

**From:** Free Movement Operational Policy Team

**Subject:** Certificates of Application

**Date:** 20 April 2015

**Issue number:** 05/2015

**Purpose of notice**

1. This notice provides information on changes to the certificate of application (COA) regime in European casework.

**Background**

2. The right to a COA is set out in Article 10 of Directive 2004/38/EC (the 'Free Movement Directive') which states that a COA must be issued 'immediately' on receipt of an application.
3. Under the current process residence card applicants are issued with a COA by European Casework on receipt of their valid application. If the applicant is applying for a residence card as a 'direct' family member and has submitted
  - i. a valid passport
  - ii. a valid EEA identity (ID) card or EEA passport for the EEA national
  - iii. evidence of relationship to their EEA national
  - iv. evidence that the EEA national is exercising Treaty rights or has acquired permanent residencethey will be issued with a 'long' COA, which confirms a right to work while their application is under consideration.
4. Persons applying as an 'extended' family member (including durable partners), and 'direct' family members who have not submitted the required evidence, are issued with 'short' COAs which confirm that an application has been received, but do not confirm a right to work.
5. Persons applying for a derivative residence card under regulation 15A who meet the minimum evidence requirements are issued with a 'long' COA. Those who do not meet the minimum evidence requirements are issued with a 'short' COA.
6. In line with the implementation of residence cards in a Biometric format, the process for issuing COAs will be amended as detailed in this notice.

**Amendments to legislation**

7. Amendments to the The Immigration (Provision of Physical Data) (Amendment) Regulations 2015 came into force on 6 April, enabling the introduction of residence cards (and derivative residence cards) in the biometric format.

## **Post-biometrics approach to COAs**

8. From 6 April, an application for a residence card or derivative residence card will only be considered valid at the point at which the applicant successfully enrolls their biometric information. Applicants who fail to enroll their biometric information will not have made a valid application and therefore have no entitlement to a COA.
9. Applicants have 15 working days in which to enroll their biometrics. If they fail to do so within this time they will be sent a reminder giving them a further 10 working days in which to enroll. If they fail to enroll their biometrics after the 10 days has passed, their application will be rejected as invalid.
10. The Biometrics team will check at day 15 whether biometrics have been successfully enrolled. If enrolment is completed, the Biometrics team will inform File Management Team (FMT). If biometrics have not been enrolled, the Biometrics Team will issue a reminder letter giving the applicant a further 10 working days to enroll their biometrics. Therefore, the earliest date the applicant will receive their CoA is around day 17.
11. On receipt of confirmation from the Biometrics Team that the applicant has successfully enrolled their biometrics within the required timeframe, FMT must then issue the applicant with either a 'long' or 'short' COA, depending on which document they are eligible for (see paragraphs 3-5 above).
12. The process map set out at Annex A of this notice gives the timeframes for the processing of an application for a residence card (or derivative residence card) in the biometric format.

## **Handling of enquiries or complaints about the new process**

13. Because there will be a slight delay between the applicant submitting their application, enrolling their biometrics, and receiving their COA it is anticipated that we will receive enquiries from customers, MPs and employers on the new process and its impact on the right to work for applicants.
14. The following wording should be used in response to any correspondence received:

*“Following amendments to the The Immigration (Provision of Physical Data) (Amendment) Regulations 2015 which came into effect on 6 April, **residence cards/derivative residence cards** are now issued in biometric format.*

*In line with other documents issued in the biometric format, an application is not ‘valid’ until the applicant has successfully enrolled their biometric information.*

*Applicants applying for a **residence card/derivative residence card** will receive an enrolment letter soon after submitting their application form which will advise them on how and where to enrol their biometric information, which must be done within 15 working days of receipt of this letter.*

*At the end of the 15 day period, following successful enrolment of their/your biometric information applicants/you will receive a certificate of application. Direct family members and persons claiming a derivative right of residence who submitted sufficient evidence with their application will receive a COA which confirms a right to work. Where insufficient evidence is submitted, the applicant will receive a COA which confirms receipt of the application but does not confirm a right to take employment (a 'short' COA).*

*In line with published Home Office policy, an applicant who did not meet the evidential requirements on submitting their application will not be issued a further COA confirming a right to work should they submit additional evidence at a later date.*

*Extended family members (including persons claiming to be in a durable relationship with an EEA national) will be issued with a 'short' COA on successful enrolment of their biometric information.*

*Applicants who do not enrol their biometric information as required will be sent a reminder letter giving them a further 10 days in which to enrol their biometric information. Applicants who do not enrol their information following the reminder letter will not receive a COA, and their application for a **residence card/derivative residence card** will be rejected as invalid."*

15. Information will also be added to the gov.uk website and to the Employers' Guidance to inform customers and employers of this change.

16. For any enquiries on this subject, please email the Free Movement Operational Policy Team mailbox at the following address in the first instance: [email link redacted]

**[name redacted]**

Head of Free Movement Operational Policy Team  
20 April 2015

## Annex A – Biometric process for Euro Applications

