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?

- 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?

- 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

• Brexit date – 31st January 2020

• Settlement scheme application relevant dates:
  • **Must be living in the UK by 31st December 2020**
  • Must apply to EUSS by 30th 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 31st 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 31st December 2020 if possible
• Boarding pass and flight/ferry/train booking if arriving close to 31st 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

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

- 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

- 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

- 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

• 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

• Arriving in the UK close to the 31st 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

• 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 1st January 2021, must apply to new skills-based Immigration system
• Implemented in phases from January 2021
British Citizenship

- 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