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 23 December 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

- The UK is expected to leave the EU with a ‘deal’ on 31 January 2021. There is no anticipated possibility of a ‘cliff edge’ regarding the rights of EU citizens who are present in the UK before exit day (31 January 2020).

- The government has guaranteed that EU nationals, and their family members, who are or become resident in the UK before 31 December 2020 will be able to apply via the EU Settlement Scheme up 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 2019. 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 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 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 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 31 December 2020 to resume residence in order to be eligible to apply for pre-settled status.

- EU nationals who are ‘**new arrivals**’ to the UK by 31 December 2020, will be eligible for ‘Pre-Settled Status’, enabling them to stay in the UK until they have reached the five-year threshold, after which time they can then also apply for settled status (even if this falls after the date of exit).

- **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](https://visas-immigration.service.gov.uk/product/saru)
Family members

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

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.

The following rules will only apply where the EU national is resident in the UK by 31 December 2020:

- Family members can access the EU Settlement scheme on the same terms as EU nationals (as above, page 3).
  - 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 nationals who applies for or holds settled status.
  - Children of the EU national or the family member will be granted settled status even if they have not lived in UK for 5 years where at least one parent applies for or holds settled status.
- 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 existed before 31 December 2020. 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 - 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.
- 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 applications is currently 30 June 2021.
- 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](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 does 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 our 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 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

