

# Immigration | insight

## As an EU citizen should I apply for a document to confirm my status in the UK?

**If you are a National of the European Economic Area (EEA) and are looking for reassurance regarding your status in the United Kingdom following the outcome of the recent referendum, you may wish to apply for a Registration Certificate or a Document Certifying Permanent Residence.**

To qualify for either of these documents, you will need to be deemed a 'qualified person'. A qualified person is an EEA national who is exercising Treaty rights. An EEA national exercises Treaty rights if they are:

- A worker
- Self-employed
- Self-sufficient
- A student

An EEA national will also be a qualified person during their initial arrival period in the United Kingdom when they are looking for work (a jobseeker) and will continue to be a qualified person during any period when they are temporarily unable to work as a result of illness or accident.

EEA nationals who have resided in the UK and have worked for a continuous period of five years automatically acquire the right to reside permanently in the UK and can make an application for a document certifying Permanent Residence.

EEA nationals who are working and have recently arrived in the UK or have not yet resided in the UK for the required period of five years may, as an alternative, apply for a Registration Certificate.

It is not yet known what rights EU citizens will retain after the UK leaves the European Union, however the Government have advised that 'when the UK does leave the EU, they fully expect that the legal status of EU nationals living in the UK...will be properly protected'.

EU nationals in possession of a Registration Certificate should be able to argue that because they have provided the Secretary of State with evidence that they are in employment, they should be permitted to remain in the UK to continue that employment.

### Registration Certificate

A Registration Certificate confirms that the holder is a qualified person on the date of issue and the document is valid for five years. Although not a document conferring immigration status, it is useful because it confirms that the holder is a qualified person with a legitimate expectation of being able to continue working in the UK for at least the duration of the document's validity or until such time as they would qualify to apply for a document certifying permanent residence.

## Application Process

If you are applying with no family members, you can make your application online, by post or in person at a Premium Service Centre by completing Home Office application form EEA (QP). The fee for applying is £65. (plus £500 if made in person). If you are a student or self-sufficient person, there are some restrictions. Further details can be found at <https://visas-immigration.service.gov.uk/product/eea-qp>.

If you have family members applying at the same time, you should complete Home Office application form EEA (FM). You will be able to apply for your Registration Certificate at the same time that your family members apply for a Residence Card. As with the Registration Certificate, a Residence Card is valid for five years and confirms the family member(s) can remain in the UK with the EEA National who is working. This family application must be made by post.

In all cases, the application form must be accompanied by appropriate supporting documentation to show that the EEA national is indeed a qualified person at the time the application is made.

Appropriate supporting documentation for a worker would, for example, be the following:

- A letter from your employer confirming your employment at the date of the application;
- Your three most recent pay slips or all payslips if you have worked for less than three months;
- Original bank statements for the last three months to show the net payments of your salary, or to cover the entire employment period if you have worked for less than three months;
- Your employment contract.

## Document Certifying Permanent Residence

EEA nationals who have resided in the UK and have remained a qualified person for a continuous period of five years automatically acquire the right to reside permanently.

You can provide evidence to show that you are a qualified person through a combination of categories throughout the five years, for example as both a student and as a worker. You must provide evidence to show that you come within each category of qualified person being claimed. There is no set list of required specified evidence to be provided but applicants are expected to provide original documentation to support the claims being made.

## Application Process

You need to complete Home Office application form EEA (PR), include the details for all family members applying at the same time at a cost of £65 per person. The application can be made by post or online, but only by post if you are applying with family members. If you are a student or a self-sufficient person, limitations apply.

There is a passport return service offered by participating local councils when submitting EEA (QP) or EEA(PR) applications. You will be able to keep your passport while your application is pending if you use such a service. The form must be accompanied by appropriate supporting documentation to show that the EEA national has been a qualified person for the entire five-year period.

Examples of appropriate supporting documentation would be:

- Original letter(s) from employer(s) confirming start and end dates of employment or that employment is ongoing to cover the entire five-year period;
- Contract(s) of employment for the entire five-year period;
- Original P60s for the entire five-year period;
- Original payslips and bank statements for the entire five-year period;
- Original evidence of UK residence such as Council Tax bills, tenancy agreements and other utility bills;
- A travel schedule for all trips made outside the UK for the entire five-year period

If you were a qualified person as a student or self-sufficient person you must provide evidence to show that for the period being relied upon, you held comprehensive sickness insurance cover in the UK.

The list of documents provided above is not exhaustive and additional or alternative documentation may be required depending on the circumstances of your case.

## Can't I just apply for British Citizenship now instead?

No. Last year the Home Office amended the citizenship application process so that EEA nationals who wish to apply for naturalisation must first obtain confirmation that they have acquired permanent residence. All EEA nationals who wish to naturalise must therefore apply first for a document certifying permanent residence.

Unless you are married to a British Citizen, you will need to wait until you have held permanent residence status for at least one year before being eligible to apply for naturalisation.

If you would like further advice or assistance with making an application for a document certifying permanent residence or a registration certificate, please contact **0300 123 1233**.