

Dear **Salutation**

Re:

I am writing with regard to **your/your above named client's** recent request for documentation on the basis of the Court of Justice of the European Union (ECJ) judgment in the case of *Ruiz Zambrano* (C-34/09). The rights set out in this judgment are derived from Article 20 of the Treaty on the Functioning of the European Union (TFEU) and not from Directive 2004/38/EC ("the Directive") which has been transposed into legislation via the Immigration (European Economic Area) Regulations 2006 ("the Regulations").

As these rights are not derived from the Directive, there is currently no provision within the Regulations to issue documentation on the basis of the *Ruiz Zambrano* judgment. Amendments to the Regulations are expected to follow later in 2011 at the earliest following finalisation of UKBA's full interpretation of the case.

In the interim, it has been agreed that applications will be accepted into the business where a person can demonstrate that they potentially meet the scope of *Ruiz Zambrano*. Where sufficient evidence has been presented, these applications will be accepted and issued with a Certificate of Application which will enable them to work whilst substantive consideration of their application is outstanding. A substantive decision would then be made under the Regulations once amended.

Unfortunately, the documents that have submitted are insufficient to establish that **you/your client may** have a right in accordance with this judgment. This is because **you/your client** has not provided the following evidence to show that the potential scope of *Ruiz Zambrano* has been met:

- **Evidence the dependent national is a British citizen**
- **Evidence of relationship**
- **Adequate evidence of dependency between the applicant and British citizen**

I am therefore returning these documents to you with this letter.

This is not an EEA decision under the Regulations and so does not attract a right of appeal under regulation 26 of those Regulations. UKBA will now be taking no further action on this matter. However, it will of course remain open for you/your client to make an application under the Regulations once they have been amended in due course in response to the *Ruiz Zambrano* judgment.

Yours **sincerely/faithfully**