



Family Permits for EU citizens¹ in Britain

Summary

1. Recent reforms to family migration for British citizens are undermined by EU law that allows EU citizens living in the UK to bypass British Immigration Rules and bring in their non-EU partners and family members with no salary or other conditions. They gain immediate and full access to benefits. 20,000 took advantage of this route in 2012.

Family Immigration Rules

2. In 2012 there were around 40,000 family visas issued under the Immigration Rules of which about 30,000 were for partners, 5,000 for children and 5,000 to other relatives such as parents and grandparents².

3. British nationals living in the UK are now required to earn a minimum salary of £18,600 to sponsor a spouse from outside the European Union (technically the EEA). This is the salary level that the government considers necessary so that the spouse will not be a burden on the taxpayer.

EU Rules

4. However, EU nationals living in the UK can bypass the UK immigration rules and bring in a non-EU partner and even their partner's extended family members under the Immigration (European Economic Area) Regulations 2006³.

5. A non-EU family member has to apply for an "EEA family permit" but, to qualify, the EU nationals only have to be exercising their treaty rights to be in the UK. All EU nationals have an initial right to reside in the UK for three months. Thereafter, they can extend their right of residence if they are a:

- Jobseeker
- Worker
- Student
- self-employed person
- self-sufficient person

1 More precisely EEA citizens – that is EU plus Iceland, Lichtenstein and Norway.

2 Home Office Immigration Statistics Before Entry volume 2 be.04.q <https://www.gov.uk/government/publications/data-tables-immigration-statistics-october-to-december-2012>

3 <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/eun/eun2/#header1>

Therefore, there is no salary threshold required to sponsor a family member from outside the EU and there is not even a requirement to be in employment.

6. In 2012 there were over 20,000 EEA family permits issued to non-EU citizens to accompany or to join EU citizens living in the UK. The total over the past five years has been almost 100,000.⁴

7. The holder of an EEA family permit has the same right to work and to access benefits as the EU national who has sponsored them. This means they can claim all the benefits available to a British citizen resident in the UK. These include Housing Benefit, Council Tax Benefit, Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Child Benefit, Child Tax Credit, Working Tax Credit and State Pension Credit as well as social housing and homelessness assistance.

8. The EEA family permit is issued for an initial six months after which it can be extended. After five years the holder can apply for permanent residence in the UK and, if they wish, can then apply for British citizenship⁵.

Examples

9. There are two broad categories, one legitimate but which undermines UK immigration law, and the other effectively an abuse of the system.

a) A Polish or French person can marry someone from outside the EU, say Kenya or Vietnam, and can bring their spouse into the UK, even if they do not have a job earning a minimum of £18,600 or indeed any job. The couple would be entitled to full access to the welfare state. A British or non EU settled resident would not be allowed to bring in a spouse without this minimum income. This is also an incentive for sham marriages between, say, Eastern European women and African and Asian migrants, a number of which have been detected.

b) An Indian national from the former Portuguese territory of Goa can apply for Portuguese citizenship on the basis of their or their parents' Portuguese heritage (Goa was part of the Portuguese Republic until 1961). They can then move directly to the UK, without even going to Portugal, and bring their family with them on EEA family permits. Again, they do not have to satisfy the minimum income threshold as British and settled residents do. They are immediately entitled to full access to the British welfare state. There is anecdotal evidence that this has been happening in the UK – many Goans have moved to the town of Swindon.

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4 There were 97,914 EEA family permits issued between 2008 and 2012. Home Office, Immigration Statistics, Before Entry Quarter 4 2012, Table be.04.

5 <http://www.ukba.homeoffice.gov.uk/eucitizens/documents-family/>

