Home Office

EU Settlement Scheme Family Permit

Version 23.0

Contents

Contents 2
About this guidance 5
Application process 6
Cost of application 6
The best interests of a child 7
Contacts 7
Publication 7
Changes from last version of this guidance 8
EU Settlement Scheme family permit 9
Distinction from the EEA family permit 9
Arrangements after 30 June 2021 11
When to issue an EUSS family permit 11
Length of validity 11
Making an application: validity 13
Required application process 13
Required proof of identity and nationality 13
Required biometric information 14
Specified sponsor evidence 14
Specified sponsor evidence: relevant EEA citizen 15
Specified sponsor evidence: family relationship 15
Requesting missing specified sponsor evidence 17
Circumstances in which it may be appropriate to issue a write-out 18
Circumstances in which it is not appropriate to issue a write-out 19
Applicants seeking to rely on certain derivative rights 20
Invalid applications 20
Consideration of specified sponsor evidence 21
Validity consideration 21
Invalid or void applications 21
Alternative evidence of identity and nationality 23
Circumstances where alternative evidence may be accepted 23
Document unobtainable from national authority 23
Document exists but cannot be produced 24
Other reasons document cannot be obtained or produced 24
Other supporting information or evidence 25
Irish citizens 26

Making an application: eligibility ... 28
EEA citizen ... 29
Specified EEA family permit case ... 29
Joining family member ... 30
Non-EEA citizen ... 31
Relevant EEA citizen ... 31
Relevant EEA citizen's EUSS status was granted in error ... 35
Relevant naturalised British citizen ... 37
Dual British and EEA citizen (McCarthy cases) ... 37
Relevant person of Northern Ireland ... 38
Specified relevant person of Northern Ireland ... 39
Person exempt from immigration control ... 39
Frontier worker ... 41
Required evidence of qualification ... 41
Required evidence of being a relevant person of Northern Ireland ... 45
A. Evidence that the person was born in Northern Ireland ... 45
B. Evidence of the person's relationship to their parent ... 45
C. Evidence that one of the person's parents was a British citizen at the time of the person's birth ... 46
D. Evidence that one of the person's parents was an Irish citizen at the time of the person's birth ... 46
E. Evidence that one of the person's parents was otherwise entitled to reside in Northern Ireland without any restriction on their period of residence at the time of the person's birth ... 47
Required evidence of being a specified relevant person of Northern Ireland ... 48
Family member of a relevant EEA citizen ... 49
A relevant document ... 51
Qualifying British citizen ... 51
Family member of a qualifying British citizen ... 53
Reasonable grounds for failure to meet the 29 March 2022 deadline ... 56
Examples of reasonable grounds ... 56
Employment or study ... 57
Serious medical condition or significant medical treatment ... 57
Other compelling practical or compassionate reasons ... 58
UK residence or intention to travel to the UK ... 58
Assessing family relationship for EUSS family permit applications ... 60
Spouse ... 60
Civil partner ... 61

Specified spouse or civil partner of a Swiss citizen 62
Durable partner 62
Civil partnership, durable partnership or marriage of convenience 65
Child 66
Child under the age of 21 67
Child aged 21 or over 68
Dependent parent 70
Evidence of relationship 70
Evidence of dependency 71
Dependent relative of a qualifying British citizen 73
Person who is subject to a non-adoptive legal guardianship order 73
Dependent relative of a specified relevant person of Northern Ireland 74
Person who is subject to a non-adoptive legal guardianship order 74
Considering a valid application 76
Requesting further information or evidence and interviewing 77
Suitability 80
Granting an application 84
Refusing an application 85
Revocation, cancellation and curtailment 86
Revocation 86
Cancellation 87
Curtailment 88

About this guidance

This guidance tells you how, from 8 October 2026, to consider applications for an EU Settlement Scheme (EUSS) family permit, made under Appendix EU (Family Permit) to the Immigration Rules.

The EUSS, in Appendix EU to the Immigration Rules, provides a basis, consistent with the Withdrawal Agreement with the European Union reached on 17 October 2019, and with the citizens' rights agreements reached with the other European Economic Area (EEA) countries and Switzerland, for EEA and Swiss citizens resident in the UK by the end of the transition period at 11:00pm Greenwich Mean Time (GMT) on 31 December 2020, and their family members, to apply for the UK immigration status which they require in order to remain here after 30 June 2021. Those agreements now have effect in UK law through the European Union (Withdrawal) Act 2018, as amended by the European Union (Withdrawal Agreement) Act 2020. For guidance on the EUSS, see EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members.

The EUSS also provides a basis for certain family members of qualifying British citizens who have returned with them to the UK after living together in an EEA country or Switzerland to apply for the UK immigration status which the family member requires in order to remain here.

To return to the UK with a qualifying British citizen and apply in the UK to the EUSS, a relevant family member could, until 8 August 2023, apply for an EUSS family permit.

The EUSS closed on 8 August 2023 to those applying as a family member of a qualifying British citizen, except where:

- an application was made as a family member of a qualifying British citizen by 8 August 2023
- they entered the UK with an EUSS family permit – applied for by 8 August 2023 – as a family member of a qualifying British citizen and applied for pre-settled status on the same basis before the expiry of the leave to enter granted to them by virtue of having arrived in the UK with an EUSS family permit (and that leave to enter must not have been cancelled, curtailed or invalidated), or later where they can show evidence of 'reasonable grounds' for their delay in making their application
- they have pre-settled status as a family member of a qualifying British citizen and are making a further application, usually for settled status

For guidance on this aspect of the EUSS, see EU Settlement Scheme: family member of a qualifying British citizen.

Where this guidance refers to the 'date and time of withdrawal', this means (as defined in Annex 1 to Appendix EU (Family Permit)) 11:00pm GMT on 31 January 2020.

Where this guidance refers to the 'specified date', this means (as defined in Annex 1 to Appendix EU (Family Permit)) 11:00pm GMT on 31 December 2020.

Where this guidance refers to the 'EEA Regulations', this means (as defined in Annex 1 to Appendix EU (Family Permit)):

- where relevant to something done before the specified date, the Immigration (European Economic Area) Regulations 2016 as they had effect immediately before that date
- where relevant to something done after the specified date and before 1 July 2021, the Immigration (European Economic Area) Regulations 2016 as, despite the revocation of those regulations, they continued to have effect, with specified modifications, by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020
- where relevant to something done on or after 1 July 2021, the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)

Where this guidance refers to 'the Islands', this means (as defined in Annex 1 to Appendix EU (Family Permit)) the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.

Where this guidance refers to a requirement for a document, card or other evidence to be valid (or that it remained valid for the period of residence relied upon), or that it has not been cancelled or invalidated or has not ceased to be effective, it does not matter, by virtue of rule FP9(2) of Appendix EU (Family Permit), that the person concerned no longer has the right to enter or reside under the EEA Regulations (or under the equivalent provision in the Islands), on which basis the document, card or other evidence was issued, by virtue of the revocation of those regulations (or equivalent provision in the Islands).

Where this guidance refers to the 'date of application', this means (as defined in Annex 1 to Appendix EU (Family Permit)), the date on which the relevant on-line application form is submitted on-line under the required application process.

Application process

Applicants must apply by using the required application process, as defined in Annex 1 to Appendix EU (Family Permit).

Cost of application

There is no application fee.

Applicants for an EUSS family permit who are required to use a UK visa application centre to verify their identity as part of their application may be required to pay to use these services, where they are provided by a commercial partner.

Applicants for an EUSS family permit are not required to pay the Immigration Health Surcharge.

The best interests of a child

The duty in section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard to the need to safeguard and promote the welfare of a child under the age of 18 in the UK, together with Article 3 of the UN Convention on the Rights of the Child, means that consideration of the child's best interests is a primary consideration, but not the only consideration, in immigration cases. This guidance and the Immigration Rules it covers form part of the arrangements for ensuring that we give practical effect to these obligations.

Where a child or children in the UK will be affected by the decision, you must have regard to their best interests in making the decision. You must carefully consider all the information and evidence provided concerning the best interests of a child in the UK and the impact the decision may have on the child.

Although the duty in section 55 of the Borders, Citizenship and Immigration Act 2009 only applies to children in the UK, the statutory guidance – Every Child Matters – Change for Children – provides guidance on the extent to which the spirit of the duty should be applied to children overseas. You must adhere to the spirit of the duty and make enquiries when you have reason to suspect that a child may be in need of protection or safeguarding, or presents welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries and you are to abide by these and work with local agencies in order to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

Further guidance can be found in paragraphs 2.34 to 2.36 of the statutory guidance.

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 you can email the EEA Citizens' Rights and Hong Kong Unit.

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

Publication

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

- version **23.0**
- published for Home Office staff on **9 October 2026**

Changes from last version of this guidance

The guidance has been updated to reflect the closure of the EUSS travel permit by Statement of Changes in Immigration Rules HC 584, laid on 3 September 2026.

Related content
Contents
EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members
EU Settlement Scheme: family member of a qualifying British citizen

Related external links
Appendix EU (Family Permit) to the Immigration Rules
Appendix EU to the Immigration Rules
Immigration (European Economic Area) Regulations 2016
Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020
Statement of changes to the Immigration Rules: HC 584
Section 55 of the Borders, Citizenship and Immigration Act 2009
Every Child Matters – Change for Children

EU Settlement Scheme family permit

The EU Settlement Scheme (EUSS) family permit is an entry clearance which facilitates travel to and entry into the UK of an eligible family member of a relevant European Economic Area (EEA) citizen or (where an application was made by 8 August 2023) of a qualifying British citizen.

The family permit enables the holder to join in, or accompany to, the UK their relevant EEA citizen (as defined in Annex 1 to Appendix EU (Family Permit), including provision for a relevant naturalised British citizen, a dual British and EEA citizen (McCarthy cases), a relevant person of Northern Ireland, a specified relevant person of Northern Ireland, a person exempt from immigration control or a frontier worker) or their qualifying British citizen (as defined in Annex 1 to Appendix EU (Family Permit)).

Distinction from the EEA family permit

The EUSS family permit operated alongside the EEA family permit, which, until 30 June 2021, continued to provide a separate entry clearance route for those who qualified for it. Where a person was eligible and able to apply for both, they could apply for either.

From the end of the transition period on 31 December 2020 until 30 June 2021, the following cohorts of people could apply for an EEA family permit provided that, at the end of the transition period, they were lawfully resident in the UK by virtue of the EEA Regulations, or had a right of permanent residence in the UK by virtue of those regulations, and did not yet hold status under the EUSS:

- (as defined in regulation 7 of the Immigration (EEA) Regulations 2016) the family member of an EEA citizen, meaning:
  - the spouse or civil partner of the EEA citizen
  - the child or grandchild of the EEA citizen (or of their spouse or civil partner) who was aged under 21 or dependent on the EEA citizen (or on their spouse or civil partner)
  - the dependent parent or grandparent of the EEA citizen (or of their spouse or civil partner)
- (as defined in regulation 8 of the EEA Regulations) the durable partner of an EEA citizen
- (as defined in regulation 10 of the EEA Regulations) a family member who had retained the right of residence in the UK
- (as defined in regulation 16 of the EEA Regulations) a person who had a derivative right to reside in the UK

From the end of the transition period on 31 December 2020 until 30 June 2021, an application for an EEA family permit could also be made by certain family members of EEA citizens where, at the end of the transition period, they (the applicant) were neither lawfully resident in the UK by virtue of the EEA Regulations nor did they have a right of permanent residence in the UK by virtue of those regulations.

The family members eligible to apply on this basis were:

- (as defined in regulation 7 of the EEA Regulations) the family member of an EEA citizen, meaning:
  - the spouse or civil partner of the EEA citizen
  - the child or grandchild of the EEA citizen (or of their spouse or civil partner) who was aged under 21 or dependent on the EEA citizen (or on their spouse or civil partner)
  - the dependent parent or grandparent of the EEA citizen (or of their spouse or civil partner)
- (as defined in regulation 8 of the EEA Regulations) the durable partner of the EEA citizen

Save for a child of an EEA citizen (in certain circumstances), or for the spouse or civil partner of a Swiss citizen, the family relationship must have existed immediately before the end of the transition period.

The applicant must also have been able to demonstrate that, at the end of the transition period, their EEA citizen family member both:

- was lawfully resident in the UK under the EEA Regulations, or had a right of permanent residence in the UK under those Regulations
- did not hold status under the EUSS (even if they obtained it subsequently)

The effect of the provisions summarised above was that, from the end of the transition period on 31 December 2020 until 30 June 2021, an application for an EEA family permit could also be made by a family member (as defined in regulation 7 of the EEA Regulations) or a durable partner of a British citizen who exercised Treaty rights in the EEA or Switzerland before returning to the UK before the end of the transition period, where either:

- the family member or durable partner was lawfully resident in the UK under the EEA Regulations at the end of the transition period and did not yet hold status under the EUSS (in that, they had returned to the UK meeting regulation 9 of the EEA Regulations before the end of the transition period and were then outside the UK again)
- the British citizen returned to the UK meeting regulation 9 of the EEA Regulations before the end of the transition period and was therefore treated as being lawfully resident in the UK under the EEA Regulations at the end of the transition period, and the family member or durable partner wanted to join them in the UK

From the end of the transition period on 31 December 2020, an application for an EEA family permit could not be made by a family member or durable partner of a British citizen who had been exercising Treaty rights and/or rights under the citizens' rights agreements in the EEA or Switzerland where the family member or durable partner was moving back to the UK with the British citizen for the first time: they were instead able to apply for an EUSS family permit.

For further information, see EEA family permit guidance.

The EEA family permit ceased to be valid for travel to the UK after 30 June 2021.

Arrangements after 30 June 2021

Consistent with Article 10(3) of the Withdrawal Agreement and equivalent provision in the other citizens' rights agreements, the Home Office is required to continue to make decisions on valid EEA family permit applications from extended family members (other than durable partners) made by 31 December 2020, and from direct family members (as defined in regulation 7 of the EEA Regulations) and durable partners made by 30 June 2021. Subject to the guidance in this section, we are obliged to issue a product to all those whose EEA family permit application was successful, including on appeal, even though the route closed after 30 June 2021.

You must therefore consider any pending valid EEA family permit application from a direct family member or durable partner against the EUSS family permit requirements as well as the EEA family permit requirements. This also applies where an appeal has been lodged, and not yet concluded, or where an appeal has been allowed, against a decision to refuse an EEA family permit.

If you need further information or evidence to determine whether the applicant is eligible for an EUSS family permit, you must seek to contact them and request this from them before making your decision.

Where, save for the required application process and subject to any significant change in circumstances (for example, where the sponsor has died since the EEA family route closed after 30 June 2021), the applicant meets the requirements for an EUSS family permit, as set out in Appendix EU (Family Permit) and this guidance, you must issue an EUSS family permit.

When to issue an EUSS family permit

You must issue an EUSS family permit where the applicant has made a valid application (under rule FP4 of Appendix EU (Family Permit)) meets the eligibility requirements (under rule FP6(1) or (2) or FP8A) and is not to be refused on grounds of suitability under rule FP7).

Length of validity

Where an EUSS family permit is issued, it will be valid for a period of **6 months from the date of decision** on the application.

The holder can enter the UK as many times as they wish within that period. Where the holder arrived in the UK on or after 1 April 2021 and wishes to apply to the EUSS as a joining family member, they have 3 months from their arrival in the UK to submit a valid application under Appendix EU, unless there are reasonable grounds for their delay in applying.

Related content

Related external links
Immigration (European Economic Area) Regulations 2016
Appendix EU (Family Permit) to the Immigration Rules

Making an application: validity

A valid application for an EU Settlement Scheme (EUSS) family permit has been made, under rule FP4 of Appendix EU (Family Permit), where:

- it has been made using the required application process
- the required proof of identity and nationality has been provided
- the required biometric information have been provided
- the specified sponsor evidence has been provided, where the date of application – the date on which the relevant application form is submitted on-line under the required application process – is on or after 8 April 2026 and the applicant relies on meeting the eligibility requirements in rule FP6(1) as a family member of a relevant European Economic Area (EEA) citizen
- the date of application – the date on which the relevant online application form is submitted on-line under the required application process – is before 9 August 2023, where the applicant relies on meeting the eligibility requirements in rule FP6(2) as a family member of a qualifying British citizen

Required application process

Applicants must apply by using the relevant on-line application form and following the relevant process set out in that form for:

- providing the required proof of identity and nationality
- providing the required biometric information
- providing the specified sponsor evidence where the date of application is on or after 8 April 2026 and the applicant relies on meeting the eligibility requirements in rule FP6(1) as a family member of a relevant EEA citizen

Required proof of identity and nationality

For a European Economic Area (EEA) citizen this will be their valid passport or valid national identity card.

For a non-EEA citizen, this will be their valid passport.

'Valid' here means that, at the date of application, the document is genuine and has not expired or been cancelled or invalidated.

In either case, you can agree to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or due to compelling practical or compassionate reasons. For further guidance, see Alternative evidence of identity and nationality or of entitlement to apply from outside the UK.

For guidance on how to handle an application relying on a passport from an issuing authority that is not recognised by the UK see: ECB08: what are acceptable travel documents for entry clearance.

France has confirmed that the validity of the secure French national identity card (laminated), issued to people aged 18 or over from 1 January 2004 to 31 December 2013, has been increased from 10 years to 15 years. Therefore, any such card is to be treated as having a validity period of 15 years, regardless of the expiry date printed on the card.

Evidence of the relevant EEA citizen having been granted status under the EUSS (under paragraph EU2 or EU3 of Appendix EU) will constitute sufficient evidence of that person's identity and nationality in any subsequent application for an EUSS family permit by a person relying on their family relationship to that relevant EEA citizen.

Required biometric information

Under the Immigration (Provision of Physical Data) Regulations 2006 (as amended), all applicants are required to provide a passport-style facial photograph of themselves.

In addition, where the applicant relies on meeting the eligibility requirements for an EUSS family permit in rule FP6(1) or FP6(2), they are also required to provide their fingerprints.

This must be at the visa application centre, as directed by the on-line application form.

There are some exceptions for who needs to provide their fingerprints, for example children under the age of 6 years old do not need to provide their fingerprints but still need to submit a facial photograph. For more details see the published biometric guidance.

Specified sponsor evidence

In an application for an EUSS family permit made on or after 8 April 2026 as a family member of a relevant EEA citizen under rule FP6(1), the applicant must provide the specified sponsor evidence, with the application or during your consideration of its validity in line with this guidance. As defined in Annex 1 to Appendix EU (Family Permit), this includes evidence of the relevant EEA citizen sponsor's EUSS status and of the applicant's family relationship to the sponsor.

The provision of the specified sponsor evidence for the purposes of validity consideration does not determine whether the applicant meets the eligibility requirements for an EUSS family permit. It indicates only that the applicant appears to be within scope of the EUSS family permit, enabling you, if the other validity requirements are also met, to proceed to eligibility and suitability consideration.

Specified sponsor evidence: relevant EEA citizen

The table below sets out the specified sponsor evidence that must be provided to indicate that the applicant's sponsor is a relevant EEA citizen.

In the case of a relevant EEA citizen	Specified sponsor evidence
who has been granted indefinite leave to enter or remain or limited leave to enter or remain under paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated	• the Home Office reference number, also known as the Unique Application Number (UAN), for their EUSS status (or the equivalent evidence in the Islands), as requested on the visa application form
(where the entry above does not apply) information or evidence which appears to you to indicate that the relevant EEA citizen meets the definition of 'relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)', including: • an Irish citizen • a relevant naturalised British citizen • another dual British and EEA citizen (McCarthy case) • a relevant person of Northern Ireland • a specified relevant person of Northern Ireland • a person exempt from immigration control • a frontier worker	• refer to required evidence of qualification for evidence, unless the applicant is relying on a frontier worker • evidence to indicate that the sponsor meets the definition of frontier worker in Appendix EU (Family Permit)

Where the applicant relies on being a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU), this element of the specified sponsor evidence requirement does not apply.

Specified sponsor evidence: family relationship

The table below sets out the specified sponsor evidence that must be provided to indicate that the applicant's family relationship to the relevant EEA citizen sponsor is in scope of the EUSS family permit.

In the case of a	Specified sponsor evidence
spouse	• a relevant document issued as the spouse of the relevant EEA citizen • a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands
civil partner	• a relevant document as the civil partner of the relevant EEA citizen • a civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands • the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands
child of the relevant EEA citizen or of their spouse or civil partner	• a relevant document as the child of the relevant EEA citizen or of their spouse or civil partner • evidence of their birth – a full birth certificate or certificate (a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father) or other documents which you are satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen or of their spouse or civil partner
dependent parent of the relevant EEA citizen or of their spouse or civil partner	• a relevant document as the dependent parent of the relevant EEA citizen or of their spouse or civil partner • evidence of their birth – a full birth certificate or certificates (a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father) or other documents which you are satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen or of their spouse or civil partner

In the case of a	Specified sponsor evidence
(where the entry above does not apply) information or evidence which appears to you to indicate the family relationship is within scope of the definition of 'family member of a relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit)	information or evidence to be considered on a case-by-case basis, but will include those applying as a: • durable partner – for example, evidence of cohabitation at 31 December 2020 • dependent relative of a specified relevant person of Northern Ireland • family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen – for example, evidence of the relevant change in circumstances such as a divorce certificate and evidence of residence in the UK prior to change in circumstances

Where noted in this table, 'valid' means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated.

Where the applicant submits a copy (and not the original) of a document, you can require the applicant to submit the original document if you have reasonable doubt as to the authenticity of the copy submitted.

Requesting missing specified sponsor evidence

Where the applicant does not provide any information or evidence, such as a UAN, to indicate they are relying on a relevant EEA citizen sponsor (unless they are applying as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen), you are not required to contact the applicant before rejecting the application as invalid under rule FP5.

However, where the applicant has provided some but not sufficient information or evidence that their sponsor is a relevant EEA citizen, you must write to the applicant (by email) and give them 10 calendar days to provide further information or evidence.

Where you establish that the applicant is not relying on a sponsor who holds EUSS status as a relevant EEA citizen under paragraph EU2 or EU3 of Appendix EU, and where the applicant has not provided information or evidence to indicate that the sponsor otherwise meets the definition of 'relevant EEA citizen', you are not required to issue a write-out for missing family relationship evidence before rejecting the application as invalid under paragraph FP5.

Where the applicant has established that they are relying on a sponsor who holds EUSS status as a relevant EEA citizen under paragraph EU2 or EU3 of Appendix

EU, or has provided information or evidence to indicate that the sponsor otherwise meets the definition of 'relevant EEA citizen', but the family relationship declared on the visa application form is inconsistent with, or not supported by, the information or evidence available, you must issue a write-out for further information or evidence to be provided within 10 calendar days. This is to enable the applicant to show that the family relationship is within scope of the EUSS family permit. This may include a direct family member (spouse, civil partner, child, dependent parent), a durable partner where the partnership was formed and was durable before 11pm on 31 December 2020, or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU).

A write-out may be appropriate where no or insufficient information or evidence of the applicant's family relationship to the sponsor has been provided; where a document may have been submitted in error; or where the family relationship declared on the visa application form appears to contradict the information or evidence provided but could reasonably be clarified through further information or evidence. However, a write-out must not be issued where the family relationship (for example, sibling, aunt, uncle or cousin) is clearly outside the scope of the EUSS family permit or where the information or evidence of family relationship provided relates to such an invalid sponsor.

Where the applicant claims to be unable to provide relevant information or evidence for compelling practical or compassionate reasons, they must provide you with an explanation supported by relevant documentation. You may extend the timeframe for providing the information or evidence, following consultation with your senior caseworker. Any extension must be limited to a reasonable period, considering the circumstances described by the applicant and the nature of the relevant information or evidence.

Where the applicant repeatedly requests further extensions, or where the extension sought is clearly unreasonable or unsubstantiated (for example, a request for several months without compelling justification), you must not extend or further extend the timeframe. In such cases, and following consultation with your senior caseworker, you must inform the applicant that the relevant information or evidence must be provided within a reasonable timeframe and that otherwise the application will be rejected as invalid.

Where the applicant is unable to provide the relevant information or evidence within a reasonable timeframe but indicates they will be able to do so at a later date, you must advise them to re-apply once they are in a position to provide it.

Circumstances in which it may be appropriate to issue a write-out

It may be appropriate to write out to the applicant to request further information or evidence were, for example:

- evidence for the sponsor's EUSS status is missing, but Home Office systems indicate a possible match, and a copy of the sponsor's passport or national identity card is required to confirm that match

- a submitted document has expired, but an in-date version would be sufficient to meet the relevant validity requirements
- a document is missing but there is an indication that it was provided in the application but was not scanned by the visa application centre, for example, where a document, such as a birth certificate, is mentioned in a covering letter but does not appear in the evidence bundle
- the uploaded family relationship evidence indicates a possible document upload error (for example, evidence relating to a different family member) and clarification is required
- the family relationship relied on is in-scope, but the required evidence has not been uploaded
- evidence indicating a durable partnership with a relevant EEA citizen or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen has not been provided, but the declaration suggests that it may exist
- there are compelling practical or compassionate circumstances supported by relevant documentation, internal Home Office records, or reliable open-source information - this may include situations where the applicant:
  - is a victim of domestic abuse
  - has fled conflict or humanitarian crises and is unable to access documents
  - faces other genuine barriers that may prevent them from obtaining or replacing the required evidence

Circumstances in which it is not appropriate to issue a write-out

It is not appropriate to request further information or evidence were, for example:

- the sponsor is clearly not a relevant EEA citizen, including where the sponsor is:
  - a non-EEA citizen
  - an EEA citizen with EUSS status granted as a joining family member under paragraph EU2A or EU3A of Appendix EU
  - an EEA citizen sponsor whose EUSS status was cancelled, curtailed, revoked or invalidated before the date of application
- there are no Home Office records matching the EEA citizen sponsor, and the applicant has not provided any identity evidence (such as a copy of a passport or national identity card) to assist with identification
- the declared family relationship is clearly out-of-scope or is contradicted by the evidence provided, for example, where the evidence confirms an extended family member relationship (such as a sibling, aunt, uncle or cousin) but a direct family relationship to the EEA citizen sponsor is declared
- the family relationship evidence submitted has previously been verified as false or invalid
- the family relationship evidence does not indicate that a durable partnership was formed and was durable before 11pm on 31 December 2020
- any claimed compelling practical or compassionate circumstances are not supported by any relevant documentation or reliable open-source material:

- this may include situations such as fire or flooding where replacement documentation could reasonably be obtained from the relevant authorities, and the applicant can be advised to re-apply once they have done so

Where you consult a senior caseworker on whether to contact the applicant to request further information or evidence, you must record the details of that discussion and the final decision on Proviso or CRS, as applicable.

Applicants seeking to rely on certain derivative rights

Following the judgment in *Ayoola v SSHD* [2025] EWCA Civ 1519, you may identify an EUSS family permit applicant who claims to have a derivative right to reside in the UK based on the Ibrahim and Teixeira principle and established after the specified date (11pm GMT on 31 December 2020) in line with Article 24(2) or 25(2) of the Withdrawal Agreement.

Where a child with EUSS status as a child becomes a person with a derivative right to reside under Appendix EU after the specified date, based on the Ibrahim and Teixeira principle, a primary carer (or their under-18 dependant) may (where they cannot apply to the EUSS from outside the UK) seek to apply for an EUSS family permit to facilitate their travel to and entry to the UK, in order to apply to the EUSS under new provisions introduced into Appendix EU from 8 October 2026.

If you identify any such application, you should email the EEA Citizens' Rights and Hong Kong Unit for further advice before making a validity or eligibility decision.

Invalid applications

You must reject an application as invalid under rule FP5 where the applicant has not provided the specified sponsor evidence and has not provided an explanation, or requested an extension, based on compelling practical or compassionate grounds.

You must reject an application as invalid under rule FP5 where any of the following apply:

- the sponsor has been granted limited or indefinite leave under paragraph EU2A or EU3A of Appendix EU (as a joining family member) and is therefore not a relevant EEA citizen
- the sponsor is a non-EEA citizen and therefore cannot be a 'relevant EEA citizen' under Appendix EU (Family Permit)
- the applicant has provided an invalid Home Office reference number for the sponsor's claimed EUSS status and Home Office records confirm that no such reference number or status exists
- the applicant has stated that their sponsor is an EEA citizen, but Home Office systems show no record of the sponsor under the name and date of birth provided, and no evidence of EEA nationality has been submitted
- the applicant has not provided, including following a write-out, information or evidence to show an in-scope family relationship to a relevant EEA citizen or

they are a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen

Consideration of specified sponsor evidence

At this stage, you are only assessing whether, for the purposes of a valid application, the specified sponsor evidence has been provided, not whether the applicant meets the eligibility requirements for an EUSS family permit. Where you have considered the specified sponsor evidence and accepted the application as valid, you may proceed to consider the application substantively under the eligibility and suitability requirements in rules FP6 and FP7 of Appendix EU (Family Permit). If any document submitted as part of the specified sponsor evidence is later disputed or found to be false during the eligibility or suitability consideration, the fact that it formed part of the evidence considered at the validity stage does not prevent refusal on eligibility or suitability grounds where those requirements are not met. A document may only be fully assessed once the application is substantively considered at the eligibility or suitability stage.

Validity consideration

An application for an EUSS family permit will be rejected as invalid where it has not been made using the required application process, the required proof of identity and nationality has not been provided at a relevant visa application centre, the specified sponsor evidence has not been provided (where the date of application is on or after 8 April 2026 and the applicant relies on being a family member of a relevant EEA citizen), or the date of application is on or after 9 August 2023 (where the applicant relies on being a family member of a qualifying British citizen); and it will not be considered where the required biometric information has not been provided, under rule FP5 of Appendix EU (Family Permit).

Invalid or void applications

An application for an EUSS family permit will be rejected as invalid under rule FP5 of Appendix EU (Family Permit) where it does not meet the validity requirements under rule FP4.

An application for an EUSS family permit must be treated as void where:

- the applicant is a British citizen (including a dual British citizen) or otherwise has the right of abode in the UK
- the applicant has been granted pre-settled status or settled status under the EUSS which has not lapsed or been cancelled, curtailed, revoked or invalidated
- the applicant dies before their application is decided

Official – sensitive: start of section

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

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

Official – sensitive: end of section

Related content
Contents
Biometric guidance

Related external links
Appendix EU (Family Permit) to the Immigration Rules
Appendix EU to the Immigration Rules
Visa application centre
What are acceptable travel documents for entry clearance: ECB08
Immigration (Provision of Physical Data) Regulations 2006
EU Settlement Scheme derivative right to reside (Chen and Ibrahim Teixeira cases)

Alternative evidence of identity and nationality

There may be reasons why an applicant cannot provide the required proof of identity and nationality in the form of a valid passport or a valid national identity card. You may accept alternative evidence of identity and nationality where the applicant cannot obtain or produce the required document due to circumstances beyond their control or due to compelling practical or compassionate reasons.

If the applicant provides a valid passport or national identity card from a country that is not recognised by the UK, such as the Turkish Republic of Northern Cyprus, you may accept this as evidence of their identity and nationality providing there are no indications to the contrary. In these circumstances you must discuss the case with a senior caseworker who may refer to the European Economic Area (EEA) Citizens' Rights and Hong Kong Unit for further advice.

Each case must be considered on its individual merits and you must refer to a senior caseworker in all instances where the applicant seeks to rely on alternative evidence of identity and nationality.

Circumstances where alternative evidence may be accepted

The following lists are not exhaustive and there may be other circumstances beyond the control of the applicant, or other compelling practical or compassionate reasons, why they cannot obtain or produce the required document. Each case must be considered on its individual merits, and you must refer to a senior caseworker in all instances where this guidance is engaged.

Document unobtainable from national authority

This section lists some circumstances where an applicant may be unable to obtain the required document due to circumstances beyond their control:

- the applicant's passport has expired or has been permanently lost or stolen and there is no functioning national government to issue a replacement
- there is a national authority to apply to for a document, but they have run out of documents

In these circumstances the applicant is to be requested to provide as much information as possible, including details of any applications for documentation they may have made to their national authority (if applicable), and provide alternative evidence of their identity and nationality (see Other supporting information or evidence).

Document exists but cannot be produced

If the Home Office or another government department is holding the required document, you must contact the relevant section or department to confirm the details. If you are satisfied that this establishes the applicant's identity and nationality, no further supporting evidence is required.

In all circumstances where you have agreed to consider alternative evidence of identity and nationality, the applicant is to be requested to provide as much information and evidence as possible (see Other supporting information or evidence).

Other reasons document cannot be obtained or produced

There may be other reasons why the applicant cannot obtain or produce the required document due to circumstances beyond their control or due to compelling practical or compassionate reasons. Each case must be considered on its individual merits, and you must refer to a senior caseworker in all instances where this guidance is engaged.

If the applicant claims that it would be impossible or unreasonable for them to obtain or produce the required document due to a serious medical condition or due to their mental capacity, they or the person acting for them must be requested to provide confirmation of their condition or capacity, and why it prevents them from obtaining or producing the required document, from their GP or other appropriately qualified medical professional.

There may also be occasions where other factors that are not in and of themselves considered a serious medical condition, such as an applicant's age, may still be a barrier to them being able to travel, where they need to do so in order to obtain the required document. In these circumstances, you may request a letter from their GP or other appropriately qualified medical professional confirming the barrier or barriers to travel, but you must discuss the circumstances with a senior caseworker before doing so.

If you are satisfied that it would be impossible or unreasonable for the applicant to obtain or produce the required document, for example because of their physical or mental capacity, and there is no one reasonably able to do so on their behalf, then the applicant is to be asked to produce alternative evidence of their identity and nationality (see Other supporting information or evidence).

The applicant is to be asked to produce alternative evidence of their identity and nationality (see Other supporting information or evidence) where:

- the applicant is a child under the age of 18 in the care of a local authority, or similar body
- the required document has been lost or destroyed, or was never obtained or provided

and either:

- there is satisfactory evidence that it is not in the best interests of the child for the local authority or similar body to obtain the required document on their behalf, such as were doing so may risk the child, contrary to their own best interests, leaving care
- there are significant practical barriers to obtaining the required document, such as the national authority requiring the consent of both parents, but the parents are absent or un-cooperative

Official – sensitive: start of section

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

Official – sensitive: end of section

Other supporting information or evidence

This section lists examples of other supporting information or evidence of identity and nationality that an applicant may provide, alongside any other information or evidence you have gathered, where you have accepted that the applicant cannot obtain or produce the required document due to circumstances beyond their control or due to compelling practical or compassionate reasons.

Each case must be considered on its own merits, and you must work flexibly with the applicant to try to obtain sufficient supporting information or evidence to satisfy you of their identity and nationality. There may be cases where an applicant will need to produce more than one piece of evidence from the list below in order to satisfy you of this.

This list is not exhaustive. More than one piece of evidence can be requested on a case by case basis and each case must be considered on its own merits to help you build a picture of the applicant's identity and nationality:

- documents previously issued by the Home Office (such as a document issued for emergency travel purposes) 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

- an official document issued by the UK authorities which confirms the applicant's identity and, if possible, nationality – and this can include a UK driving licence, National Insurance number card, or tax or pension statement
- an official document issued by the authorities of an EEA country 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 biometric information which match an existing government record confirming their identity and nationality

Where other steps to ascertain an applicant's identity and nationality have been exhausted, you may refer 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 and must consult your senior caseworker in all cases before proceeding.

You may also invite the applicant to an interview to assess their ties to their claimed country of origin, including knowledge of its geography, culture and language. Such an interview can be held in person at post, by telephone, by videolink or over the internet as long as you are satisfied that the person to whom you are speaking is the applicant.

Irish citizens

In the case of an Irish citizen, where there are circumstances beyond their control or compelling practical or compassionate reasons why they cannot provide the required document, alternative evidence may include their full Irish birth certificate or an Irish certificate of naturalisation. This can be accompanied by a photographic identity document (such as a driving licence or Irish Public Service Card) as evidence of identity. Other documentation (see Other supporting information and evidence) may also be considered if necessary.

Official – sensitive: start of section

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

Official – sensitive: end of section

Related content
Contents

Related external links
Appendix EU to the Immigration Rules

Making an application: eligibility

An applicant meets the eligibility requirements for an EU Settlement Scheme (EUSS) family permit under rule FP6(1) of Appendix EU (Family Permit), where you are satisfied that at the date of application:

- the applicant is not a British citizen
- the applicant is a family member of a relevant European Economic Area (EEA) citizen
- the relevant EEA citizen is resident in the UK or will be travelling to the UK with the applicant within 6 months of the date of application
- the applicant will be accompanying the relevant EEA citizen to the UK (or joining them in the UK) within 6 months of the date of application
- the applicant (A) is not the spouse, civil partner or durable partner of a relevant EEA citizen (B) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under Appendix EU (Family Permit), immediately before or since the specified date held a valid document in that capacity issued under the EEA Regulations or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules

For those applying as a family member of a qualifying British citizen, an application for an EUSS family permit must have been made by 8 August 2023. If an application is submitted after this date on this basis, it should be rejected as invalid: see Family member of a qualifying British citizen.

Where an application is made before 8 August 2023, an applicant will meet the eligibility requirements for an EUSS family permit under rule FP6(2) of Appendix EU (Family Permit), where you are satisfied that at the date of application:

- the applicant is not a British citizen
- the applicant is a family member of a qualifying British citizen
- the qualifying British citizen is resident in the UK or will be travelling to the UK with the applicant within 6 months of the date of application
- the applicant will be accompanying the qualifying British citizen to the UK (or joining them in the UK) within 6 months of the date of application
- the applicant (A) is not the spouse, civil partner or durable partner of a qualifying British citizen (B) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under Appendix EU (Family Permit), immediately before or since the specified date held a valid document in that capacity issued under the EEA Regulations or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules

In addition, an applicant will be granted an EUSS family permit under rule FP8A of Appendix EU (Family Permit), where:

- you are satisfied that the applicant is a specified EEA family permit case

- had the applicant made a valid application under Appendix EU (Family Permit), it would not have been refused on grounds of suitability under rule FP7

EEA citizen

An 'EEA citizen' is defined in Annex 1 to Appendix EU (Family Permit) as a person who either:

- under sub-paragraph (a), is (and before the specified date was) a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (unless they are a relevant naturalised British citizen) is not also a British citizen
- under sub-paragraph (b), is (and before the specified date was) a national of a country listed in the bullet point above; and (where the applicant meets the criteria in paragraph 9 of Schedule 6 to the Immigration EEA Regulations 2016 as the family member (F) to whom that paragraph refers) is a British citizen within the meaning of the person (P) to whom that paragraph refers (see dual British and EEA citizen (McCarthy cases))
- under sub-paragraph (c), is (and before the specified date was) a relevant person of Northern Ireland (see relevant person of Northern Ireland)

Specified EEA family permit case

A 'specified EEA family permit case' is defined in Annex 1 to Appendix EU (Family Permit) as a person who either:

- on the basis of a valid application made under the EEA Regulations before the specified date, would, had the route not closed after 30 June 2021, have been issued an EEA family permit under regulation 12 of the EEA Regulations as either:
  - an extended family member under regulation 8 and where the 'relevant EEA national' referred to in regulation 12(4) was resident in the UK in accordance with regulation 12(1)(a)(i) before the specified date
  - a person with a derivative right to reside in the UK by virtue of regulation 16(1) and where, pursuant to regulation 12(2), any person from whom the right to be admitted to the UK under the criteria in regulation 11(5) was derived was resident in the UK before the specified date
- after the specified date and before 1 June 2021 was issued an EEA family permit under Regulation 12 of the EEA Regulations, has contacted the Home Office to advise that they were not able to travel to the UK by 30 June 2021, and you are satisfied by information or evidence provided by the person that there were compelling practical or compassionate reasons or COVID-19 related reasons why they were not able to travel to the UK by 30 June 2021
- on or after 1 June 2021 was issued an EEA family permit under Regulation 12 of the EEA Regulations with an expiry date of 30 June 2021, and has contacted

the Home Office to advise that they were not able to travel to the UK by 30 June 2021

In addition, there must not have been a significant change in circumstances since the date on which the person was issued an EEA family permit under regulation 12 of the EEA Regulations (or, as the case may be, since the date on which the person's appeal against the refusal of such a family permit was allowed or on which they would otherwise have been issued one, had the route not closed after 30 June 2021), such that it is not appropriate for them to be granted an entry clearance under Appendix EU (Family Permit).

Joining family member

A 'joining family member' is defined in Annex 1 to Appendix EU (Family Permit) as a person who both:

- is a family member of a relevant EEA citizen as specified below:
  - a spouse or civil partner at the date of application, where the marriage was contracted or the civil partnership was formed after the specified date, and the couple were durable partners before the specified date (the definition of 'durable partner' in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date
  - a durable partner, where the durable partnership was formed and was durable before the specified date, the partnership remains durable at the date of application (which is after the specified date) and, where they were resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date, the definition of 'durable partner' in Annex 1 was met before that date as well as at the date of application and the partnership remained durable at the specified date
  - a child or dependent parent, and the family relationship existed before the specified date (unless after that date the child was born, adopted or became subject to one of the guardianship orders or equivalent in sub-paragraphs (a)(iii) to (a)(xi) of the definition of 'child' in Annex 1 to Appendix EU (Family Permit)) and continues to exist at the date of application
  - a child or dependent parent of a spouse or civil partner of the relevant EEA citizen, and the family relationship of the child or dependent parent to the spouse or civil partner existed before the specified date (unless after that date the child was born, adopted or became subject to one of the guardianship orders or equivalent in sub-paragraphs (a)(iii) to (a)(xi) of the definition of 'child' in Annex 1 to Appendix EU (Family Permit)) and all the family relationships continue to exist at the date of application
- (save in the case of a child who after the specified date was born, adopted or became subject to one of the guardianship orders or equivalent in sub-paragraphs (a)(iii) to (a)(xi) of the definition of 'child' in Annex 1 to Appendix EU (Family Permit)) was either:
  - not resident in the UK and Islands at any time before the specified date
  - resident in the UK and Islands before the specified date, and one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the entry for 'continuous qualifying period' in Annex 1 to Appendix EU has occurred, and after that

event occurred, they were not resident in the UK and Islands again before the specified date
    - resident in the UK and Islands before the specified date, and the event referred to in sub-paragraph (a) in the entry for 'supervening event' in Annex 1 to Appendix EU has occurred, and after that event occurred, they were not resident in the UK and Islands again before the specified date

In addition, where the applicant is a child who was born after the specified date or adopted after that date in accordance with a 'relevant adoption decision' (or after the specified date they became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi), and with the references to 'parents' in the 3 sub-bullet points below construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that definition relates), they meet one of the following requirements:

- where they are not the child of a Swiss citizen or of their spouse or civil partner, that either:
    - both of their parents are a relevant EEA citizen
    - one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen
    - one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of an EEA country or Switzerland (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in an EEA country or Switzerland, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law)
- where they are a child of a Swiss citizen or of their spouse or civil partner, the Swiss citizen or their spouse or civil partner is a relevant EEA citizen (note that they cannot be the child of the specified spouse or civil partner of a Swiss citizen)

For further guidance on 'continuous qualifying period' see: EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members.

Non-EEA citizen

A 'non-EEA citizen' is defined in Annex 1 to Appendix EU (Family Permit) as a person who is not an EEA citizen and is not a British citizen.

Relevant EEA citizen

Where the date of application under Appendix EU (Family Permit) is before 1 July 2021, a 'relevant EEA citizen' is defined in Annex 1 to Appendix EU (Family Permit) as either:

- under sub-paragraph (a), an EEA citizen (in accordance with sub-paragraph (a) of the definition in Annex 1 to Appendix EU (Family Permit)) who either:
  - has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands)
  - at the date of decision on the application under this Appendix, you are satisfied from the information available to you, has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, which has not lapsed or been cancelled, curtailed, revoked or invalidated
  - you are satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
- under sub-paragraph (b), an EEA citizen (in accordance with sub-paragraph (a) of the definition in Annex 1 to Appendix EU (Family Permit)) who is a relevant naturalised British citizen
- under sub-paragraph (c), (where the applicant is the family member (F) to paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that definition in Annex 1 to Appendix EU (Family Permit)) who you are satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
- under sub-paragraph (d)(i), an EEA citizen (in accordance with sub-paragraph (c) of the definition in Annex 1 to Appendix EU (Family Permit)) who is a relevant person of Northern Ireland (in accordance with sub-paragraph (a)(ii) of the definition in Annex 1 to Appendix EU (Family Permit)) who either:
  - has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands)
  - at the date of decision on the application under this Appendix, you are satisfied from the information available to you has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, which has not lapsed or been cancelled, curtailed, revoked or invalidated

    - you are satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
- under sub-paragraph (d)(ii), an EEA citizen (in accordance with sub-paragraph (c) of the definition in Annex 1 to Appendix EU (Family Permit)) who is a relevant person of Northern Ireland (in accordance with sub-paragraph (a)(i) or (a)(iii) of the definition in Annex 1 to Appendix EU (Family Permit)) who you are satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
- under sub-paragraph (e), a person exempt from immigration control
- under sub-paragraph (f), a frontier worker

In addition, references to indefinite leave to enter or remain or limited leave to enter or remain granted under paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands) exclude such leave where it was granted in error. For further guidance see: Relevant EEA citizen's EUSS status was granted in error.

Where the date of application under Appendix EU (Family Permit) is on or after 1 July 2021, a 'relevant EEA citizen' is defined in Annex 1 to Appendix EU (Family Permit) as either:

- under sub-paragraph (a), an EEA citizen (in accordance with sub-paragraph (a) of the definition in Annex 1 to Appendix EU (Family Permit)) who either:
    - has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands)
    - at the date of decision on the application under this Appendix, you are satisfied from the information available to you, has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, which has not lapsed or been cancelled, curtailed, revoked or invalidated
    - (in the case of an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU or under its equivalent in the Islands, where the applicant does not rely on that person being a relevant person of Northern Ireland) you are satisfied, including by the required evidence of qualification, would have been granted such leave under that Appendix, if they had made a valid application under it before 1 July 2021,

and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
    - you are satisfied – by relevant information and evidence provided with the application (including their valid passport or valid national identity card as an EEA citizen, which is the original document and not a copy) – meets sub-paragraph (a)(i) of the definition of 'relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)' in Annex 1 to Appendix EU, such that the applicant is a 'family member of a relevant EEA citizen' (as defined in Annex 1 to that Appendix)
- under sub-paragraph (b), an EEA citizen (in accordance with sub-paragraph (a) of the definition in Annex 1 to Appendix EU (Family Permit)) who is a relevant naturalised British citizen
- under sub-paragraph (c), (where the applicant is the family member (F) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that definition in Annex 1 to Appendix EU (Family Permit)) who you are satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
- under sub-paragraph (d)(i), an EEA citizen (in accordance with sub-paragraph (c) of the definition in Annex 1 to Appendix EU (Family Permit)) who is a relevant person of Northern Ireland (in accordance with sub-paragraph (a)(ii) of the definition in Annex 1 to Appendix EU (Family Permit)) who either:
    - has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands)
    - at the date of decision on the application under this Appendix, you are satisfied from the information available to you has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, which has not lapsed or been cancelled, curtailed, revoked or invalidated
    - you are satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)
- under sub-paragraph (d)(ii), an EEA citizen (in accordance with sub-paragraph (c) of the definition in Annex 1 to Appendix EU (Family Permit)) who is a relevant person of Northern Ireland (in accordance with sub-paragraph (a)(i) or

(a)(iii) of the definition in Annex 1 to Appendix EU (Family Permit)) who you are satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen and, where they are a specified relevant person of Northern Ireland, but, where applicable, for that fact) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)

- under sub-paragraph (e), a person exempt from immigration control
- under sub-paragraph (f), a frontier worker

In addition, references to indefinite leave to enter or remain or limited leave to enter or remain granted under paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands) exclude such leave where it was granted in error. For further guidance see: Relevant EEA citizen's EUSS status was granted in error.

You must, where applicable, check the relevant EEA citizen's Home Office unique application number on the relevant case working system to confirm that they have indefinite leave to enter or remain (settled status) or limited leave to enter or remain (pre-settled status) under the EU Settlement Scheme (EUSS, granted under, as the case may be, rule EU2 or EU3 of Appendix EU, based on their residence in the UK before the end of the transition period at 11pm on 31 December 2020).

Where the applicant is the family member of a frontier worker who has been granted a frontier worker permit, you must check the relevant Home Office records to confirm that such a permit has been granted (where the other evidence provided in support of the application does not satisfy you of this).

Relevant EEA citizen's EUSS status was granted in error

If, following the above check of the relevant case working system, you have reason to believe that the relevant EEA citizen's EUSS status was granted in error, and there is no other information available to you now to show that they met the relevant requirements, you must first contact the applicant to request relevant further information or evidence, for example, as to the relevant EEA citizen's nationality or UK residence before the end of the transition period. You should subject to the next paragraph, give them 14 calendar days in which to provide relevant further information or evidence.

You may provide longer than 14 calendar days (or extend that period at the applicant's request) where, following consultation with your senior caseworker, you are satisfied that there is good reason to do so in the particular circumstances of the case.

Where you are satisfied by the further information or evidence provided by the applicant that the relevant EEA citizen's EUSS status was granted correctly, you must consider the application in line with the rest of this guidance.

Where you are not satisfied by the further information or evidence provided by the applicant that the relevant EEA citizen's EUSS status was granted correctly (or where the applicant fails to respond or provide the information or evidence requested within the relevant timeframe), you must refer the relevant EEA citizen's case (together with any further information or evidence provided by the applicant) to the relevant in-country caseworking team (in line with local processes) and put the application on hold in the meantime.

Where the relevant in-country caseworking team confirms that the relevant EEA citizen's EUSS status was granted correctly, you must resume consideration of the application in line with the rest of this guidance.

Where the relevant in-country caseworking team confirms that the relevant EEA citizen's EUSS status was granted in error and that they have written to the relevant EEA citizen accordingly (including to request relevant further information and evidence that their status was granted correctly and, where not satisfied by any further information or evidence provided, inform the relevant EEA citizen that this means that they cannot sponsor an EUSS family permit application), you must refuse the application. You must explain in the decision letter that the application has been refused because the relevant EEA citizen was granted EUSS status in error and is therefore unable to sponsor the application.

Official – sensitive: start of section

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

Official – sensitive: end of section

For further guidance on sub-paragraph (b) in either definition, see: Relevant naturalised British citizen.

For further guidance on sub-paragraph (c) in either definition, see: Dual British and EEA citizen (McCarthy cases).

For further guidance on sub-paragraph (d) in either definition, see: Relevant person of Northern Ireland.

For further guidance on sub-paragraph (e) in either definition, see: Person exempt from immigration control.

For further guidance on sub-paragraph (f) in either definition, see: Frontier Worker.

For further guidance on the 'required evidence of qualification', see: Required evidence of qualification.

Relevant naturalised British citizen

A 'relevant naturalised British citizen' is defined in Annex 1 to Appendix EU (Family Permit) as a person who:

- is (and before the specified date was) a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland
- also, both:
  - comes within paragraph (b) of the definition of 'EEA national' in regulation 2(1) of the EEA Regulations
  - meets the criteria contained in regulation 9A(2) or (3) as the dual national (DN) to whom those provisions refer (save for the requirement in regulation 4(1)(c)(ii) and (d)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK and regardless of whether they otherwise remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)
- you are also satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)

Dual British and EEA citizen (McCarthy cases)

The Court of Justice of the European Union (CJEU) judgment in McCarthy in 2011 found that a person who holds the nationality of the host EEA member state (regardless of whether or not they hold dual nationality with another EEA member state) and has never exercised their right of free movement does not benefit, and nor do their family members, from rights of residence under the Free Movement Directive. Transitional provisions were made in 2012 – which are now reflected in paragraph 9 of Schedule 6 to the EEA Regulations – to enable certain family

members affected by the judgment to retain or obtain a residence document enabling them to remain in the UK.

They will be either:

- a person who on 16 July 2012 had the right of permanent residence in the UK under the EEA Regulations 2006
- a person residing in the UK on 16 July 2012 as the family member of a dual British and EEA citizen, and who held a valid registration certificate or residence card confirming this right on 16 October 2012 - they continue to be treated under the EEA Regulations as the family member of an EEA citizen for as long as they continue to be the family member of that dual national - this also applies where a person had a right of residence on this basis on 16 July 2012 and had submitted an application for a document confirming this right on or before 16 October 2012 which had not been determined by that date (or which had been refused and was then successfully appealed): they continue to have such a right where a document was subsequently issued on the basis of that application (or that appeal)
- a person who submitted an application for an EEA family permit as the family member of a dual British and EEA citizen before 16 July 2012, where the application resulted in an EEA family permit being issued (including where this document was issued following a successful appeal) and the person travelled to the UK within the 6 month validity period of that EEA family permit - they continue to be treated under the EEA Regulations as the family member of an EEA citizen for as long as they continue to be the family member of that dual national - they do not need to have applied for further confirmation of a right of residence in the UK

By virtue of sub-paragraph (c) of either definition of ‘relevant EEA citizen’ in Annex 1 to Appendix EU (Family Permit) (and of sub-paragraph (b) of the definition there of ‘EEA citizen’), an applicant who is a McCarthy case may be eligible for an EUSS family permit, as the family member of a relevant EEA citizen, where the other relevant requirements are met.

Relevant person of Northern Ireland

A ‘relevant person of Northern Ireland’ is defined in Annex 1 to Appendix EU (Family Permit) as a person who both:

- is either:
  - a British citizen
  - an Irish citizen
  - a British citizen and an Irish citizen
- was born in Northern Ireland and, at the time of the person’s birth, at least one of their parents was either:
  - a British citizen
  - an Irish citizen
  - a British citizen and an Irish citizen
  - otherwise entitled to reside in Northern Ireland without any restriction on their period of residence

Specified relevant person of Northern Ireland

From 1 July 2021, there is provision under Appendix EU (Family Permit) for a dependent relative of a relevant EEA citizen to apply for an EUSS family permit where the relevant EEA citizen is a 'specified relevant person of Northern Ireland' (as defined in Annex 1 to Appendix EU (Family Permit)).

From 1 July 2021, there is also provision under Appendix EU (Family Permit) for a person to apply for an EUSS family permit who meets the definition of 'joining family member of a relevant sponsor' in Appendix EU, where the relevant sponsor – who is also the relevant EEA citizen on whom the applicant relies under Appendix EU (Family Permit) – is a 'specified relevant person of Northern Ireland' (as defined in Annex 1 to Appendix EU (Family Permit)).

A 'specified relevant person of Northern Ireland' is a 'relevant person of Northern Ireland' in accordance with sub-paragraph (a)(i) or (a)(iii) of that definition in Annex 1 to Appendix EU (Family Permit) (in that they are a British citizen or a dual British and Irish citizen) and the applicant is both:

- a non-EEA citizen
- either:
  - a 'dependent relative of a specified relevant person of Northern Ireland' (as defined in Annex 1 to Appendix EU (Family Permit)) and that person is outside the UK; in the UK and has been so for a period not exceeding 3 months; or in the UK and (were they an 'EEA national' in accordance with regulation 2(1) of the EEA Regulations) they were residing in the UK in accordance with the EEA Regulations on 30 June 2021
  - a 'joining family member of a relevant sponsor' (as defined in Annex 1 to Appendix EU), where the person is their relevant sponsor and the applicant has satisfied you by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the UK before the specified date while the applicant remained outside the UK

Person exempt from immigration control

A 'person exempt from immigration control' is defined in Annex 1 to Appendix EU (Family Permit) as a person who:

- is a national of:
  - Austria
  - Belgium
  - Bulgaria
  - Croatia
  - Republic of Cyprus
  - Czech Republic
  - Denmark
  - Estonia

    - Finland
    - France
    - Germany
    - Greece
    - Hungary
    - Iceland
    - Ireland
    - Italy
    - Latvia
    - Liechtenstein
    - Lithuania
    - Luxembourg
    - Malta
    - Netherlands
    - Norway
    - Poland
    - Portugal
    - Romania
    - Slovakia
    - Slovenia
    - Spain
    - Sweden
    - Switzerland
- is not a British citizen
- is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971
- you are satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit)

By virtue of sub-paragraph (e) of either definition of 'relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit), an applicant may be eligible for an EUSS family permit, as the family member of a person who is exempt from immigration control, where the other relevant requirements are met.

A person exempt from immigration control can apply to the EUSS whilst they are exempt, or they can wait and apply within 90 days of the date on which they cease to be exempt (or later if they have reasonable grounds for missing that deadline).

The relevant family members of a person exempt from immigration control are able to apply for an EUSS family permit, regardless of whether the person exempt from immigration control has obtained EUSS status.

Where an applicant for an EUSS family permit is the family member of a person exempt from immigration control and that person has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, you must treat that person as a relevant

EEA citizen (in accordance with sub-paragraph (a) of the applicable definition in Annex 1 to Appendix EU (Family Permit)), and consider the application accordingly. There is no requirement in such a case for the applicant to provide the 'required evidence of qualification' to which the definition of 'person exempt from immigration control' refers.

Frontier worker

A 'frontier worker' is defined in Annex 1 to Appendix EU (Family Permit) as a person who:

- is a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland
- is not a British citizen
- satisfies the Secretary of State by relevant evidence of this that they fulfil the relevant conditions of being a frontier worker set out in the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, and have done so continuously since the specified date
- has not been (and does not fall to be) refused admission to, or removed from, the UK by virtue of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, and is not subject to a relevant restriction decision as defined by regulation 2 of those Regulations

By virtue of sub-paragraph (f) of either definition of 'relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit), an applicant may be eligible for an EUSS family permit, as the family member of a person who is a frontier worker, where the other relevant requirements are met.

For further information see: frontier worker permit scheme.

Required evidence of qualification

Where, in an application made before 1 July 2021, the applicant for an EUSS family permit is the family member of a relevant EEA citizen who has not been granted leave under paragraph EU2 or EU3 of Appendix EU or under its equivalent in the Islands, and the applicant is not relying on them being a frontier worker, you must be satisfied – including by the required evidence of qualification provided by the applicant – that that relevant EEA citizen would (in the case of a relevant naturalised British citizen, a McCarthy case or a relevant person of Northern Ireland who is a British citizen or a British citizen and an Irish citizen, but for the fact that they are a British citizen) have been granted leave under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021.

Where, in an application made on or after 1 July 2021, the applicant for an EUSS family permit is the family member of a relevant EEA citizen – who is an Irish citizen,

a relevant naturalised British citizen, a McCarthy case, a relevant person of Northern Ireland or a person exempt from immigration control – who has not been granted leave under paragraph EU2 or EU3 of Appendix EU or under its equivalent in the Islands, and the applicant is not relying on them being a frontier worker, you must be satisfied – including by the required evidence of qualification provided by the applicant – that that relevant EEA citizen would (in the case of a relevant naturalised British citizen, a McCarthy case or a relevant person of Northern Ireland who is a British citizen or a British citizen and an Irish citizen, but for the fact that they are a British citizen) have been granted leave under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021.

The following table sets out the evidence of qualification that must be provided depending on the circumstances of the applicant's relevant EEA citizen family member:

In the case of a	Evidence of qualification required
Relevant EEA citizen (or, where the date of application is on or after 1 July 2021, an Irish citizen) who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands) and the applicant is not relying on them (where they are an Irish citizen) being a relevant person of Northern Ireland.	Their passport or national identity card as an EEA citizen, which is valid (which means that the document is genuine and has not expired or been cancelled or invalidated) and which is the original document and not a copy. Information or evidence which satisfies you that they would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit).
Relevant EEA citizen who is a relevant naturalised British citizen or a McCarthy case.	Their passport or national identity card as an EEA citizen, which is valid (which means that the document is genuine and has not expired or been cancelled or invalidated) and which is the original document and not a copy. Information or evidence which is provided by the applicant, or is otherwise available to you, which satisfies you that the relevant EEA citizen is a British citizen. Information or evidence which satisfies you that they would (but for the fact that they are

In the case of a	Evidence of qualification required
	a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit).
Relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland and who, where they are an Irish citizen and not also a British citizen, has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU (or under its equivalent in the Islands): the required evidence of being a relevant person of Northern Ireland and (where the relevant EEA citizen is relied on by the applicant as being a specified relevant person of Northern Ireland) information or evidence which satisfies you that the requirements of that entry in Annex 1 to Appendix EU (Family Permit) are met.	**Where they are a British citizen**, information or evidence which is provided by the applicant, or is otherwise available to you, which satisfies you that the person is a British citizen. **Where they are an Irish citizen**, their passport or national identity card as an Irish citizen, which is valid (which means that the document is genuine and has not expired or been cancelled or invalidated) and the original document and not a copy. **Where they are a British citizen and an Irish citizen**, and are not relied on by the applicant as being a specified relevant person of Northern Ireland, either: • information or evidence which is provided by the applicant, or is otherwise available to you, which satisfies you that the person is a British citizen • their passport or national identity card as an Irish citizen, which is valid (which means that the document is genuine and has not expired or been cancelled or invalidated) and the original document and not a copy Information or evidence which satisfies you that they would (but for the fact that they are a British citizen, where they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not

In the case of a	Evidence of qualification required
	have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit).
A relevant EEA citizen who is a person exempt from immigration control.	Their passport or national identity card as an EEA citizen, which is valid (which means that the document is genuine and has not expired or been cancelled or invalidated) and which is the original document and not a copy. Information or evidence which is provided by the applicant, or is otherwise available to you, which satisfies you that the relevant EEA citizen is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971. Information or evidence which satisfies you that they would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit).

Where, in the following circumstances, the applicant submits a copy (and not the original) of a document, you can require the applicant to submit the original document where you have reasonable doubt as to the authenticity of the copy submitted:

- as information or evidence that the relevant EEA citizen is a British citizen or is exempt from immigration control
- as information or evidence that the relevant EEA citizen would (in the case of a relevant naturalised British citizen, a McCarthy case or a relevant person of Northern Ireland who is a British citizen or a British citizen and an Irish citizen, but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU, if they had made a valid application under it before 1 July 2021

In the same circumstances, where the applicant submits a document which is not in English, you can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary

for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under Appendix EU (Family Permit).

Required evidence of being a relevant person of Northern Ireland

In addition to the 'required evidence of qualification' above, where the applicant is relying on being a family member of a relevant EEA citizen who is a relevant person of Northern Ireland, you will need to see, in respect of the relevant EEA citizen, the 'required evidence of being a relevant person of Northern Ireland' (as defined in Annex 1 to Appendix EU (Family Permit)).

This means both:

- the person's birth certificate showing that they were born in Northern Ireland, or their passport where this shows they were born in Northern Ireland
- evidence which satisfies you that, at the time of the person's birth, at least one of their parents was a British citizen, an Irish citizen, a British citizen and an Irish citizen, or otherwise entitled to reside in Northern Ireland without any restriction on their period of residence

You must see evidence of A and B below, and evidence of at least one of C, D or E below. Non-exhaustive examples of the evidence which may be provided in respect of B, C, D and E are set out below.

If you are unsure whether the evidence provided is sufficient, you must discuss this with your senior caseworker who may refer to the EEA Citizens' Rights and Hong Kong Unit for further advice.

A. Evidence that the person was born in Northern Ireland

Either:

- the person's birth certificate showing that they were born in Northern Ireland
- the person's British or Irish passport, where this shows that they were born in Northern Ireland

B. Evidence of the person's relationship to their parent

The person's birth certificate which names their parent and which both:

- is linked to the person through a valid photographic identity document
- was issued within 12 months of the person's birth (if it was not, then the photographic identity document must be based on additional evidence to the birth certificate)

C. Evidence that one of the person's parents was a British citizen at the time of the person's birth

The most reliable evidence that a person's parent was a British citizen at the time of the person's birth will be the parent's British passport which was valid at the time.

If this is not available, then you will need to see other evidence to satisfy you that one of the person's parents was a British citizen at the time of the person's birth. The parent may have become a British citizen at birth, or they may have applied for British citizenship.

Whether or not the person's parent was a British citizen at birth depends on the rules that were in force at the time. The types of evidence you need to see to establish that a person's parent was a British citizen at birth are set out in the British citizenship: automatic acquisition guidance and you must consider any evidence submitted by the applicant in line with that guidance.

If the person's parent applied to become a British citizen, you can rely on Home Office records of naturalisation or registration as long as you are satisfied that the record relates to the parent. If you cannot locate a Home Office record, you will need to ask the applicant to provide the parent's naturalisation certificate or registration certificate and a valid photographic identity document that links the parent to the certificate so you can be sure it belongs to them.

In all circumstances, if you are satisfied that the parent had British citizenship before the person's birth, you must check that there is no record of British citizenship having been renounced or otherwise lost before that birth.

D. Evidence that one of the person's parents was an Irish citizen at the time of the person's birth

The most reliable evidence that a person's parent was an Irish citizen at the time of the person's birth will be the parent's Irish passport which was valid at the time.

If this is not available, then you will need to see other evidence to satisfy you that one of the person's parents was an Irish citizen at the time of the person's birth. The parent may have become an Irish citizen at birth, or they may have applied for Irish citizenship.

Whether or not the person's parent was an Irish citizen at birth depends on the rules that were in force at the time. You can find information about this on the website of the Irish Government's Department of Foreign Affairs and Trade, see: Citizenship - am I an Irish citizen?

If the person's parent applied to become an Irish citizen, you will need to ask the applicant to provide the parent's certificate of Irish citizenship and a valid photographic identity document that links the parent to the certificate so you can be sure it belongs to them.

In all circumstances, if there is information suggesting that the evidence provided may not be authentic or that Irish citizenship may have been renounced or otherwise lost before the child's birth, you must make reasonable, relevant enquiries to establish whether, on the balance of probabilities, the parent was an Irish citizen at the time of the person's birth. However, such enquiries do not need to be made if you are satisfied that the parent (or the person's other parent) was a British citizen or otherwise entitled to reside in Northern Ireland without any restriction on their period of residence, at the time of the person's birth.

E. Evidence that one of the person's parents was otherwise entitled to reside in Northern Ireland without any restriction on their period of residence at the time of the person's birth

A person's parent will have been otherwise entitled to reside in the UK without any restriction on their period of residence if they:

- had the right of abode in the UK
- had indefinite leave to enter or remain in the UK
- had a right of permanent residence in the UK under the EU Free Movement Directive – this applies if the person was born on or after 29 April 2006
- were a non-Irish EEA citizen and a self-employed person who had ceased activity or a family member of such a person, a family member of an EEA citizen who had died, or a person who had rights under Regulation EU 1251-70 (for example as a retired non-Irish EEA worker) – this applies if the person was born between 2 October 2000 and 28 April 2006
- were a citizen of a country that was in the EU or the EEA (other than Ireland), and they were exercising free movement rights in the UK – this applies if the person was born between 1 January 1973 and 1 October 2000

You can rely on Home Office records showing that the parent was entitled to reside in the UK (and therefore Northern Ireland) without any restriction on their period of residence at the time of the person's birth as long as you are satisfied that the record relates to the parent.

If you cannot locate a Home Office record, you will need to ask the applicant to provide one of the following together with a valid photographic identity document that links the parent to the document so you can be sure it belongs to them:

- a UK passport describing the parent as a British subject with the right of abode
- the parent's passport endorsed with a 'certificate of entitlement' which proves the holder had the right of abode
- a document issued under the Windrush Scheme
- the parent's biometric residence permit or biometric residence card showing indefinite leave to enter or remain, or 'no time limit', under UK immigration law or a right of permanent residence under EU law which was valid at the time of the person's birth
- an immigration officer's stamp, which was valid at the time of the person's birth, in the parent's passport showing they had been given leave to enter for an indefinite period

- a Home Office stamp, which was valid at the time of the person's birth, in the parent's passport showing they had indefinite leave to remain in the UK or that there was no time limit on their stay here
- a UK residence permit affixed to the parent's passport or immigration status document showing indefinite leave to enter or remain on 'no time limit'
- a Home Office letter confirming that the parent had been granted indefinite leave to remain in the UK
- where the person was born between 2 October 2000 and 29 April 2006, evidence that the parent was either:
  - a non-Irish EEA citizen and a self-employed person who had ceased activity or a family member of such a person
  - a family member of a non-Irish EEA citizen who had died
  - a person who had rights under Regulation EU 1251-70 (for example as a retired non-Irish EEA worker)
- where the person was born between 1 January 1973 and 1 October 2000, evidence that the parent was a citizen of a country that was in the EU or the EEA (other than Ireland) and they were exercising free movement rights in the UK

Where one of the documents listed above is provided, you must arrange for authenticity checks, including assessing whether the document was issued during their relevant periods of use by the UK authorities.

Further guidance about how to consider whether a person has or had indefinite leave to enter or remain can be found here: No time limit.

Where, in order to meet the requirements of 'required evidence of being a relevant person of Northern Ireland', the applicant submits:

- a copy (and not the original) of a document (including by uploading this as part of the application process), you can require the applicant to submit the original document where you have reasonable doubt as to the authenticity of the copy submitted
- a document which is not in English, you can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for leave to be granted under the scheme

Required evidence of being a specified relevant person of Northern Ireland

Where the applicant relies on their relevant EEA citizen being a 'specified relevant person of Northern Ireland', you will need to be satisfied, having followed the guidance immediately above, that that person is a 'relevant person of Northern Ireland' and is either a British citizen or a dual British and Irish citizen (they are not solely an Irish citizen).

You must be satisfied that the applicant is a non-EEA citizen.

You must also be satisfied that the applicant either:

- is the person's dependent relative – see 'dependent relative of a specified relevant person of Northern Ireland' – and the person is either:
  - outside the UK
  - in the UK and has been so for a period not exceeding 3 months
  - in the UK and (were they an 'EEA national' in accordance with regulation 2(1) of the EEA Regulations) they were residing in the UK in accordance with the EEA Regulations on 30 June 2021
- meets the definition of 'joining family member of a relevant sponsor' in Annex 1 to Appendix EU, where the person is the relevant sponsor, and the applicant must have satisfied you by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the UK before the specified date while the applicant remained outside the UK

Family member of a relevant EEA citizen

Applicants for an EUSS family permit, where they are relying on a relationship with a relevant EEA citizen, must be a 'family member of a relevant EEA citizen', which is defined in Annex 1 to Appendix EU (Family Permit) as a person who has satisfied you, including by the required evidence of family relationship (see assessing family relationship), that they are:

- under sub-paragraph (a), the spouse or civil partner of a relevant EEA citizen, where that marriage or civil partnership continues to exist at the date of application and either:
  - the marriage was contracted or the civil partnership was formed before the specified date
  - the applicant was the 'durable partner' of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 to Appendix EU (Family Permit) being met before that date rather than at the date of application) and the partnership remained durable at the specified date
- under sub-paragraph (b), the specified spouse or civil partner of a Swiss citizen
- under sub-paragraph (c), the durable partner of a relevant EEA citizen and:
  - the partnership was formed and was durable before the specified date
  - the partnership remains durable at the date of application
  - the date of application is after the specified date
  - where they were resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date, the definition of 'durable partner' in Annex 1 to Appendix EU (Family Permit) was met before that date as well as at the date of application, and the partnership remained durable at the specified date
- under sub-paragraph (d) or (e), the child (or grandchild or great-grandchild) of a relevant EEA citizen or of their spouse or civil partner (as defined above in the first main bullet point in this list) and the family relationship or relationships to the relevant EEA citizen (and, where relevant, their spouse or civil partner):
  - existed before the specified date (save in the case of a child who after the specified date was born, adopted or became subject to one of the

guardianship orders or equivalent in sub-paragraphs (a)(iii) to (a)(xi) of the definition of 'child' in Annex 1 to Appendix EU (Family Permit))
    - continue or continues to exist at the date of application
- under sub-paragraph (d) or (e), the dependent parent (or grandparent or great-grandparent) of the relevant EEA citizen or of their spouse or civil partner (as defined above in the first main bullet point in this list) and the family relationship or relationships to the relevant EEA citizen (and, where relevant, their spouse or civil partner):
    - existed before the specified date
    - continue or continues to exist at the date of application
- under sub-paragraph (f), a person who you are satisfied by evidence provided by the applicant would, if they had made a valid application under Appendix EU before 1 July 2021, have been granted (as the case may be) indefinite leave to enter under paragraph EU2 of Appendix EU or limited leave to enter under paragraph EU3, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under Appendix EU (Family Permit), either:
    - as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU) – for more information on how to assess these requirements, see section 'a family member who has retained the right of residence' in: EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members
    - on the basis that condition 6 of paragraph EU11 of Appendix EU is met (the applicant is a family member of a relevant EEA citizen who has died and who was resident in the UK as a worker or self-employed person at the time of their death, and the other criteria set out in condition 6 of paragraph EU11 of Appendix EU are met) – for more information on how to assess these requirements, see section 'the relevant EEA citizen has died' in: EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members
- under sub-paragraph (g), the dependent relative of a specified relevant person of Northern Ireland

In addition, where the applicant is a child who was born after the specified date or adopted after that date in accordance with a 'relevant adoption decision' (or after the specified date they became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi), and with the references to 'parents' in the 3 sub-bullet points below construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that definition relates), they meet one of the following requirements:

- where they are not the child of a Swiss citizen or of their spouse or civil partner, that either:
    - both of their parents are a relevant EEA citizen
    - one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen
    - one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the

UK, of the Islands or of an EEA country or Switzerland (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in an EEA country or Switzerland, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law)

- where they are a child of a Swiss citizen or of their spouse or civil partner, the Swiss citizen or their spouse or civil partner is a relevant EEA citizen - (note that they cannot be the child of the specified spouse or civil partner of a Swiss citizen)

Where sub-paragraph (f) of the definition of 'family member of a relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit) applies, the requirements in rule FP6(1)(c) and (d) – for the relevant EEA citizen to be resident in the UK or travelling to the UK with the applicant within 6 months of the date of application, and for the applicant to be accompanying the relevant EEA citizen to the UK (or joining them in the UK) within 6 months of the date of application – do not apply.

A relevant document

Whenever this guidance makes reference to a 'relevant document' it means, as defined in Annex 1 to Appendix EU (Family Permit), an EEA family permit (or a letter from the Secretary of State, issued after 30 June 2021, confirming the person's qualification for one), residence card or permanent residence card which (as appropriate):

- was issued by the UK under the EEA Regulations (or is the equivalent document or other evidence issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man)
- was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased
- (where the application is for an EUSS family permit) has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon

Under transitional provisions in the EEA Regulations, a document issued under the 2000 or 2006 Regulations is to be treated as though issued under the Immigration (EEA) Regulations 2016.

Qualifying British citizen

A 'qualifying British citizen' is defined in Annex 1 to Appendix EU (Family Permit) as a British citizen who either:

- where the next 2 bullet points below do not apply, will be returning to the UK with the applicant before 11:00pm GMT on 29 March 2022 (or later where you are satisfied that there are reasonable grounds for the British citizen's failure to meet that deadline)
- in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit) – as set out below, will be returning to the UK with the applicant and you are satisfied that there are reasonable grounds why the British citizen did not do so before the specified date (11:00pm GMT on 31 December 2020)
- in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ix) of the entry for the 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit) – as set out below – is the qualifying British citizen to whom that sub-paragraph refers

And the British citizen satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations in the EEA member state or Switzerland (the 'EEA host country') as the British citizen (BC) to whom those provisions refer, with the applicant being treated as the family member (F) or, as the case may be, as the extended family member (EFM), to whom those provisions refer, both:

- (save where the applicant is a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) of the entry for 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit) who was born after 11:00pm GMT on 31 December 2020, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before the specified date (11:00pm GMT on 31 December 2020)
- (save where sub-paragraph (a)(ix) of the entry for 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit) – as set out below – applies) at the date of application (or, in the case of the British citizen, where they have returned to the UK before the applicant, immediately before their return to the UK)

For the avoidance of doubt, for the purposes of the British citizen satisfying the above regulations within the EEA Regulations, service as a member of HM Forces (as defined in the Armed Forces Act 2006) in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in Annex 1 to Appendix EU (Family Permit) may satisfy the conditions of being a 'worker' for the purposes of the EEA Regulations.

In addition, for the purposes of the previous paragraph, sub-paragraph (a)(i) of the entry for 'EEA citizen' in Annex 1 to Appendix EU (Family Permit) will be treated as referring also to the Sovereign Base Areas on Cyprus. The Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus are to be considered part of an EEA host country for the purposes of these provisions, where an accompanying family member of a member of HM Forces, who was posted there before the end of the transition period, also meets the other requirements as a 'family member of a qualifying British citizen'. Therefore, for these purposes, service as a member of HM Forces in a Sovereign

Base Area can satisfy the conditions of being a 'worker' for the purposes of the EEA Regulations in assessing whether the British citizen is a qualifying British citizen.

Family member of a qualifying British citizen

In order to return to the UK with a qualifying British citizen and apply in the UK to the EUSS, a relevant family member could, until 8 August 2023, apply for an EU Settlement Scheme family permit.

In a valid application made by 8 August 2023, an applicant for an EUSS family permit, where they are relying on a relationship with a qualifying British citizen, must be a 'family member of a qualifying British citizen', which is defined in Annex 1 to Appendix EU (Family Permit) as a person who has satisfied you, including by the required evidence of family relationship (see assessing family relationship), that they:

- under sub-paragraph (a)(i), will be returning to the UK before 11:00pm GMT on 29 March 2022 (or later where you are satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen and:
  - the marriage was contracted or the civil partnership was formed before the date and time of withdrawal (11:00pm GMT on 31 January 2020), or the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of 'durable partner' in Annex 1 to Appendix EU (Family Permit) being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal
  - the marriage or civil partnership continues to exist at the date of application, or you are satisfied that the marriage will be contracted or the civil partnership will be formed before the couple return to the UK
- under sub-paragraph (a)(ii), will be returning to the UK as the spouse or civil partner of a qualifying British citizen, and they were not the durable partner of that qualifying British citizen before the date and time of withdrawal (11:00pm GMT on 31 January 2020), and:
  - the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before the specified date (11:00pm GMT on 31 December 2020)
  - the marriage or civil partnership continues to exist at the date of application
  - you are satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date
- under sub-paragraph (a)(iii), will be returning to the UK before 11:00pm GMT on 29 March 2022 (or later where you are satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen and:
  - the partnership was formed and was durable before the date and time of withdrawal (11:00pm GMT on 31 January 2020)
  - the partnership remains durable at the date of application
- under sub-paragraph (a)(iv), will be returning to the UK as the durable partner of a qualifying British citizen and:

    - the partnership was formed and was durable after the date and time of withdrawal (11:00pm GMT on 31 January 2020) and before the specified date (11:00pm GMT on 31 December 2020)
    - the partnership remains durable at the date of application
    - you are satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date
- under sub-paragraph (a)(v), will be returning to the UK before 11:00pm GMT on 29 March 2022 (or later where you are satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of a qualifying British citizen and the family relationship:
    - existed before the date and time of withdrawal: 11:00pm GMT on 31 January 2020 (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that definition)
    - continues to exist at the date of application
- under sub-paragraph (a)(vi), will be returning to the UK before 11:00pm GMT on 29 March 2022 (or later where you are satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described above in relation to sub-paragraph (a)(i)), and all the family relationships:
    - existed before the date and time of withdrawal: 11:00pm GMT on 31 January 2020 (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that definition)
    - continue to exist at the date of application
- under sub-paragraph (a)(vii), will be returning to the UK as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described above in relation to sub-paragraph (a)(ii)), and:
    - the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal: 11:00pm GMT on 31 January 2020 (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that definition)
    - all family relationships continue to exist at the date of application
    - you are satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date (11:00pm GMT on 31 December 2020)
- under sub-paragraph (a)(viii), will be returning to the UK as the dependent relative of a qualifying British citizen or (as the case may be) of their spouse or civil partner (as described above in relation to sub-paragraph (a)(i) or (a)(ii)) and:
    - the family relationship and person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on

serious health grounds, in accordance with sub-paragraph (a)(ii) of the definition of 'dependent relative of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit)) existed before the specified date (11:00pm GMT on 31 December 2020) and continue to exist at the date of application
    - you are satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date
- under sub-paragraph (a)(ix), are a person you are satisfied by evidence provided by them that would, if they made a valid application under Appendix EU in the UK, be granted either:
    - indefinite leave to remain under rule EU2 of Appendix EU
    - limited leave to remain under rule EU3 of Appendix EU as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen (as defined in Annex 1 to Appendix EU)

In addition, the applicant satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations in the EEA host country (as the family member (F) to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations in the EEA host country (as the extended family member (EFM) to whom those provisions refer), in either case doing so (with the qualifying British citizen being treated as the British citizen (BC) to whom those provisions refer) both:

- (save in the case of a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) of the definition, as set out above, who was born after 11:00pm GMT on 31 December 2020, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before the specified date (11:00pm GMT on 31 December 2020)
- at the date of application (or, in the case of the British citizen, where they have returned to the UK before the applicant, immediately before their return to the UK)

The requirement in the second bullet point in the previous paragraph does not apply where either:

- the date of application is after the specified date and where the conditions in the regulations to which that paragraph refers concern matters relevant to the dependency referred to in sub-paragraph (b)(ii)(bb) of the definition of 'child' in Annex 1 to Appendix EU (Family Permit) or in sub-paragraph (b)(ii) of the definition of 'dependent parent' in Annex 1 to Appendix EU (Family Permit)
- the applicant meets sub-paragraph (a)(ix) of the definition of 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit)

Where sub-paragraph (a)(ix) of the definition of 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit) applies, the requirements in rule FP6(2)(c) and (d) of Appendix EU (Family Permit) for the British citizen to be resident in the UK or travelling to the UK with the applicant within 6 months of the date of application, and for the applicant to be accompanying the British citizen to the UK (or joining them in the UK) within 6 months of the date of application, do not apply.

For more information on how to assess these requirements see: EU Settlement Scheme: family member of a qualifying British citizen.

Reasonable grounds for failure to meet the 29 March 2022 deadline

Under the definition of a 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit), certain family members – as set out in the previous section – must satisfy you they will be returning to the UK from the EEA host country with the qualifying British citizen before 11:00pm GMT on 29 March 2022 (or later where you are satisfied there are reasonable grounds for the person's failure to meet that deadline). Likewise, under the definition of a 'qualifying British citizen' in Annex 1 to Appendix EU (Family Permit), the qualifying British citizen must be returning to the UK from the EEA host country with certain family members – as set out in the previous section – before 11:00pm GMT on 29 March 2022 (or later where you are satisfied there are reasonable grounds for the British citizen's failure to meet that deadline).

Where such a family member of a qualifying British citizen has made a valid application for an EUSS family permit under Appendix EU (Family Permit) before 11:00pm GMT on 29 March 2022, this will be sufficient to satisfy you that either:

- the applicant will be returning to the UK from the EEA host country with the qualifying British citizen before 11:00pm GMT on 29 March 2022
- there are reasonable grounds for the applicant's failure to meet that deadline for returning to the UK from the EEA host country with the qualifying British citizen (either where an EUSS family permit is issued by 29 March 2022, but the family could not reasonably make arrangements to return to the UK by that date, or where an EUSS family permit is issued after that date)

Where a family member subject to the deadline of 11:00pm GMT on 29 March 2022 for returning to the UK from the EEA host country with a qualifying British citizen applies for an EUSS family permit after that deadline, they will need to provide information with their application which satisfies you there are reasonable grounds for their failure to meet that deadline. Where the application under Appendix EU (Family Permit) is valid and you are satisfied there are reasonable grounds for the person's failure to meet the deadline of 11:00pm GMT on 29 March 2022 for returning to the UK from the EEA host country with the qualifying British citizen, you must then consider the application under the other eligibility requirements and the suitability requirements of Appendix EU (Family Permit) and in line with this guidance.

Examples of reasonable grounds

The section describes some circumstances in which you may be satisfied that, in applying for an EUSS family permit, a family member subject to the deadline of 11:00pm GMT on 29 March 2022 for returning to the UK from the EEA host country with a qualifying British citizen has reasonable grounds for missing that deadline, but

it is not exhaustive and every case must be considered in light of its particular circumstances.

Employment or study

Where the qualifying British citizen or a relevant family member has an employment contract or is enrolled in a formal course of study in the EEA host country which continues to run beyond 29 March 2022 and which will terminate (or which can be terminated) within the period of 6 months following that date, that is, by 29 September 2022, that will constitute reasonable grounds for a relevant family member, in applying for an EUSS family permit, to miss the deadline of 11:00pm GMT on 29 March 2022 for returning to the UK from the EEA host country with the qualifying British citizen. Relevant evidence of this may include a letter from the relevant employer or college or a copy of the contract.

Where a child of the qualifying British citizen (or of their spouse or civil partner) would have to be (or would have to have been) taken out of school in the EEA host country in the middle of a school term for the family to be able to return to the UK by 11:00pm GMT on 29 March 2022, that will constitute reasonable grounds for a relevant family member, in applying for an EUSS family permit, to miss that deadline for returning to the UK from the EEA host country with the qualifying British citizen. Relevant evidence of this may include a letter from the relevant school or education authority.

Serious medical condition or significant medical treatment

Where the qualifying British citizen or a relevant family member has or had a serious medical condition (or is or was undergoing significant medical treatment) ahead of the 29 March 2022 deadline, that will normally constitute reasonable grounds for a relevant family member, in applying for an EUSS family permit, to miss that deadline for returning to the UK from the EEA host country with the qualifying British citizen.

A serious medical condition could include for example an illness or accident which meant the person is or was hospitalised, bedbound or otherwise unable to travel ahead of the 29 March 2022 deadline.

Pregnancy or maternity may be a reason why a relevant family member of a qualifying British citizen, in applying for an EUSS family permit, is unable to meet the 29 March 2022 deadline for returning to the UK from the EEA host country with the qualifying British citizen. This may be, for example, where a woman is unable to fly due to pregnancy or has a difficult childbirth or where a new-born child is in need of medical treatment.

Evidence that a person has or had a serious medical condition (or is or was undergoing significant medical treatment), or there are or were relevant issues relating to pregnancy or maternity, ahead of the 29 March 2022 deadline may include a letter from a doctor or other health professional confirming the circumstances.

Other compelling practical or compassionate reasons

There may be other compelling practical or compassionate reasons as to why a relevant family member, in applying for an EUSS family permit, missed the 29 March 2022 deadline for returning to the UK from the EEA host country with the qualifying British citizen.

For example, the family may have been awaiting the outcome of a relevant adoption decision (as defined in Annex 1 to Appendix EU (Family Permit)) where the adoption proceedings were initiated by 29 March 2022.

UK residence or intention to travel to the UK

Under rule FP6(1)(c) and (d) or rule FP6(2)(c) and (d) of Appendix EU (Family Permit), in an application for an EUSS family permit (and where rule FP8A does not apply), you must be satisfied, including in light of any relevant information or evidence provided by the applicant, at the date of application both that:

- the relevant EEA citizen (or the qualifying British citizen) is resident in the UK or will be travelling to the UK with the applicant within 6 months of the date of application
- the applicant will be accompanying the relevant EEA citizen (or the qualifying British citizen) to the UK (or joining them in the UK) within 6 months of the date of application

This means that the relevant EEA citizen (or the qualifying British citizen) must either:

- be travelling with the applicant, at the same time, from the same country
- be resident in the UK before the applicant arrives

Where sub-paragraph (f) of the definition of 'family member of a relevant EEA citizen', or sub-paragraph (a)(ix) of the definition of 'family member of a qualifying British citizen', in Annex 1 to Appendix EU (Family Permit) applies, the requirements in rule FP6(1)(c) and (d), or (as the case may be) in rule FP6(2)(c) and (d), do not apply.

Under rule FP8A of Appendix EU (Family Permit), where the applicant relies on being a 'specified EEA family permit case' under sub-paragraph (a) of that definition, you must be satisfied that the relevant EEA national, or (as the case may be) any person from whom the right to be admitted to the UK under the criteria in regulation 11(5) of the EEA Regulations was derived, was resident in the UK before the specified date.

Related content
Contents
EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members
Frontier worker permit scheme
British citizenship: automatic acquisition

No time limit

Related external links
Appendix EU (Family Permit) to the Immigration Rules
Appendix EU to the Immigration Rules
Paragraph 9 of Schedule 6 to the EEA Regulations
Immigration (European Economic Area) Regulations 2016
McCarthy (C-434/09)
Section 8(2), (3) or (4) of the Immigration Act 1971
Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020
Irish Department of Public Affairs - Citizenship
Armed Forces Act 2006

Assessing family relationship for EUSS family permit applications

This section tells you how to assess, including in light of the required evidence of family relationship, the family relationship to a relevant European Economic Area (EEA) citizen (or, as the case may be, to a qualifying British citizen) of an applicant for an EU Settlement Scheme (EUSS) family permit.

Where this guidance refers to 'immigration status in the UK or the Islands' it means, as defined in Annex 1 to Appendix EU (Family Permit):

- indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules
- exemption from immigration control
- the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the Immigration (EEA) Regulations 2016
- the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man

Where the applicant submits a copy of a document for the purpose of satisfying the required evidence of family relationship, including by uploading this as part of the required application process, you can require the applicant to submit the original document where you have reasonable doubt as to the authenticity of the copy submitted.

Where, in order to provide the required evidence of family relationship, the applicant submits a document which is not in English, you can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under Appendix EU (Family Permit).

Spouse

You must be satisfied, including by the required evidence of family relationship, that, at the date of application:

- the applicant is party to a marriage with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands
- it is not a marriage of convenience, as defined in Annex 1 to Appendix EU (Family Permit)
- neither party has another spouse, a civil partner or a durable partner with immigration status in the UK or the Islands based on that person's relationship with that party

The required evidence of family relationship is either:

- a relevant document as the spouse of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen)
- a valid document of record of a marriage recognised under the law of England and Wales, Scotland, Northern Ireland or of the Islands

and:

- where the marriage to the relevant EEA citizen was contracted after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, either:
  - a relevant document as the durable partner of the relevant EEA citizen
  - where the applicant was not resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date (or there is evidence which satisfies you that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date, or they are a joining family member) or where they rely on the relevant EEA citizen being a relevant person of Northern Ireland, evidence which satisfies you that the durable partnership was formed and was durable before the specified date
- where the marriage to the qualifying British citizen was contracted after the date and time of withdrawal, evidence which satisfies you that the durable partnership was formed and was durable before the date and time of withdrawal

Civil partner

You must be satisfied, including by the required evidence of family relationship, that, at the date of application:

- the applicant is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands), or is in a relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen)
- it is not a civil partnership of convenience, as defined in Annex 1 to Appendix EU (Family Permit)
- neither party has another civil partner, a spouse or a durable partner with immigration status in the UK or the Islands based on that person's relationship with that party

The required evidence of family relationship is either:

- a relevant document as the civil partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen)

- a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands
- the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands

and:

- where the civil partnership with the relevant EEA citizen was formed after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, either:
  - a relevant document as the durable partner of the relevant EEA citizen
  - where the applicant was not resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date (or there is evidence which satisfies you that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date, or they are a joining family member) or where they rely on the relevant EEA citizen being a relevant person of Northern Ireland, evidence which satisfies you that the durable partnership was formed and was durable before the specified date
- where the civil partnership with the qualifying British citizen was formed after the date and time of withdrawal, evidence which satisfies you that the durable partnership was formed and was durable before the date and time of withdrawal

A list of recognised foreign civil partnerships is listed in Schedule 20 to the Civil Partnership Act 2004 (and updated by a 2012 Order).

Specified spouse or civil partner of a Swiss citizen

You must be satisfied, including by the required evidence of family relationship, that, at the date of application:

- the applicant is the spouse or civil partner of a relevant EEA citizen (in accordance, where the date of application is before 1 July 2021, with sub-paragraph (a) of the applicable definition of 'relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit))
- the relevant EEA citizen is a national of Switzerland and not also a British citizen
- the marriage was contracted or the civil partnership was formed after the specified date and before 1 January 2026
- the marriage or civil partnership continues to exist at the date of application

Durable partner

You must be satisfied, including by the required evidence of family relationship, that, at the date of application:

- the applicant is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship)
- where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, either:
  - they held a relevant document as the durable partner of the relevant EEA citizen
  - where there is evidence which satisfies you that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date (or where the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies you that the durable partnership was formed and was durable before the specified date
- it is, or (as the case may be) was, not a durable partnership of convenience
- neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party

The required evidence of family relationship where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, and is not a joining family member, is either:

- a relevant document as the durable partner of the relevant EEA citizen
- where there is evidence which satisfies you that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date (for example, under a student visa), or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, evidence which satisfies you that the durable partnership was formed and was durable before the specified date

The required evidence of family relationship where the applicant was not resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, or they are a joining family member (and where they are not the durable partner of a qualifying British citizen), is evidence which satisfies you that the durable partnership was formed and was durable before the specified date.

This evidence might take the form of, for example:

- evidence of cohabitation (such as bank statements or utility bills in joint names at the same address, residential tenancy or rental agreements or mortgage statements, official correspondence which links them at the same address)
- evidence of joint finances, business ventures or commitments (such as tax returns, business contracts, investments)

This is not an exhaustive list and applications must be considered on a case by case basis.

The required evidence of family relationship where the applicant is the durable partner of a qualifying British citizen is evidence which satisfies you that the partnership remains durable at the date of application, and that the durable partnership was formed and was durable either:

- before the date and time of withdrawal, in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(iii) of that definition in Annex 1 to Appendix EU (Family Permit)
- before the specified date, in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(iv) of that definition in Annex 1 to Appendix EU (Family Permit)

This evidence might take the form of, for example:

- evidence of cohabitation (such as bank statements or utility bills in joint names at the same address, residential tenancy or rental agreements or mortgage statements, official correspondence which links them at the same address)
- evidence of joint finances, business ventures or commitments (such as tax returns, business contracts, investments)

This is not an exhaustive list and applications must be considered on a case by case basis.

The reference above to the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years is a rule of thumb, not a requirement. In circumstances where the couple have not lived together in a relationship akin to a marriage or civil partnership for at least for 2 years, you must consider whether there is other significant evidence of the durable relationship.

Other significant evidence of the durable relationship may include for example evidence of joint responsibility for a child (a birth certificate or a custody agreement showing they are cohabiting and sharing parental responsibility), evidence of shared financial responsibilities or business ventures, or evidence of regular communication and visits while living apart alongside definite plans concerning the practicalities of living together in the UK.

For a relationship to be akin to a marriage or civil partnership the couple must usually have lived together as a couple (not just as friends) and shown an ongoing commitment to one another. However, in some circumstances there may be evidence of a durable relationship akin to a marriage or civil partnership where the couple have not, or currently do not, live together.

A relationship can still be recognised as meeting the requirement for a durable relationship where, for example, there is a good reason the partners were or are living apart which is still consistent with them having a relationship akin to a marriage or civil partnership. For example, they may have lived apart or currently do so because one party was or is studying or working elsewhere. In such circumstances you will need to be satisfied the relationship is durable even though they were or are living apart. For example, there may be evidence that although they are currently

living apart, they have lived together in a durable relationship in the past and intend to do so again in the future.

However, in some cases the couple may not have lived together, and you will need to be satisfied the relationship is akin to a marriage or civil partnership. In some countries, religious or cultural norms may prevent unmarried partners living together and you will need to assess whether the relationship is similar to a marriage or civil partnership, in that it is more than a boyfriend / girlfriend type relationship. Instead of evidence of cohabitation, you will want to see other evidence of a durable relationship such as evidence of regular communication, visits, holidays, events attended, financial support, joint care of any children the partners have together or any other evidence showing a durable relationship.

Where a same-sex couple have entered into their relationship in the UK or in a country where same-sex relationships are accepted, they will normally be expected to have cohabited unless there is a good reason they live apart. But in some countries same-sex relationships might not be recognised or accepted by the society, which in turn might make prevent same-sex partners living together. Where an applicant says this is the case, you must check the relevant Country Policy and Information Notes, to confirm this is consistent with the information available.

Applicants are not encouraged to provide photographic evidence or evidence of interaction over email, WhatsApp or other social media as they can be falsified and are difficult to verify. However, this does not mean that such evidence has no weight at all. You must consider all the information and evidence provided by the applicant in the round.

Where the couple have not lived together in a relationship akin to a marriage or civil partnership for at least for 2 years, you must consider in each case whether there is other significant evidence of a durable relationship, based on all the information and evidence provided by the applicant.

The durable partnership must not be (or have been) one of convenience; and neither durable partner has (or for the relevant period had) another durable partner, a spouse or a civil partner with immigration status in the UK or the Islands based on that person’s relationship with that durable partner.

Civil partnership, durable partnership or marriage of convenience

A civil partnership, durable partnership or marriage of convenience is defined in Annex 1 to Appendix EU (Family Permit) as a civil partnership, durable partnership or marriage entered into as a means to circumvent either:

- any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations
- any other provision of UK immigration law or any requirement of the Immigration Rules

- any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law
- any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the Islands under Islands law

Child

Where the following sub-sections on children (child under the age of 21 and child aged 21 or over) refer to a 'child', this includes, as defined in Annex 1 to Appendix EU (Family Permit):

- an adopted child (adopted in accordance with a 'relevant adoption decision' as defined in Annex 1 to Appendix EU (Family Permit) as a decision taken by the competent administrative authority or court in the UK or the Islands, or by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands, or taken in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption) of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or their spouse or civil partner
- a child born through surrogacy (where recognised in UK law or Islands law) for the relevant EEA citizen (or, as the case may be, for the qualifying British citizen) or their spouse or civil partner
- a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner

- a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner
- a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner

'Child' does not include a child cared for by a relevant EEA citizen (or, as the case may be, a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement.

Child under the age of 21

You must be satisfied, including by the required evidence of family relationship, that, where they are under the age of 21, the applicant is the direct descendant of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner (see Family member of a relevant EEA citizen and Family member of a qualifying British citizen) and this includes a grandchild or great-grandchild.

The required evidence of family relationship is either:

- a relevant document issued on the basis of the relevant family relationship
- their full birth certificate or certificates (a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father) or other document or documents, which you are satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner

In addition, in the case of a family member of a relevant EEA citizen, where the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date they became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that definition, evidence which satisfies you that either:

- both of their parents are a relevant EEA citizen
- one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen
- one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of an EEA country or Switzerland (including applicable rules of private international law under which rights of custody under the law of

a third country are recognised in the UK, in the Islands or in an EEA country or Switzerland, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law)
- they were born to (or are otherwise the child of) a Swiss citizen or their spouse or civil partner (in accordance with the first sub-paragraph (a) of the definition of 'family member of a relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit), and not the 'specified spouse or civil partner of a Swiss citizen') and the Swiss citizen or their spouse or civil partner is a relevant EEA citizen

Where, in the case of an adopted child who is habitually resident outside the UK, a Certificate of Eligibility to Adopt may be required by the UK's adoption legislation for the child to come to the UK (see section Children adopted from outside the UK in EU Settlement Scheme EU, other EEA, Swiss citizens and family members guidance for more information), you must tailor the grant or refusal letter to include the relevant paragraph on Certificate of Eligibility to Adopt to draw this requirement to the attention of the adopters.

In the case of an adopted child, surrogate child or a child subject to any of the guardianship orders referred to above, you must discuss the case with your senior caseworker who may refer to the EEA Citizens' Rights and Hong Kong Unit for further advice.

Child aged 21 or over

You must be satisfied, including by the required evidence of family relationship, that, where they are aged 21 or over, the applicant is:

- the direct descendant of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner (see Family member of a relevant EEA citizen and Family member of a qualifying British citizen) and this includes a grandchild or great-grandchild

And either:

- dependent on the relevant EEA citizen or on their spouse or civil partner, either:
  - where the date of application is after the specified date and the applicant is not a joining family member, at the specified date
  - otherwise, at the date of application
- dependent on the qualifying British citizen or on their spouse or civil partner, either:
  - where the date of application is after the specified date, at the specified date
  - otherwise, at the date of application

'Dependent' means that, as demonstrated by relevant financial, medical or other documentary evidence:

- having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the

financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of the spouse or civil partner
- such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen) or by the spouse or civil partner
- there is no need to determine the reasons for that dependence or for the recourse to that support

The required evidence of family relationship is either:

- a relevant document issued on the basis of the relevant family relationship
- the full birth certificate or certificates (a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father) or other document or documents, which you are satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner

In addition, in the case of a family member of a relevant EEA citizen, where the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date they became a child within the meaning of that definition in Annex 1 to Appendix EU (Family Permit) on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that definition, evidence which satisfies you that either:

- both of their parents are a relevant EEA citizen
- one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen
- one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of an EEA country or Switzerland (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in an EEA country or Switzerland, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law)
- they were born to (or are otherwise the child of) a Swiss citizen or their spouse or civil partner (in accordance with the first sub-paragraph (a) of the definition of ‘family member of a relevant EEA citizen’ in Annex 1 to Appendix EU (Family Permit), and not the ‘specified spouse or civil partner of a Swiss citizen’) and the Swiss citizen or their spouse or civil partner is a relevant EEA citizen

In the case of an adopted or surrogate child, you must discuss the case with your senior caseworker who may refer to the EEA Citizens’ Rights and Hong Kong Unit for further advice.

The required evidence of family relationship must also include evidence which satisfies you that the applicant is dependent on the relevant EEA citizen (or, as the case may be, on the qualifying British citizen) or on the spouse or civil partner. This evidence might take the form of for example:

- evidence of financial dependency, such as bank statements or money transfers to the applicant from the relevant EEA citizen (or, as the case may be, from the qualifying British citizen) or the spouse or civil partner
- evidence that the applicant needs and receives the personal care of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen), or of their spouse or civil partner, on serious health grounds, such as a letter from a hospital consultant

Official – sensitive: start of section

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

Official – sensitive: end of section

Dependent parent

Evidence of relationship

You must be satisfied, including by the required evidence of family relationship, that the applicant is:

- the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner – see:
  - Family member of a relevant EEA citizen
  - Family member of a qualifying British citizen)

'Direct relative in the ascending line' here includes a grandparent or great-grandparent or an adoptive parent of an adopted child but does not include a step-parent.

The required evidence of being a direct relative in the ascending line is either:

- a relevant document issued on the basis of the relevant family relationship
- the full birth certificate or certificates (that is a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father) or other document or documents which you are satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner

Evidence of dependency

There is no requirement for the applicant to be dependent, where you are satisfied that the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted either:

- an entry clearance in the form of an EUSS Family Permit as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, and that entry clearance has not been revoked or otherwise ceased to be valid
- indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated

In relation to the reference above to the spouse, civil partner or durable partner of the dependent parent applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in Annex 1 to Appendix EU (Family Permit) applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen'.

Otherwise, you must also be satisfied that the applicant is or, as the case may be, was dependent on the relevant EEA citizen (or, as the case may be, on the qualifying British citizen) or on their spouse or civil partner.

'Dependent' means that, as demonstrated by relevant financial, medical or other documentary evidence:

- having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner
- such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen) or by their spouse or civil partner
- there is no need to determine the reasons for that dependence or for the recourse to that support

The following table sets out the point at which a dependent parent of a relevant EEA citizen, or of their spouse or civil partner, must be dependent on them, and where this dependency is assumed and where the applicant must provide evidence of it:

Date of application is before the specified date	**Date of application is after the specified date**
The applicant must be dependent on the relevant EEA citizen (or on their	**Where the applicant is not a joining family member**, they must be dependent on the relevant EEA citizen

Date of application is before the specified date	Date of application is after the specified date
spouse or civil partner) at the **date of application.** The dependency is assumed, unless the relevant EEA citizen is under the age of 18 years at the date of application – in which case, the applicant must provide evidence of it.	(or on their spouse or civil partner) at the **specified date.** The dependency is assumed, unless the relevant EEA citizen was under the age of 18 years at the specified date – in which case, the applicant must provide evidence of it. **Where the applicant is a joining family member**, they must be dependent on the relevant EEA citizen (or on their spouse or civil partner) at the **date of application:** • the dependency is assumed (where the date of application is before 1 July 2021), unless the relevant EEA citizen is under the age of 18 years at the date of application – in which case, the applicant must provide evidence of it • where the date of application is on or after 1 July 2021, the joining family member applicant must in all cases provide evidence of their dependency as at the date of application

The following table sets out the point at which a dependent parent of a qualifying British citizen, or of their spouse or civil partner, must be dependent on them, and where this dependency is assumed and where the applicant must provide evidence of it:

Date of application is before the specified date	Date of application is after the specified date
The applicant must be dependent on the qualifying British citizen (or on their spouse or civil partner) at the **date of application.** The dependency is assumed, unless the qualifying British citizen is under the age of 18 years at the date of application – in which case, the applicant must provide evidence of it.	The applicant must be dependent on the qualifying British citizen (or on their spouse or civil partner) at the **specified date.** The dependency is assumed, unless the qualifying British citizen was under the age of 18 years at the specified date – in which case, the applicant must provide evidence of it.

Where the dependency of the applicant on the relevant EEA citizen (or, as the case may be, the qualifying British citizen) or their spouse or civil partner is not assumed, as set out above, evidence of that dependency must be provided. This evidence might take the form of, for example:

- evidence that the applicant needs and receives the personal care of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or their spouse or civil partner on serious health grounds, such as a letter from a hospital consultant

In relation to a dependent parent, 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in Annex 1 to Appendix EU (Family Permit) or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in Annex 1.

Dependent relative of a qualifying British citizen

You must be satisfied, including by the required evidence of family relationship, that the applicant is either:

- a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of the qualifying British citizen or of their spouse or civil partner, and is a dependant of the qualifying British citizen or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds
- a person who is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of the qualifying British citizen
- a person under the age of 18 years who either:
  - is the direct descendant of the durable partner of the qualifying British citizen
  - has been adopted by the durable partner of the qualifying British citizen, in accordance with a relevant adoption decision

The required evidence of family relationship is evidence which satisfies you that the family relationship and where applicable the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continues to exist at the date of application.

Person who is subject to a non-adoptive legal guardianship order

You must be satisfied that, immediately before the specified date, the applicant:

- is under the age of 18
- is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of the qualifying British citizen that both:
  - is recognised under the national law of the state in which it was contracted

    - places parental responsibility on a permanent basis on the qualifying British citizen (solely or jointly with another party)
- has lived with the qualifying British citizen since their placement under the guardianship order
- has created family life with the qualifying British citizen
- has a personal relationship with the qualifying British citizen that involves dependency on the qualifying British citizen and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the qualifying British citizen

Dependent relative of a specified relevant person of Northern Ireland

You must be satisfied, including by the required evidence of family relationship, that the applicant is either:

- a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of the specified relevant person of Northern Ireland or of their spouse or civil partner, and is a dependant of the specified relevant person of Northern Ireland or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds
- a person who is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of the specified relevant person of Northern Ireland
- a person under the age of 18 years who either:
    - is the direct descendant of the durable partner of the specified relevant person of Northern Ireland
    - has been adopted by the durable partner of the specified relevant person of Northern Ireland, in accordance with a relevant adoption decision

'Spouse or civil partner' here means the person described in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in Annex 1 to Appendix EU (Family Permit).

The required evidence of family relationship is evidence which satisfies you that the family relationship and (where they are a dependent relative as per the first bullet point in the list immediately above) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continues to exist at the date of application.

Person who is subject to a non-adoptive legal guardianship order

You must be satisfied that, immediately before the specified date, the applicant:

- was under the age of 18

- was subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of the specified relevant person of Northern Ireland that both:
  - is recognised under the national law of the state in which it was contracted
  - places parental responsibility on a permanent basis on the specified relevant person of Northern Ireland (solely or jointly with another party)
- had lived with the specified relevant person of Northern Ireland since their placement under the guardianship order
- had created family life with the specified relevant person of Northern Ireland
- had a personal relationship with the specified relevant person of Northern Ireland that involved dependency on that person and the assumption by that person of parental responsibility, including legal and financial responsibilities, for the applicant

Related content

Contents

EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members

Related external links

Appendix EU (Family Permit) to the Immigration Rules
Civil Partnership Act 2004
The Civil Partnership Act 2004 (Overseas Relationships) Order 2012
Children Act 1989
Adoption and Children (Scotland) Act 2007
Children (Scotland) Act 1995
Children (Northern Ireland) Order 1995
Children (Guernsey and Alderney) Law 2008
Children (Sark) Law 2016
Children (Jersey) Law 2002
Children and Young Persons Act 2001 of Tynwald

Considering a valid application

You must consider a valid application made under Appendix EU (Family Permit) for an EU Settlement Scheme (EUSS) family permit on the basis of:

- the information and evidence provided by the applicant, including in response to any request you make for further information or evidence
- any other information or evidence made available to you (including from other government departments) at the date of decision

You must decide on a case-by-case basis if it is appropriate to request further information or evidence from the applicant where they have not shown that they meet the eligibility requirements for an EUSS family permit. Where it is clear that the applicant does not meet those requirements, you may consider the application without requesting further information or evidence.

You may also contact the person (P) on whom the applicant for an EUSS family permit relies as being the relevant European Economic Area (EEA) citizen with whom the applicant is in a family relationship to request further information or evidence. This is not required where you are already satisfied by the information or evidence already provided, or otherwise available, that the applicant does not meet the eligibility requirements for an EUSS family permit. There may be other reasons not to contact P, for example if there are safeguarding concerns about doing so.

Official – sensitive: start of section

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

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

Official – sensitive: end of section

Requesting further information or evidence and interviewing

For the purposes of deciding whether the applicant meets the eligibility requirements for an EUSS family permit, you may, under Annex 2 to Appendix EU (Family Permit):

- request that the applicant provide further information or evidence that they meet those requirements
- invite the applicant to be interviewed by you in person, by telephone, by video-telecommunications link or over the internet

For the purposes of deciding whether the applicant meets the eligibility requirements for an EUSS family permit, you may, under that Annex:

- request that the person (P) on whom the applicant relies as being the relevant EEA citizen (or, as the case may be, the qualifying British citizen) with whom the applicant is in a family relationship provide information or evidence about:
  - their relationship with the applicant
  - their current or planned residence in the UK
  - where P is a qualifying British citizen, their residence in a country listed in sub-paragraph (a)(i) of the definition for 'EEA citizen' in Annex 1 to Appendix EU (Family Permit)
- invite P to be interviewed by you in person, by telephone, by video-telecommunications link or over the internet

Where P confirms that they are sponsoring the application and have the family relationship with the applicant stated on the application form, you may proceed to consider the application in full under the eligibility and suitability requirements in rules FP6 and FP7 of Appendix EU (Family Permit).

Where P confirms that they are not sponsoring the application and / or that they do not have the family relationship with the applicant stated on the application form, you must refuse the application on eligibility grounds and consider whether or not it is proportionate to refuse the application on suitability grounds under rule FP7(4)(a). See Suitability section.

Official – sensitive: start of section

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

Official – sensitive: end of section

If the applicant, or (as the case may be) P, fails within a reasonable timeframe specified in the request to provide the information or evidence that you have requested or, on at least 2 occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed, you may draw any factual inferences about whether the applicant meets the eligibility requirements for an EUSS family permit as appear appropriate in the circumstances.

You may decide, following the drawing of such a factual inference, that the applicant does not meet the eligibility requirements for an EUSS family permit.

You must not decide that the applicant does not meet the eligibility requirements for an EUSS family permit on the sole basis that the applicant, or (as the case may be) P, failed on at least 2 occasions to comply with an invitation to be interviewed.

Official – sensitive: start of section

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

Official – sensitive: end of section

Related content
Contents

Related external links
Appendix EU (Family Permit) to the Immigration Rules

Suitability

Rule FP7 of Appendix EU (Family Permit) sets out the basis on which an application for an EU Settlement Scheme (EUSS) family permit will or may be refused on suitability grounds.

The assessment of suitability must be conducted on a case by case basis and be based on the applicant's personal conduct or circumstances, including whether they have any relevant prior criminal convictions, and whether they have been open and honest in their application.

Under rule FP7(1), an application for an EUSS family permit will be refused on grounds of suitability where, at the date of decision, the applicant is subject to:

- a 'deportation order' (as defined in Annex 1 to Appendix EU (Family Permit)) or to a decision to make a deportation order
- an 'exclusion order' or 'exclusion decision' (as also defined in Annex 1 to Appendix EU (Family Permit))

If one of the orders or decisions specified in rule FP7(1) applies in respect of the applicant at the date of decision on the application for an EUSS family permit, the application must be refused.

Under rule FP7(1A), an application under Appendix EU (Family Permit) will be refused on grounds of suitability where, because of the applicant's conduct committed before the specified date, the Secretary of State is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the European Economic Area (EEA) Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for 'with a right of permanent residence under regulation 15' and 'who has a right of permanent residence under regulation 15' read 'who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of, Appendix EU to the Immigration Rules'; and for 'an EEA decision' read for 'a decision under paragraph FP7(1A) of Appendix EU (Family Permit) to the Immigration Rules)'.

Official – sensitive: start of section

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

Official – sensitive: end of section

Under rule FP7(2), an application for an EUSS family permit will be refused on grounds of suitability where the applicant's presence in the UK is deemed not to be conducive to the public good because of conduct committed after the specified date.

You must not refer to any conduct before the specified date as part of the decision to refuse the application.

Under rule FP7(2A)(a), an application for an EUSS family permit will be refused on grounds of suitability where at the date of decision both:

- the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971 - meaning they are subject to a United Nations or UK travel ban - because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act
- you are satisfied that, because of the applicant's conduct committed before the specified date, the refusal of the application is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for 'with a right of permanent residence under regulation 15' and 'who has a right of permanent residence under regulation 15' read 'who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of, Appendix EU to the Immigration Rules'; and for 'an EEA decision' read 'a decision under paragraph FP7(2A)(a) of Appendix EU (Family Permit) to the Immigration Rules')

Under rule FP7(2A)(b), an application for an EUSS family permit will be refused on grounds of suitability where at the date of decision the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

Under rule FP7(3) and FP7(3A), an application for an EUSS family permit:

- will be refused on grounds of suitability where, at the date of decision, the applicant is subject to an 'Islands deportation order' (as defined in Annex 1 to Appendix EU (Family Permit))
- may be refused on grounds of suitability where, at the date of decision, the applicant is subject to an 'Islands exclusion decision' (as also defined in Annex 1 to Appendix EU (Family Permit))

as made under the immigration laws of the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.

Official – sensitive: start of section

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

Official – sensitive: end of section

Applicants (aged 18 or over) are required to provide information about previous criminal convictions in the UK and overseas and are only required to declare past criminal convictions which appear in their criminal record in accordance with the law of the State of conviction at the time of the application. There is no requirement to declare spent offences, cautions or alternatives to prosecution, for example fixed penalty notices for speeding.

Applicants (aged 18 or over) are also required, as in other immigration applications, to declare whether they have any been involved in any terrorist related activities, war crimes, crimes against humanity or genocide.

Applications are subject to a check against the Police National Computer (PNC, where the applicant is aged 10 or over) and Border Crossing (BX)

Caseworkers can, where appropriate, consider evidence of criminality that they encounter on the PNC or BX even if that evidence was not declared by the applicant.

Under rule FP7(4)(a), an application for an EUSS family permit may be refused on grounds of suitability where, at the date of decision, you are satisfied that it is proportionate to refuse the application where both:

- in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application)
- that information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under Appendix EU (Family Permit)

Under rule FP7(4)(b), an application for an EUSS family permit may also be refused on grounds of suitability where, at the date of decision, you are satisfied that either:

- the applicant has previously been refused admission to the UK in accordance with regulation 23(1) of the European Economic Area (EEA) Regulations 2016 (as saved)
- the applicant has previously been refused admission to the UK in accordance with regulation 12(1)(a) of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020
- the applicant had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit)) which was cancelled under either:
  - paragraph 321B(b)(i) or 321B(b)(ii) of the Immigration Rules
  - paragraph A3.3. or A3.4.(a) of Annex 3 to Appendix EU (Family Permit)
  - paragraph A3.1., A3.1A., A3.1B. or A3.2.(a) of Annex 3 to Appendix EU

And, in addition, the refusal of the application is justified either:

- in respect of the applicant's conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with

regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for 'with a right of permanent residence under regulation 15' and 'who has a right of permanent residence under regulation 15' read 'who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of, Appendix EU to the Immigration Rules'; and for 'an EEA decision' read 'a decision under paragraph FP7(4)(b) of Appendix EU (Family Permit) to the Immigration Rules'), and it is proportionate to refuse the application
- in respect of conduct committed after the specified date, where the applicant's presence in the UK is deemed not to be conducive to the public good

Under rule FP7(5), an order or decision to which the applicant is subject does not include an order or decision which, at the date of decision on the application, has been set aside or revoked.

You must consult your senior caseworker, who may refer to the EEA Citizens' Rights and Hong Kong Unit for further advice, before an application under Appendix EU (Family Permit) is refused on suitability grounds.

Related content
Contents
EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members
EU Settlement Scheme: suitability requirements
EEA decisions taken on grounds of public policy and public security
Non conducive grounds for refusal or cancellation of entry clearance or permission

Related external links
Appendix EU (Family Permit) to the Immigration Rules
Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020

Granting an application

Where a valid application has been made under Appendix EU (Family Permit) for an EU Settlement Scheme (EUSS) family permit, the applicant meets the eligibility requirements in rule FP6(1) or (2), and the applicant is not to be refused on grounds of suitability in accordance with rule FP7, you must grant the applicant an entry clearance – in the form of an EUSS family permit – valid for a period of 6 months from the date of decision on the application.

In addition, the applicant will be granted an EUSS family permit under rule FP8A of Appendix EU (Family Permit), valid for a period of 6 months from the date of decision on the application, where:

- you are satisfied that the applicant is a specified European Economic Area (EEA) family permit case
- had the applicant made a valid application under Appendix EU (Family Permit), it would not have been refused on grounds of suitability under rule FP7

The EUSS family permit is no longer issued in the form of a vignette. They were previously issued on a Category D vignette with the endorsement:

- EU SETTLEMENT SCHEME FAMILY PERMIT to join / to acc + name of the EEA national

The EUSS family permit is now issued in the form of an eVisa. Applicants who are granted entry clearance on the EUSS family permit route will receive an email notification directing them to access their eVisa and guidance on how to do that.

Related content
Contents

Related external links
Appendix EU (Family Permit) to the Immigration Rules
ECB08: what are acceptable travel documents for entry clearance

Refusing an application

There is no basis to refuse a valid application for an EU Settlement Scheme (EUSS) family permit beyond the eligibility and suitability conditions set out in rules FP6 and FP7 respectively of Appendix EU (Family Permit).

Where a valid application under Appendix EU (Family Permit) does not meet the requirements for an EUSS family permit to be granted, you must refuse the application under rule FP8 and issue a letter to the applicant setting out your reasons for refusing the application.

Official – sensitive: start of section

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

Official – sensitive: end of section

If you require further information, you must discuss the case with your senior caseworker who may refer to the EEA Citizens' Rights and Hong Kong Unit for further advice.

Related content
Contents

Related external links
Appendix EU (Family Permit) to the Immigration Rules

Revocation, cancellation and curtailment

Annex 3 of Appendix EU (Family Permit) sets out the basis on which a person's entry clearance granted under Appendix EU (Family Permit) must or may be revoked, or their leave to enter granted by virtue of having arrived in the UK with an EU Settlement Scheme (EUSS) family permit must or may be cancelled or may be curtailed.

This assessment must be conducted on a case by case basis and be based on the applicant's personal conduct or circumstances, including whether they have any relevant prior criminal convictions, and whether they have been open and honest in their application.

Revocation

A person's EUSS family permit must be revoked where the person's presence in the UK is deemed not to be conducive to the public good because of conduct committed after the specified date.

A person's EUSS family permit must be revoked where both:

- the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971 - meaning they are subject to a United Nations or UK travel ban - because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act
- you are satisfied that, because of the person's conduct committed before the specified date, the revocation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the European Economic Area (EEA) Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for 'a right of permanent residence under regulation 15' read 'indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules'; and for 'an EEA decision' read 'a decision under paragraph A3.1A. of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules')

A person's EUSS family permit must be revoked where the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

A person's EUSS family permit may be revoked where you are satisfied that it is proportionate to revoke it where either:

- in respect of their conduct committed before the specified date, the person is subject to an exclusion decision, an exclusion order or an Islands exclusion decision (as defined in Annex 1 to Appendix EU (Family Permit))
- the revocation is justified on grounds that, in relation to the relevant application under Appendix EU (Family Permit), and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under Appendix EU (Family Permit)
- since it was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their entry clearance ought to be revoked

Official – sensitive: start of section

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

Official – sensitive: end of section

You cannot revoke an EUSS family permit once the person has arrived in UK. Cancellation or curtailment of leave to enter (granted by virtue of having arrived in the UK with an EUSS family permit) once a person has arrived in the UK falls to an Immigration Officer or a caseworker acting on behalf of the Secretary of State. You must notify the relevant team where appropriate.

If you require further information, you must discuss the case with your senior caseworker who may refer to the EEA Citizens' Rights and Hong Kong Unit for further advice.

Cancellation

A person's leave to enter granted by virtue of having arrived in the UK with an EUSS family permit must be cancelled where, because of conduct committed after the specified date, the person's presence in the UK is deemed not to be conducive to the public good.

A person's leave to enter granted by virtue of having arrived in the UK with an EUSS family permit may be cancelled where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where either:

- because of the person's conduct committed before the specified date, the cancellation is justified on grounds of grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European

Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for 'a right of permanent residence under regulation 15' read 'indefinite leave to enter or remain under, or would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules'; and for 'an EEA decision' read 'a decision under paragraph A3.4.(a) of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules')

- the cancellation is justified on grounds that, in relation to the relevant application under Appendix EU (Family Permit), and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under Appendix EU (Family Permit)
- since the entry clearance under Appendix EU (Family Permit) was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled

Curtailment

A person's leave to enter granted by virtue of having arrived in the UK with an EUSS family permit may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

- curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under Appendix EU (Family Permit)
- curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience

If you require further information, you must discuss the case with your senior caseworker who may refer to the EEA Citizens' Rights and Hong Kong Unit for further advice.

Related content

Contents
EU Settlement Scheme: suitability requirements
EEA decisions taken on grounds of public policy and public security
Non conducive grounds for refusal or cancellation of entry clearance or permission
EU Settlement Scheme Border Force guidance
Cancellation and Curtailment of permission

Related external links

Appendix EU (Family Permit) to the Immigration Rules