



# STAYING IN THE UK AFTER LEAVING THE EU FACTSHEET

## OVERVIEW

The government have committed to ensuring that European Union (EU), European Economic Area (EEA) and Swiss citizens can continue living in the UK after 30<sup>th</sup> June 2021. Citizens currently residing lawfully in the UK will be able to stay and continue to access in-country benefits and services.

The intention is that EU nationals who have been continuously residing in the UK for five years by 31<sup>st</sup> December 2020 will be able to apply for 'settled status'. This means these citizens will be free to reside in any capacity, have access to public funds and services and will be able to apply for British citizenship. EU nationals who haven't resided in the UK for five years that arrive by 31<sup>st</sup> December 2020 will usually receive 'pre-settled status'. This grants them to remain in the UK for a further 5 years from the date they receive pre-settled status. They can then apply for settled status once they have 5 years' continuous residency.

EU citizens and their families will be able to apply to the EU Settlement Scheme to continue living in the UK after 30<sup>th</sup> June 2021. This scheme has been developed to process the applications of EU citizens currently living in the UK to allow them to remain in the UK after Brexit.

## DO I NEED TO APPLY?

If you're an EU, EEA or Swiss citizen or a family member of an EU, EEA or Swiss citizen, you'll usually need to apply if you want to stay in the UK after 30<sup>th</sup> June 2021. This includes if you have a UK permanent residence document, if you were born in the UK but are not a British citizen, you are a family member of an EU, EEA or Swiss citizen who does not need to apply - including if they're from Ireland or you are an EU, EEA or Swiss citizen with a British citizen family member.

You do not need to apply if you're an Irish citizen or you have you have indefinite leave to enter / remain the UK.

## WHEN TO APPLY?

The EU Settlement Scheme is open and if your application is successful, you will be granted either settled or pre-settled status. The deadline for applications is 30<sup>th</sup> June 2021 and after this date it will be mandatory to hold settled or pre-settled status.

## DO I HAVE TO PAY?

No, it's free to apply.

## WHAT HAPPENS NEXT?

The rights and status of EU citizens living in the UK will remain the same until 30<sup>th</sup> June 2021. If you apply to the EU Settlement Scheme successfully, you'll be able to continue living and working in the UK after 30<sup>th</sup> June 2021. You'll be given either settled status or pre-settled status.

### Settled status:

You'll usually get settled status if you have lived in the UK for a continuous 5-year period ('continuous residence') by 31<sup>st</sup> December 2020. Five years' continuous 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, except for one period of up to



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12 months for an important reason (for example, childbirth, serious illness, study, vocational training or an overseas work posting) compulsory military service of any length. You will only need to apply to the EU Settlement Scheme once if you get settled status.

Your rights with settled status:

- You can stay in the UK as long as you like.
- Apply for British citizenship (<https://www.gov.uk/british-citizenship>), if you're eligible
- Work in the UK
- Use the NHS
- Enrol in education or continue studying
- Access public funds such as benefits and pensions if eligible
- Travel in and out of the UK
- Bring close family members to the UK after 31<sup>st</sup> December 2020 if you meet the require criteria
- Any children born in the UK while you're living here will automatically be British citizens

### **Pre-settled status:**

If you do not have 5 years' continuous residence, you'll usually get 'pre-settled status' instead. You can stay in the UK for a further 5 years from the date you get pre-settled status, but you must apply again and get settled status if you want to stay here for longer than that. You can apply to change your status as soon as you've got 5 years' continuous residence.

Your rights with pre-settled status:

- You can spend up to 2 years in a row outside the UK without losing your pre-settled status, but you will need to maintain your continuous residence if you want to qualify for settled status
- Work in the UK
- Use the NHS
- Enrol in education or continue studying
- Access public funds such as benefits and pensions, if eligible
- Travel in and out of the UK
- Any children born in the UK after you've got pre-settled status will be automatically eligible for pre-settled status (they will only be a British citizen if they qualify for it through their other parent)

### **WHAT IF I HAVE PERMENANT RESIDENCY?**

If you have a 'UK permanent residence document', you will still need to apply.

If you have a valid UK permanent residence document, you'll have one of the following; a certificate inside your blue 'residence documentation' booklet (or pink if you're a Swiss national), a certificate inside your passport, or a biometric residence card confirming permanent residence (only if you're from outside the EU). You can change your permanent residence document to settled status by applying to the EU Settlement Scheme. You will not have to pay or prove you have 5 years' continuous residence.



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### WHAT IF I HAVE INDEFINITE LEAVE TO REMAIN?

You can continue to live in the UK without applying to the EU Settlement Scheme if you have indefinite leave to remain in or enter the UK. However, if you choose to apply (and meet all the other conditions), you'll get 'indefinite leave to remain under the EU Settlement Scheme' - also known as settled status. This means you should be able to spend up to 5 years in a row outside the UK without losing your settled status (instead of 2 years with the indefinite leave to remain or enter you have now).

### HOW DO I APPLY TO THE SCHEME?

The application will usually need to be completed online through the use of the website or smart-phone application. In some circumstances, the application may need to be completed on paper.

When you apply, you'll need proof of:

- your identity (valid passport or national identity)
- your residence in the UK (you can give your National Insurance number to allow an automated check of your residence based on tax and certain benefits records)

In order for your documents to be checked, you can:

- use the 'EU Exit: ID Document Check' iPhone app or Android app on your phone or someone else's (if you are using an iPhone, it must be an iPhone 7 or above)
- book an appointment to scan your identity document in person
- enter your document details online and send your identity document by post

### WHAT IF MY APPLICATION IS UNSUCCESSFUL?

If your application is unsuccessful you are able to apply again up until 30<sup>th</sup> June 2021 if you believe the outcome should have been different. This is free of charge and you are able to submit new evidence.

You may also be to apply for an administrative review of the decision if you believe there has been a mistake. This comes at a cost of £80 which is refundable if the original decision is changed due to an error. You will usually receive the result of an administrative review within 28 days.

For applications made after 11pm on 31<sup>st</sup> January 2020 you are able to make an appeal to an independent tribunal regarding the outcome of your application.

### USEFUL LINKS

- GOV.UK online application: <https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/in-the-uk>
- EU Exit: ID document check app for iPhone: <https://apps.apple.com/gb/app/eu-exit-id-document-check/id1478914184>
- EU Exit: ID document check app for Android: [https://play.google.com/store/apps/details?id=uk.gov.HomeOffice.ho1&hl=en\\_GB&gl=US](https://play.google.com/store/apps/details?id=uk.gov.HomeOffice.ho1&hl=en_GB&gl=US)