

EU  
Settlement  
Scheme



# The EU Settlement Scheme

- What is the EU settlement Scheme?
- Who can apply?
- Key dates
- Settled/pre-settled status
- The application process
- Those with permanent residence, indefinite leave to remain and indefinite leave to enter the UK
- EU citizens under the age of 21
- Non-EU family members of EU citizens
- When and how should non-EU family members apply?
- Where the EU family member has died
- Where the marriage to an EU citizen has ended
- Potential Issues
- Position for EU citizens entering the UK after Brexit

# What is the EU settlement Scheme?

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- The status of EU citizens before Brexit.
- What happens to EU citizen's rights to live in the UK after Brexit?
- Why the EUSS was set up
- Successful applications
- The process (checking I.D. and residence)



# Who can apply to the scheme?

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- EU, EEA (Norway, Lichtenstein and Iceland) and Swiss nationals
- The family members of EU, EEA and Swiss nationals
- Living in the UK by 31 December 2020
- Irish nationals don't need to apply BUT their non-EU family members do



# Brexit update - Key Dates and Deadlines

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- Brexit date – 31<sup>st</sup> January 2020
- Settlement scheme application relevant dates:
  - **Must be living in the UK by 31<sup>st</sup> December 2020**
  - Must apply to EUSS by 30<sup>th</sup> June 2021



# Settled vs Pre-settled Status

- **Settled status (indefinite leave to remain)**
  - 5 years' continuous qualifying period of UK residence
  - Continuous residence = 6 months in any 12-month qualifying period (some exceptions)
  - Work, study, NHS, social security/benefits
  - Permitted to leave UK for up to 5 years without losing settled status
- **Pre-settled status (limited leave to remain)**
  - Less than 5 years continuous residence
  - Pre-settled status valid for 5 years only
  - Work, study, NHS, some social security/benefits subject to eligibility criteria
  - Permitted to leave UK for 2 years BUT will impact on ability to get Settled status in future
  - Re-apply to convert Pre-settled status to Settled status upon reaching 5 years continuous UK residence AND before expiry of Pre-settled status



# The Process



- Digital application
- Evidencing identity (via EU Exit app, scanning center or by post)
- Evidencing your residence
  - National insurance number
  - Uploading/scanning documents
- Checks against criminal record databases
- Proving status after it is granted
- Application = £FREE

# Evidence of UK Residency

- National insurance number (if you have one)
- Payslips, P60, P45, contract or letter from employer
- Enrolment letter from the University
- Bank statement/s
- Utility bills
- GP registration
- Council tax bills
- Tenancy agreement & corresponding rent payments
- Boarding pass and flight/ferry/train booking if arriving close to 31<sup>st</sup> Dec 2020

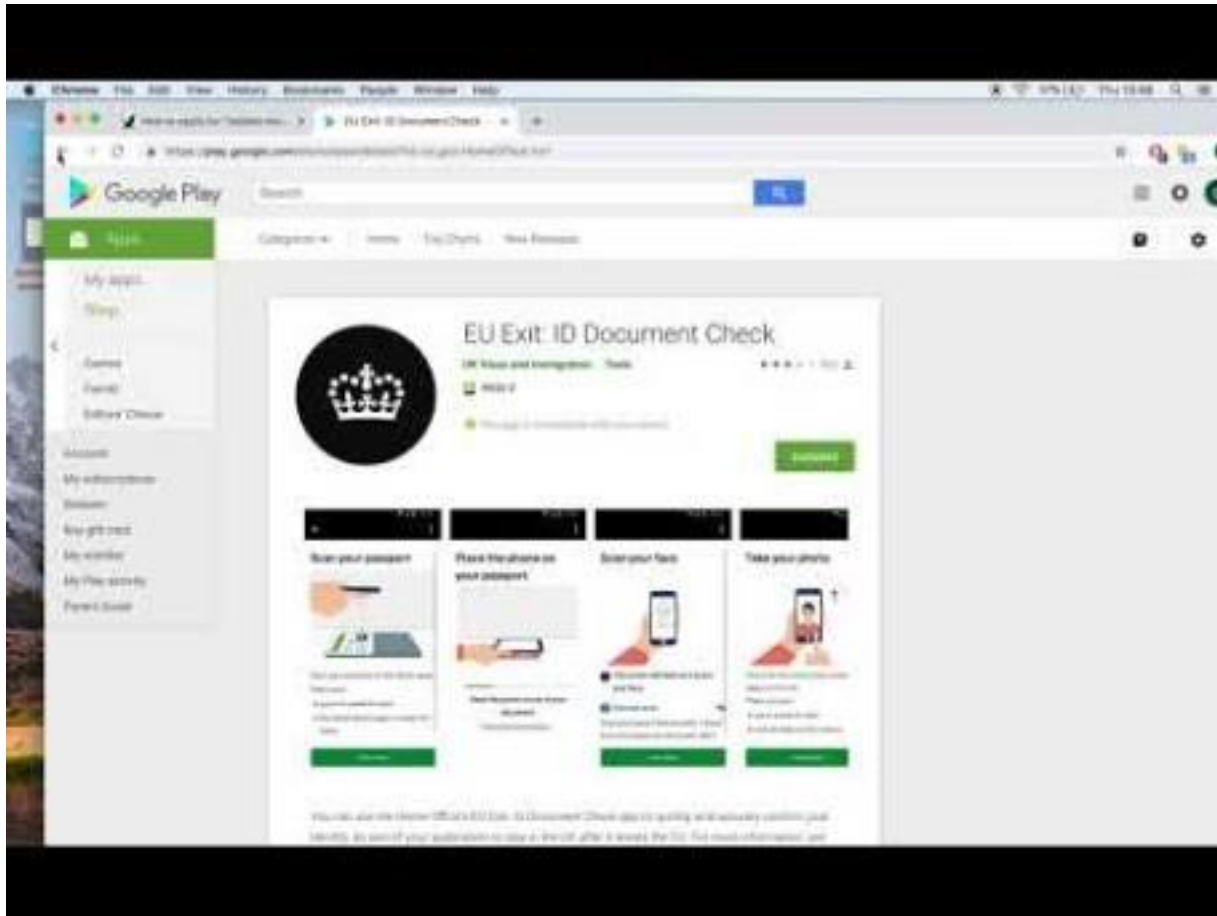
Documents should have your name and UK address



# EU Settlement Scheme and Students

- ‘Continuous qualifying period of UK residence’
  - No more than 6 months absence from the UK in any 12-month period
  - Absence of up to 12 months permitted for : study, overseas posting, serious illness, pregnancy, childbirth
  - EVIDENCE!
  - Covid-19 related absences from the UK – Home Office guidance unclear
- Even if studying a short time in UK – APPLY and get Pre-settled status
- January course start – arrive by 31<sup>st</sup> December 2020 if possible
- Boarding pass and flight/ferry/train booking if arriving close to 31<sup>st</sup> Dec 2020 and obtain documents with name and UK address as soon as possible

# Self help materials to assist submitting an EUSS application



## Walk-through video (credit: Free Movement)

<https://www.youtube.com/watch?v=5KxquWDt6yA>

<https://www.youtube.com/watch?v=2CMEhJ4Ox5s> (child application)

## EUSS Guidance document

<https://www.we-are-digital.co.uk/wp-content/uploads/2019/07/EUSS-Application-Handbook-.pdf>

## Newfields Law website

<https://newfieldslaw.com/information/eu-settlement-scheme/>

# Those with Permanent Residence in the UK



Must still apply to the EUSS.

Will not have to provide any further evidence of qualifying residence.

Will still be subject to criminal/security checks.

The Home Office will need to confirm that their permanent residence status has not lapsed as a result of being absent for more than five consecutive years

# Those with indefinite leave to remain or enter the UK

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- Not strictly necessary to apply to the settlement scheme.

## **BUT**

- It is advisable:—
  - avoids having to undergo time consuming immigration checks when re-entering the UK at the border; and
  - Brings status evidence up to date; and
  - to make use of the enhanced non-EU family reunion rights that come from the EU Settlement Scheme; and
  - Max. absence for those with ILR & ILE is limited to 2 years. Settled Status allows for up to 5 years.

# Under 21s

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- An applicant u.21 years old can apply in their own right or linked to a parent/grandparent
- A student who came independently in the UK to study with no family members would apply in own right and need to meet the eligibility requirements themselves
- Student who has been living in the UK before going to University and a parent/s is also residing in the UK may wish to apply linked to that parent
- Linking to parent = same status as parent
- U.21s do not automatically gain a status just because a parent has a status - a separate application must be submitted



# Non-EEA family members

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- Close family members – spouse/civil partner, child under 21, dependent parent or grandparent. Durable partner with BRC
- Extended family members - brothers, sisters, aunts, uncles, nieces, nephews, cousins who are dependent on the sponsor. FM must already have a BRC recognizing them as a dependent family member.
- Those living in the UK by 31st December 2020 can apply under the Settlement Scheme
- Those not living in the UK before 31 December 2020 can join their EU family member before 29 March 2022 by applying for a family permit.
- Family members are advised to apply **after** their EU citizen sponsor.





# How non-EEA family members apply

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- Family members (except for carers) will follow the same basic application process as EU citizens.
  - Family members will be asked for their:
    1. Own identity
    2. Residence
    3. **EU sponsor's identity** (EUSS reference number)
    4. **EU sponsor's residence in the UK** (EUSS reference number)
    5. Relationship with the sponsor
- An existing permanent residence card will count as proof of all of the above. Others that do not hold this will have to provide further evidence.

# Other citizens eligible to apply to EUSS

- Non-EU spouses who have since divorced their EU partner can apply if certain criteria are met
- Non-EU spouses whose EU partner has died can apply if certain criteria are met
- Non-EU carers of British or EU children/adults can apply

# Potential Issues

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- Arriving in the UK close to the 31<sup>st</sup> December 2020 deadline. Keep flight tickets/boarding pass
- Absences from the UK due to Covid-19
- Barriers to applying: IT/technology problems, lack of ID or residency documents, unusual circumstances, not knowing of need to apply!
- No / incomplete national insurance records
- Uploading additional residency documents
- If eligible for Settled Status (i.e. have been in the UK for 5 years or more) and offered Pre-settled status please do not accept this. There may be other ways to evidencing residency
- If awarded incorrect status, while the scheme remains open, re-apply free of charge
- If refused, seek advice

# Position for EU citizens entering the UK after January 2021

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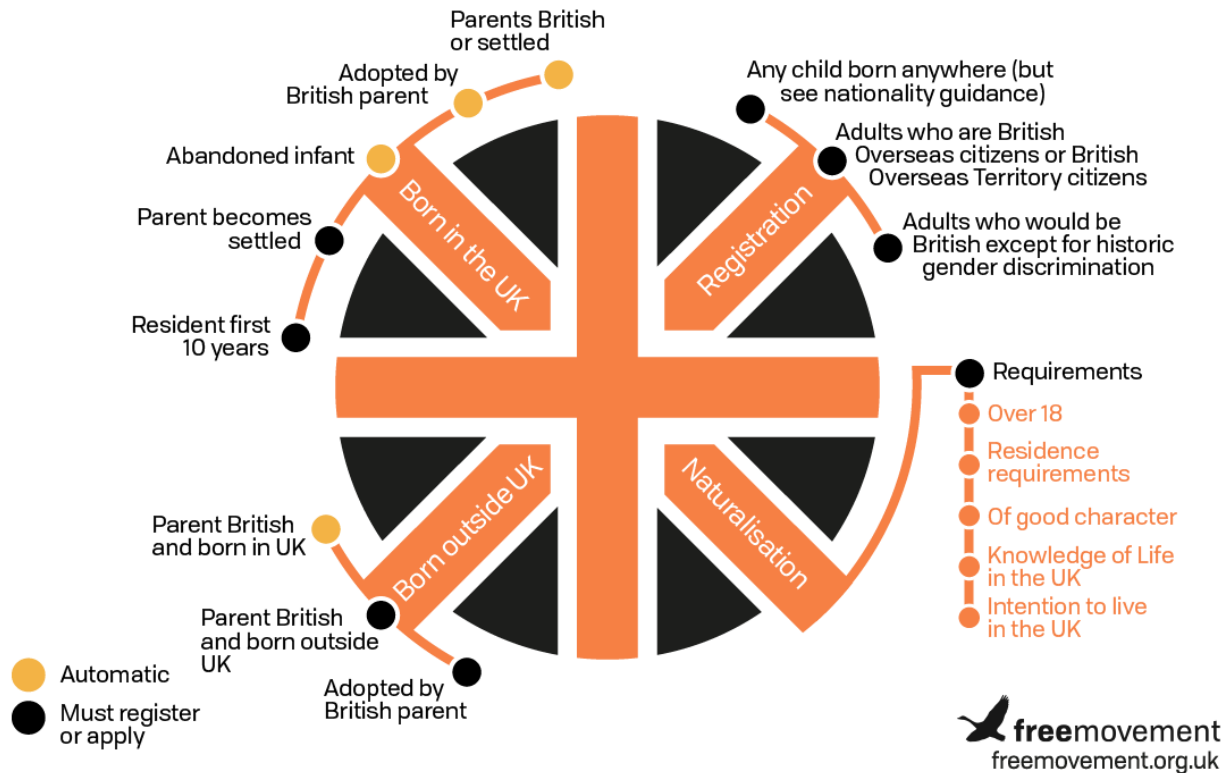
- If already resident in the UK and travelling back for Christmas vacation – keep evidence of UK residency in hand luggage
- If arriving for first time from 1<sup>st</sup> January 2021, must apply to new skills-based Immigration system
- Implemented in phases from January 2021



# British Citizenship

## Becoming British

Routes to becoming a British citizen



- Settled Status holders can usually apply for British Citizenship 12 months after being granted settled status
- Children born in the UK are not always automatically a British
- Criteria to be met inc. absences from UK
- Check with EU embassy whether dual nationality can be held
- Costs up to approx. £1,600 for Home Office related fees, tests and citizenship ceremony
- <https://www.gov.uk/british-citizenship>

## For more information and support



- University International Student Support team
- Newfields is working with the Welsh Government to promote the EU Settlement Scheme and support those who need to apply.
- Specialise in assisting individuals with complex cases including non-EEA family members, applicants with previous criminal convictions, lack of ID/residency documents, those holding derivative rights to reside and those who may require digital assistance
- Other organisations offering help can be found at:

[www.eusswales.com/en](http://www.eusswales.com/en)



# NEWFIELDS

[www.newfieldslaw.com](http://www.newfieldslaw.com)

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