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Queen's University Belfast


Immigration options for EU nationals in the UK
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Introduction

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graph TD; A((End of Free Movement)) --> B((Your options)); B --> C((Settled Status)); C --> D((EEA Permanent Residence)); D --> E((British Citizenship)); E --> A;
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Which nationalities are we talking about?



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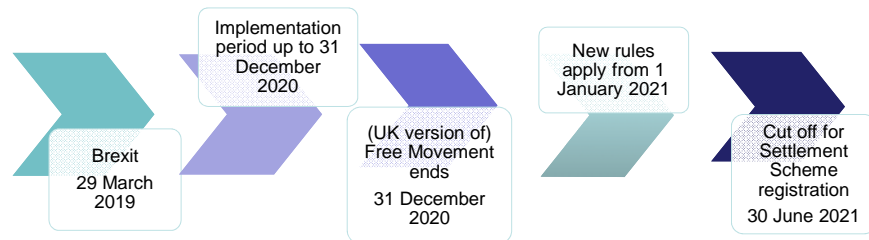
The meaning of the “end of free movement”

- Settled Status scheme (draft “Appendix EU”)
- The Government is still negotiating similar arrangements with the governments of Norway, Iceland, Switzerland and Liechtenstein.
- What if there’s no deal?

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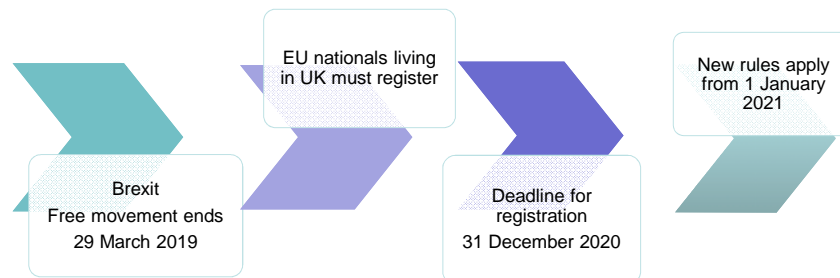
Withdrawal Agreement – timeline



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No Deal – timeline



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Other types of immigration status:

If you have....

Indefinite
leave to
remain

British or
Irish
Citizenship

Other non-
EEA visa

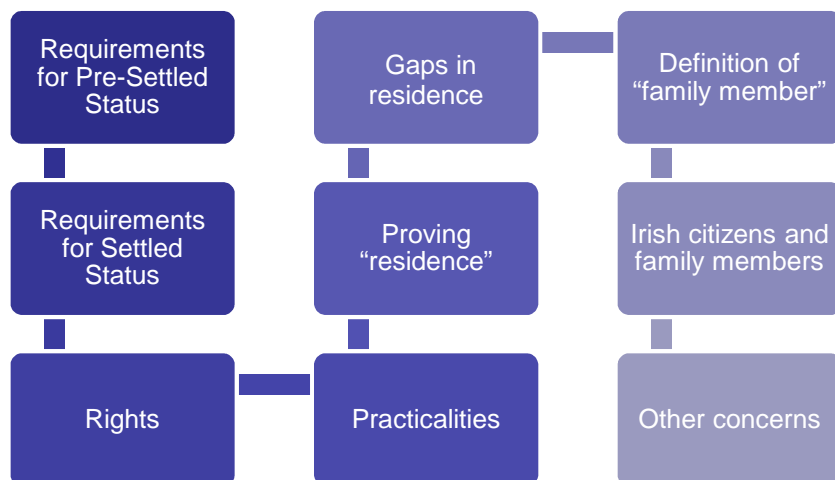
....You do not need to register for pre-Settled or Settled Status.

You **do** need to register if you have EEA Permanent Residence.

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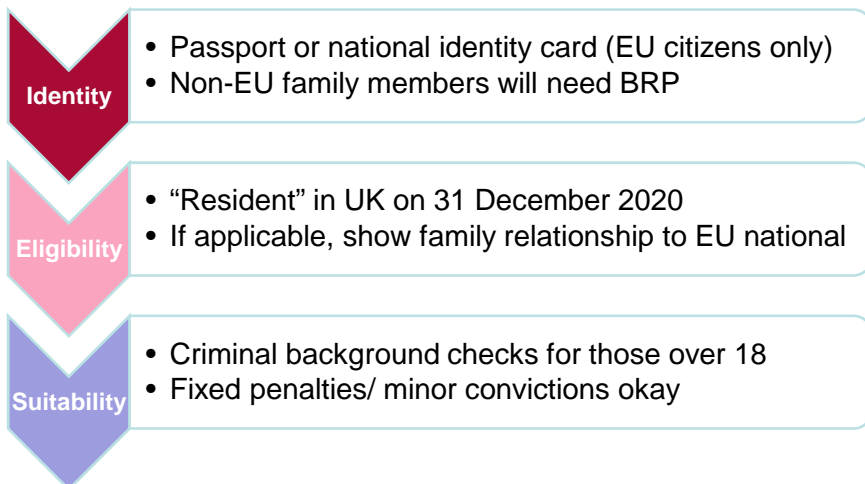
The new status...



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Requirements for pre-Settled Status



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Requirements for Settled Status

- 3 core criteria for pre-Settled StatusPLUS 5 years' residence in the UK
- If you obtain pre-Settled Status then you will need to move to Settled Status once you have been in the UK for 5 years.

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Rights for those who acquire pre-Settled / Settled Status

- The right to continue to live, work and study in the UK as you can now.
- We expect that holders of pre-Settled Status will be able to be absent from the UK for up to 2 years before they lose their status, **BUT** you can't have more than 6 months absence in any year if you want to qualify for Settled Status after 5 years.
- For Settled Status the permitted absence period is expected to be 5 years. However these time periods still need to be approved by the UK parliament.

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How do I apply?



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Cost

- £65 for an adult (over 16)
- £32.50 for under-16s
- Free for holders of Permanent Residence or ILR
- Free to move from pre-Settled Status to Settled Status once you hit 5 years

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Practicalities – proving residence

- “Residence” = being in the country on or before 31 December 2020 (??)
- Proving “residence” (if necessary):
 - Signed letter from employer with employer’s HMRC details
 - Payslips / P60 / P45
 - Mortgage / tenancy agreement plus evidence from lender/landlord of mortgage/rent being paid
 - Council tax / utility bills
 - Bank statements
 - Passport stamp / used travel tickets to UK



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“continuous residence for 5 years” =

- Required for Settled Status
- **You have been in the UK for at least 6 months in each of the last 5 years**, except if you have been absent for:
 - compulsory military service in another country; or
 - one period of up to 12 months due to special circumstances, such as childbirth, serious illness, study/training or if you were posted abroad for work.



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Practicalities

- Should I apply (and when)?
 - QUB trial period up to 21 December, only employees
 - Full launch of system expected March 2019 (but has already been delayed)
 - Avoid having to switch to Settled Status
 - Likely to be problems with system when first launched
 - Irish citizens
- Proving pre-Settled and Settled Status => “reference number” not “visa”

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Settled Status - “family member”

- spouse or civil partner
 - "durable partner" (an unmarried partner who is in a relationship akin to marriage or a civil partnership, ie lived together for 2 years)
 - child, grandchild or great-grandchild (including of the spouse or civil partner);
 - dependant parent, grandparent or great-grandparent (including of the spouse or civil partner); or
 - other dependant relative (including of the spouse or civil partner, but only where the applicant holds a relevant document in the UK due to having made an application before 1 February 2017. It is likely that you would need specific advice if you think this may apply).
- British / Irish citizens' family members
 - Some close family members are not covered



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Settled Status - position of children

- EU child living in UK = qualifies for pre-Settled / Settled Status in own right
- EU dependants up to age 21 = qualify for Settled Status as soon as parent does
- Future children = entitled to pre-Settled or Settled Status depending on what their parents have



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Other concerns

- **What if I am not currently in the UK?**
- *If you can show that you are ordinarily resident in the UK then there should be no problem. For example if you are travelling for business, on holiday or living abroad temporarily. For certainty, we advise registering as soon as you can when you are in the UK.*
- **I will be out of the country on 29 March 2019?**
- *This should not be a problem as you should be able to return using only your passport up to 31 December 2020. For certainty, we advise registering as soon as you can when you are in the UK.*

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Other concerns (2)

- **I will be out of the country on 31 December 2020?**
- *This shouldn't be a problem if you can show you have been resident before this date. We advise registering for pre-Settled or Settled Status in advance of your trip if you are going to be out of the country on 31 December 2020.*
- **I am currently living abroad, but plan to return to live in the UK in the future?**
- *If you return within 2 years then arguably you could take advantage of pre-Settled Status as you won't have broken your continuity of residence. However no certainty on this point so better to return before cut off date.*
- *You may find that you need to meet the UK immigration requirements at the time of return, so it would be important to get advice on this.*

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Frontier Workers

- The UK have agreed with the EU that an *"EU citizen pursuing genuine and effective work as an employed or self-employed person in one or more host states, and who resides in another state, unless or until they no longer retain the status of a worker"* will be protected.
- Watch this space...



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Before moving on...questions?



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EEA rules

- EEA documents will no longer valid after the end of implementation period (31 December 2020)

Family
Permit for
non-EEA
family

Registration
Certificate
(EEA
national)

Residence
Card (non-
EEA family
member)

Permanent
Residence
card /
document

- => you will need to register for pre-Settled or Settled Status by 30 June 2021
- You can use your EEA document up to 31 December 2020 to prove right to work / travel but it's not clear after that => apply before end of 2020

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EEA PR – apply before Brexit?

- If you are apply for citizenship you need 5 years in the UK + 1 year as a holder of Permanent Residence
- PR can be back dated so if you have been here for 6 years and have been a Qualifying Person throughout => citizenship
- Not clear if this will apply to Settled Status...
- Get PR now if really worried and want certainty

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EEA PR – basic requirements

- EEA nationals will **automatically** acquire PR after 'residing legally' in the UK for a continuous period of 5 years (as can family members who have resided legally with them in the UK)
- 'residing legally' = working, studying, job seeking or self-sufficient
- Don't need to have EEA registration certificate to apply
- Certain absences from UK can break 5-year period
- PR can be lost by absence from the UK of more than 2 consecutive years

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British Citizenship – points to consider

Impact on non-EEA family members who don't yet have PR in UK (they could lose their right to remain under free movement)

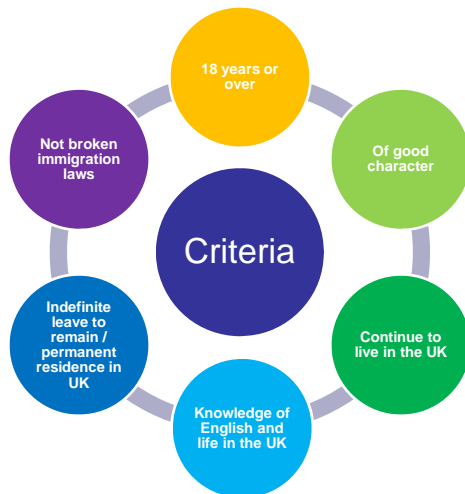
Impact on nationality (can you hold dual nationality?)

Impact on your tax status

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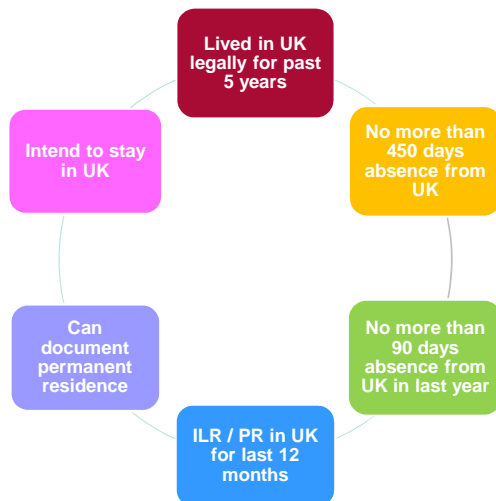
British Citizenship - General Eligibility Requirements



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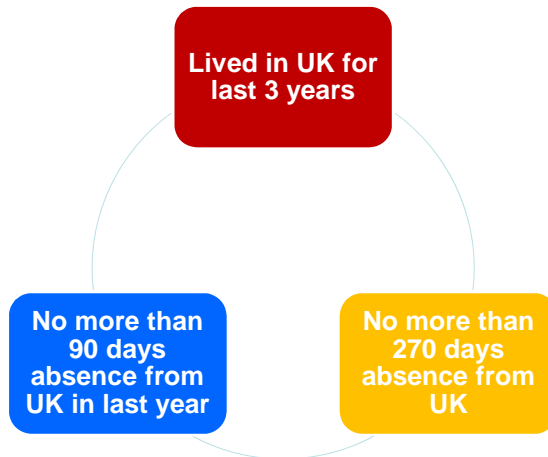
Residence requirements – 6 year route



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Residence requirements – 3 year marital route



Process

- Three ways to apply:
 - make an individual application using Form AN
 - use the Nationality Checking Service
 - use an agent or representative
- Pay the relevant fee
 - £1330 (incl ceremony fee)
- Provide biometric information
 - Costs £19.20 at the Post Office or Visa Application Centre
- Citizenship ceremony and oath of allegiance



Children & British Citizenship – acquisition

- Automatic Acquisition = children born in the UK to an EEA or Swiss parent...

Child born before 2 October 2000

- Will be a British citizen if the parent was exercising EC Treaty rights at the time of birth

Child born between 2 October 2000 & 30 April 2006

- Only a British citizen if he parent had Indefinite Leave to Remain in the UK at the time of birth

Child born after 30 April 2006

- British citizen if the parent had been exercising EC Treaty rights for > 5 years (ie Permanent Residence) or parent has Indefinite Leave to Remain

- Acquisition by descent (where born outside of UK)

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Children & British Citizenship – registration

1. If they are a minor (under 18) and one of their parents becomes a British citizen or “becomes settled” in the UK while they are a minor, then you can apply to have them registered.

“becomes settled” = Indefinite Leave to Remain or exercising free movement rights for 5 years continuously since 30 April 2006

2. An adult or a child can register where they were born after 1 January 1983 and have lived in the UK for the first 10 years of their life as long as no > 90 days absence per year

- Adults and children over 10 are subject to the “good character” requirement
- Child under 18 doesn’t have to attend ceremony

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Summary - Your Options

Permanent Residence	Settlement Scheme	British Citizenship
<ul style="list-style-type: none"> • 5 years' residence • No issues with dual citizenship • Lose if absent for > 2 years • Will need to transfer to Settled Status by 30 June 2021 • Can vote in local elections and devolved Government elections • Access to NHS and social security • Backdated so can get citizenship more quickly • £65 for adult 	<ul style="list-style-type: none"> • 5 years' residence • Lose if absent for > 5 years • No issues with dual citizenship • Allows you to live and work in UK permanently • Need to register by 30 June 2021 • Can vote in local elections and devolved Government elections • Access to NHS and social security • Not clear if backdated • £65 for adult 	<ul style="list-style-type: none"> • 6 years' residence (incl PR / Settled Status for 12 months) • Certainty in status • No absence restrictions • May impact non-EEA family members • Does your other nationality allow dual citizenship? • Impact on tax status • Equal rights to citizens who were born in UK • Can vote in all UK elections/referendums • No need to register for Settled Status • High Cost / time in applying • Need to pass Knowledge of Life and Language in the UK

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Further sources of advice

- Pinsent Masons FAQs on the HR pages of QUB intranet:
<http://www.qub.ac.uk/directorates/HumanResources/HRServices/EligibilitytoWorkandPreventingIllegalWorking/BREXIT-KeyInformation/>
- Government information page: <https://www.gov.uk/settled-status-eu-citizens-families>
- HMRC: <https://www.gov.uk/contact-hmrc>
- Citizens Advice Bureau: <https://www.citizensadvice.org.uk/>
- Document scanner locations
- <https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations/locations-offering-chip-checker-services>
- Phone assistance with online form: 03333 445 675
- <https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service/eu-settlement-scheme-assisted-digital-service>

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