



Home Office

UK Border Agency

BR(5)

Version 03/2008

APPLICATION FOR A RESIDENCE CARD FOR THE NON-EEA FAMILY MEMBER OF A BULGARIAN OR ROMANIAN NATIONAL EXERCISING A TREATY RIGHT IN THE UNITED KINGDOM

You must be a non-EEA family member of a Bulgarian or Romanian national who is resident in the United Kingdom at the time of submitting this application in order to be considered as exercising a Treaty right.

This form must be accompanied by:

- **Original** valid passports or ID cards for each person included; and
- Two recent passport-sized photographs for each person included; and
- **Original** versions of all required documents.

Failure to comply with these requirements may lead to delays in the processing of your residence card and possible refusal of your application.

Once you have completed this application form you should send it alongside all required documents to:

**UK Border Agency
Bulgaria and Romania Caseworking
PO Box 4160
Sheffield
S1 9DZ**

You should complete this form if you are a non-EEA national and the family member of a Bulgarian or Romanian national who is exercising a Treaty right in the UK

This form is only to be used for applications made on or after 19 November 2007

Quick Guidance for Applicants – which sections of the form do I need to complete?

For full guidance please refer to the guidance notes for Bulgarian and Romanian nationals on obtaining permission to work in the UK (available from our website www.ukba.homeoffice.gov.uk/eucitizens)

All applicants must complete sections 1, 2, 3, 8, 9, 10 and 11.

If you are applying as the family member of a **worker or jobseeker** (who is not subject to Accession State worker authorisation) **please also complete section 4.**

If you are applying as the family member of a **self-employed individual** **please also complete section 5.**

If you are applying as the family member of a **student** **please also complete section 6.**

If you are applying as the family member of a **self-sufficient** individual **please also complete section 7.**

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Please indicate which category you are applying under by ticking one of the boxes below:



Your personal details should be entered at **1.1** to **1.9**. Where family members are included in the application, and they are also non-EEA nationals, their personal details should be entered in **section 2**.

Attach applicant's photographs here

Is a representative assisting you with your application?

Yes No

Are you content for the UK Border Agency to contact your representative if we require further information?

Yes No

If yes please insert their OISC Registration Number if they have one.

1.1 Title (Mr, Mrs, Miss, Ms, Other)

Full name as shown on ID card or passport

Surname

Family name or any other names by which you have been known

1.2 Nationality

1.3 Date of Birth

Day	Month

Year		

Gender M F

1.4 Home Office reference number (if known)

1.5 Passport number

1.6 Date on which you last entered the UK

Day	Month

Year		

1.7 UK address

Please let us know immediately if this changes

Postcode

1.8 Daytime telephone number

1.9 The address to which you would like us to return your documents and send any letters about your application, if different from that at **1.7**

Postcode

SECTION 2 Non-EEA national family members' details (please see guidance notes before completing)

Please give details of other non-EEA national family members below.

2.1 Do you have any non-EEA national family members in the UK? Yes No

If you have answered **yes** to question 2.1 and they are applying for a residence card, please give their details below. If you need more space continue on a separate sheet and provide it with your application.

If parents' details are not shown in the child's passport, documentary evidence of relationship to non-EEA family member should be provided i.e. full birth certificate.

If the relationship is other than spouse/civil partner or parent/child e.g. brother or cousin, please provide appropriate evidence to confirm the relationship (e.g. full birth, marriage or civil partnership certificates) and evidence that your family member is financially dependant on you.

Family member's full name _____
Nationality _____
Date of Birth

Day	Month	Year

 Gender M F
Relationship to you _____
Home Office reference (if known) _____

Attach family member's photographs here

Family member's full name _____
Nationality _____
Date of Birth

Day	Month	Year

 Gender M F
Relationship to you _____
Home Office reference (if known) _____

Attach family member's photographs here

Family member's full name _____
Nationality _____
Date of Birth

Day	Month	Year

 Gender M F
Relationship to you _____
Home Office reference (if known) _____

Attach family member's photographs here

SECTION 4 Your Bulgarian or Romanian family member - Employment

Your Bulgarian or Romanian family member must complete this section if he or she is a worker or jobseeker i.e. a person pursuing an effective and genuine activity for remuneration as an employed person.

Your Bulgarian or Romanian family member must be able to demonstrate that he or she is exempt from Accession State worker authorisation. If your family member is subject to Accession State worker authorisation you should apply for a Family Member Residence Stamp on form BR6.

4.1 Evidence that your Bulgarian or Romanian family member is exempt from Accession State worker authorisation (please tick)

- An endorsed passport to show that your Bulgarian or Romanian family member had current leave to remain in the UK on 31 December 2006 (or has been given such leave after that date) and that leave was not subject to any condition restricting employment.
- An endorsed passport to show that your Bulgarian or Romanian family member has legally worked in the UK without interruption for 12 months ending on or after 31 December 2006.
- A copy of a Registration Certificate with a statement that the holder has access to the UK labour market.

4.2 Full name of employer

4.3 Business address

Postcode

Telephone number

4.4 Address and telephone number if the address at which your family member is employed, if different from the one in 4.3

Postcode

Telephone number

4.5 Type of Business

4.6 Position offered to, or held by, your Bulgarian or Romanian family member

4.7 Date employment started / will start

Day	Month	Year

4.8 Number of hours worked each week

4.9 Gross (before tax) salary paid each month

4.10 Expected duration of employment

4.11 National Insurance number (if obtained)

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SECTION 4 Your Bulgarian or Romanian family member - Employment (continued)

Evidence of employment: Please provide us with at least one of the following and tick the relevant boxes:

- Contract(s) of employment
- Most recent wage slips (at least one)
- Letter(s) from employer confirming your employment

Employer's Declaration

_____ (employee's name) has been employed as a worker in this business

Since

Day		Month	
-----	--	-------	--

	Year		
--	------	--	--

 in accordance with the details given above

Signature of employer _____

Name of employer _____

Date _____

Employer's stamp

Please now complete sections 8, 9, 10 and 11

Your Bulgarian or Romanian family member must complete this section if he or she is self-employed.

Business details

5.1 I am established in business/following a self-employed occupation as:

Name of business

Business address

Postcode

Telephone number

Evidence of self-employment/business to be provided:

You should provide the following:

5.2

- Invoices showing payment for services
- Contracts (including freelance work) to provide services
- Letters of recommendation from clients

In addition please send as many of the following pieces of evidence as possible:

- Original Bank statements
- Proof of National Insurance registration
- Evidence from HMRC of National Insurance special reference number
- Evidence from HMRC of National Insurance contributions
- Evidence from HMRC of registration for tax
- Evidence of tax payment under the Construction Industry Scheme
- Details of your premises
- Client lists
- Details of how you advertise your business

Signature of self-employed person

Date

Please now complete sections 8, 9, 10 and 11

SECTION 6 Your Bulgarian or Romanian family member – student

Your Bulgarian or Romanian family member must complete this section if he or she is a student.

6.1 Name and address of educational establishment at which you are studying (see the Register of Education and Training Providers www.dfes.gov.uk/providersregister)

Postcode

Telephone number

6.2 Course title

6.3 Date course of study starts/started

Day	Month	Year

Date course of study will end

Day	Month	Year

Are you currently studying in the UK?

Yes No

6.4 You are required to provide the following documentary evidence of your course of study and funds:

A copy of your registration certificate confirming you are exercising a treaty right as a student (if you can provide this, you do not need to provide any further evidence)

A school, college or university letter confirming enrolment and the completion date of the course

A bank statement or evidence of a grant or scholarship

Evidence of sponsorship if you are being sponsored

Please now complete sections 8, 9, 10 and 11

SECTION 7 Your Bulgarian or Romanian family member – Other qualified persons

Your Bulgarian or Romanian family member must complete this section if he or she is economically self-sufficient. Please provide the documentary evidence requested and tick the relevant boxes below.

7.1 If you hold a registration certificate confirming you are exercising a Treaty right as a self-sufficient person please provide a copy of that document (if you can provide this, you do not need to provide any further evidence).

Evidence of funds sufficient to maintain yourself and any family members during the time you intend to reside on this basis.

Evidence of comprehensive sickness insurance cover in the United Kingdom.

Please now complete sections 8, 9, 10 and 11

SECTION 8 Personal History – All applicants should complete this section

You should answer all the questions in this section on behalf of yourself and any family members included in this application. Information will be checked with other agencies.

8.1 Do you or any family members included in this application have any criminal convictions in the UK or any other country (including traffic offences) or any civil judgements made against you? Yes No

If you have answered **Yes** to question 8.1 please give details below for each sentence starting with the most recent one first – but first see **Note 1** below. If you or any family members included in this application have received more than two sentences you should continue on another sheet. If you have answered **No** please go to Question 8.2.

Note 1: Convictions spent under the Rehabilitation of Offenders Act 1974 need not be disclosed. More information about this Act is given at 8.7

First sentence

Name of person sentenced

Nature of offence

Date sentenced

Sentence given

Country where sentenced

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Day		Month		Year			

Second sentence

Name of person sentenced

Nature of offence

Date sentenced

Sentence given

Country where sentenced

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Day		Month		Year			

8.2 Have you or any family members included in this application ever been charged or indicted inside or outside the United Kingdom with a criminal offence for which you or any family members included in this application have not yet been tried in court? Yes No

8.3 Have you or any family members included in this application ever been involved in the commission, preparation or organisation of war crimes, crimes against humanity or genocide? **For help in answering this question please read the information at 8.7** Yes No

8.4 To your knowledge, have you or any family members included in this application ever been suspected, accused, investigated, charged, prosecuted or convicted for involvement in war crimes, crimes against humanity or genocide? **For help in answering this question please read the information at 8.7** Yes No

8.5 Have you or any family members included in this application ever been involved in acts of committing, preparing, financing or instigating terrorism or acts of encouraging or inducing others to commit, prepare or instigate terrorism, or the attempt of any such acts, either within or outside the UK? Or have you or any family members included in this application ever been a member or supporter of an organisation which has perpetrated or supported acts of terrorism in furtherance of its aims? Yes No

8.6 Have you or any dependants included in this application engaged in any other activities which might be relevant to the question of whether you or any dependants included in this application are persons of good character? Yes No

8.7 If you have answered **Yes** to any question between 8.1 to 8.6 please give further details in the space provided below. If you need more space, continue on a separate sheet.

REHABILITATION OF OFFENDERS ACT 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' or ignored after a 'rehabilitation period'. The length of the rehabilitation period depends on the sentence given. For a custodial (prison) sentence the rehabilitation period is decided by the original sentence, not the time served. Prison sentences of more than two and a half years can never become spent and should always be disclosed. Further information on rehabilitation periods can be found at Nacro's Resettlement Plus Helpline on **0207 840 6464** or by obtaining a free copy of their leaflet on **0207 840 6427**.

DEFINITIONS

For the purposes of answering questions 8.3 and 8.4, the following information provides guidance on actions which may constitute genocide, crimes against humanity and war crimes.

This guidance is not exhaustive. Before you answer these questions on behalf of yourself and any dependants included in this application you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the International Criminal Court Act 2001 at the following website: www.opsi.gov.uk/acts/acts2001/20010017.htm. Alternatively, copies can be purchased from The Stationery Office, telephone **0870 600 5522**.

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately on behalf of yourself and any dependants included in this application.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

War crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

The documents and photographs needed in support of an application on form BR5 are listed below. You should provide those which are relevant to your case and the cases of any family members included in the application.

9.1 You should attach all photographs to sections 1 and 2 of the form in the spaces provided.

Please tick the boxes next to the relevant items to show the documents and photographs you are providing

All Applicants

Two recent passport-size photographs of yourself with your name written on the back of each photograph

Two recent passport-size photographs of each family member for whom a residence card is required with their name written on the back of the photographs attached

Your current passport If you do not have a passport you must provide another form of identity

Current passport(s) for each family member for whom a residence card is required. If they do not have passport(s) you must provide another form of identity for them

Your Bulgarian or Romanian family member's passport or ID card

9.2 Family Member of a Worker

If section 4 has been completed, evidence of your Bulgarian or Romanian family member's exemption from Accession State worker authorisation e.g. an endorsed passport or an EEA Registration Certificate. Evidence of their employment as a worker, including letter(s) from employer(s); and the most recent wage slips (at least one should be provided). These should feature a full National Insurance number rather than a temporary one.

9.3 Family Member of a Self-employed person

If section 5 has been completed, evidence of your Bulgarian or Romanian family member's self-employment, such as invoices, contracts references, bank statements, registration with HMRC.

9.4 Family Member of a Student

If section 6 has been completed, a school, college or university letter confirming that your Bulgarian or Romanian family member is enrolled on a course of study and giving the completion date. If your family member is in receipt of a grant or scholarship, provide evidence of this. If they are not, other evidence of funds such as a bank statement should be provided.

9.5 Family Member of a Self-sufficient person

If section 7 has been completed, evidence confirming that your Bulgarian or Romanian family member is economically self-sufficient, e.g. evidence of funds, such as a bank statement and comprehensive sickness insurance cover in the UK.

SECTION 10 Previous applications

10.1 Have you or any family members included in this application made any previous applications to the UK Border Agency? Yes No

If **yes**, please provide the Home Office reference number _____

10.2 If you do not have a reference number but have previously made an application, please give details below.

SECTION 11 Applicant's declaration

Please now read and sign the declaration

11.1 It should be signed by you (the applicant) and not by a representative or other person acting on your behalf. If you are under 18, your parent or guardian may sign.

I hereby apply for a residence card for myself and any non EEA national family members listed in this form.

The information I have given in this form is complete and is true to the best of my knowledge.

I also declare that the photographs submitted with this form are a true likeness of myself and any family members included in the application form, as named on the back of each photograph.

I confirm that if, before this application is decided, there is a material change in my circumstances or new information relevant to this application becomes available, I will inform the UK Border Agency.

I understand that all information provided by me to the UK Border Agency will be treated in confidence but that it may be disclosed to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

I understand that the UK Border Agency may also use the information provided by me for training purposes.

Signed:

Name (CAPITALS please):

Date:
