

Annex D: European Economic Area (EEA) nationals' right to reside

EEA nationals have an initial right to reside in the UK beginning on the date they enter the UK (with very few exceptions). Beyond this three month period, an EEA National is entitled to remain in the UK as a 'qualified person' through exercising a Treaty Right. The term 'Treaty Right' refers to the following categories:

- Jobseeker
- Worker
- Self-employed person
- Student
- Self-sufficient person

An individual may lose their right to reside and be subject to administrative removal if they cease to exercise a Treaty right.

The Home Office will also treat rough sleeping as an abuse of Treaty Rights.

EEA nationals who are rough sleeping may not be exercising Treaty Rights. Enforcement action can lead to a number of outcomes:

- 1) The EEA national re-engages with services and starts/resumes exercising Treaty Rights.
- 2) The EEA national wishes to return to their country of origin voluntarily. This is best achieved and can be facilitated by LAs, ICE teams, consulates and the voluntary sector working together collaboratively.
- 3) The EEA national can fail to do either of the above and becomes subject to enforced removal.

A list of countries within the EEA (excluding the UK) is below:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,

Switzerland is not an EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.