



Home Office

European Operational Policy Team  
Operational Policy and Rules Unit  
PO Box 306  
Department 45  
Liverpool  
L2 0QN

09 August 2013

Dear Mr. Pearsall,

**FOI Reference 28377**

Thank you for your email of 01 August 2013, in which you stated:

*"The Case...*

*<http://eur-lex.europa.eu/LexUriServ/LexU...>*

*The Advocate General's text/recommendations:*

*<http://eur-lex.europa.eu/LexUriServ/LexU...>*

*I ask: what provisions have been implemented into the UK's legislation to allow a person who aid's somebody to complete cross border / frontier services for the EU to remain in the UK.*

*I ask for a copy of all policy notices, and guidance issued in reference to this case... Case C-60/00"*

Your request has been handled as a request for information under the Freedom of Information Act 2000.

With regards to your request for a copy of all policy notices issued in reference to case C-60/00, I can confirm that the Home Office does not hold any policy notices on this issue.

With regards to your request for guidance, we believe that the information you have requested is already reasonably accessible to you. It can be found at the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ecis/chapter9?view=Binary>

Section 21 of the Freedom of Information Act exempts the Home Office from having to provide you with this information, because it is already reasonably accessible. If you have any difficulties in accessing this information at the source which I have indicated, please contact me again.

You have also asked what provisions have been implemented into the UK's legislation to allow a person who aids somebody to complete cross border / frontier services for the EU to remain in the UK. It has been assumed for the purposes of this response that your request concerns provision of case C60/00.

In the case of C60/00, Mr Carpenter was exercising EU free movement rights as a supplier of services. The Court determined that the UK's decision to deport Mr Carpenter's wife was disproportionate (having regard to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR")).

The *Carpenter* case simply highlights the fact that Member States cannot take action against the family members of EU nationals which would breach their rights under Article 8 of the ECHR. While the context of the case related to the exercise of the freedom to provide services, the determining factor in the case was the disproportionate effect of the proposed deportation of Mr Carpenter's wife.

There is no specific provision, therefore, for an EEA national (or their family member) who is solely a provider of services to another member state to qualify under Directive 2004/38/EC ('the Directive'), nor the Immigration (European Economic Area) Regulations 2006 which implements the Directive into UK legislation.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 28377. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team  
Home Office  
Ground Floor, Seacole Building  
2 Marsham Street  
London SW1P 4DF  
e-mail: [info.access@homeoffice.gsi.gov.uk](mailto:info.access@homeoffice.gsi.gov.uk)

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely,

European Operational Policy Team  
Home Office