

## **EU Settlement Scheme**

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Guidance for EU/EEA and Swiss nationals



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## Update on Status of EU/EEA and Swiss nationals in the UK

Last update: January 2021

**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

- Under the terms of the Withdrawal Agreement, the UK left the EU on 31 January 2020 and the ‘transition period’, during which the UK remained subject to EU law, expired on 31 December 2020. **Therefore, free movement of peoples between the EU and the UK no longer exists.**
- EU nationals, and their family members, who were resident in the UK **on or before 31 December 2020** must apply for either pre-settled or settled status, via the EU Settlement Scheme, **by 30 June 2021**. Gaining status via this scheme safeguards the residence rights of EU nationals’ resident in the UK before 31 December 2020, and incorporates them into UK law.
- Family members of EU nationals who were not resident in the UK by 31 December 2020 will still be able to apply for pre-settled/settled status beyond 30 June 2021 provided their relationship existed before 31 December 2020. Children born overseas to EU nationals holding pre-settled/settled status will always be able gain status under this route, in perpetuity.

This document provides guidance on eligibility for the EU Settlement Status scheme, and the process of applying for **either pre-settled or settled status**, via the EU Settlement Scheme.

For any questions about an application please contact the **Home Office 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](https://eu-settled-status-enquiries.service.gov.uk)

## Eligibility for EU Settlement Status scheme

The EU Settlement Scheme provides EU nationals, and their family members, in the UK with either 'settled' or 'pre-settled' status. This is set out within the following scenarios (with the definition of 'continuously resident' set out in further detail below):

### ➤ Why do I need to apply under this Scheme?

After 31 December 2020, free movement of peoples between the EU States and the UK no longer exists. Therefore, the ability to reside in the UK solely on the basis of holding citizenship of an EU country (except Ireland) also come to an end.

In order to 'regularise' stay under UK law, all EU nationals and their family members, who are not also British or Irish, will be required to apply via the EU Settlement Scheme to ensure they can remain lawfully in the UK.

### ➤ How do I gain status?

Eligibility to apply is set out within the following scenarios (with the definition of 'continuously resident' set out in further detail below):

#### ➤ I was resident in the UK for at least five years by 31 December 2020:

EU nationals 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.

#### ➤ I was resident in the UK for less than five years by 31 December 2020:

EU nationals who were **continuously resident** in the UK for less than five years by 31 December 2020 will be able to apply for pre-settled status. This will provide 'limited leave to remain' for at least 5 years, leading to settled status after 5 years of continuous residency in the UK.

#### ➤ I was previously resident in the UK and I am currently living abroad:

EU nationals who had been **continuously resident in the UK for at least five years, then went abroad** (for any reason) **for up to five years**, can apply for settled status from within the UK or abroad, but **must** apply by 30 June 2021.

EU nationals who were **previously resident in the UK for less than five years, then went abroad for less than 6 months**, can apply for pre-settled status from within the UK or abroad, but **must** apply by 30 June 2021.

**In all of the above cases, the deadline for applications for either pre-settled or settled status is 30 June 2021. There are some exceptions for family members (see below).**

➤ **Definition of continuous residence:**

- 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>
- Where COVID-19 was a factor in any excess absence from the UK, please contact the HR Compliance Team prior to your application for up to date guidance on this matter.

## **Family members**

➤ **Who is a family member?**

Family members are defined as EU or non-EU nationals, and encompass spouses, civil partners, unmarried partners, dependent children and grandchildren (who are under 18), and dependent parents and grandparents.

➤ **My family member is an EU national and was resident in the UK before 31 December 2020. How do they apply?**

Family members who are EU nationals can apply in their 'own right' for the scheme and do not need to prove they are dependent, for these purposes. They can access the EU Settlement scheme as above (page 3) provided they were resident in the UK on or before 31 December 2020.

Spouses/partners will only be granted settled status if they have been continuously resident in the UK for at least 5 years. Otherwise, they will be granted pre-settled status **even if** they are the partner/spouse of an EU national who applies for or holds settled status.

➤ **My family member is a non-EU national and currently resident in the UK. How do they apply?**

Family members who are non-EU nationals will have to prove dependency in order to qualify for status.

**To qualify, the EU national on whom the family member is dependent must have been resident in the UK on or before 31 December 2020 and have applied for or gained pre-settled or settled status.**

Where **married** or in a **civil partnership**, the non-EU spouse will be able to apply immediately for pre-settled status where already resident in the UK and holding a different visa status. **Note:** for applications made after 31 December 2020 and before the deadline of 30 June 2021, the applicants must have been married by 11pm on 31 December 2020. Otherwise, the application would have to be treated as an 'unmarried partner' (see below)

Where **unmarried partners**, the non-EU spouse will only be able to apply if their relationship existed before 31 December 2020, and they already hold an EEA Residence Card, Permanent Residence Card or EU Family Permit **and they apply by 30 June 2021**. As part of the application, evidence of cohabitation going back at least two years, if possible (if cohabited for less than two years, evidence covering the period of cohabitation is acceptable)

➤ **What are the arrangements for children?**

Children of an EU national, or their spouse/partner (either EU or non-EU), will be granted settled status in the UK even if they have not lived in UK for 5 years, provided at least one parent applies for or holds settled status.

If at least one parent has not applied for or gained settled status, the child can apply for pre-settled status until such time as one of their parent's gains settled status, then the child can apply for settled status.

➤ **My family members are currently abroad. Can they apply through the scheme?**

Family members who are not living in the UK by 31 December 2020 can join the EU national in the UK **at any point in the future**, provided the relationship with the EU national existed before 31 December 2020.

Where the relationship is formed after 31 December, the spouse/partner must enter via the 'Family of Settled person' visa route.

The residence rights of future children of the EU national will be protected, regardless of when or where they were born.

## 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 and confirmed by way of the Immigration Act 2020 - effectively, Irish nationals become 'settled' from the date they take up residence in the UK, even if it's only for one day. **However, it is possible to apply, if desired.**
- EU nationals who are also British, **do not need to apply.**
- All other EU, EEA and Swiss nationals do need to apply, but there are some other exceptions/special circumstances:
  - EU nationals holding 'historic' Indefinite Leave to Remain (issued pre-April 2006) **do not need to apply, but can if they wish.**
  - EU Permanent Residence Card holders **must** apply, but can access a streamlined application.
  - EU family members of British Citizens **must** apply.

## How much does 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.
- Unrestricted access to state 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?

- **Deadline for applications is currently 30 June 2021 for those resident in the UK on or before 31 December 2020.**

- In April 2020, the University's Immigration manager, Graeme Ross, conducted a detailed presentation on how to make an application for pre-settled/settled status, which can be viewed here:  
<https://zoom.us/rec/play/6JZ5ceGpqzg3E9eXtASDCvF7W460Lams1XUeqaJcxR60VSNRMVL3ZeFHZOEDu6nZaPQiz5MSYrImYAF> (The first 30 minutes discusses eligibility for the route, with the following 30 minutes outlining the application process itself)
- 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>

- It is possible to make an application using [certain mobile devices](#)

- 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.

## What form will my status take?

All EU/EEA and Swiss nationals applying through this scheme will receive a letter and an 'online' status which denotes whether you hold pre-settled or settled status. The status is also linked to your passport, which you used during the application process.

If you subsequently renew your passport, you must inform the Home Office so that your status can be linked across to your new passport. This is undertaken via the link here:

<https://www.gov.uk/update-eu-settlement-scheme-details>

Currently, there are no plans to provide physical documentation to EU/EEA and Swiss nationals.

The non-EEA national family members of EU/EEA and Swiss nationals will receive a Biometric Residence Permit (BRP) which denotes whether they hold pre-settled or settled status.

## When/how can I apply for UK Citizenship?

Before applying for UK Citizenship, there is a requirement for EU nationals to hold **either** a Permanent Residence Card **or** settled status. (**Note:** from 1 January 2021 it is no longer possible to obtain a Permanent Residence Card)

However, where granted settled status, this **must** be presented within the application as evidence that you hold 'lawful leave' in the UK.



Those holding settled status must wait for one year before being able to apply for Citizenship **except** if they are married to a British Citizen or they hold an EU Permanent Residence Card which denotes at least 6 years of residence in the UK, in which case there is no time restriction on being able to apply.

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 language test: <https://www.gov.uk/english-language>

In terms of documentation, you will require:

- Your passport or ID Card
- Evidence of Settled status (this will be your reference number, and confirmation letter)
- Your Permanent Residence Card (if held)
- 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)
- **If you were a student** during the five year qualifying period (or three years, if you're married to a British Citizen) you **must** also provide evidence of sickness insurance held during that period (e.g. EHIC Card, private medical insurance, cover from home country etc.). **Note:** if you were not a student during this period then you do not need to provide this evidence.

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 2020, you must have been in the UK on 1 March 2015.

Absences which resulted as part of the pandemic, will be waived under certain circumstances.

You will need two referees – both of whom must have known you, either personally or professionally, 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766535/an-booklet-December_2018.pdf)