



UNIVERSITY OF
CAMBRIDGE

EU Settlement Scheme and Citizenship

Guidance for EU/EEA and Swiss nationals



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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 10 September 2019.

For the purposes of this guidance, the term ‘EU national’ includes all of the following nationalities: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

Overview

- Even in the event of a ‘no deal’, there is no anticipated possibility of a ‘cliff edge’ regarding the rights of EU citizens who are present in the UK before exit day (currently, 31 October 2019)
- The government has guaranteed that EU nationals resident in the UK by exit day will be able to access the EU Settlement Scheme up until 31 December 2020, even in the event of a no deal. In the event of a ‘deal’ the deadline would be 30 June 2021.
- **There is no requirement to apply for or gain status through the EU Settlement status scheme before the date the UK leaves the EU.**

This FAQ provides guidance 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.

The scheme opened to the general public on 30th March. If you would like to make an application, please see the guidance on the gov.uk webpages here: <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

For any questions about an application please 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 statuses, 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 (for any reason) for up to two years, who are then resident in the UK **by 31 December 2020**, will be able to apply for settled status.
- EU nationals and family members **who were resident in the UK for less than five years**, and were then absent for more than 12 months, have broken their continuity of residence and would need to return to the UK before the specified date to resume residence in order to be eligible to apply for pre-settled status. In a ‘deal’ scenario the specified date is 31 December 2020; in a ‘no deal’ scenario the specified date is the exit date, which is to be confirmed.
- In the event of a ‘deal’, first time arrivals of 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 are not required to have been ‘active’ in any capacity whilst in UK. Eligibility 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 from the UK, if in doubt, you can make a subject access request to the Home Office for all information they hold about you and dates of entry to the UK, where it exists: <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 31 December 2020, provided the relationship existed on or before 31 December 2020 and continues to exist when that 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 immigration provisions, which have been in place 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:
 - EU nationals who are also British, **do not need to apply**.
 - EU nationals holding 'historic' Indefinite Leave to Remain (issued pre-April 2006) **do not need to apply, but can if they wish**.
 - Permanent Residence Card holders **must** apply, but can access a streamlined application.
 - EU family members of British Citizens **must** apply.

How much will it cost?

There is no fee to make an application for either pre-settled status or settled status.

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 exit day**. Deadline for **all** applications is currently 30 June 2021 in the event of a 'deal', and 31 December 2020 in the event of 'no deal'.
- Applications can be made from inside the UK and also from overseas.

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.

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.

A person who is granted settled status can choose whether to use that status **or** to apply using their Permanent Residence Card.

Individuals who have been issued with a permanent residence card and subsequently gain settled status, can still rely on their permanent residence to support an application for naturalisation.

For further information, please refer to page 13 of "Form AN: guidance" which can be found here: <https://www.gov.uk/government/publications/form-an-guidance>

- You can apply for Citizenship 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 require:

- Your passport or ID Card

- Your Permanent Residence Card/Evidence of Settled status
- Your Life in the UK test certificate
- Your UK degree, or English test result certificate
- P60s for the last five years (if applicable i.e. you have been employed)
- Letter from department/other employer confirming employment (if any) for the past 5 years
- Marriage certificate (only if married to a British citizen)

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)
- **If married to a British Citizen**, you cannot have had more than **270 days** absence from the UK in the past **three years** (with a dispensation of up to 540 days in some circumstances). You also must have been physically present in the UK **3 years** prior to the date you submit your Citizenship application e.g. if you applied on 1 March 2019, you must have been in the UK on 1 March 2016.
- **If not married to a British Citizen**, you cannot have had more than **450 days** absence from the UK in the past **five years** (with a dispensation of up to 900 days in some circumstances). You also must have been physically present in the UK **5 years** prior to the date you submit your Citizenship application e.g. if you applied on 1 March 2019, you must have been in the UK on 1 March 2014.

You will 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 UK University meets these requirements), and the other must simply be over the age of 25. Referees cannot be a direct relative (e.g. spouse, partner, and sibling).

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

After submitting the application, you are permitted to travel outside the UK whilst the application is pending.

Further Reading/Guidance (external sites)

- Settled/Pre-Settled Status guidance: <https://www.gov.uk/settled-status-eu-citizens-families>
- Using the 'EU Exit: ID document' app: <https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app>
- Example Case studies: EU Citizens' rights: <https://www.gov.uk/government/case-studies/example-case-studies-eu-citizens-rights-in-the-uk>
- Naturalisation booklet - the requirements: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766535/an-booklet-December_2018.pdf

