



## BREXIT – WHAT ARE THE NEXT STEPS FOR EU NATIONALS IN THE UK?

The Home Secretary recently published a statement of intent setting out how European Union (EU)<sup>1</sup> nationals may be able to secure their long-term status in the UK.

According to the statement, EU nationals and their family that are living in the UK will be able to apply for 'settled status' if they wish to continue living in the UK after June 2021.

### Eligibility

To be eligible for settled status, an applicant will need to:

- be an EU citizen, or a family member of an EU citizen
- have been living in the UK continuously for 5 years
- have started living in the UK before 31 December 2020

Settled status means the holder is entitled to live and work in the UK without any time restrictions. It will also mean the holder is eligible for:

- public services, such as healthcare and schools
- public funds and pensions
- British citizenship, subject to meeting the requirements

EU nationals that have lived in the UK for less than 5 years may apply for 'pre-settled status', which grants the holder the option to live and work in the UK for a further 5 years. Once they have reached 5 years' continuous residence, they will be able to apply for settled status.

The scheme will be rolled out later this year and fully open by March 2019. The deadline for applying will be 30 June 2021, although it may be possible to apply after this date if joining a family member in the UK.

### Applying for Settled Status

The application form will be online and applicants will need proof of their:

- identity (e.g.: valid passport, national identity card or biometric residence card)
- residence in the UK (unless they have a valid permanent residence document or valid indefinite leave to remain)
- relationship to a family member from the EU living in the UK (if the applicant is from outside the EU)

### Key points

- The new application process is being designed to be simple
- Settled status will cost £65, or £32.50 for children under 16
- Holders of a valid permanent residence or indefinite leave to remain document will be able to exchange it for settled status for free
- Holders of pre-settled status can apply for settled status for free

<sup>1</sup> Rights for citizens of Norway, Iceland, Liechtenstein and Switzerland are still being negotiated

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Applicants will then have the option either to:

- scan their identity document using an Android mobile phone or tablet; or
- send their document by post.

Applicants will need to upload a recent digital photograph of their face.

Applicants from outside of the EU will also be required to provide their fingerprints and a photograph of their face at an application centre in the UK as part of their application, unless they already have a biometric residence card.

## British Citizenship

**Settled status can be lost if the holder stays outside the UK for a continuous period of more than five years.** Accordingly, a successful applicant may decide to apply to naturalise as a British citizen as a precautionary measure. Before applying, an applicant should check whether the advantages of British citizenship will outweigh any potential disadvantage(s) for example in relation to tax status and/or loss of another citizenship.

**Full details of the proposed scheme are still subject to approval by parliament**

This publication does not necessarily deal with every important topic nor cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

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