



Home Office

European Operational Policy Team
Operational Policy and Rules Unit
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Department 45
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Sukwant Singh
Via email:
request-195746-
f1c20760@whatdotheyknow.com

26 February 2014

Dear Mr Singh

FOI reference 30561

Thank you for your correspondence of 3 February in which you have asked for further information about the 'centre of life' test which must be met by applicants applying for residence documentation under regulation 9 of the Immigration (European Economic Area) Regulations 2006 ('the EEA Regulations'), as amended on 1 January. Your request has been handled as a request for information under the Freedom of Information Act 2000.

You have asked for the following information:

"Can you please provide me with information you store on how the Home Office expect the applicant to provide information to support the centre of P's life relocating to the host member state."

"Can you please provide me with information you store on any proposed updates to application forms."

"I would be most grateful for your official definition of a persons 'Centre of Life'. I would guess that this is the same as being considered as Habitually Resident within a member state?"

"Can you please provide me with information the Home Office stores in regards to a "Safe Time Limit" for a person to reside in another member state when completing The Surinder Singh Route."

I have considered each of these in turn.

1. *"Can you please provide me with information you store on how the Home Office expect the applicant to provide information to support the centre of P's life relocating to the host member state."*

We believe that the information you have requested is already reasonably accessible to you. Guidance on how the Home Office interprets the term “centre of life” and how an applicant can satisfy this can be found in my response (and associated annexes) to your previous request (reference 30270) at the following link:

https://www.whatdotheyknow.com/request/centre_of_life_guidance_for_suri

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 us again.

2. *“Can you please provide me with information you store on any proposed updates to application forms.”*

I can confirm that we hold some of the information within the scope of your request.

We are currently in the process of reviewing the EEA application forms. Subject to drafting, internal consultation, clearance and publishing time-tables, we intend to publish revised versions of the forms on 6 April.

3. *“I note that another user of What Do They Know requested the Home Office's definition of "Centre of Life" for immigration purposes which resulted in a very similar response that you provided to myself. The other user did not mention Surinder Singh or regulation 9, or even the Immigration (European Economic Area) Regulations 2006.*

“I would be most grateful for your official definition of a persons 'Centre of Life'. I would guess that this is the same as being considered as Habitually Resident within a member state?”

We believe that this information is already in the public domain. 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 to you at the resources indicated below. If you have any difficulties in accessing this information, please contact us again.

The factors relevant to determining whether a person transferred the centre of their life to another EEA state are set out in the amended version of regulation 9(3) of the EEA Regulations, which you can access at the following link:

<http://www.legislation.gov.uk/ukxi/2013/3032/schedule/1/paragraph/5/made>

I also refer you to the annexes attached to my response to your previous request 30270 for guidance on how the Home Office defines “centre of life”.

The term “centre of life” is not used in the domestic immigration rules or other immigration legislation, which is why I have restricted my response to regulation 9 of the EEA Regulations only.

On the question of whether “centre of life” has the same meaning as “habitually resident”, the latter term is not defined in UK law and the factors used to determine whether someone is habitually resident depend on the legal context (for example, in determining whether someone satisfies the habitual residence test to qualify for certain state benefits). While some of the considerations may be similar, the centre of life test is a test in its own right and does not, and is not intended to, replicate the habitual residence test.

4. *"Can you please provide me with information the Home Office stores in regards to a "Safe Time Limit" for a person to reside in another member state when completing The Surinder Singh Route."*

The Home Office does not hold any information regarding a "Safe Time Limit". I refer to you instead to guidance disclosed with my response to your previous request, which states:

"Generally, the longer the British citizen has been exercising Treaty rights in another EEA member state, the more likely it is that they will have transferred the centre of their lives.

There is still no minimum time period that must be spent in the host member state and all cases must be assessed on their own merits."

I hope this response meets your needs. 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 **30561**. 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

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