

From: Free Movement Operational Policy Team

Subject: Comprehensive sickness insurance for family members of students

Date: 1st June 2015

Issue number: 06/2015

Purpose of notice

1. This notice provides guidance on assessing applications from family members of students who are required to hold comprehensive sickness insurance ("CSI") in the UK following amendments to the Immigration (European Economic Area) Regulations 2006 (as amended) ("the Regulations").

Background

2. Prior to amendments to the EEA Regulations which came into force on 6th April 2015, EEA nationals who are residing in the UK as students were required to hold CSI for themselves, but the Regulations did not explicitly require such persons to also hold CSI for any family members who are residing in the UK with them. This is in contrast to the requirements for self-sufficient persons, who are explicitly required to hold CSI for themselves and any family members.
3. Changes have been made to the Regulations to bring the requirements for family members of students in line with those for the family members of self-sufficient persons.

Implementation

4. Whilst changes to the Regulations were made on 6th April, for operational reasons, the requirement for family members of students to hold CSI will only be applied in practice from 22nd June 2015. The change will be communicated on the gov.uk website two to three weeks before this date to enable customers to comply with the requirement.

Registration certificates and residence cards – applications received on or after 22nd June 2015

5. Applications for registration certificates or residence cards received **on or after 22nd June** will be decided in line with the amended Regulations. This means that evidence of CSI must be provided to cover the EEA national and any family member also residing in the UK with them. Where there is no evidence of CSI for the EEA national or their family member(s), the application must be refused in line with regulation 4. For full details of what is sufficient evidence of CSI, see the modernised guidance [hyperlink redacted].

Registration certificates and residence cards – applications received before 22nd June

6. In order to give applicants the opportunity to comply with the amended Regulations, where an application for a registration certificate or residence card has been received **prior to 22nd June**, and that application remains outstanding, caseworkers can proceed to issue a document where the EEA national student has evidence of CSI and all other requirements of the Regulations are met. This means that you must not refuse an application where the family members of the EEA national do not also have CSI on the date of decision (even if that decision date is after 22nd June). In order to make applicants fully aware of the change in requirements, where it is proposed to issue a registration certificate or residence card, caseworkers must issue an accompanying letter which explains that any subsequent applications (including for permanent residence) must show full compliance with the new requirements for CSI. A copy of this letter can be found at Annex A of this notice.

Permanent residence cards and documents certifying permanent residence

7. Applications for permanent residence must be assessed according to the qualifying period under consideration. For example, a family member of an EEA national student applied for a permanent residence card on 15th February 2015 and this application remains outstanding on 22nd June 2015. They have provided evidence their EEA national sponsor was a student and that the EEA national held CSI for the period January 2010 to January 2015. As this qualifying period preceded changes to the Regulations, we can accept for the purposes of CSI, that the Regulations have been met.
8. Contrast this to a family member of an EEA national student who applies for a permanent residence card on 15th September 2015. This application relies on a qualifying period of between September 2010 and September 2015. In this case therefore, we would require the family member to provide evidence that they also have CSI, in addition to their EEA national sponsor for the period between 22nd June 2015 and September 2015 (i.e the period after which the requirement to hold CSI was applied). Any period preceding 22nd June, we can accept evidence of CSI for the EEA national only.

Enquiries

9. Masterclass sessions on the modernised guidance will be available for all decision-makers who require it over the next few weeks. If specific training is required on any section in particular, please email the Free Movement Operational Policy Team mailbox at the following address in the first instance: [email address redacted].

[name redacted]

Head of Free Movement Operational Policy Team
01 June 2015

Annex A

This letter is to notify you of changes to the Immigration (European Economic Area) Regulations 2006 (as amended) ("the Regulations") which came into effect on 6th April 2015. From this date family members of EEA nationals who are exercising Treaty rights in the UK as a student, will be required to hold comprehensive sickness insurance ("CSI") in the UK. This is in addition to the EEA national also holding CSI. This requirement is being applied to all applications for a registration certificate or residence card made on or after 22nd June 2015. This will also apply to applications for a document certifying permanent residence or a permanent residence card.

As your application for registration certificate/residence card *[delete as appropriate]* was received prior to 22nd June, your application has been considered in line with the previous Regulations and it has not been assessed whether any family members also hold CSI. Please note, however, that any subsequent applications made under the Regulations after 22nd June will be decided on the basis that CSI is required for any family members of an EEA national who is exercising Treaty rights in the UK as a student.

For more information on these changes, please see the Gov.uk website at the following link modernised guidance *[hyperlink redacted]*.