

# European Economic Area (EEA) family permits

This guidance is based on the Immigration (European Economic Area) Regulations 2006 (as amended) and the Free Movement of Persons Directive 2004/38/EC

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## European Economic Area (EEA) family permit

### About this guidance

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This is guidance on European Economic Area (EEA) family permits. It tells you what to consider when assessing an application for a family permit.</p> <p>Under the Immigration (EEA) Regulations 2006, Swiss nationals are included in the definition of EEA nationals. Family members of Swiss nationals have the same free movement rights as family members of EEA nationals.</p> <p>This guidance is based on the Immigration (EEA) Regulations 2006 (as amended) and the Free Movement of Persons Directive 2004/38/EC. For more information, see related links.</p> <p>Changes to this guidance - This page tells you what has changed since the previous version of this guidance.</p> <p>Contact - This page tells you who to contact for more help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner - This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare - This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p><b>In this section</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contacts</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Changes to this guidance

<a href="#">About this guidance</a> <a href="#">What is an EEA family permit?</a> <a href="#">Considering an application for an EEA family permit</a> <a href="#">Outcome of application for an EEA family permit</a>	This page lists changes to the European Economic Area (EEA) family permit guidance with the most recent at the top.		<b>Related links</b>  <a href="#">What is an EEA family permit?</a>  <a href="#">Considering an application for an EEA family permit</a>  <a href="#">Direct family members</a>  <a href="#">Extended family members</a>  <b>See also</b>  <a href="#">Contacts</a>  <a href="#">Information owner</a>  Links to staff intranet removed
	Date of the change	Details of the change	
	28 August 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"><li>• What is an EEA family permit?:<ul style="list-style-type: none"><li>○ third paragraph has been amended</li></ul></li><li>• Considering an application for an EEA family permit:<ul style="list-style-type: none"><li>○ new links added</li></ul></li><li>• Direct family members:<ul style="list-style-type: none"><li>○ new seventh and eighth paragraphs added</li></ul></li><li>• Extended family members:<ul style="list-style-type: none"><li>○ fourth paragraph, first and second bullet points amended</li></ul></li><li>• Minor housekeeping changes.</li></ul>	
	15 February 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul>	
		For previous changes you will need to access the archived guidance. See related link: Non-EEA family members – archive.	

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## European Economic Area (EEA) family permit

### What is an EEA family permit?

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This section tells you what the European Economic Area (EEA) family permit is and when to issue one.</p> <p>Under European Community law, EEA and Swiss nationals can enter and live in the UK to exercise free movement rights. Their non-EEA national family members can also join the EEA national sponsor.</p> <p>A family permit is issued overseas to direct and extended family members of an EEA national who is in, or intends to come to, the UK to exercise free movement rights.</p> <p>Direct and extended family members of an EEA national may apply for a family permit and this is free of charge.</p> <p>For more information on the different types of entry clearance that show the permission for travel to the UK, see related link: <a href="#">Entry clearance to the UK</a>.</p> <p>For more information about the rights of European citizens and their family members to live and work in the UK, see related links:</p> <ul style="list-style-type: none"><li>• <a href="#">Free Movement of Persons Directive 2004/38/EC</a></li><li>• <a href="#">Immigration (EEA) Regulations 2006</a></li><li>• <a href="#">The Immigration (EEA) (Amendment) Regulations 2009</a></li><li>• <a href="#">The Immigration (EEA) (Amendment) Regulations 2011</a>.</li></ul> <p>For more information on free movement rights, see related link: <a href="#">Free movement rights</a>.</p>	<p><b>In this section</b></p> <p><a href="#">Summary of key points</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Summary of key points

About this guidance What is an EEA family permit? Considering an application for an EEA family permit Outcome of application for an EEA family permit	This page shows a summary of key points to note for the European Economic Area (EEA) family permit.		<b>In this section</b>  <a href="#">What is an EEA family permit?</a>  Links to staff intranet removed
	What regulation governs the issue of EEA family permits?	Regulation 12 of the Immigration (EEA) Regulations 2006 is the basis for issuing EEA family permits. Successful applicants must meet all requirements for a family permit.  A non EEA national travelling independently and not joining an EEA national in the UK must meet the normal entry clearance requirements under the Immigration Rules.	
	Who can apply for an EEA family permit?	The EEA family permit is for non EEA family members of EEA nationals. The Free Movement of Persons Directive (2004/38/EC) defines direct family members of an EEA national as their spouse, civil partner, child under 21 or dependent children over 21 and dependent direct relatives in the ascending line. Other dependent family members outside of this list and durable partners of an EEA national may apply for an EEA family permit as extended family members. EEA family permits can be issued to non EEA family members of a British national who has lived and worked in another EEA member state and is returning to live in the UK.	

	Who can issue EEA family permits?	<p>Any British embassy, high commission or consulate abroad designated by the Foreign &amp; Commonwealth Office as an issuing post can issue EEA family permits. An applicant does not have to travel to their country of origin to apply.</p> <p>A non EEA national family member of an EEA national should apply for an EEA family permit before coming to the UK.</p> <p>Although it is preferable they obtain one pre-entry to make possible their travel, an EEA family permit is not mandatory. Regulation 11(4) of the Immigration (EEA) Regulations 2006 allows a person to provide other proof of their right to enter the UK, if they do not have an EEA family permit, residence card or permanent residence card.</p>	
	Is there a charge for issuing an EEA family permit?	No. EEA family permits are issued free of charge. The permit is valid for six months from the date of issue and can be used for multiple entries within that time.	
For more information, see related links:			
<ul style="list-style-type: none"><li>• Free Movement of Persons Directive 2004/38/EC</li><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011</li><li>• Entry clearance to the UK</li><li>• Immigration (EEA) Regulations 2006.</li></ul>			

## European Economic Area (EEA) family permit

### Considering an application for an EEA family permit

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This section tells you who can get a European Economic Area (EEA) family permit and the rules which they must meet to be issued with the permit.</p> <p>The EEA family permit system is administered by Visa services. However, you may be asked to consider an application for an EEA family permit in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Referred cases - the entry clearance officer (ECO) has referred the case for a decision on the application, because there are wider policy issues involved.</li> <li>• Deferred cases - the ECO has deferred the case for advice or for further information to be obtained. You must remember in a deferred case the responsibility for the final decision rests with the ECO.</li> </ul> <p>Under European Community law, applications for EEA family permits must be treated as a priority case. See related links:</p> <ul style="list-style-type: none"> <li>• Direct family members</li> <li>• Extended family members.</li> </ul> <p>Under regulation 19(1) of the Immigration (EEA) Regulations 2006, an applicant for an EEA family permit and their EEA national family member can be excluded from the UK on the grounds of public policy, security or health. For more information on this, see related links:</p> <ul style="list-style-type: none"> <li>• 08 Enforcement action taken against EEA nationals and family members</li> <li>• Free Movement of Persons Directive 2004/38/EC</li> <li>• Immigration (EEA) Regulations 2006</li> <li>• The Immigration (EEA) (Amendment) Regulations 2009</li> <li>• The Immigration (EEA) (Amendment) Regulations 2011</li> <li>• The Immigration (EEA) Amendment) Regulations 2012.</li> </ul>	<p><b>In this section</b></p> <p><a href="#">Direct family members</a></p> <p><a href="#">Extended family members</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Direct family members

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This page tells you the rules an applicant must meet to qualify for a European Economic Area (EEA) family permit as a direct family member of an EEA national.</p> <p>Immediate family members of EEA nationals or their spouse or civil partner can apply for an EEA family permit as a direct family member. A non-EEA national who is the spouse (except for marriages of convenience) or civil partner of an EEA national exercising, or intending to exercise, free movement rights in the UK is classed as a direct family member.</p> <p>Children under the age of 21 applying as the direct family member of the EEA national or their spouse or civil partner, do not need to show dependency to qualify for a family permit.</p> <p>Evidence of dependency is required for children over the age of 21, and for parents and grandparents of either an EEA national, their spouse or civil partner to allow them to be considered as direct family members.</p> <p>For more information on direct family members, refer to regulation 7 of the Immigration (EEA) Regulations 2006. See related link: Immigration (EEA) Regulations 2006.</p> <p>In assessing an application from a direct family member, you must be satisfied the applicant:</p> <ul style="list-style-type: none"> <li>• holds a valid passport</li> <li>• provides enough documentary evidence, such as marriage or birth certificates or other evidence which shows they qualify for an EEA family permit</li> </ul> <p>If the EEA national is already in the UK exercising free movement rights, then evidence of this must be provided.</p> <p>However, if the EEA national is yet to arrive in the UK, or is residing in the UK within the initial three month period of residence, then there is no requirement that the EEA national must provide evidence they will, in future, be exercising free movement rights.</p>	<p><b>In this section</b></p> <p><a href="#">Considering an application for an EEA family permit</a></p> <p><a href="#">Extended family members</a></p> <p>Links to staff intranet removed</p>
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	<p>To qualify for an EEA family permit, the EEA national must:</p> <ul style="list-style-type: none"><li>• be living in the UK in line with the regulations, or</li><li>• intend to travel to the UK and live in line with the regulations within six months.</li></ul> <p>The applicant must be joining or accompanying the EEA national.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011.</li></ul>	
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## European Economic Area (EEA) family permit

### Extended family members

<p><a href="#">About this guidance</a></p> <p><a href="#">What is an EEA family permit?</a></p> <p><a href="#">Considering an application for an EEA family permit</a></p> <p><a href="#">Outcome of application for an EEA family permit</a></p>	<p>This page tells you the rules an applicant must meet to be issued with a European Economic Area (EEA) family permit as an extended family member of an EEA national.</p> <p>Relatives of an EEA national exercising, or intending to exercise free movement rights in the UK who are not direct family members may qualify as an extended family member.</p> <p>Non EEA national extended family members of EEA nationals do not have an automatic right of entry into the UK. To qualify, an applicant must show they meet the conditions of regulation 8 of the Immigration (EEA) Regulations 2006 (the regulations). The EEA national family member must be living in the UK in line with the regulations or intending to travel to the UK and live in line with the regulations within six months and the applicant must be joining or accompanying them.</p> <p>An applicant must show they are a relative of an EEA national, their spouse or civil partner, and:</p> <ul style="list-style-type: none"> <li>• were residing in a country other than the UK</li> <li>• is dependent on the EEA national or is a member of their household</li> <li>• is accompanying or joining the EEA national in the UK, and continues to be dependent on the EEA national or a member of the EEA national's household</li> <li>• needs strict personal care, because of serious health grounds, which must be provided by the EEA national, spouse or their civil partner: <ul style="list-style-type: none"> <li>○ for example, if the applicant is totally dependent on their EEA national family member or their spouse or civil partner for basic everyday care such as helping with personal hygiene, or preparing meals</li> </ul> </li> <li>• meets the requirements in the Immigration Rules (other than those relating to entry clearance) for indefinite leave to enter or remain as a dependent relative of the EEA national: <ul style="list-style-type: none"> <li>○ were the EEA national someone living and settled in the UK, or</li> <li>○ are a partner of the EEA national, but not a spouse or civil partner, and in a durable</li> </ul> </li> </ul>	<p><b>In this section</b></p> <p><a href="#">Considering an application for an EEA family permit</a></p> <p><a href="#">Direct family members</a></p> <p>Links to staff intranet removed</p>
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	<p>relationship with the EEA national.</p> <p>For more information on assessing if a partnership is durable, see related link: 05 Residence card applications.</p> <p>When assessing an application from an extended family member, you must be satisfied the applicant:</p> <ul style="list-style-type: none"> <li>• holds a valid passport or national identity card</li> <li>• provides enough documentary evidence such as birth certificates or other evidence which confirms how they are related to their EEA national family member who is exercising free movement rights in the UK.</li> </ul> <p>For guidance on establishing dependency see related link: 05 Residence card applications.</p> <p><b>Unmarried partners</b></p> <p>Under regulation 8 (5) of the Immigration (EEA) Regulations 2006, a non EEA national who is an unmarried partner of an EEA national can qualify as an extended family member if they show their relationship is durable. There are no specific rules set as a definitive way to prove a relationship is durable. It is up to the applicant to provide evidence to demonstrate this.</p> <p>For example, you may ask an applicant to provide evidence to show the couple have been living together in a relationship similar to marriage for at least two years and intend to continue living together permanently. You should expect any previous marriages or relationships similar to marriage have ended and the couple are not blood relatives. In making a decision, you must consider each case on its own merits.</p> <p>If the conditions above are met, you must be satisfied the applicant is a durable partner falling within regulation 8(5). You must consider all the facts and circumstances, as there may be cases where even though one or more of these points are not met you are still satisfied they are in a durable relationship.</p> <p>For help with a specific case, speak to your line manager or a senior caseworker.</p>	
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	<p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Immigration (EEA) Regulations 2006</li><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011.</li></ul>	
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## European Economic Area (EEA) family permit

### Outcome of application for an EEA family permit

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This section tells you information you will need when you have made a decision about an application for a European Economic Area (EEA) family permit.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Free Movement of Persons Directive 2004/38/EC</li><li>• Immigration (EEA) Regulations 2006</li><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Issue an EEA family permit</a></p> <p><a href="#">Refusing an EEA family permit</a></p> <p><a href="#">Revoking an EEA family permit</a></p> <p><a href="#">Right of appeal</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Issue an EEA family permit

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This page tells you how to issue a European Economic Area (EEA) family permit to a successful applicant.</p> <p>You must issue successful applicants with a category D vignette in their passport or travel document. The endorsement must say if the person will be travelling with or joining the EEA family member.</p> <p>The two choices for wording to use on an endorsement are:</p> <p>FAMILY MEMBER _____ (specify as appropriate) OF AN EEA NATIONAL WHO WILL BE <u>TRAVELLING WITH</u> THEIR EEA FAMILY MEMBER IN THE UK</p> <p>Or</p> <p>FAMILY MEMBER _____ (specify as appropriate) OF AN EEA NATIONAL WHO WILL BE <u>JOINING</u> THEIR EEA FAMILY MEMBER IN THE UK</p> <p>An EEA family permit is valid for six months from the date of issue for multiple entries to the UK during that period.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Free Movement of Persons Directive 2004/38/EC</li><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Refusing an EEA family permit</a></p> <p><a href="#">Revoking an EEA family permit</a></p> <p><a href="#">Right of appeal</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Refusing an EEA family permit

About this guidance What is an EEA family permit? Considering an application for an EEA family permit Outcome of application for an EEA family permit	This page tells you how to notify an applicant their application for a European Economic Area (EEA) family permit was not successful.		<b>In this section</b>  <a href="#">Issue an EEA family permit</a>  <a href="#">Revoking an EEA family permit</a>  <a href="#">Right of appeal</a>  Links to staff intranet removed
	You must issue unsuccessful applicants a letter saying why you have refused their application.		
	The suggested wordings to include in a letter are as follows:		
	Reason	Suggested wording	
	Insufficient evidence that EEA national is in, or will be travelling to UK	‘You have applied for a European Economic Area (EEA) family permit for admission to the UK as the family member of an EEA national. Your application has not been successful because I am not satisfied that the EEA national of whom you are a family member is in, or will be travelling to the UK’.	
	Insufficient evidence to support applicant’s claim to be a family member of an EEA national	‘You have applied for a European Economic Area (EEA) family permit for admission to the UK as the family member of an EEA national. Your application has not been successful because you have not produced enough documentary evidence of this. I am not satisfied that you are a family member of an EEA national as claimed’.	
	Insufficient evidence of financial dependency on the EEA national	‘You have applied for a European Economic Area (EEA) family permit for admission to the UK as the family member of an EEA national. To qualify, you must show that you are financially dependent on your EEA national family member. Your application has not been successful because I am not satisfied that you are dependent as claimed’.	
	Insufficient evidence that	‘You have applied for a European Economic Area (EEA)	

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	EEA national would be deterred from coming to live in the UK if not accompanied family member	family permit for admission to the UK as the family member of an EEA national under regulation 12 of the Immigration (EEA) Regulations 2006. Your application has not been successful because ... (give reasons justifying the refusal)'. 
	Insufficient evidence that EEA national (who is in the UK) is a qualified person	'You have applied for a European Economic Area (EEA) family permit for admission to the UK as the family member of an EEA national living in the UK. Your application has not been successful because I am not satisfied that your family member is living in the UK according to the requirements of the Immigration (European Economic Area) Regulations 2006'.
	Insufficient evidence that marriage is genuine (marriage of convenience)	'You have applied for a European Economic Area (EEA) family permit for admission to the UK as the spouse of an EEA national. Your application has not been successful because I am not satisfied that your marriage is contracted for relationship reasons'.
<p>For more information, see related links:</p> <ul style="list-style-type: none"> <li>• Free Movement of Persons Directive 2004/38/EC</li> <li>• The Immigration (EEA) (Amendment) Regulations 2009</li> <li>• The Immigration (EEA) (Amendment) Regulations 2011.</li> </ul>		

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## European Economic Area (EEA) family permit

### Revoking an EEA family permit

<p>About this guidance</p> <p>What is an EEA family permit?</p> <p>Considering an application for an EEA family permit</p> <p>Outcome of application for an EEA family permit</p>	<p>This page tells you when you can revoke a European Economic Area (EEA) family permit or refuse a person entry to the UK.</p> <p>You can revoke an EEA family permit or refuse a person who presents one on entry into the UK if:</p> <ul style="list-style-type: none"><li>• this action is justified on grounds of public policy, security or health, or</li><li>• the applicant is no longer a family member of an EEA national with a right to live in the UK under the Immigration (EEA) regulations 2006 or is not accompanying or joining that EEA national.</li></ul> <p>For more information on decisions taken on public policy, security and health grounds, see regulation 21 of the Immigration (EEA) Regulations 2006. See related link.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Free Movement of Persons Directive 2004/38/EC</li><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Issue an EEA family permit</a></p> <p><a href="#">Refusing an EEA family permit</a></p> <p><a href="#">Right of appeal</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Right of appeal

<a href="#">About this guidance</a> <a href="#">What is an EEA family permit?</a> <a href="#">Considering an application for an EEA family permit</a> <a href="#">Outcome of application for an EEA family permit</a>	<p>This page tells you about appeal rights for an unsuccessful European Economic Area (EEA) family permit application.</p> <p>An unsuccessful applicant for an EEA family permit has an out of country right of appeal against this decision.</p> <p>There is no right of appeal under regulation 26(2) and (3) of the Immigration (EEA) Regulations 2006 if they did not provide evidence of either the EEA national family member's nationality or how they are related.</p> <p>For more information on out of country appeals, see regulation 27(1c) of the Immigration (EEA) regulations 2006 regulations, see related link: Immigration (EEA) Regulations 2006.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Free Movement of Persons Directive 2004/38/EC</li><li>• The Immigration (EEA) (Amendment) Regulations 2009</li><li>• The Immigration (EEA) (Amendment) Regulations 2011.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Issue an EEA family permit</a></p> <p><a href="#">Refusing an EEA family permit</a></p> <p><a href="#">Revoking an EEA family permit</a></p> <p>Links to staff intranet removed</p>
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## European Economic Area (EEA) family permit

### Contacts

About this guidance What is an EEA family permit? Considering an application for an EEA family permit Outcome of application for an EEA family permit	<p>This page explains who to contact for more help with a specific case in the European Economic Area (EEA) family permits category.</p> <p>If you have read the relevant regulations and this guidance and still need more help with this category, you must first ask your senior caseworker or your line manager.</p> <p>If the question cannot be answered at that level, you may email the European operational policy team in box for guidance on the policy. See related link.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the European operational policy team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<b>Related links</b>  <a href="#">Changes to this guidance</a>  <a href="#">Information owner</a>  Links to staff intranet removed
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## European Economic Area (EEA) family permit

### Information owner

About this guidance What is an EEA family permit? Considering an application for an EEA family permit Outcome of application for an EEA family permit	This page tells you about this version of the European Economic Area (EEA) family permit document and who owns it.		<b>Related links</b> <a href="#">Changes to this guidance</a>  <a href="#">Contacts</a>  Links to staff intranet removed
	Version	6.0	
	Valid from date	28 August 2013	
	Policy owner	European operational policy team	
	Cleared by director	Eddy Montgomery	
	Director's role	Director of Operations - North West Region	
	Clearance date	17 August 2011	
	This version approved for publication by	Kirsan Ferguson	
	Approver's role	Head of European operational policy	
	Approval date	27 August 2013	
Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the European operational policy team, who will ask the MGT to update the guidance, if appropriate.			
The MGT will accept feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: Modernised guidance team.			