**EU Citizen Rights and Settled Status – What you need to know**

***Introduction***

* The British Government has guaranteed the rights of EU citizens and their families to remain living and working in the UK after Brexit.
* All EU, EEA and Swiss citizens and their family members will be able to apply to the **EU settlement scheme** to continue living in the UK and will have until 30 December 2020 to apply. (If the Withdrawal Agreement is signed there will be a grace period to apply until 30 June 2021). A pilot is running at the moment – the scheme will open fully from 30th March 2019.

<https://www.gov.uk/settled-status-eu-citizens-families>

* In a no deal scenario those resident in the UK prior to 30th March 2019 will still be eligible to apply under the EU settlement scheme.

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762222/Policy_paper_on_citizens__rights_in_the_event_of_a_no_deal_Brexit.pdf>

***The App and the application form***

* You apply **online** starting with an **App** to confirm your identity and start your application. The App only works on Android devices. You can use someone else’s if you don’t have one or go to a Home Office scanner location.

<https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app>

<https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations/locations-offering-chip-checker-services>

* This video shows you the questions asked (ignore the £65 fee – it is now free).

<http://www.ukcen.co.uk/video-showing-the-application-process/>

* When applying for settled status you will be asked about your **criminal** history in the UK and overseas. If you have only been convicted of a minor crime you will still be eligible for settled or pre-settled status.
* If you have been **residing** in the UK for 5 years you will be given **settled status** with the right to reside permanently in the UK. Your National Insurance number will be used to confirm residence. If there are gaps in your record you will be asked for evidence of residence when you apply.

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

* Five years **residence** means that for 5 years in a row you have been in the UK for at least 6 months in any 12 month period. Exceptions include *one* period of up to 12 months for an important reason (for example, child birth, serious illness, study, vocational training or an overseas work posting).
* If you have been living in the UK for less than 5 years you will be given **pre-settled status** and be able to then apply for settled status once you have lived in the UK for 5 years.
* Your settled or pre-settled status comes in the form of a **digital status** – no stamp in a passport or card. Your status under the scheme will be recorded electronically on Home Office systems. You can view your status as soon as you get a decision on your application.

<https://www.gov.uk/government/publications/eu-settlement-scheme-view-and-prove-your-rights-in-the-uk>

***Your rights with settled or pre-settled status***

* Your rights with settled or pre-settled status include:
* Work in the UK
* Use the NHS
* Enrol in education or continue studying
* Access public funds such as benefits and pensions, if you are eligible for them
* Travel in and out of the UK
* If you have settled status you should be able to spend up to **5 years in a row outside the UK** without losing your status. This is still subject to approval by Parliament.
* If you have pre-settled status, you can spend up to **2 years in a row outside the UK** without losing your status. You will need to maintain your continuous residence if you want to qualify for settled status.
* If a parent is granted either settled or pre-settled status any **child** living with them can apply to be granted the same status regardless of how long they have lived in the UK. Best if the parent applies first and then applies for the children.
* If you get settled or pre-settled status your **close family members** can join you in the UK before the 31st of December 2020 and they will get pre-settled status or settled status (in the case of your children).
* You will be able to bring close family members to the UK after the 31st of December 2020 if the relationship with them began before the 31st of December 2020 and you are still in the relationship when they apply to join you.
* **Family members** include child, grandchild or great grandchild under 21 years of age, dependent child over the age of 21, dependent parent, grandparent or great grandparent and in some circumstances other dependent relatives.
* **Non-EU family members** can also join or remain with you – a slightly different procedure applies.

***Who need not apply for settled status?***

* People who have lived in the UK for a very long time may have been granted **‘Indefinite Leave to Remain’** in the past. This could be in the form of a letter or a stamp in a passport. If you have Indefinite Leave to Remain you will not need to apply for settled status but you can if you wish and this may be a preferable alternative to the option of making an expensive application for a biometric residence permit.
* If you are an **Irish citizen** you will not need to apply for settled status.

***Permanent residence - why may you still want it? – and naturalisation as a British citizen***

* If you have lived in the UK for more than 5 years you may have already applied for a document called a **Permanent Residence Card**. You still need to apply for settled status.
* Once you have had settled status, Indefinite Leave to Remain or Permanent Residence for 12 months you may qualify for **naturalisation** as a British citizen. You do not have to wait 12 months if married to a British citizen. To naturalise you need to meet residence, character, English, and knowledge of life in the UK requirements. And be entitled to dual nationality. Fee £1,330.

<https://www.gov.uk/government/publications/application-to-naturalise-as-a-british-citizen-form-an>

* If you have been living in the UK for more than 6 years and you wish to apply to naturalise as a British citizen without waiting 12 months after getting settled status you should consider applying for a Permanent Residence Card. Fee £65.

<https://www.gov.uk/government/publications/apply-for-a-permanent-residence-document-or-permanent-residence-card-form-eea-pr>

***Children – are your children British?***

* If you get settled status any **children** born in the UK while you are living here will automatically be British citizens. If you get pre-settled status, any child born in the UK will be automatically eligible for pre-settled status.
* A **child born in the UK before the 2nd of October 2000** to an EEA National parent who was exercising EC Treaty Rights (eg working, self-employed, self-sufficient, student) at the time of the birth was born British.
* A **child born in the UK between 2nd of October 2000 and the 30th of April 2006** to an EEA national parent was born British if the parent had Indefinite Leave to Remain in the UK at the time of the birth.
* A **child born in the UK to an EEA national after the 30th of April 2006** will be born a British citizen if at the date of the birth one EEA national parent had been in the UK exercising EC Treaty Rights for more than 5 years, has Indefinite Leave to Remain or has settled status.
* Any children born British can apply for a **British passport**.

<https://www.gov.uk/get-a-child-passport>

* A child of an EEA national who did not become a British citizen at birth may have an entitlement to be **registered** as a British citizen if one of their parents has since become ‘settled’ (form MN1) or the child has lived in the UK since birth and is 10 years or older (form T). Fee £1,012.

<https://www.gov.uk/government/publications/application-to-register-child-under-18-as-british-citizen-form-mn1>

<https://www.gov.uk/government/publications/application-to-register-as-british-citizen-form-t>

**Helpful further links;**

The Home Office have 200 staff to help you – call 0300 123 7379

<https://www.gov.uk/government/collections/eu-settlement-scheme-applicant-information>

UKCEN – volunteer run free information and legal advice

<http://www.ukcen.co.uk/>

The 3 Million – campaigning for the rights of EU citizens

<https://www.the3million.org.uk/settled-status>

European Commission representation in UK – FAQs and videos

<https://ec.europa.eu/unitedkingdom/services/your-rights_en>

Here for Good – free immigration advice

<https://www.hereforgoodlaw.org/>

**Contact details for the law firms providing the presentation**

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**Organisers**

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<http://www.islingtonineurope.org/>

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