.

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Related Links

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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

The Immigration (EEA) (Amendment) Regulations 2012

The Immigration (EEA) (Amendment) (no.2) Regulations 2012

EEA case law and appeals

EEA case law and appeals: changes to this guidance

This section lists changes to 'EEA case law and appeals' guidance with the most recent at the top.

Date of the change	Details of the change
27 March 2017	Change request: • Proxy Marriages – Kareem and TA judgements page removed
25 November 2016	Change request: • Immigration Regulations 2016 changes
06 February 2015	This guidance has been written by the free movement operational policy team and the guidance, rules and forms team.

In this section

EEA case law and appeals

Judgments from the Court of Justice of the European Union

This section tells you about the Court of Justice of the European Union (ECJ) and the various judgments which are handed down by that court.

Court of Justice of the European Union (ECJ)
The ECJ is the highest court in the European Union (EU) in matters of EU law. It interprets EU law and makes sure there is equal application across all EU member states.

To make sure there is effective and uniform application of EU legislation and prevent differing interpretations, national courts may turn to the ECJ and ask it to clarify a point concerning the interpretation of EU law. Any national court, including the First Tier Tribunal, may refer a point directly to the ECJ.

The Court of Justice has one judge for each EU country and is helped by nine 'advocates-general' whose job is to present opinions on the cases brought before the court.

How cases are heard
A judge and an advocate general are assigned to each case that comes before the court, which are processed in two stages:

- a written stage
- an oral stage

The advocate-general then gives their opinion. Advocates-general only need to give their opinion on the case if the court believes that particular case raises a new point of law. The court does not necessarily follow the advocate-general's opinion.

Once a case has been determined by the ECJ, the national courts (and all other national courts) are bound by the interpretation given and there is no right of appeal against the ECJ's decision.

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Family members
Public policy and public security

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CURIA - General Presentation - Court of Justice of the European Union

	For further information on the Court of Justice of the European Union, see related links. **ECJ cases** For further guidance on the different ECJ cases and how these affect free movement rights under Directive 2004/38/EC, see links on left: • Qualified persons • EEA nationals returning to member state of nationality • Rights of residence • Dual nationality • Family members • Public policy and public security • Derivative rights	

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Qualified persons

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This section tells you about judgments from the Court of Justice of the European Union (ECJ) on whether European Economic Area (EEA) nationals are qualified persons under the Immigration (EEA) Regulations 2006. It gives you examples of judgements and how they affect immigration decisions. For more information see related links: • Qualified persons – ECJ case of Steymann • Qualified persons - ECJ case of Levin • Qualified persons – ECJ case of Antonissen • Qualified persons – ECJ case of Saint-Prix	**In this section** Qualified persons – ECJ case of Steymann Qualified persons – ECJ case of Levin Qualified persons – ECJ case of Antonnisen Qualified persons – ECJ case of Saint-Prix **Related Links** EEA nationals returning to member state of nationality Rights of residence Dual nationality Family members Public policy and public security Links to staff intranet removed **External links** Steymann judgment

Qualified persons: ECJ case of Steymann

About this guidance
Judgments from the Court of Justice of the European Union
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This page tells you about the judgment from the Court of Justice of the European Union (ECJ) on voluntary workers and whether they meet the definition of a worker.

The case of 'Udo Steymann v Staatssecretaris van Justitie (EEC Treaty) (1988) EUECJ R-196/87' relates to voluntary workers and whether they meet the definition of a worker.

The applicant in this case lived as part of a religious community. The community raised funds by carrying out commercial activities such as running a:

- discotheque
- bar
- launderette

The applicant assisted with these commercial activities and the community provided for their living expenses and accommodation in return. The ECJ stated:

- activities may be regarded as the indirect 'quid pro quo' (exchange) for genuine and effective work, if:
  - they are performed by members of a community based on religion or another form of philosophy
  - they are part of the commercial activities of that community and constitute economic activities, in the services which the community provides to its members

This means if an applicant applies for a document confirming a right of residence on the basis they are a voluntary or charity worker you can only consider them a worker if the work they do contributes to commercial activities.

If it does not you must refuse their application unless they provide evidence to show a right of residence as another type of qualified person. For the full text of this judgment, see related link: Steymann judgment.

Related links
Qualified persons – ECJ case of Levin
Qualified persons – ECJ case of Antonnisen
Qualified persons – ECJ case of Saint-Prix
Qualified persons – workers

External links
Levin versus Staatssecretaris judgment
Steymann judgment

	For information on considering applications from workers, see related link: Qualified persons – Workers. For further details on other judgments by the ECJ relating to qualified persons, see links in this section.	

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Qualified persons: ECJ case of Levin

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This page tells you about the judgment from the Court of Justice of the European Union (ECJ) on what is considered genuine and effective work.

The case of D.M. Levin versus Staatsecretaris van Justitie (1982) EUECJ R-53/8 relates to the definition of employment. In this judgment the ECJ stated:

- Part time work counts as employment for European Economic Area (EEA) nationals seeking to exercise free movement rights, providing the work:
  - is genuine
  - provides an effective means for a person to earn a living, even if it needs to be supplemented from public funds

For the full text of this judgment, see external link: Levin versus Staatsectretaris.

For guidance on considering applications from workers, see related link: Qualified persons–Workers.

Related links

Qualified persons – ECJ case of Steymann
Qualified persons – ECJ case of Antonnisen
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Qualified persons – workers

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Levin versus Staatssecretaris judgment

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Qualified persons: ECJ case of Antonissen

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This page tells you how the case of Antonissen affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members.

The case of 'The Queen v Immigration Appeal Tribunal, ex parte Gustaff Desiderius Antonissen. (Free movement of persons) (1991) EUECJ C-292/89' relates to those exercising treaty rights as a jobseeker.

In this judgment the Court of Justice of the European Union (ECJ) stated:

- EU law allows nationals of member states to move freely to other member states and stay there to look for work
- the period of time the person can stay looking for work may be limited, but they must be given reasonable time to:
  - find jobs that relate to their occupational qualifications
  - where appropriate, take the necessary steps to find work

There is no EU law relating to the amount of time to give someone to find a job. Despite this the ECJ stated:

- a member state may ask a national of another member state to leave if they have not found employment there after six months, unless the person concerned provides evidence they are continuing to look for work and they have genuine chances of finding work

For the full text of this judgment, see related link: Antonissen judgment.

For information on considering applications from jobseekers, see related link: Qualified persons - Jobseekers.

Related links

Qualified persons – ECJ case of Steymann
Qualified persons – ECJ case of Levin
Qualified persons – ECJ case of Saint-Prix
Qualified persons - jobseekers

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Antonnisen judgment

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Qualified persons: ECJ case of Saint Prix

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This page tells you how the case of Saint-Prix affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members.

The case of 'Jessy Saint–Prix vs Secretary of State for Work and Pensions C-507/12' relates to whether an EEA national who becomes temporarily unable to work due to pregnancy and childbirth, retained her status as a 'worker' in EU law and therefore her right of residence in the UK.

In this judgment, the Court of Justice of the European Union (ECJ) concluded that Article 45 of the Treaty on the Functioning of the European Union, must be interpreted as meaning that a woman who gives up work, or gives up seeking work, because of the physical constraints of the late stages of pregnancy and the aftermath of childbirth, retains their status of 'worker' within the meaning of Article 45. This is provided she returns to work or finds another job within a reasonable period.

Self-employed persons do not fall within the scope of the Saint-Prix judgment.

For the full text of this judgment, see related link: Saint-Prix judgment.

For information on considering applications from persons with retained worker status, see related link: Qualified persons – retaining worker status.

Related links

Qualified persons – ECJ case of Steymann
Qualified persons – ECJ case of Antonnisen
Qualified persons – ECJ case of Levin

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Saint-Prix judgment

EEA case law and appeals

EEA nationals returning to member state of nationality

This section tells you about the Court of Justice of the European Union (ECJ) relating to European Economic Area (EEA) nationals who have exercised free movement rights in another EEA member state and are returning to their member state of nationality with their direct family members.

It gives you examples of judgements and how they affect immigration decisions.

For more information see related links:

- ECJ cases of Surinder Singh and Eind
- ECJ cases of O and S

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Rights of residence
Dual nationality
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Surinder Singh (C-370/90)
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ECJ cases of Surinder Singh and Eind

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This page tells you about the judgments of the Court of Justice of the European Union (ECJ) relating to European Economic Area (EEA) nationals who have exercised free movement rights in another EEA member state and are returning to their member state of nationality with their direct family members.

Surinder Singh (C-370/90)
The case of Surinder Singh relates to the rights of direct family members of EEA nationals who return to their home member state after working or being self-employed in another member state. The judgment does not apply to extended family members.

The UK has implemented this judgment into regulation 9 of the Immigration (European Economic Area) Regulations 2006. This sets out the requirements to be met for British citizens returning to the UK with their family members. This was amended on 25 November 2016. For guidance, see related link: Family members of British citizens.

If the family member meets the conditions in regulation 9, you must treat the British citizen as if they were an EEA national. This allows you, under the regulations, to issue their family members with:

- an EEA family permit
- a residence card
- permanent residence card

Eind (C-291/05)
In the ECJ case of Eind, the court clarified that the British sponsor in a Surinder Singh case does not need to show that they are carrying on any effective and genuine economic activities upon their return to the UK. The case of Eind must be read in conjunction with the cases of O and S.

For full text of the judgments in Surinder Singh and Eind, see related links.

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ECJ cases of O and S

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ECJ cases of O and S

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This page tells you about the judgments of the Court of Justice of the European Union (ECJ) relating to British citizens who have exercised fee movement rights in another European Economic Area (EEA) member state and are returning to the UK with their direct family members.

In the cases of O and S, the ECJ was asked to further consider the circumstances under which a family member can rely on rights under the free movement directive on the basis of the ECJ judgment in Surinder Singh.

O (C-456/12) and S (C-457/12)
In summary the judgments in O and S stated that:

- Surinder Singh rights can arise if an EEA national has genuinely resided in another member state and has, during that residence, created or strengthened family life with their family member
- Surinder Singh rights cannot arise if the EEA national has only travelled to another member state for a short period, such as a weekend or holiday, even if multiple short periods were to be considered together
- in the case of EEA nationals who live in their own member state but work in another, or who regularly travel to another member state in the course of their work, the court confirmed that member states can refuse applications from family members of such workers, except where a refusal would discourage the EEA national from effectively exercising his right to work in another member state
- the court confirmed that the scope of EU law does not cover cases of abuse
- where an EEA national has satisfied the above conditions, the provisions of the free movement directive apply by analogy where that EEA national returns to their member state of nationality
- rights under the Surinder Singh judgment are only available to direct family members of EEA nationals

For full text of these judgments, see related links.

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ECJ cases of Surinder Singh and Eind

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O (C-456/12)
S (C-457/12)

	For further guidance on considering applications from family members of British citizens returning to the UK, having exercised their free movement rights in another EEA member state, see related link: Family members of British citizens.	

EEA case law and appeals

Rights of residence

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This section tells you about the Court of Justice of the European Union (ECJ) relating to rights of residence under European Union (EU) law. It gives you examples of judgements and how they affect immigration decisions. For more information see related links: • ECJ cases of Lassal and Dias • ECJ case of Ziolkowski	**In this section** ECJ cases of Lassal and Dias ECJ case of Ziolkowski **Related links** Qualified persons EEA nationals returning to member state of nationality Dual nationality Family members Public policy and public security Links to staff intranet removed

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ECJ cases of Lassal and Dias

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This page tells you about the Court of Justice of the European Union (ECJ) relating to rights of residence under European Union (EU) law.

This page provides you with guidance on the following ECJ judgments:

- Lassal
- Dias

For the full text of these judgments, see related links.

Lassal (C-162/09)
In the case of Lassal, the ECJ stated that you must take into account any continuous period of five years residence completed in line with EU law relating to free movement rights if a person applies for the right of permanent residence under Directive 2004/38/EC (the Directive). This means when you assess if an applicant has acquired the right to permanent residence you must take into account any residence under the legislation before the 2000 and 2006 Regulations.

For example, a person who entered the UK and remained here in a qualified capacity between 1999 and 2004 will acquire a right of permanent residence under regulation 15 of the 2006 Regulations so long as the period of residence is for a continuous period.

It is important to note that the right of permanent residence can, in all cases, only be gained on or after 30 April 2006. This is because this is the date at which the regulations came into force and before this date permanent residence did not exist.

Dias (C-325/09)
The case of Dias determined that residence based solely on possession of a residence document issued under the directive or its predecessors, is not legal residence for the purposes of acquiring permanent residence. This means it is not sufficient to just hold a document confirming a right of residence, rather the person must also meet the relevant

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Immigration (EEA) Regulations 2000

	qualifying conditions of that right of residence. For example, a person who obtains a registration certificate confirming their right to reside as a worker must continue to reside in the UK as a worker, or in another qualified capacity, for five continuous years in order to gain a permanent right of residence. It is not enough to just hold a document confirming a right of residence. Additionally, Dias confirmed that a person: • can only gain the right of permanent residence on or after 30 April 2006 • could not gain the right of permanent residence on that date if they had been absent from the UK for more than two consecutive years since they completed the qualifying period • could not gain the right of permanent residence on 30 April 2006 if they stopped meeting the conditions relating to their right of residence for more than 2 consecutive years since they completed the qualifying period This means a person who completed their qualifying period but who did not then continue to meet the conditions relating to Article 7 of the directive would not gain the right of permanent residence on 30 April 2006 if the period of inactivity was for 2 or more consecutive years.	

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ECJ case of Ziolkowski

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This page tells you about the Court of Justice of the European Union (ECJ) relating to rights of permanent residence under European Union (EU) law.

Ziolkowski (C-424/10)
The ECJ case of Ziolkowski held that periods of residence in another member state which were completed before the accession to the EU of that person's state of nationality must be taken into account for the purpose of gaining a right of permanent residence where the residence:

- was authorised under the domestic legislation of that EEA member state
- would have been in line with article 7 of Directive 2004/38/EC (the Directive) had the directive at that time applied to the person in question

For example, an individual applying for permanent residence will be able to rely on their residence under the Immigration Rules as part of their five year qualifying period for permanent residence if they had leave to remain in a category which would have fallen within the scope of article 7 of the Directive (for example as a worker) had it applied at the relevant time.

The earliest date at which permanent residence is acquired
The earliest date in which permanent residence can be gained in line with the ECJ determination in Ziolkowski is either:

- 30 April 2006 (the date on which the directive came into force) if the applicant had completed 5 years residence under UK immigration law before that date and their country has since acceded to the EU
- the date at which the applicant's home state acceded to the EU if later than 30 April 2006 and if the applicant had completed 5 years residence under UK law before that date

For example, nationals of the EU8 countries acceded to the EU on 1 May 2004. So where a

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Ziolkowski (C424/10)

	person from one of these states had resided in the UK continuously as a student under domestic legislation from June 2000 – June 2005, then they will have acquired permanent residence on 30 April 2006. Conversely, nationals of the EU2 countries (Bulgaria and Romania) who acceded to the EU on 1 January 2007 could only acquire permanent residence on or after 1 January 2007 where their five year residence had been wholly undertaken before this date. **Direct family members** The Ziolkowski judgment applies to EEA direct family members of accession state nationals. Therefore, where an accession state national resided in the UK in circumstances satisfying the criteria in Ziolkowski before the date of accession, their EEA direct family members can also rely on such residence for the purposes of acquiring permanent residence. As the judgment only extends to EEA nationals and their EEA national family members, non-EEA national family members cannot benefit from the provisions of Ziolkowski.	

Dual nationality: ECJ case of McCarthy

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This page tells you about the Court of Justice of the European Union (ECJ) case of McCarthy relating to persons who hold the nationality of the member state in which they are living.

McCarthy C-434/09
In the ECJ case of McCarthy the court stated that a person who holds the nationality of the host member state and has never exercised their right of free movement and residence:

- does not benefit from the terms of the Directive 2004/38/EC (the Directive), even if they hold dual nationality with another EEA member state
- their family members cannot gain a right of residence under the directive on the basis of their relationship to such a national

For full text of the judgment, see related link.

Definition of an EEA national
The definition of EEA national in regulation 2(1) of the Immigration (European Economic Area) Regulations 2006 was amended on 16 July 2012 to exclude EEA nationals who also hold British citizenship.

This means a British citizen who also holds the nationality of another EEA member state cannot sponsor a family member under the regulations, except where they meet the conditions set out in regulation 9 (Surinder Singh cases).

For more information on the Surinder Singh judgment, see related link.

Transitional arrangements for those who had already relied on a British or EEA national for a right of residence
Transitional arrangements were put in place for people who had already relied on a dual British or EEA national for a right of residence before 16 July 2012. You can find details of these transitional arrangements in schedule 3 of the Immigration (European Economic Area) (Amendment) Regulations 2012.

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McCarthy (C-434/09)

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Family members

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This section tells you about the Court of Justice of the European Union (ECJ) cases relating to family members of European Economic Area (EEA) nationals. It gives you examples of judgements and how they affect immigration decisions. For more information see related links: • ECJ cases of Metock and Diatta • ECJ case of Reyes • ECJ case of McCarthy	**In this section** ECJ cases of Metock and Diatta ECJ case of Reyes ECJ case of McCarthy **Related links** Qualified persons EEA nationals returning to member state of nationality Rights of residence Family members Public policy and public security Links to staff intranet removed **External links**

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ECJ cases of Metock and Diatta

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This page tells you about the Court of Justice of the European Union (ECJ) cases of Metock and Diatta. The following ECJ judgments relate to direct family members: • Metock • Diatta For the full text of these judgments, see related links. For guidance on ECJ judgments relating to extended family members, see link: Extended family members – ECJ judgement of Rahman. **Metock (C-127/08)** The case of Metock, relates to non-EEA family members of EEA nationals and prior lawful residence in a member state. In this judgment the ECJ stated: • the right of residence of a non-EEA national direct family member of an EEA national exercising free movement rights in a host member state does not depend on the family member's previous immigration status • the right to reside in an EEA member state is given by European community law and is not dependent on domestic law of the host member state **Diatta (C-267/83)** In the case of Diatta, the ECJ stated that a direct family member who does not live in the same household as the EEA national, is still considered to be a family member as defined in regulation 7 of the Immigration (European Economic Area) Regulations 2006 (the Regulations). This applies for as long as: • they stay related to the EEA national	**Related Links** ECJ case of Reyes ECJ case of McCarthy Links to staff intranet removed **External link** Metock C-127/08 Diatta C-267/83

	• the EEA national continues to exercise treaty rights in the same member state For example, if an EEA national is working in the UK and separates from their spouse but does not get a divorce, the spouse will continue to be treated as a family member for as long as: • they remain married • the EEA national continues to exercise treaty rights in the UK or resides in the UK with a right of permanent residence If they later get a divorce the spouse will only have a right to live in the UK if they satisfy the conditions of regulation 10 of the regulations relating to retained rights. For guidance on assessing applications from direct family members, see related link.	

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ECJ case of Reyes

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This page tells you about the Court of Justice of the European Union (ECJ) cases of Reyes (C423/12) relating to family members of European Economic Area (EEA) nationals.

Reyes (C-423/12)
The ECJ's judgment in Reyes relates to the criteria which the adult children of EEA nationals must fulfil in order to be able to accompany or join their EEA parent (who is exercising free movement rights in another member state) by demonstrating their dependency on that parent.

Whilst maintaining the position that there must be a situation of real dependency in order for an adult child to be able to join their parent in another member state, the judgment also determined that:

- member states cannot require a direct descendant who is 21 years old or older to have tried unsuccessfully to obtain employment or to obtain subsistence support from the authorities of his country of origin and or otherwise to support themselves in order to be considered dependent
- the fact that a relative, due to personal circumstances such as age, education and health, is deemed to be well placed to obtain employment and in addition intends to start work in the member state does not affect whether they are 'dependent'

For guidance on assessing applications from direct family members, see related link.

For a full text of the ECJ judgment in Reyes, see external link.

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This page tells you about the Court of Justice of the European Union (ECJ) case of McCarthy (C202/13) relating to family members of European Economic Area (EEA) nationals who have been issued a residence card in another EEA Member State.

McCarthy (C202/13)
Following the judgment of the ECJ in the case of McCarthy (C-202/13), the UK will now accept valid, genuine residence cards issued by other EEA member states under Article 10 of EU Directive 2004/38/EC (the Directive), as evidence that the holder is exempt from the requirement to hold an EEA family permit. Permanent residence cards issued by other EEA member states under Article 20 of the directive are also acceptable for this purpose.

Amendments to the Immigration (European Economic Area) Regulations 2006 (the Regulations) which implement this judgment came into effect on 6 April 2015.

Border Force officers must note that an exemption from the EEA family permit requirement does not mean that the passenger necessarily has a right of admission under the regulations. Officers must still give a thorough examination of the claim to a right of admission.

Guidance for Border Force officers can be found in the Border Force Operations Manual in related links.

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ECJ case of Reyes

Border Force Operations Manual

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McCarthy (C202/13)

Extended Family members: ECJ case of Rahman

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This page tells you about the Court of Justice of the European Union (ECJ) case of Rahman (C-83/11) relating to extended family members of European Economic Area (EEA) nationals.

Rahman (C-83/11)
In the case of Rahman, the ECJ was asked to rule on several questions concerning the position of extended family members. The key findings of the court in this case were:

- at the time of their application a person who is an extended family member must be, or must have been, dependant upon the relevant EEA national (or their spouse or civil partner) in the country from which they (the extended family member) has come
- member states cannot require this dependency to have existed at a time when both the extended family member and the EEA national lived together in the same country
- there is no automatic right of entry and residence for extended family members (unlike direct family members of EEA nationals)
- member states have a wide discretion as to what factors are taken into account when considering these applications

Following the ECJ's determination, you can no longer require an extended family member to have resided in the same country as the EEA national before their arrival in the UK. However, extended family members must continue to demonstrate that they were recently dependent upon that EEA national in the country from which the family member came.

For guidance on assessing applications from extended family members, see related link.

For a full text of the ECJ judgment in Rahman, see external link.

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Public policy and public security

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This section tells you about the Court of Justice of the European Union's judgments relating to criminality and public policy, public security and public health. It gives you examples of judgements and how they affect immigration decisions. For more information see related links: • ECJ case of Tsakouridis • ECJ cases of MG and Onuekwere	**In this section** ECJ case of Tsakouridis ECJ cases of MG and Onuekwere **Related links** Qualified persons EEA nationals returning to member state of nationality Rights of residence Family members Public policy and public security Links to staff intranet removed

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ECJ case of Tsakouridis

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This page tells you about the Court of Justice of the European Union's judgments in Tsakouridis, relating to criminality and public policy, public security and public health.

Tsakouridis (C-145/09)
In this ECJ judgment the court stated that European Economic Area (EEA) nationals who have lived lawfully in a member state for the previous 10 years can only be removed on 'imperative grounds of public security'.

In Tsakouridis the ECJ looked in detail at how to interpret this. Their findings are summarised as follows:

- the concept of 'imperative grounds of public security' must not be interpreted narrowly to include only threats to the existence of the state or its institutions, it can include serious criminality - for example, drug dealing as part of an organised group
- the nature of the threat posed by an EEA national can be judged by looking at the penalties enforced in relation to the crime committed - this reflects the current practice of linking the removal of EEA national criminals to the length of sentence imposed
- the risk of re-offending must be taken into account 'if appropriate' but is not always necessary in order to make a decision to remove
- the risk of jeopardising the rehabilitation of the EEA national must be considered when deciding whether deportation is appropriate
- in relation to time spent in prison, the court suggested if a person had lived for 10 years in the member state before being sent to prison then the case must be examined to determine whether they have maintained integration in the UK despite imprisonment if there is, then they will be entitled to the higher level of protection against removal
- to decide whether an EEA national has resided in the host member state for the previous 10 years, you must assess and consider the:
  - length of each period of absence from the host member state
  - total duration of any absences
  - frequency of those absences
  - reasons why the person left the host member state

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Tsakouridis (C-145/09)

	If the integration links with the host state are broken then the highest protection against removal is lost. For the full text of the judgment in Tsakouridis, see related link**.**	

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ECJ cases of MG and Onuekwere

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This page tells you about the Court of Justice of the European Union's (ECJ) judgments in MG and Onuekwere relating to criminality and public policy, public security and public health.

MG (C-400/12)
In the case of MG, the court found the following:

- the 10-year period of residence must, in principle, be continuous and must be calculated by counting back from the date of the expulsion decision
- a period of imprisonment is, in principle, capable both of interrupting the continuity of the period of residence and of affecting the decision regarding the grant of the enhanced protection provided, even where the person concerned resided in the host member state for the 10 years before imprisonment
- however, the fact that that person resided in the host member state for the 10 years before imprisonment may be taken into consideration as part of the overall assessment required in order to determine whether the integrating links previously forged with the host member state have been broken

Onuekwere (C-378/12)
In the case of Onuekwere, the ECJ found that periods of imprisonment by family members of EEA nationals cannot be taken into consideration for the purposes of gaining a right of permanent residence. In addition, the court found that periods of residence both before and after prison cannot be aggregated and counted towards the 5 year qualifying period for permanent residence.

For the full text of these judgments, see related links**.**

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Derivative rights

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This section tells you about the Court of Justice of the European Union's judgments relating to derivative rights.

It gives you examples of judgements and how they affect immigration decisions.

For more information see related links:

- ECJ case of Ruiz Zambrano
- ECJ case of Chen
- ECJ case of Ibrahim and Teixeira

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ECJ case of Ruiz Zambrano
ECJ case of Chen
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ECJ case of Ruiz Zambrano

This page tells you about the Court of Justice of the European Union's (ECJ) judgments relating to the case of Ruiz Zambrano.

This includes information relating to the following ECJ judgments:

- Ruiz Zambrano
- Chen
- Ibrahim and Teixeira

Ruiz Zambrano (C-34/09)
The judgment in the case of Ruiz Zambrano established that member states are prevented from refusing a third country national the right to reside and work in a host member state, where:

- that person is the primary carer of an EU citizen who is residing in their member state of nationalityrefusing a right of residence to that primary carer would deprive the EU citizen of the substance of their European citizenship rights by forcing them to leave the European Economic Area (EEA)

In practice this means that the primary carer of a British citizen who is residing in the UK has a right to reside under EU law if their removal from the UK means the British citizen would have to leave the EEA.

This right is derived from Article 20 of the Treaty on the Functioning of the European Union (TFEU) and not from Directive 2004/38/EC (the free movement Directive). On the 8 November 2012, amendments were made to the Immigration (European Economic Area) Regulations 2006 ('the Regulations') giving effect to the ECJ judgment in the case of Ruiz Zambrano.

For further information on how to consider applications made for a derivative residence card on the basis of this judgment, see related link: Derivative rights.

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	For the full text of this judgment, see related link.	

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ECJ case of Chen

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This page tells you about the Court of Justice of the European Unions (ECJ) judgment relating to derivative rights for primary carers of self-sufficient European Economic Area (EEA) children.

Chen (C-200/02)
In the case of Chen, the ECJ decided that a minor who is a national of a European Union (EU) member state has the right to reside in the EU with their third-country national parents, provided that both the minor and the parents have health insurance and will not become a burden on the public finances of the member state of residence.

The Home Office initially gave effect to the judgment by including provision for parents of EEA national self-sufficient children to be issued leave to enter or remain under paragraph 257C of the Immigration Rules. On 16 July 2012, Chen was incorporated into the Immigration (EEA) Regulations 2006 and primary carers of EEA self-sufficient children can now be issued a derivative residence card up until the child's 18th birthday. The provision for Chen carers was subsequently removed from the Immigration Rules.

For further information on assessing documentation from primary carers of EEA self-sufficient children, see related link: Derivative rights.

For the full text of this judgment, see related links.

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ECJ case of Ibrahim and Teixeira

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This page tells you about the Court of Justice of the European Unions (ECJ) judgment relating to derivative rights for primary carers of children of European Economic Area (EEA) national parents who have worked in the UK and where that child is in education in the UK.

Ibrahim (C-310/08)) and Teixeira (C-480/08)
In the cases of Ibrahim and Teixeira, the ECJ looked at the relationship between the right of access to education of the children of EEA workers and the right of residence of the parents who are their primary carers.

Consequently, the court confirmed that the right of access to education, recognised by article 12 of Regulation (EEC) No 1612/68 ('the Regulation') also applies to the children of former EEA national workers even if the parents cease to be workers at the start of the education of the child. The court also confirmed that this right necessarily entails the right of residence within the territory of the host member state, not only for the children concerned, but also for the parents who have custody of them.

Ibrahim and Teixeira cases were given effect into the Immigration (EEA) (Amendment) Regulations 2012 at regulation 15A(3) for the child, and at regulation 14A(4) for the primary carer of that child.

For further information on how to consider applications made for a derivative residence card on the basis of this judgment, see related link: Derivative rights.

Alarape and Tijani (C-529/11)
In the ECJ case of Alarape, the court found that a parent may continue to have a derived right of residence under Article 12 of Regulation 1612/68 ('the Regulation') if the child remains in need of the presence and care of that parent in order to be able to continue and to complete their education (including after the child has reached the age of majority).

It is for the national court to assess whether this need exists, taking into account all the circumstances of the case before it.

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Alarape (C-529/11)

	Additionally, the court found that periods of residence completed on the sole basis of article 12 of the regulation, cannot be taken into account for the purpose of acquiring the right of permanent residence under the free movement Directive. For the full text of these judgments, see external links.	

EEA case law and appeals

Domestic rulings: overview

This section gives you an overview of the court system as it relates to appeals against decisions to refuse, revoke or remove European Economic Area (EEA) nationals and their family members.

First Tier
The First-tier Tribunal (Immigration and Asylum Chamber) is an independent tribunal dealing with appeals against decisions made by the Home Secretary and her officials in immigration, asylum and nationality matters. In addition to hearing appeals against decisions made under the EEA Regulations, the First-tier Tribunal also hears appeals against decisions to:

- refuse a person asylum in the UK
- refuse a person entry to, or leave to remain in, the UK
- deport someone already in the UK

Appeals are heard by one or more judges who are sometimes accompanied by non legal members of the tribunal. Judges and non legal members are appointed by the lord chancellor and together form an independent judicial body.

Upper Tribunal
The Upper Tribunal (Immigration and Asylum Chamber) is a superior court of record dealing with appeals against decisions :

- made by the First-tier Tribunal in matters of immigration, asylum and nationality
- certain judicial reviews, mainly in the immigration context

Cases are heard by one or more Upper Tribunal judges (who, in the case of appeals, may sometimes be accompanied by non-legal members of the tribunal). Appeals can be made by either the Home Office or the original appellant in the appeal. The Upper Tribunal will decide whether the decision of the First-tier Tribunal was correct in law.

If the Upper Tribunal considers an error of law has been made in the decision of the First-tier

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	Tribunal, it can either: • substitute its own decision in place of it • order the First-tier Tribunal to redecide the appeal **Court of Appeal** The Court of Appeal sits in London at the Royal Courts of Justice. The Court of Appeal is the highest court within the senior courts, which also includes the High Court and Crown Court. **Supreme Court** The Supreme Court's focus is on cases that raise points of law of general public importance. For further information on the appeals system, see external link. For further guidance on the different domestic rulings and how these affect free movement rights under Directive 2004/38/EC, see links in this section: • Criminality • Dependency • Spouses and civil partners • Documentation	

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Qualified persons

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This section gives you examples of domestic rulings in the case of a qualified person.

It gives you examples of judgements and how they affect immigration decisions.

For more information see related links:

- Jobseekers- Shabani
- Workers who cease activity – RM (Zimbabwe)

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Jobseekers: Shabani

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This page tells you how the Upper Tier Tribunal (UT) case of Shabani affects the rights of European Economic Area (EEA) nationals to be considered jobseekers.

Shabani
In Shabani v Secretary of State for the Home Department (EEA - jobseekers, nursery education) [2013] UKUT 315 (24 June 2013), the UT made the following findings in relation to jobseekers:

- a person who has been employed but after falling unemployed seeks employment again (for example, a 'second-time' jobseeker) can potentially fall within regulation 6(4) of the Immigration (European Economic Area) Regulations 2006

Changes have been made to regulation 6 of the Regulations to give this effect.

For guidance on making decisions relating to jobseekers, see related link: workers who cease activity RM (Zimbabwe).

Nursery education
Additionally, the UT also found that for the purposes of new regulation 15A(3) the primary carer of the child of an EEA national who has been employed in the host member state is entitled to a derivative right of residence once that child has entered into reception class education.

For the full text of the Shabani judgment, see related link.

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Workers who cease activity: RM (Zimbabwe)

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This page tells you how the Upper Tier Tribunal (UT) case of RM (Zimbabwe) confirms the rights of family members of European Economic Area (EEA) nationals who are considered to be jobseekers.

RM (Zimbabwe)
In the case of RM (Zimbabwe) v. SSHD [2013] EWCA Civ 775, the Court of Appeal determined that there is no requirement that a person must be the family member of an EEA national at the time they cease work or self-employment in order for themselves to acquire permanent residence under regulation 15(1)(d) of the Immigration (European Economic Area) Regulations 2006.

A permanent right of residence can, therefore, be confirmed to a family member where the following criteria are satisfied:

- the EEA national was a worker or self-employed person who ceased activity in accordance with regulation 5 and acquired permanent residence on that basis
- the applicant is the family member of that EEA national

For example, an EEA national ceases work in 2006 and acquires permanent residence under regulation 15(1)(c). They later marry a non-EEA national in 2010. Following the case of RM, the non-EEA national spouse would acquire permanent residence on the date of the marriage in 2010 under regulation 15(1)(d).

The position remains that family members cannot otherwise acquire permanent residence immediately upon marriage to an EEA national with permanent residence, unless they come within the provisions of regulation 15(1)(d).

For a full text of the judgment, see related link.

For further guidance on assessing an application from a worker who has ceased activity, see related link.

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EEA case law and appeals

Criminality: judgments in OA, HR (Portugal) and LG and CC

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This section tells you how the cases of OA , HR (Portugal) and LG and CC affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members.

For the full text of these judgments, see external links.

OA
The case of 'OA (2006) UKAIT 00066' relates to prisoners claiming to be workers. In this judgment the Tribunal stated:

- EEA national prisoners do not qualify as workers exercising free movement rights because they are not participating in the labour market
  - so, non-EEA national family members of EEA nationals serving a prison sentence cannot obtain a right to residence from their relationship with the prisoner

HR (Portugal)
The case of 'HR (Portugal) v Secretary of State for the Home Office (2009) EWCA Civ 371' relates to periods of time an EEA national has spent in custody. In this judgment the court considered whether or not these periods of time were included in the period of at least 10 years residence in the UK under regulation 21(4)(a) of the Immigration (EEA) Regulations (2006).

The court concluded an EEA national, who has been convicted of a crime and is detained for a significant period in custody, is not resident in the UK for the period spent in prison.

LG and CC
The case of 'LG and CC (EEA Regs: residence, imprisonment, removal) Italy (2009) UKAIT 00024' relates to:

- periods of time spent in prison
- whether the periods count towards the right of permanent residence

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	• the higher level of grounds to consider in public policy and public security cases In this judgment the court stated time spent in prison does not count towards the 5 year period of residence required to gain a permanent right of residence. These judgments were supported by the Court of Justice of the European Union judgments in the cases of MG and Onuekwere. For further information on those judgments, see related links.	

EEA case law and appeals

Mental health: JO judgment

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This section tells you how the cases of JO (qualified person – hospital order- effect) Slovakia [2012] UKUT 00237(IAC) affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members. In the case of JO, the Upper Tribunal determined that periods of residence spent in a secure mental health unit by a person subject to a hospital order can count towards the qualifying period for permanent residence. Under regulation 6(2) and 6(3) an EEA national worker or self-employed person can continue to be treated as a qualified person if they are temporarily unable to work or be self-employed, as the result of an illness or accident. Where such periods of incapacity can be evidenced, this will count towards permanent residence. There is no definition of 'illness' within the Immigration (EEA) Regulations 2006 and the court in JO found that the word should not be given a narrow or restricted meaning and therefore could include mental health disorders. In practice, this means that EEA nationals who were working or self-employed in the UK, and who then become sectioned under the Mental Health Act, can continue to be considered a qualified person and so will fall within scope of regulation 6. The EEA national must establish that they were a worker or self-employed person prior to their incapacity in order to count the period of illness towards permanent residence. For further information on this judgment, see external link.	**Related links** Qualified persons Criminality Dependency Spouses and civil partners Documentation Links to staff intranet removed **External links** JO judgment

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Dependency

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This section gives you examples of domestic rulings in the case of dependency

It gives you examples of judgements and how they affect immigration decisions.

For more information see related links:

- Bigia judgment
- Pedro judgment
- RS (Brazil) judgment
- Oboh judgment

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Bigia judgment

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This page tells you how the case of Bigia affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members.

The case of 'Bigia and Ors v Entry Clearance Officer (2009) EWCA Civ 79' relates to extended family members being dependent on an EEA national.

In this judgment the Court of Appeal confirmed:

- where an extended family member is dependent on an EEA national, or is a member of the EEA national's household then consideration must be given to whether the EEA national would be discouraged from exercising their treaty rights if the extended family member did not have the right to join or accompany them in the UK
- in situations where an extended family is financially dependent on an EEA national there is no reason why the EEA national's movement to the host member state would be discouraged
- the EEA national would only be deterred in certain circumstances
- the EEA national and the extended family member must have been present in the same country and that country must be the one the EEA national has most recently moved to the UK from
- the applicant must show very recent evidence of the dependency or membership of the EEA national's household

It is unlikely that an EEA nationals would be deterred from exercising treaty rights in the UK if the:

- extended family member lived in a different country to the one from which the EEA national moved to the UK
- dependency or membership of the EEA national's household was historic or has lapsed
- extended family member was only financially dependent on the EEA national, for

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	example the EEA national paid for their accommodation and living expenses In these circumstances the EEA national is able to continue to provide accommodation and financial support from the UK to the country in which the extended family member lives. For the full text of this judgment, see related link: Bigia judgment. For information on the rights of residence for extended family members of EEA nationals, see related link: Extended family members of EEA nationals.	

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Pedro judgment

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This page tells you how the case of Pedro affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members.

The case of 'Pedro v Secretary of State for Work and Pensions (2009) EWCA Civ 1358 (14 December 2009)' relates to dependent direct family members of EEA nationals.

In this judgment the Court of Appeal stated:

- Article 2(2) of the Free Movement of Persons Directive 2004/38/EC does not specify when the dependency has to have taken place, but it does require that the relative must be dependant in the country of origin
- Article 3(2)(a), however, requires actual dependency at a particular time and place

The court concluded that those direct family members who must show dependency on the EEA national (that is, direct descendants over 21, or dependent relatives in the ascending line) do not have to show they were dependent upon them before they came to the UK.

So unlike extended family members, these direct family members only need to show they are dependent on the EEA national in the UK in order to be considered to be a dependent direct relative of an EEA national.

For the full text of this judgment, see related link.

For information on the rights of residence for direct family members of EEA nationals, see related link: Direct family members

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RS (Brazil) judgment

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This page tells you how the case of RS (Brazil) affects applications for documents confirming a right of residence from the extended family members of the non-EEA national family member of an EEA national.

The case of 'RS (Brazil) v Secretary of State for the Home Department [2013] EWCA Civ 575' relates to the extended family members of a non-EEA national family member of an EEA national.

In this judgment, the Court of Appeal stated:

- the Citizens Directive had deliberately not included in 'other family members' that dependency could relate to the spouse or partner of an EEA national
- dependency or household membership can only be on or of the EU citizen
- there is no obligation on the UK to extend the qualifying criteria wider than required by the Citizens Directive

The court concluded that extended family members must be dependent upon the EU citizen and dependency on the non-EEA spouse or other family members is not sufficient.

For the full text of this judgment, see related link: RS (Brazil) judgment.

For information on the rights of residence for extended family members of EEA nationals, see related link: Extended family members of EEA nationals.

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Oboh judgment

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This page tells you how the case of Oboh affects applications for documents confirming a right of residence from the extended family members of the non-EEA national family member of an EEA national.

The case of 'Oboh & Ors v Secretary of State for the Home Department [2013] EWCA Civ 1525 (25 November 2013) relates to the extended family members of a non-EEA national family member of an EEA national.

In this judgment, the Court of Appeal found that:

- a document under Article 10.2(e) of Directive 2004/38/EC was no more than a minimum requirement for the issue of a residence card, and that the Secretary of State has an obligation to consider it only as part of all the evidence of an applicant's circumstances in the round
- whether applicants are 'members of a household' is a matter of fact alone and that following KG (Sri Lanka) and Bigia, there is a requirement that members of a claimed household have lived together at least recently in order to be part of a household
- whether or not an applicant is 'dependent' on their EEA sponsor depends on whether they rely on that person for their 'essential needs', and that there is no minimum standard of living set out by the directive

For the full text of this judgment, see related link: Oboh judgment.

For information on the rights of residence for extended family members of EEA nationals, see related link: Extended family members of EEA nationals.

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Extended family members: Ihemedu judgment

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This page tells you how the case of Ihemedu affects applications for documents confirming a right of residence from the extended family members of a European Economic Area (EEA) national.

The case of 'Ihemedu (OFMs – meaning) Nigeria [2011] UKUT 00340' relates to the tribunal's jurisdiction where the Secretary of State has not yet exercised discretion to issue a document to an extended family member.

In this judgment the court found that where the Secretary of State has not yet exercised discretion (under regulation 17(4) of the Immigration (EEA) Regulations 2006) the most an Immigration Judge is entitled to do is to allow the appeal as being not in accordance with the law. Whether to exercise this discretion in the appellant's favour or not is left to the Secretary of State.

The judgment also determines that there is no limit on what relative can be considered as an extended family member under Directive 2004/38/EC as long as those relatives have significant factual ties with the EEA national.

For information on the rights of residence for extended family members of EEA nationals, see related link: Extended family members.

For the full text of this judgment, see related link: Ihemedu judgment.

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Spouses and civil partners

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This section gives you examples of domestic rulings in the case of spouses and civil partners.

It gives you examples of judgements and how they affect immigration decisions.

For more information see related links:

- Burden of proof – Papajorgji

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Burden of proof: Papajorgji

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This page tells you how the Upper Tier tribunal (UT) case of Papajorgji affects applications for documents confirming a right of residence from the spouse or civil partner of a European Economic Area (EEA) national.

The Upper Tribunal case of Papajorgji (EEA spouse – marriage of convenience) Greece [2012] UKUT 00038(IAC), is a reported case which makes the following findings:

- there is no burden on a claimant to demonstrate that a marriage to an EEA national is not one of convenience at the outset of an application
- the case of IS (marriages of convenience) Serbia [2008] UKAIT 31 only establishes that there is an evidential burden on the claimant to address evidence justifying reasonable suspicion that the marriage is entered into for the main purpose of securing residence rights
- the standard of proof in such cases is to the civil standard (balance of probabilities)

This means that the initial burden is on the Secretary of State to demonstrate that a marriage is one of convenience. However, where there is reasonable suspicion that the marriage is not genuine the evidential burden shifts onto the applicant.

For the full text of this judgment, see related link: Papajorgji.

For information on the rights of residence for family members of EEA nationals, see related link: Direct family members of EEA nationals.

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Documentation: Barnett and others judgment

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This page tells you how the case of Barnett and others affects applications for documents confirming a right of admission or residence from extended family members of European Economic Area (EEA) nationals.

The Upper Tribunal held in the case of Barnett and others (EEA Regulations: rights and documentation) Jamaica (2012) UKUT 142 (IAC) that where applications are submitted under the regulations:

- care should be taken to identify both the relevant rights being asserted, and the relevant documentary confirmation which is being sought in respect of those rights
- the requirement in regulation 17(1)(a) and (2)(a) for the production of a valid passport relates to the passport of the applicant, not the EEA national:
  - The Secretary of State can, depending on the circumstances, lawfully require the applicant to produce the EEA national's passport or identity document in applications made under regulations 17 and 18, however: there must be a valid reason for requiring it
  - it is unlawful to refuse applications merely because the applicant fails to provide these documents
  - this is particularly the case with regulation 18, as there is likely to be relevant material relating to this documentation on file from a previous, successful, application

If the applicant has not provided the EEA national's documents
If an application has been submitted for documentation under the regulations and the applicant has not provided the EEA national's passport or ID card, you cannot insist they provide the document unless there are good reasons for doing so.

Good reasons may include:

- no documents have previously been issued, so the Home Office have not previously seen evidence of EEA nationality

Related Links

Qualified persons
Criminality
Dependency
Spouses and civil partners
Documentation

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External links
Barnett and others judgment

	• the Home Office has information suggesting the EEA national: o has acquired another nationality which may have implications for their EEA status o is no longer in the UK • the Home Office have suspicions there has been some fraud involved in the application This list is not exhaustive and there may be other reasons why you need to request the EEA national passport or ID card. This judgment does not affect the requirement for the non-EEA national family member to provide their passport as evidence of their nationality. If they do not submit it, you can return or refuse the application in line with normal procedures. For the full text of this judgment, see related link.	

EEA case law and appeals

Chen and self-sufficiency: Seye judgment

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This page tells you how the case of Seye affects derivative rights of residence for primary carers of a European Economic Area (EEA) national child who is self-sufficient in the UK. In the Upper Tribunal reported case of Seye (Chen children; employment) [2013] UKUT 00178 (IAC), it was determined that income from illegal employment in the host member state on the part of a parent of a Chen child cannot create self-sufficiency for that child. The court further went on to say that lawful employment undertaken by a parent whose leave has been extended under section 3C of the Immigration Act 1971 cannot also create self sufficiency for the Chen child. Where the parent is on limited leave or temporary admission to the UK, then this position remains doubtful in the light of Metock and Others [2008] EUECJ C-127/08 and Liu and Ors v SSHD [2007] EWCA Civ 1275. For the full text of the judgment see related link: Seye judgment.	**Related Links** Qualified persons Criminality Dependency Spouses and civil partners Documentation Links to staff intranet removed Derivative rights **External link** Seye judgment

EEA case law and appeals

Comprehensive sickness insurance and the NHS: W and X China

About this guidance Judgments from the Court of Justice of the European Union Domestic rulings: overview Comprehensive sickness insurance and the NHS - W and X China	This page tells you how the case of W and X China affects applications for documents confirming a right of residence from European Economic Area (EEA) nationals and their family members. The case of 'W (China) and Anor v Secretary of State for the Home Department (2006) EWCA Civ 1494' relates to sickness insurance and the National Health Service (NHS). In this judgment the Court of Appeal stated: • EEA nationals who need to have medical insurance cannot rely on the NHS as providing medical insurance • EEA nationals and their family members must show they will not place an unreasonable burden on the public finances of the UK For the full text of this judgment, see related link: W and X China judgment. This judgment in W and X China has been further supported by the recent Court of Appeal judgment in Ahmad [2014] EWCA Civ 988, which confirmed that an EEA national who is exercising Treaty rights as a student or self-sufficient person in the UK cannot rely on an entitlement to treatment on the NHS in order to meet the requirement to hold CSI.	**External links** W and X China judgment Ahmad judgment

EEA case law and appeals

EEA case law and appeals: contact

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This page tells you who to contact if you need more help with a question about a specific piece of case law or precedent case note.

If you have read the relevant regulations and this guidance and still need more help, you must first ask your deputy chief caseworker, senior caseworker or line manager.

If the question cannot be answered at that level, you may email the free movement operational policy team using the related link: Email: Free movement operational policy team.

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, using the related link: Email: Free movement operational policy team, who will ask the 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 related link: Email: Guidance - making changes.

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This page details the information owners for 'EEA case law and appeals' guidance.

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