



# BREXIT

## ARE YOU AN EEA NATIONAL OR THE FAMILY MEMBER OF AN EEA NATIONAL?

Following the decision by the UK to leave the European Union (Brexit), the Government has announced that arrangements will be put in place for EEA nationals and their family members to secure their rights to live and work in the UK after the UK leaves the European Union (EU). The date set for the UK to leave the EU is 31 October 2019\*

\*This is the information available as at  
1 May 2019

### THE EU SETTLEMENT SCHEME

All EU<sup>(1)</sup>, EEA and Swiss nationals and their family members must make an application to the EU Settlement Scheme before the deadline of 30 June 2021 in order to protect their rights to continue living and working in the UK after the UK leaves the EU. Failure to apply by that deadline means that you will lose the right to live and work in the UK.

If there is a “no deal” Brexit, then you must be living in the UK before the UK leaves the EU. In that case, the deadline for applying to the EU Settlement Scheme will be 31 December 2020.

<sup>(1)</sup> The EEA includes the EU countries and Iceland, Liechtenstein and Norway

### WHEN CAN I APPLY?

The application system has been open since 30 March 2019.

### HOW MUCH WILL IT COST?

There is no fee payable to the Home Office.

### NATURALISATION

If you obtain settled status, you may apply for naturalisation as a British citizen once you have held settled status for 12 months and can meet the other conditions for the award of citizenship.

### HOW DO I APPLY?

Applications must be made online. If help is required, the Immigration Team at the Community Advice and Law Service would be happy to assist you with an application.

### WHAT EVIDENCE WILL I HAVE TO PROVIDE?

Everyone will need to provide proof of identity (passport, ID card, Biometric Residence permit). The online form will automatically check HMRC and DWP records. You may be asked to provide additional proof of residence in the UK for all or part of the time that you have lived here. Documents can be scanned and uploaded digitally or sent by post. You will need to provide a recent photo and you may need to have your biometrics (photo and fingerprints) taken at a UK Visa and Citizenship Application Service Centre. You will only need to show that you have been living in the UK continuously – you will not need to show that you have been working, self-employed or self-sufficient during the time that you have been living in the UK. Absences from the UK of up to 6 months in any year are not counted.

### HOW LONG WILL IT TAKE?

There is no set timescale but most applications are decided within 14 days, provided that any supporting evidence requested has been submitted.

## WHAT STATUS WILL I RECEIVE?

EU nationals and their family members will be awarded either:

**Settled Status (Indefinite Leave to Remain)** if you have lived in the UK continuously for a period of 5 years by 31.12.2020 (or by a date to be specified if the UK leaves the EU without a deal).

**Pre-settled Status** if you have lived in the UK for less than 5 years by 31.12.2020 (or by a date to be specified if the UK leaves the EU without a deal). You can apply for settled status as soon as you have lived in the UK continuously for 5 years.

## WHAT EVIDENCE WILL I GET OF MY STATUS?

For EU nationals, evidence of your settled or pre-settled status will take the form of a digital code. Non-EU nationals (family members of EU nationals) will receive a Biometric Residence Permit.

## NON-EU FAMILY MEMBERS OF EU NATIONALS

A family member of an EU national may also apply for settled or pre-settled status under the EU Settlement Scheme. It is best if you apply at same time as your EU national sponsor, as proof that the EU national has been granted status under the EU Settlement Scheme can be used as evidence for your application.

## HOW ARE IRISH NATIONALS AFFECTED?

Irish nationals are not required to apply under the EU Settlement Scheme but can do so if they wish. Non-EU family members of Irish nationals must apply and can obtain settled status even if their Irish sponsor doesn't apply.

## CHILDREN

You can apply for settled or pre-settled status for your child if s/he is under 21 and either the child is an EEA national or you or your spouse/civil partner is an EEA national. You can link your child's application to yours, using the application number you got when you applied.

## WHAT IF I ALREADY HAVE A RESIDENCE CARD?


EU nationals and their family members who already have documents showing the right of permanent residence or indefinite leave to remain will be able to exchange their existing document for settled or pre-settled status, subject to criminality and security checks. If you have Indefinite Leave to Remain (ILR), you are not required to apply for settled status, but you may do so if you wish. If you have a Permanent Residence document (PR) as an EU national or EU family member, you must prove that your PR has not lapsed through an absence from the UK of more than 5 consecutive years.


## WELFARE BENEFITS ENTITLEMENT

If you are awarded Settled Status (Indefinite Leave to Remain), this means that you will automatically pass the "Right to Reside" test which applies to certain welfare benefits claims. If you have been refused welfare benefits in the past because you do not have a right to reside, then acquiring Settled Status will mean that you should be able to make a successful new claim from the date settled status has been granted.

Why not contact our immigration team now to seek advice about how to protect your rights in the UK after Brexit and to get help with an application!

We also assist with all other immigration matters. Please contact us to arrange a free appointment.

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