

# Network Event: Rights of EU Nationals

**citizens  
advice**

**Wandsworth**

25 February 2020

# Our EU Project

In partnership with Wandsworth council we:

- run free information events and outreach sessions at community groups
- advise individuals about their rights and options for securing their status
- help individuals challenge decisions about their right to claim benefits in the UK
- help vulnerable EU nationals to apply for settled status

# Agenda

Time	Item
10.00 – 10.15	Setting the Scene: Welcome, Introduction and Service User experience
10.15 – 11.00	Presentation: How Brexit affects EU Nationals and how you can help
11.00 – 11.30	Presentation: Welfare benefits for EU Nationals, Employers and the EU Settlement Scheme
11.30 – 11.45	Tea/ coffee break
11.45 – 12.15	Group discussions: How can we work together to assist EU Nationals in Wandsworth?
12.15 – 12.30	Plenary discussion and close

# How will Brexit affect your service users ?

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# What happens after Brexit?

The UK left the EU on **31 January 2020** and is in a transition period until the end of the year

EU nationals need to act in order to secure their rights. From **1 January 2021** they risk losing access to:

- benefits and pensions
- NHS treatment
- the right to rent
- the right to work

# What will you learn today?

- How Brexit will affect EU nationals living in the UK
- How to help our European colleagues, friends, neighbours, and clients retain their rights
- How to be confident talking to EU service users about what they need to do to prepare for Brexit

# End of free movement

EU nationals moved to the UK thanks to free movement and aren't used to engaging with immigration rules

The UK is their home, they are settled here and may not realize that their rights are changing

You can help them by raising awareness about the need to secure their status

# What do they need to do?

EU nationals and their family members need to apply to the **EU Settlement Scheme (EUSS)**

The official deadline is **30 June 2021** but they should apply before **31 December 2020** to avoid the risk of losing access to benefits and services

# Key points about the EUSS (1)

1. **Based on residence:** employment and income don't matter
2. **Automatic residence check:** usually it's enough to provide an NI number
3. **Free to apply:** nobody should be charged to apply

# Key points about the EUSS (2)

4. **Easy to apply:** a straightforward and quick process for most people
5. **Online application:** it's easiest to apply using a smartphone
6. **Digital status:** no physical document provided

# Settled and pre-settled status

Successful\* applications have two possible outcomes:

- **Settled status** (5 years continuous residence)
- **Pre-settled status** (less than 5 years residence)

Pre-settled status gives fewer rights and less security. It is temporary but can be upgraded to settled status before it expires

\*Unsuccessful applications are usually due to serious criminal offences

# Exercise

1. Do these residents need to do anything before the end of the year?
2. If they do, why might they not be aware of this?

# Mario & Chiara

Nationality	Both Italian
Age	80 and 75 yo
Years lived in the UK	Since the 1960s
Employment status / Benefits	Retired, gets state pension and housing benefits
Family	Their son is British

Chiara has some letters from the Home Office and a stamp in her old passport

# Long-term residents

Mario needs to apply despite the length of time he's been in the UK

Chiara may have Indefinite Leave to Remain (ILR) and therefore may not need to apply

However, there are advantages to applying with ILR:

- more practical
- more secure

# Emyl

Nationality	Albanian
Age	47
When moved to the UK	2014
Employment status / Benefits	Disability benefits
Family	Single

Emyl's passport expires in June 2020, and he has some issues with getting a new one.

# EU & EEA countries



## The EU countries are:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

## The European Economic Area (EEA)

The EEA includes EU countries and also Iceland, Liechtenstein and Norway.

Switzerland is not an EU or EEA member, Swiss nationals have the same rights as other EEA nationals.

# Connor

Nationality	Irish
Age	27
When moved to the UK	2019
Employment status / Benefits	Work full time
Family	Husband is a US citizen

Connor's husband travels frequently to various European countries

# Irish citizens

Irish nationals don't need to apply because they're protected by the Common Travel Area (CTA)

They have the option of applying and it may help if they have non-EU family members

Connor's partner needs to apply as the family member of an EU national

# Manuela

Nationality	Spanish
Age	19
When moved to the UK	3 February 2020
Employment status / Benefits	Looking for a job
Family	Single

Manuela is staying with friends and would like to stay in the UK for a the next few years.

# Short-term residents

It's helpful to apply sooner rather than later, to 'start the clock'

Manuela will get pre-settled status and will need to apply again if he stays in the UK long-term

Manuela should start collecting evidence of his residence to help with any future applications

# Julia

Nationality	Slovenian
Age	13
When moved to the UK	Born in the UK January 2007
Employment status / Benefits	Student
Family	Both parents are Slovenian

Julia has always attended school in London. Julia's parents came to the UK 4 years before she was born. They were granted settled status in May 2019.

# Children born in the UK

Children born in the UK don't automatically have British citizenship

It depends on when they were born and their parents' circumstances

Children of EU nationals will need to apply

# Dorota

Nationality	Polish
Age	32
When moved to the UK	2012
Employment status / Benefits	Looking after child Universal Credit
Family	Single

After the referendum Dorota decided to apply for Permanent Residence and got her PR card in September 2018.

# Permanent Residence

Permanent Residence will not be valid after  
**31 December 2020**

Dorota should apply for settled status, the application process will be faster and easier

Dorota could apply for British Citizenship but this costs £1,330 and is a complex application

# Naime

Nationality	Algerian
Age	41
When moved to the UK	2014
Employment status / Benefits	Works full time
Family	Partner is French

Naime lived in France with his partner for 2 years before moving to the UK.

# Non-EU family members

Can include spouse, unmarried partner, parents, grandparents, children, grandchildren

Need to prove the relationship with their EU national partner

# Safia

Nationality	Somali
Age	55
When moved to the UK	2016
Employment status / Benefits	Disability benefits
Family	Married to a British national

Safia needs a Somali interpreter. She also has a Swedish passport.

# Dual nationals

Safia needs to apply based on her Swedish nationality

Wandsworth residents from Somalia often have a Swedish, Danish, Norwegian or Italian passport

Residents from Pakistan often have a German passport

Residents from Latin America may have a Spanish or Portuguese passport

# Who needs to apply?

All EU nationals have to apply no matter if they:

- are married to a British national
- have children who grew up in the UK
- have Permanent Residence
- have been living in the UK for a long time
- were born in the UK (unless they are British)

They don't need to apply only if they:

- are Irish
- have Indefinite Leave to Remain (ILR)
- have become a British citizen

# What do you need to apply?

Proof of identity (passport or identity card)

Proof of residence in the UK if the Home Office can't find evidence of continuous residence from National Insurance records, etc.

Declaration of criminal convictions

# Help applying

- Step-by-step guidance on [Gov.uk](#) and the [Citizens Advice website](#)
- The [EU Settlement Resolution Centre](#) (0300 123 7379) can answer general/individual questions
- Wandsworth Council offer free [identity document scanning](#) for their residents
- The Home Office have funded a national [network of organisations](#) to help vulnerable people apply
- South West London Law Centre is part of this network

# How can you help?

Have a sensitive and respectful conversation with your non-British service users. Understand that immigration rules are changing and invite them to check if they are affected

Invite us to talk to your groups, and distribute our leaflets and posters

Help your service users if they need to prove their residence: engaging with an organisation counts as proof

# Contacting us

Complete our webform to make a referral:  
[www.cawandsworth.org/eu](http://www.cawandsworth.org/eu)

Email us at [euadvice@cwandsworth.org](mailto:euadvice@cwandsworth.org)

Call us on 0203 559 2019

# Benefits & EU nationals:

How does settled status help and  
when does it make a difference ?

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# Three types of benefits

## Contributory

Eg retirement pension

## Non-contributory

Eg Child benefit

## Means tested/income based

Eg Housing benefit

**Contributory benefits** are not *directly* affected by immigration status (if you have worked & paid national insurance, you can qualify)

**Non-contributory benefits** can be affected by immigration status because they are public funds (this doesn't currently affect EU nationals) and because some of them have residence and presence tests

**Means-tested benefits** are public funds, and are almost all affected by residence tests – claimants need to have a 'right to reside'. This means that what they are doing or have done in the UK can matter – usually, they need to have a link with work. However, settled status gives them a qualifying right to reside for these benefits. Pre-settled status doesn't help.

# Patrice

Nationality	Belgian
Years lived in the UK	1 year, previously lived in the US
Employment status / Benefits	Applied for PIP but was turned down

Patricia failed the 'past presence' test that requires two years residence in the UK. Do you think Patrice might be able to get PIP if she'd previously been living in an EEA state? If she got pre-settled status, would that help?

Patrice can't get PIP until she has been in the UK for 2 years (the 'past presence' test).

If she'd previously been in another EEA state she probably would be able to get PIP.

Pre-settled status doesn't help her, but Patrice should definitely apply to the EUSS anyway to make sure she can stay in the UK after 30 June 2021 and will have a status which means she is allowed to claim public funds after that date, including PIP once she has been here long enough.

# Czeslaw

Nationality	Polish
When moved to the UK	3 years ago
Employment status / Benefits	Already retired when he moved to the UK and never worked here. Turned down for pension credit
Family	Daughter in the UK

He's been told he does not have a qualifying right to reside. What link to work do you think there might be here? If Czeslaw gets pre-settled status, will this help?

Czeslaw may have a link to work through his daughter, if she is an EEA national and working in the UK. It sounds as though he may be dependent on her and so he might have a right to reside through her worker status, which could help him to challenge the pension credit decision.

Pre-settled status will not help, but he should apply to the EUSS anyway to make sure he can stay in the UK after 30 June 2021 and will have a status which means he is allowed to claim public funds after that date.

# Lina

Nationality	Lithuanian
When moved to the UK	Born in the UK
Employment status / Benefits	Works for a couple of years. Was turned down for Universal Credit.
Family	Had a child a year ago. Did not return to work after that.

What can she do and might settled status help her?

Lina's parents may have worked in the UK as EEA nationals. That might give her a right to reside for universal credit.

But she should also apply to the EUSS because settled status will give her access to universal credit, as well as meaning she can stay in the UK after 30 June 2021 (she would need to reclaim UC once settled status is granted; that doesn't stop her challenging the refusal of UC on her original claim).

# Employers and the EUSS (1)

Have a duty not to discriminate against EU citizens as both a prospective and current employer

Shouldn't provide immigration advice for their employees, unless qualified to do so



# Employers and the EUSS (2)

Should not check that an employee has applied

There will be no change to right to work checks until 1 January 2021

Have no legal obligation to communicate about the EUSS. However, may wish to direct employees to the information that the government is providing

# Group discussions

- What challenges are your service users facing?
- What challenges are you (as support agencies) facing?
- What groups of EU nationals are you concerned about – how can we support them?
- Why are some people not applying for settled status?

# Free, confidential advice. Whoever you are.

The information contained in this presentation is accurate as of February 2020. If you are looking at the presentation after this date, please seek up-to-date advice.

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