

## RIGHTS OF RESIDENCE OF EEA NATIONALS: FREQUENTLY ASKED QUESTIONS FOR STUDENTS

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### 1 What rights of residence apply to EEA and EU nationals?

- 1.1 All EEA nationals (**this includes EU citizens**) have free movement rights. This means that as an EEA national you have a right of admission to the UK and an initial right of residence for 3 months. To have a right of residence after 3 months, you must either be a “qualified person” or related to a qualified person. A qualified person can be a jobseeker, worker, self-employed person, self-sufficient person or student.

### 2 What do I need to do to meet the definition of “qualified person” as a student?

- 2.1 If you are an EEA national in the UK and a student you must show that you 1) are **in the UK to study**, 2) have **enough money** to meet your living expenses, and, 3) have **comprehensive sickness insurance (CSI)**.

### 3 What is comprehensive sickness insurance (CSI)?

- 3.1 Any one of the following is evidence of CSI: 1) a **comprehensive private medical insurance policy** document; 2) a **European Health Insurance Card (EHIC) issued by your EU member state**, or 3) **forms S1, S2 or S3** (documents that prove **reciprocal arrangements** between the UK and your home country). Travel insurance policies and access to the UK’s NHS do not count as CSI. If you do not have CSI you will not meet the definition of a “qualified person” and therefore will not have a right of residence in the UK.

Information from the EU including links to contact national authorities and forms can be found here: [http://europa.eu/youreurope/citizens/work/social-security-forms/index\\_en.htm](http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm)

### 4 Could the Home Office remove me if I do not meet the conditions for a right of residence?

- 4.1 Technically yes – but the Home Office has categorically said that it will **not** remove people simply for not having CSI.

It is also important to note that there is no formal requirement for you to register your residency – such as obtaining a residency document – but it may be useful to you for claiming certain benefits or services or simply to document your right to live in the UK. You can find information on how to do so at: <https://www.gov.uk/eea-registration-certificate/apply>

### 5 What status do I have after completing my studies?

- 5.1 If you remain in the UK after you have finished your studies you may be classed as a **jobseeker** and will have an initial right of residence of **3 months**. If you become employed, you will be classed as a **worker** which will give you a right of residence. Jobseekers and workers do not need to have CSI to have a right of residence in the UK.

## **6 Can I apply for a permanent right of residence in the UK?**

- 6.1 EEA nationals can acquire a permanent right of residence in the UK after **5 years** of continuous residence in the UK if they have met all the criteria during those 5 years.

## **7 What are the implications of the Brexit vote?**

- 7.1 It is not yet clear when the UK will leave the EU but it is not currently expected to happen until 2019 at the earliest. As a result, it is also not yet clear what rights of residence EEA nationals will have post-Brexit. This makes it more important than ever for you to ensure that you currently meet the residence requirements if you think you may ultimately seek to remain in the UK on a permanent basis.

## **8 Is there anything I should do now?**

- 8.1 If you are thinking of applying for permanent residency in the UK in due course, you should make sure you have one of the valid forms of proof of CSI mentioned above. You may be able to obtain an S2 form retrospectively from the health provider in your home Member State, as proof of CSI being held throughout your stay in the UK. You would need to follow the relevant process in your home Member State to obtain the S2 form. This would enable you to meet all current requirements, but also build up the documentation you would need were you to apply for permanent residency in due course.

If this is not open to you, you may wish to consider obtaining an EHIC card from your EU member state, or arranging Comprehensive Sickness Insurance. However, you should note that your eligibility to meet the residence requirements would only begin once you have the appropriate health care cover.

If you are not planning on applying for permanent residency in the UK, there is no need to apply for CSI evidence retrospectively.

## **9 If I am coming to the University of Edinburgh for September 2017, what will I need to do?**

- 9.1 It is recommended that you secure either an EHIC card issued by your EU member state, form S1, S2 or S3, or that you arrange comprehensive private medical insurance.