EEA Nationals: Updates and Immigration Options

Guidance for current and prospective staff
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Update on Status of EU/EEA and Swiss nationals in the UK

The current political situation is uncertain and subject to change. This update is correct as of 21st January 2019.

Even in the event of a ‘no deal’, there is no anticipated possibility of a 'cliff edge' regarding the rights of EU/EEA and Swiss citizens in the UK, either for those already present in the UK, or those arriving after 29 March 2019. This is due to the effective continuation of ‘free movement’ by way of the EU Withdrawal Act 2018 (which will subsume EU ‘free movement’ law into UK law). This will remain the case until the government legislates for a new immigration system, which is not expected to be before 1 January 2021.

In addition to this, on 28 August 2018, the government passed into the law the legal basis upon which EEA nationals will be able to apply for ‘Settled’ and ‘Pre-Settled Status’ (the full legislation can be found here: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-eu).

This FAQ provides further detail on eligibility for the EU Settlement Status scheme, and the process of applying for either ‘Settled Status’ for EU/EEA nationals, and their family members, who have been resident in the UK for more than 5 years, or ‘Pre-Settled Status’ for EU/EEA nationals, and their family members, who have been resident in the UK for less than 5 years.

EU Settlement Scheme pilot

From 21 January 2019, all EU nationals, and their dependents, will be able to apply through the pilot, in advance of the full rollout by March 2019. All applicants must hold a valid passport.

EEA and Swiss nationals, and their family members, will be able to apply once the scheme goes fully live in March 2019.

Note: All EU/EEA & Swiss nationals in the UK will have until 30 June 2021 to gain either Settled or Pre-Settled status in the event of a 'deal', or until 31 December 2020 in the event of a 'no-deal'. There is no requirement to gain these statuses before the UK formally exits the EU on 29 March 2019.

If you would like to make an application, please see the guidance on the gov.uk webpages here: https://apply-for-eu-settled-status.homeoffice.gov.uk/start/eu-settlement

For any questions about an application made during the pilot, contact the EU Settlement Scheme Resolution Centre by calling 0300 123 7379 (inside the UK) or +44 (0) 203 080 0010 (outside the UK). You can also ask a question using the online submissions form eu-settled-status-enquiries.service.gov.uk
Eligibility for EU Settlement Status scheme

The EU settlement scheme will provide EU nationals in the UK with one of the following statutes, depending on the length of their continuous residency (defined below) in the UK:

- EU nationals and their family members who, by 31 December 2020, have been **continuously resident** in the UK for five years will be eligible for ‘Settled Status’ enabling them to stay indefinitely.

- EU nationals and family members, who had been **continuously resident** UK for at least five years, then went abroad (or any reason) for up to five years, who are then resident in the UK by 31 December 2020, will be able to apply for settled status.

- EU nationals and their family members who arrive by 31 December 2020, but will not yet have been **continuously resident** here for five years, will be eligible for ‘Pre-Settled Status’, enabling them to stay until they have reached the five-year threshold, after which time they can then also apply for settled status.

- **Continuously resident** in the above context means:
  - Simply having **lived, or living, in the UK** - EU nationals will **not** have to prove they have been active in any capacity whilst in UK. It simply requires **residence alone**.
  - **No requirement** for EU nationals who were students or ‘self-sufficient’ to show that they held Comprehensive Health Insurance during those periods.
  - Absences of no more than six months in any 12 month period of the five qualifying years, except for:
    - a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting);
  - In regard to absences, if in doubt, you can make a subject access request to the Home Office for all information they hold about you and your dates of entry to the UK: [https://visas-immigration.service.gov.uk/product/saru](https://visas-immigration.service.gov.uk/product/saru)

- Close family members (a spouse, civil partner, durable partner, dependent child or grandchild, and dependent parent or grandparent) living overseas will still be able to join an EU citizen resident here after the end of the implementation period, where the relationship

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1 For the purposes of this guidance, ‘EU national’ includes all of the following nationalities: is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or.
existed on or before 31 December 2020 and continues to exist when the person wishes to come to the UK. Future children are also protected.

Who does/doesn’t need to apply through the scheme?

• Irish nationals do not need to apply due to existing, more favourable ‘free movement’ provisions which have existed between the UK and Ireland since at least 1971. Effectively, Irish nationals become ‘settled’ from the date they take up residence in the UK, even if it’s only for one day.

• All other EU, EEA and Swiss nationals do need to apply, but there are some other exceptions/special circumstances:
  o EU nationals who are also British, do not need to apply.
  o EU nationals holding ‘historic’ Indefinite Leave to Remain (issued pre-April 2006) do not need to apply, but can if they wish
  o Permanent Residence Card holders must apply, but can access a streamlined application
  o EEA and Swiss nationals cannot currently apply, but are expected to be able to do so on same basis in March 2019
  o EU family members of British Citizens must apply

• For all applicants there is no requirement to gain status before 29 March 2019. Deadline for all applications is currently 30 June 2021

How much will it cost?

On 21st January 2019, the government announced that it would not charge for applications made through the EU Settlement status scheme. This will take effect from 30 March. For anyone who has already made an application by way of the pilot schemes, they will receive a reimbursement from the government. Details on this will be released in due course.

Prior to this announcement, the University had already pledged to reimburse all EU/EEA and Swiss employees and their dependents for applications made through the EU Settlement status scheme and for permanent residence applications made since June 2016.

Until 30 March, this scheme will remain open for those seeking reimbursement for settled or pre-settled status. For those employees who gained permanent residence cards, and are employed by the University before 29 March 2019, all requests for reimbursements will be honored. Further details on the scheme can be found here: https://www.hr.admin.cam.ac.uk/files/ue_reimbursement_scheme.pdf
What rights will I have?

- Both Settled and Pre-Settled status confers unlimited right to live, work, study etc.
- Same access as now to education, healthcare, benefits.
- Once gained, settled status can only be lost if absent from the UK for a continuous period of 5 years or more;
- Any children born in the UK to an EU/EEA/Swiss national who holds settled status will be automatically British at birth;
- An EU/EEA/Swiss national with settled status will be able to apply for Naturalisation as a British Citizen after holding settled status for at least one year (or immediately, if also married to a British Citizen);

How do I apply?

- For all applicants there is no requirement to gain status before 29 March 2019. Deadline for all applications is currently 30 June 2021.
- To apply through the pilot, you need access to an Android device (phone or tablet) in order to scan your passport and take a photo of yourself. The rest of the application can be completed on a computer/laptop.
- The Home Office provides step by step guidance on how to apply using an Android device: https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app
- If you do not have access to an Android device, there are locations around the UK where you can have your passport scanned. The full list is here: https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations

Apply here: https://apply-for-eu-settled-status.homeoffice.gov.uk/start/eu-settlement

- Applicants will need to provide evidence of:
  - **Identity** – passport
  - **Residence** – (the government will use automated checks where possible (e.g. with HMRC tax records, DWP etc.) but where this is not possible they will ask for documentary evidence of residence in line with Annex A of the statement of intent)
  - **For Family members** – they will need to provide evidence of identity (as above), family relationship (birth, marriage certificates etc.) and residence, as above.
The HR Division ran a series of briefings in November 2018, one of which was recorded, which provide further insight on the application process. You can view the video here: https://www.hr.admin.cam.ac.uk/hr-services/immigration/eea-staff-and-immigration-options/eu-settlement-scheme-pilot-briefing

EU/EEA & Swiss nationals entering the UK after 31 December 2020

For EU/EEA and Swiss nationals entering after 31 December 2020, are expected to be subject to UK immigration control and the current points-based system. The government has yet to fully legislate this and further details are expected to be released during the course of 2019/2020.

When/how can I apply for UK Citizenship?

Before applying for UK Citizenship, there is a requirement under UK law for EU nationals to first obtain a either a Permanent Residence Card or settled status.

Note: Once you gain settled status, you must wait at least one year before being able to apply for Citizenship, unless you are married to a British citizen.

However, if you have been in the UK for 6 years or more, and are eligible to get a Permanent Residence card and you wish to apply for Citizenship in the coming 12 months, we recommend you apply for a Permanent Residence Card instead of settled status.

You can apply for Citizenship online here: https://visas-immigration.service.gov.uk/product/nationality-an

Before this, you must first sit and pass the Life in the UK Test: https://www.gov.uk/life-in-the-uk-test

If you don’t have a UK degree (or an overseas degree taught in English), you will then need to sit an English test: https://www.gov.uk/english-language

In terms of documentation, you will need:

- Your passport or ID Card
- Your Permanent Residence Card
- Your Life in the UK test certificate
- Your UK degree, or English test certificate
- P60s for 2013-2018
- Letter from department/other employer confirming employment (if any) for the past 5 years

You also need to be aware of the following rules:

- You cannot have had more than 90 days absence for the UK in the year before submitting the Citizenship application (although they give you automatic dispensation of up to 100 days)
• You cannot have had more than 450 days absence for the UK in the 5 years before submitting the Citizenship application (again, they give you automatic dispensation of up to 480 days)

• On the date you submit the Citizenship application, you **must** have been physically present in the UK 5 years prior to that date e.g. if you applied on 1 November 2018, you must have been in the UK on 1 November 2013.

You’ll need two referees – both of whom must have known you for at least 3 years. One must be a Professional person (any academic working at a University is fine for this), and the other must simply be over the age of 25.

You download the referee declaration forms for signing by your chosen referees after completing the online application form.

**Further Reading/Guidance**

• Settled/Pre-Settled Status guidance (government website): [https://www.gov.uk/settled-status-eu-citizens-families](https://www.gov.uk/settled-status-eu-citizens-families)