
BREXIT UPDATE – ADVICE FOR EUROPEAN NATIONALS LIVING IN THE UK

The Government has made several policy announcements since the referendum in June 2016 relating to the status of European nationals currently living in the UK. After a few false starts, government policy is now starting to take shape.

Most recent government policy announcements, published on 29 March 2018, and the draft withdrawal agreement, published on 21 March 2018, gave us a steer on the rights for European nationals living in the UK.

The information contained within this paper is correct as at 4 April 2018 but could be subject to change. Up to date advice should always be taken.

Current position

- EU citizens and their family members who are lawfully residing in the UK now and who enter the UK before 31st December 2020 will be permitted to continue to live and work in the UK.
- EU citizens and their family members who have been residing lawfully in the UK for five years may apply for permanent residence.
- Permanent residence will cease on 29th March 2019;
- A new registration scheme for European nationals will be introduced. This is expected to open by the end of 2018.
- Under the new scheme, European nationals who have lived in the UK lawfully for 5 years will be granted 'settled status'. Those with less than 5 years residence will be granted 'temporary status' and can later apply for 'settled status' after reaching 5 years residence.
- The registration scheme will be voluntary until 30th June 2021. It will then become mandatory. For those who arrive after 29th March 2019, it will be mandatory to register within 3 months of arrival.
- All European nationals and their family members will be required to register on the new scheme, even if they have previously secured permanent residence.

What steps could European nationals living in the UK take now?

1. Do nothing

European nationals currently have the same rights to live and work in the UK as they did prior to the referendum decision. They do not need to apply for a permanent or temporary residence card to evidence this right.

2. Apply for permanent residence followed by settled status when the scheme opens

Although European nationals do not need to take any steps now they could opt to apply for permanent residence. Many Europeans have done this as a way of proving their status. It may seem counter intuitive to apply now as they will need to reapply for settle status in the future, however the application process currently has a fast turnaround time as people are waiting for the settled status route to open and are not currently submitting applications. The process to then switch from permanent residence to settled status is intended to be straightforward.

3. Wait for the settled status scheme to open and apply on a voluntary basis

For European nationals currently in the UK who have completed five years residence, they will have the option to apply for settled status on a voluntary basis. This application can be made from the date on which the route opens (Autumn 2018) to 30th June 2021. They are not required to apply before 30th June 2021 but they may find that there are practical reasons for securing confirmation of status early, for example, it will make it easier to evidence a right to work to an employer and easier to return to the UK after travel abroad. They will need to apply at some time before 30th June 2021 as the scheme will then be mandatory and those who have not registered will likely not have permission to live and work in the UK.

4. Apply for temporary status when the scheme opens

For European nationals who have not yet completed a period of 5 years residence, they will be able to apply for temporary residence when the new scheme opens. They will then be able to apply for settled status when they complete their 5 years residence. This is voluntary until 30th June 2021 but again there are practical reasons for applying as soon as the scheme opens, such as being able to confirm a right to reside and work when employers require this evidence.

How much will this cost?

Permanent residence is £65 per applicant. We anticipate that settled status and temporary residence will cost no more than a British passport which is currently £72.

The switch from permanent residence to settled status will be free of charge.