

The Government's EU Settlement Scheme

Introduction

The Government's EU Settlement Scheme aims to enable EU citizens and their family members living in the UK to continue their lives here after the UK withdraws from the EU, with the same entitlements to work, study and access public services and benefits, determined according to the same rules as now.

Eligibility

EU citizens and their family members (i.e. spouse, civil partner, durable partner, dependent child or grandchild, and dependent parent or grandparent), who are residing in the UK will need to make an application under the Scheme in order to continue to reside lawfully in the UK.

Those 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.

Those 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. They can then also apply for settled status where they have remained continuously resident in the UK.

EU citizens and their family members with settled status or pre-settled status will have the same access as they currently do to healthcare, pensions and other benefits in the UK.

Close family members (e.g. 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 existed on 31 December 2020 and continues to exist when the person wishes to come to the UK. Future children are also protected.

NB. In general, a person will have been continuously resident if they have not been absent from the UK for more than six months in total in any 12 month period. There is no restriction on the number of absences permitted, provided that the total period of absence does not exceed six months in any 12 month period.

Process

It is intended that the application system will be streamlined and user-friendly, with fast-track processing using an online application portal, and optional mobile phone apps.

Reassurance has also been given that the default position will be to grant applications, rather than to look for reasons to refuse.

There will be a phased roll-out from late 2018 with the Scheme open fully by 30 March 2019. Applicants will be required to meet three core criteria:

- Proving identity, usually through a passport or national identity card;
- Establishing residence in the UK and, if relevant, family relationships. Cross-departmental Government checks will be conducted using HMRC and DWP data, so the only additional information required from most applicants will be that needed to fill in any gaps in the Government's data;
- Suitability – a security and criminal record check.

Individuals with permanent residence documents will be able to 'swap' them for settled status documents in a streamlined process with no charge, subject only to a criminality check and confirmation that their permanent residence status has not lapsed.

There will be no change to the current rights EU citizens and their family members have under EU law until 31 December 2020, and the deadline for applications to the scheme for those resident here by the end of 2020 will be 30 June 2021.

The cost will be £65 per person, or £32.50 for children under the age of 16.

What should EU citizens and their family members do now?

While uncertainty remains about the outcome of the Brexit negotiations, and the UK and the EU are operating on the basis that 'nothing is agreed until everything is agreed'. EU nationals may wish to collate documents evidencing continuous residence in the UK and, where appropriate, family relationships or dependency.

It would also be prudent to retain a record of absences from the UK and, where practicable, ensure continuous residence is not broken by absences.

EU citizens may also wish to consider applying for permanent residence documents, because although permanent resident status will not be recognised by the UK post-Brexit, individuals who hold these documents will benefit from a streamlined application for settled status.

Further, under current rules EU nationals must hold permanent residence documents in order to apply for British citizenship, so EU nationals who wish to apply for British citizenship now (or who want to be able to do so in future with minimal delay), may wish to apply now.

Obtaining British citizenship may be the best way for an EU national to secure their right to live and work in the UK on a long-term basis with minimal restrictions.

However, very careful consideration should be given to the full implications, including the impact on home nationality status (not all EU countries permit dual nationality), the

potential loss of EU free movement rights, access to social entitlements in the 'home' country, and the impact on family members.

Further information

The Government has created a website (<https://eucitizensrights.campaign.gov.uk>), where more detailed information on the EU Settlement Scheme can be found, and email alerts requested.