

Settled Status: Essential information

Following the decision made in the 2016 referendum for the United Kingdom to leave the European Union, the principle of free movement (namely the ability for EEA Nationals and their family members to enter and live and work freely in the UK) will end. Owing to ongoing Brexit negotiations regarding a 'deal' it is not clear exactly when and how this will happen. However, regardless of a 'deal or no deal' result, the UK Government is committed to implementing the Settled Status scheme for EEA citizens who are resident in the UK prior to the withdrawal from the EU.

What is the settled status scheme?

In order for EEA citizens to live, work and study in the UK after free movement between the UK and the EU has ended, it is necessary to apply for settled status or pre-settled status before the end of the transitional period.

If EEA citizens and their family members are resident in the UK for 5 years they can apply for "settled status" confirming their right to remain permanently in the UK. This right will not be lost unless an individual leaves the UK for 5 years. Applicants with less than five years' residence must apply for "pre-settled status", allowing them to stay in the UK for up to five years until they can apply for settled status. Pre-settled status will not be lost unless an individual leaves the UK for two years. All those already holding EU Permanent Residence documents will still have to apply for settled status in the same way.

Settled status currently has an online application form in which applicants must establish their EU citizenship, identity, residence in the UK and an absence of any disqualifying factors. The application is currently only open to EEA citizens and family members in the UK. The application is free of charge.

The deadline for arriving in the UK in order to qualify for settled and pre-settled status, and the period to apply for settled status once here in the UK, will depend on whether there is 'a deal or no deal' between the UK and EU Commission before the UK leaves the EU. The differences in each scenario are set out below:

Deal

- Those resident in the UK **before 31 December 2020** will be eligible to apply for settled status or pre-settled status;
- EU citizens and their non-EU family members who have been continuously resident in the UK for five years will be eligible for settled status and will be able to stay in the UK indefinitely;
- For those who arrive in the UK before 31 December 2020 and have not yet been continuously resident for five years, they will be eligible to apply for 'pre-settled status' which allows them to stay until they have reached the five-year point and then apply to convert this to full settled status;
- Eligible citizens will have until 30 June 2021 to make their application;
- Regardless of whether settled status or pre-settled status is granted, EU citizens and their family members will have the same access as they currently do to healthcare, pensions and other benefits in the UK.

No Deal

- Only those who were resident in the UK **before the UK leaves the EU** will be eligible to apply for settled status or pre-settled status;
- Eligible citizens will have a slightly shorter period in which to apply i.e. until 31 December 2020;
- Those who are granted settled status will continue to access in-country benefits and services on 'broadly the same terms as now';
- A cut-off date for family members to join EU citizens with settled status in the UK will be imposed on the 29 March 2022;
- The Government's intention is that free movement provisions will end immediately after the UK withdraws from the EU, although it is yet to be clarified how that will be achieved. The Government has proposed a new European Temporary Leave to Remain ("Euro TLR") scheme to enable EEA citizens to remain in the UK for up to 36 months prior to seeking permission to remain under the new immigration system. The Government has announced that it intends to implement a new immigration system immediately following the UK leaving the EU.

Arriving in the UK after the UK has left the EU

In the event of a deal

In the event of a “deal” EU citizens and their family members will continue to have the right of freedom of movement until the end of the transitional period on 31 December 2020. All EU citizens and their family members arriving in the UK prior to 31 December 2020 will be eligible to apply for pre-settled status and subsequently settled status under the settled status scheme.

In the event of no deal

If there is “no deal”, the UK Government has proposed the introduction of the Euro TLR scheme that would allow those EU nationals arriving after the date the UK has left the EU to obtain a 3-year transitional visa. The Government has announced a new immigration system will also be launched before the UK leaves the EU on 31 October 2019. This would mean that EEA citizens and family members would be able to seek leave to remain in the UK under the Euro TLR scheme for up to 36 months but would need to seek permission to remain in the UK and meet the requirements of the new immigration system in order to continue to live and work in the UK after this initial period. At present, we do not have the full details as to what this new immigration system will look like (although it appears that it will be an amended version of the current points-based immigration system) and are awaiting further information from the Government.

This information is correct as of 5 September 2019.