

## General Dental Council (GDC) guidance on “Exempt Person” status

**Please note that this guidance sheet does not constitute legal advice. This is a complex and developing area of law which is subject to change and if you have any questions about your rights under European law, you are advised to consult an appropriately qualified lawyer. The GDC cannot provide you with legal advice.**

### Introduction

Under the Dentists Act 1984 (‘the Act’), certain routes to registration with the GDC as a dentist or a dental care professional are only available to applicants who can demonstrate that they are an “exempt person” under the Act. To qualify as an exempt person in relation to the profession of dentistry or in relation to a profession complementary to dentistry you must either be:-

- a) a national of an EEA State (other than the United Kingdom) or Switzerland;
- b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession by virtue of an enforceable EU right; or
- c) a person who is not a national of an EEA European State or Switzerland but who is, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of an EEA State or Switzerland.

Directive 2004/38/EC governs the rights of citizens of the EU and their family members to move and reside freely within the territory of the Member States. It applies to all EU citizens who move to, or reside in, a Member State other than that of which they are a national, and to their family members.

The Immigration (European Economic Area) Regulations 2006 implement Directive 2004/38/EC in the UK and extend it to citizens of the EEA and Switzerland. The EEA member states are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

Applicants to the GDC may seek to rely on the Directive in order to demonstrate that they are seeking access to, or pursuing, the profession of dentistry or a profession complementary to dentistry by virtue of an enforceable EU right.

This guidance explains the circumstances under which an applicant to the GDC is entitled to be treated as an exempt person and the documents required by the GDC to prove this entitlement.

### Who is an “exempt person”?

#### 1. A national of an EEA State (other than the United Kingdom) or Switzerland

If you are a national of an EEA State (other than the UK) or Switzerland you are required to provide the GDC with a valid national identity card or passport issued by an EEA state or Switzerland.

## 2. A UK national with enforceable EU rights

If you are a UK national, you will only qualify as an exempt person if you can demonstrate that you are seeking access to or are pursuing the profession by virtue of an enforceable EU right. In order to demonstrate this, you will need to provide the GDC with documentary evidence that:

- 1) You hold an appropriate European diploma as defined in Schedule 2 to the Act, or hold a qualification which entitles you to be assessed under the General System Regulations<sup>1</sup>; AND/OR
- 2) You are (or were) residing in another EEA state or in Switzerland as either a worker, self-employed person, student or self-sufficient person, or pursuant to the three month right to reside under Directive 2004/38/EC; AND/OR
- 3) You have a different enforceable EU right.

You are required to provide the GDC with:-

- A certified copy of your valid UK passport; *and*
- Proof of residency (e.g. a registration certificate, tenancy agreement or residence card issued by another EEA state or Switzerland proving your residence in that state for at least three consecutive months) OR proof of the other enforceable EU right (such as qualification) on which you are relying; *and (if relevant)*
- Either:
  - Proof of employment (e.g. a letter from an employer or certificate of employment) *or*,
  - Proof of self-employment (e.g. a set of self-employed accounts or letter from an accountant) *or*
  - Proof of student status (e.g. a letter from the educational establishment attesting to attendance, enrolment or completion of a course), *or*
  - Proof of self-sufficient residence in another EEA state or Switzerland, or of other residence for no less than three months in another EEA state or Switzerland.

## 3. A non-EEA/non-Swiss national

If you are not a national of an EEA state or Switzerland you will only qualify as an exempt person if you can demonstrate that you are, by virtue of an enforceable EU right, entitled to be treated no less favourably than a national of an EEA state or Switzerland for the purposes of access to and pursuit of the profession of dentistry or a profession complimentary to dentistry. In order to do so, you will need to provide the GDC with documentary evidence that you fall within one of the following categories:-

You are either:

- i. the spouse or registered partner of an EEA/Swiss national, *or*
- ii. the direct descendant under the age of 21, dependent, or dependant relative in the ascending line of an EEA/Swiss national or of their spouse or partner, *or*
- iii. an “extended family member” of an EEA/Swiss national (as defined in the Immigration (European Economic Area) Regulations 2006) *AND*

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<sup>1</sup> The European Communities (Recognition of Professional Qualifications) Regulations 2007 (SI 2007/2781)

You are accompanying or joining an EEA/Swiss national who is residing in the UK either as a worker, as a self-employed person, as a student, as a self-sufficient person, or pursuant to the three month right to reside under Directive 2004/38/EC.

OR

You are a person previously falling into one of the categories above who has retained their rights under Directive 2004/38/EC rights following the death or departure of the EEA/Swiss national from the UK or following divorce, annulment of marriage or termination of the civil partnership, under the conditions described in Articles 12 - 13 of Directive 2004/38/EC.

In order to demonstrate to the GDC that you fall within one of the categories above, you will also need to provide the GDC with the relevant documents listed in the Table of Documents at Annex A (attached), depending on your relationship with the EEA/Swiss national from whom you derive your rights. It is your responsibility to obtain the necessary documentation from the appropriate bodies in another EEA state/Switzerland.

**Please note:** If the EEA national from whom you derive your rights is a UK national, you will also be required to provide evidence of his/her exempt person status (in accordance with paragraph 2 above).

### **Certified copies of documents**

For the purposes of registration, the GDC defines a certified copy of a document as one where:

- The document is a first generation photocopy (i.e. a photocopy of the original document, not a photocopy of a photocopy or of a fax); and
- The person certifying is a Notary Public, Commissioner of Oaths, Justice of Peace or other entitled to practise law or is an authorised officer of an embassy or consulate (a mayor or police officer cannot certify documents); and
- The person certifying the copy has confirmed in English that they have inspected the original document(s) and that the document they are certifying is a 'true copy of the original'; and
- The copy must bear the contact details of the person certifying, including the name, signature and address; and
- The person certifying the document is not the applicant themselves, or their spouse.

### **Evidence of name change**

The GDC will accept the following as evidence of name change:

- A name change deed poll; or
- An affidavit signed by the applicant in the presence of a solicitor or magistrate confirming change of name and where the solicitor or magistrate has confirmed change of name. The full name, signature and contact details of both the applicant and solicitor or magistrate must be provided; or
- A certified copy of a marriage certificate (to prove change of surname only).

### **Certified translations of documents**

- All documents in a language other than English must be accompanied by translations into English.
- Translations must be from a legally licensed and authorised translator.

- The translator must confirm in writing that the translation is an exact and direct translation from the original language into English e.g. a document originally in Hungarian and which has also been translated into Greek must be translated into English from the original Hungarian document and not from the Greek document.
- The translator's full name, address, signature and contact details must be provided.

### **Working in the UK**

Please note that if you are the family member of an EEA national who has been granted registration by the GDC, you may still require clearance to work in the UK. The GDC is unable to provide advice on this. For advice please contact:

Home Office UK Border Agency  
Lunar House  
Wellesley Road  
Croydon  
CR9 2BY

Tel: +44 (0)87 0606 7766

Website: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

**Please note that rights conferred by Directive 2004/38/EC do not extend to a substantive right to have professional qualifications recognised. Even if you are entitled to be treated as an exempt person, this does not mean that you are entitled to automatic recognition of your qualifications. The recognition of professional qualifications for dentists and dental care professionals across the EU is covered by Directive 2005/36/EC on the recognition of professional qualifications.**

**Annex A - Table of Documents**

<b>Relationship with EEA/Swiss national</b>	<b>Documents Required</b>
Spouse or legally registered partner	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of spouse’s passport</li> <li>• Certified copy of the marriage certificate or document proving legal partnership, stating full names as shown in the passports (documents proving a legally registered partnership should be the equivalent of a Civil Partnership Registration Certificate issued by the General Register Office in the UK)</li> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• Any documents in a language other than English must be accompanied by a certified translation</li> </ul>
Direct descendent (under 21 years of age) of an EEA/Swiss national	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of parent’s passport</li> <li>• Certified copy of applicant’s birth certificate stating names of parents</li> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• Any documents in a language other than English must be accompanied by a certified translation.</li> </ul>
Direct descendent (under 21 years of age) of the spouse or legally registered partner of an EEA/Swiss national	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of applicant’s birth certificate stating names of parents</li> <li>• Certified copy of the passport of the parent who is not an EEA/Swiss national</li> </ul>

	<ul style="list-style-type: none"> <li>• Certified copy of the passport of the parent’s spouse or legal registered partner who is an EEA/Swiss national</li> <li>• Certified copy of the marriage certificate or legal partnership registration certificate of the parent to the EEA/Swiss national (documents proving a legally registered partnership should be the equivalent of a Civil Partnership Registration Certificate issued by the General Register Office in the UK)</li> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• Any documents in a language other than English must be accompanied by a certified translation.</li> </ul>
<p>Direct descendent (above the age of 21) who is dependent on an EEA/Swiss national</p>	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of parent’s passport</li> <li>• Certified copy of applicant’s birth certificate stating names of parents</li> <li>• Evidence of dependency</li> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• Any documents in a language other than English must be accompanied by a certified translation.</li> </ul>
<p>Direct descendent (above the age of 21) who is dependent on the spouse or legally registered partner of an EEA/Swiss national</p>	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of applicant’s birth certificate stating names of parents</li> <li>• Certified copy of the passport of the parent who is not an EEA/Swiss national</li> <li>• Certified copy of the passport of the parent’s spouse or legal registered partner who is an EEA/Swiss national</li> <li>• Certified copy of the marriage certificate or legal partnership registration certificate of the parent to the EEA/Swiss national (documents proving a legally registered partnership should be the equivalent of a Civil Partnership Registration Certificate issued by the General Register Office in the UK)</li> </ul>

	<ul style="list-style-type: none"> <li>• Evidence of dependency</li> <li>• An original signed and dated letter from the EEA national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• Any documents in a language other than English must be accompanied by a certified translations</li> </ul>
<p>The dependent direct relative in the ascending line (i.e. mother or father) of an EEA/Swiss national</p>	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of the birth certificate of your son or daughter who is a Union citizen and upon whom you are dependent</li> <li>• Certified copy of the passport of your son or daughter who is an EEA/Swiss national and upon whom you are dependent</li> <li>• Evidence of dependency</li> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• All documents in a language other than English must be accompanied by a certified translation</li> </ul>
<p>The dependent direct relative in the ascending line (i.e. mother or father) of the spouse or legally registered partner of an EEA/Swiss national</p>	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of applicant’s valid passport</li> <li>• Certified copy of the birth certificate of the applicant’s son or daughter showing names of parents</li> <li>• Certified copy of the passport of the applicant’s son or daughter who is not a Union citizen</li> <li>• Certified copy of the passport of the applicant’s son or daughter’s spouse or legal registered partner who is an EEA/Swiss national</li> <li>• Certified copy of the marriage certificate or legal partnership registration certificate of the applicant’s son or daughter to the EEA/Swiss national (documents proving a legally registered partnership should be the equivalent of a Civil Partnership Registration Certificate issued by the General Register Office in the UK)</li> <li>• Evidence of dependency</li> </ul>

	<ul style="list-style-type: none"> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• All documents in a language other than English must be accompanied by a certified translation</li> </ul>
<p>The extended family member of an EEA /Swiss national</p>	<ul style="list-style-type: none"> <li>• Letter from the applicant explaining the basis on which they are claiming their “exempt person” status</li> <li>• Certified copy of the applicant’s valid passport proving identity</li> <li>• Certified copy of the passport of the EEA/Swiss national</li> <li>• Certified copy of the EEA family permit, registration certificate of residence card issued by another EEA state, or a Swiss residence permit proving residence in that relevant EEA state for at least three consecutive months or, evidence of at least three consecutive months of employment, self-employment, study, self-sufficient residence in another relevant European state</li> <li>• An original signed and dated letter from the EEA/Swiss national from whom the applicant derives their rights stating that he/she is moving to work or reside in the UK and that the applicant is joining them.</li> <li>• If names are not the same in all documents, evidence of name change</li> <li>• All documents in a language other than English must be accompanied by a certified translation</li> </ul>