

UK Border Agency

Department 3
Home Office
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Liverpool

L2 0QN

Tel

Fax

Email

Web www.ukba.homeoffice.gov.uk

Address

Our Ref **HO_Ref**

Case ID

Your Ref **Your Ref**

Date

Dear **Salutation**

Re:

CERTIFICATE OF APPLICATION

Thank you for **your/your client's** application 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 is 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 the right is 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 this year. Whilst those changes are progressed, it is accepted that **your/your client's** application has provided some information which may bring **you/your client** within scope of the judgment. On this basis it is accepted that **you/your client** may accept offers of employment, or to continue in employment in the UK until a substantive decision can be made on **you/your client's** application. An employer may ask to see this document as evidence of eligibility to work, and **you/your client** should therefore keep it in a safe place until the application has been decided.

When the Regulations have been amended to effect the *Ruiz Zambrano* judgment, a substantive decision will be made on **you/your client's** application. This may require the UK Border Agency to request further information in order to confirm that **you/your client have/has** this right.

Note for employers

This document may form part of a statutory defence against liability to pay a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 for employing an illegal migrant worker. However it should only be accepted for this purpose if presented within 6 months of the date of issue and provided you can demonstrate that the document has been verified by the UK Border Agency Employer Checking Service.

The holder must present the original document. You should request verification of the document by calling the Employer Checking Service on **0300 123 4699** and retain a copy of it in your records. Further information about the Employer Checking Service and the responsibilities of employers can be found at <http://www.ukba.homeoffice.gov.uk/employers/>.

If **you/your client** has not received a substantive decision on your application on the expiry of your certificate of application, then you may wish to contact us for further evidence. After this date the employee should be asked to present alternative evidence of continuing eligibility to take or continue in employment in the United Kingdom.

If you need to contact us by telephone please use the number on this letter.

Yours **sincerely/faithfully**