

Immigration

Settled Status for EU citizens

What is settled status?

- Settled status will replace permanent residence which will end in March 2019.
- Settled status will be called indefinite leave to remain.
- This means having no time limit or conditions on your stay in the UK.
- You will be able to access healthcare, schools, public funds and the national insurance based state pension.
- Settled status will lead to British citizenship.

Who needs to apply for settled status?

- All European nationals and their family members, even those who already hold permanent residence.

Who does not need to apply?

- Irish nationals;
- European nationals with indefinite leave to remain (but family members from outside the UK and Ireland will); and
- European nationals and their family members with British Citizenship.

How can I qualify?

- You must be an EU citizen or the family member of an EU citizen and have completed a continuous period of 5 years residence.
- No requirement to be undertaking “qualifying activities” during the 5 year period, so students, stay at home parents and carers should all be eligible.
- You must have started living in the UK before 31 December 2020.
- Overseas family members of EU citizens may be able to join their EU family member in the UK after 31 December 2020 if the EU citizen entered before this date and the relationship existed before this date.

What will continuous mean?

The definition is anticipated to match that under PR.

Continuous residence will not be broken by;

Periods of absence of up to 6 months in any year of the 5 year qualifying period;

Absence due to military service; or

One absence, not exceeding 12 months for an important reason, such as pregnancy/childbirth, serious illness, study or training or an overseas posting.

What about my family members?

Family members will likely include children up to age 21 years, spouses, civil partners, durable partners, dependent children and grandchildren and dependant parents and grandparents.

If they are EU nationals, they could opt to apply on their own, if they qualify in their own right, or as your family member.

If they are non-EU, they will be able to apply as your dependant if you qualify for pre-settled or settled status.

When can I apply?

- The settled status scheme will open towards the end of 2018.
- The deadline for applying will be 30 June 2021.
- Up to 30 June 2021, the scheme will be voluntary. From 30 June 2021, it will be mandatory to hold status.

What happens if I have not completed 5 years' continuous residence?

- You will generally be able to apply for pre-settled status (limited leave to remain).
- This will be granted for 5 years and will lead to indefinite leave to remain.

How do I apply?

- Online application.

What do I need to provide?

- Proof of identity
 - valid passport or ID card. You will be able to scan your passport to an app created by the Home Office, which will read the chip in a biometric document (Android phones and tablets only) or send by post.
 - Upload a recent digital photo of your face to the app.
 - Non-EEA family members may need to enrol their biometrics.

Answers not options...

What do I need to provide? (cont.)

- Proof of continuous residence for 5 years
 - You can give HMRC permission to share your data with the Home Office to prove work which will be accepted as proof of residence. The Home Office hope to implement the same system with the DWP.
 - Alternatively, you can upload scanned copies of P60s, bank statements or utility bills; or send these documents.
 - Proof of residence is not required if you hold a PR card.
- A declaration of any criminal convictions
 - The UK crime database will be cross checked.

How much will it cost?

- £65 if you are over 16 years old and £32.50 if you are under 16 years old.
- Free if you have a PR card or if you are switching from pre-settled status to settled status.

How will settled status be issued?

- EU nationals will not receive a biometric card or passport endorsement.
- Proof of status will be accessed through an online service.
- Non-EU national family members should still receive a biometric residence permit.

What if I make a mistake on my application or its refused?

- The Home Office propose to contact applicants to rectify errors before deciding an application.
- If an application is refused, a new application may be made before 30 June 2021.
- It is anticipated that there will be an appeal right to the First Tier Tribunal against a refusal.

Can I lose settled status?

- Only with absence of more than 5 years and likely if you commit a serious criminal offence.

QUESTIONS?

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