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Dear Luke Piper,

Thank you for your letter of 6 October to the Minister for Immigration about the Home Office's implementation of the Court of Justice of the European Union (CJEU) judgment in the case of [VI v HM Revenue and Customs C-247/20](#). Please note you are receiving a response from a policy official.

As you know, the CJEU held that once an individual was 'affiliated' to a public sickness insurance system, such as the NHS, they are considered to have comprehensive sickness insurance (CSI) under the Free Movement Directive. The Secretary of State accepts that the decision of the CJEU in VI is binding.

We consider 'affiliated' to the NHS to mean where an individual is entitled to comprehensive NHS treatment. Under domestic law, this is where they are 'ordinarily resident' in the UK.

We are still considering the impacts of the judgment. In the meantime, as you are aware, in the EU Settlement Scheme we do not test whether EEA and Swiss citizen applicants and their family members have held CSI in the UK, so the judgment has no bearing on the terms of the scheme.

Otherwise, where the judgment is relevant to Home Office decision-making, it is being applied and relevant guidance is being updated, including the 'European Economic Area nationals: qualified persons' guidance.

Yours sincerely,

**EEA Citizens' Rights & Hong Kong Unit**

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