



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 29 March 2019, the date when the UK is scheduled to leave the European Union. [This is the information available as at 1 February 2019.](#)

HOW LONG WILL IT TAKE?

We do not yet know how long it will take for applications to be processed, but in the pilot phase of the scheme, decisions were given in approximately 9 days.

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.

WHAT EVIDENCE WILL I GET OF MY STATUS?

EU nationals will not receive a residence document. 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 if they do not already hold one.

THE EU SETTLEMENT SCHEME

All EU nationals must apply to the EU Settlement Scheme before the deadline of 30 June 2021¹ in order to protect their rights to continue living and working in the UK. Failure to apply by that deadline means you will lose the right to live and work in the UK.

WHEN CAN I APPLY?

The application system is fully open from 30 March 2019. All EU nationals resident in the UK by 31.12.2020² must apply for status under the EU Settlement Scheme by 30.06.2021 in order to retain their rights following the UK's withdrawal from the European Union. A pilot scheme is now open.

HOW DO I APPLY?

Applications must be made online and through a smartphone app. An assisted digital service may be available via a helpline number for people who can't make an online application.

1. If there is a "no deal" Brexit, the deadline for applications will be brought forward to 31 December 2020
2. If there is a "no deal" Brexit, the deadline for becoming resident in the UK in order to acquire settled status will be 29 March 2019

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 need to provide additional proof of residence in the UK. 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: further details of these Centres will be provided at a later stage.

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.

WHAT STATUS WILL I RECEIVE?

EU nationals and their family members will be awarded either:

Settled Status (equivalent to permanent residence or indefinite leave to remain) if you have lived in the UK continuously for a period of 5 years by 31.12.2020 (or by 29.3.2019 if there is no deal).

Pre-settled Status if you have lived in the UK for less than 5 years by 31.12.2020 (or by 29.3.2019 if there is no deal). You can apply for settled status as soon as you have lived in the UK continuously for 5 years.

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.


HOW MUCH WILL IT COST?


There is no fee payable once the scheme opens fully on 30 March 2019. People applying during the pilot phase will be asked to pay £65 (£32.50 for a child) but this will be refunded.

WHAT SHOULD I DO NOW?

EU nationals and their non-EU family members who hold a valid Biometric Residence Permit may apply now using an app which can be downloaded to an Android device. All EU nationals and their family members will be able to apply online from 30 March 2019. If you wish to apply for naturalisation as a British citizen in the near future, you may prefer to apply now for permanent residence documentation. Non-EU nationals may need to apply for residence documentation before the scheme opens if their existing residence document has expired.

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!

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Find us on social media at
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