



Home Office

International and Immigration
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Sara Goode
via www.whatdotheyknow.com

4 February 2015

FOI Reference: 34108

Dear Ms. Goode,

Thank you for your e-mail of 13 January, which you sent following our response to your previous FOI request (FOI 30645), regarding information and guidance held by the Home Office on assessing 'Surinder Singh' applications from unmarried partners, or any other extended family members. In your latest request, you have asked for the following information:

1. *"Can you please provide myself with information that you hold on assessing Surinder Singh Route applications from unmarried partners, or any other extended family member that may live as part of my household, as a British (EU) Citizen.*
2. *I am aware that, at the time of my previous request, there was an ongoing case in reference to similar circumstances of my own, and that this case has been through the judicial system, Cain v SSHD IA/40868/2013*
[\(<https://ukvisaandimmigrationforum.files.wordpress.com/2014/10/kamila-santos-campelo-cain.pdf>\).](https://ukvisaandimmigrationforum.files.wordpress.com/2014/10/kamila-santos-campelo-cain.pdf)
3. *Has the SSHD issued any guidance in assessing claims made by extended family members? If she has, please provide it."*

Your requests are being handled as requests for information under the Freedom of Information Act 2000.

In relation to part 1 of your request, the Home Office does not hold this information. This is because, under the Immigration (European Economic Area) Regulations 2006 ("the Regulations"), extended family members do not come within scope of regulation 9 (which gave effect to the Court of Justice of the European Union judgment in the case of *Surinder Singh*). Accordingly, we do not hold any guidance on assessing applications under regulation 9 from unmarried partners or other extended family members. General guidance on *Surinder Singh* applications, following changes to the Regulations on 1 January 2014, can be found at the following link:

<https://www.gov.uk/government/publications/caseworker-guidance-for-applications-under-the-surinder-singh-route-from-january-2014>

In relation to part 2, we are aware of the *Cain v SSHD IA/40868/2013* judgment. This judgment is, however, limited to the facts of a particular case and any conclusions are not binding on the Home Office with respect to its wider policy. It does not, therefore, impact on any guidance we hold and we have not considered making any amendments as a result.

As regards your final request, the Home Office only holds general guidance on assessing applications from extended family members. The latest published guidance for considering applications made by family members of EEA nationals can be found at the link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264944/cha-apter2.pdf

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 34108. 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

Free Movement Operational Policy Team
International and Immigration Policy Group (IIPG)
Home Office