

# EU Settlement Scheme and the Rights of EU Nationals

**citizens  
advice**

**Wandsworth**

2 December 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

# What will you learn today?

- How Brexit will affect you and how you can help your European colleagues, friends and neighbors retain their rights
- What is the EU Settlement Scheme (settled and pre-settled status), who needs to apply, and how to apply
- What are your options with regards to British citizenship
- How to get help applying

# Brexit – important dates

31 January 2020	The UK left the EU and is in a transition period
31 December 2020	Transition period ends
1 January 2021	New points-based immigration system. Access to benefits and services could change
30 June 2021	The current deadline to apply to the EU Settlement Scheme (EUSS)

# You need to act !

You have no automatic right to continue living in the UK. EU nationals and their family members need to apply to the **EU Settlement Scheme (EUSS)**. The official deadline is **30 June 2021**.

You should apply before **31 December 2020** to avoid the risk of losing access to:

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

# 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 / Pre-settled status

Successful\* applications have two possible outcomes based on how long you've been living in the UK:

- **Settled status** : if you've lived in the UK 5 years or more
- **Pre-settled status** : if you've lived in the UK less than 5 years

\* Unsuccessful applications are usually due to serious criminal offences



# Pre-settled status

- Pre settled status gives fewer right and is **temporary**. You will need to upgraded to settled status before it expires. You will need to apply again when you have lived in the UK for 5 years.
- It the app offers you pre-settled status and you've lived in the UK for 5 years, we suggest that you don't accept it. You can ask to be considered for settled status and provide evidence of residence.

# Case studies

You, or someone you know may be in a situation similar to the case studies we'll present.

Please ask a question if you'd like to know more.

# Dorota

Nationality	Polish
Age	32
When moved to the UK	2012
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, if she decides to do that

# Julia

Nationality	Slovenian
Age	13
When moved to the UK	Born in the UK January 2007
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. They will usually get the same status of their parents

# Pierre

Nationality	French father and Algerian mother
Personal circumstances	Pierre is 12 yo. When his mother accompanies him to school other parents think that Pierre is also from Algeria
When moved to the UK	Family moved to the UK when Pierre was 18 months old

# Non EU family members

- Although Pierre's mother is not European, she needs to apply, as a 'non-EU family member'
- Pierre's parents need to apply first and then Pierre linking his application to one of their applications and submitting evidence of relationship



# Oscar

Nationality	Dutch
Personal circumstances	<p>Oscar is 4 and born in the UK to Dutch parents who came to the UK 3 years before he was born</p> <p>Does Oscar need to apply to the scheme?</p>

# Oscar - Children born in the UK

- Yes Oscar need to apply as his parents had only lived in the UK 3 years prior to his birth. Oscar is not a British citizen even if he was born in the UK
- Oscar's parents need to apply first and then Oscar can link his application to one of them submitting proof of relationship
- Provided that the parents have been 'continuously resident' in the UK form more than 5 years, both parents and Oscar will get settled status

# Jolanta

Nationality	Parent are Finnish
Personal circumstances	2 years old and she was born in the UK. The father has always worked full time The mother also works except for 18 months after Jolanta's birth
When moved to the UK	2013

# Jolanta: British children

- Jolanta might be British as her parents had been living and working in the UK more than 5 years when she was born
- Immigration rules are very complex and parents should check with an adviser if their child has British nationality.
- If confirmed that Jolanta is British, she can apply for a British passport

# Michele

Nationality	Italian
Personal circumstances	<p>Michele is 15 and he came to the UK when he was 8.</p> <p>The family went through very difficult times and both parents started to abuse alcohol and drugs so the LA had to intervene and place Michele in foster care when he was 10</p> <p>Both parents has since vanished possibly gone back to Italy there is no contact</p>

# Looked After Children

Michele needs to apply, and he should be considered for settled status.

Michele will be asked to submit his own evidence of residence. His social worker should be able to help him by providing letters confirming how long he's been looked after.

# Anna

Nationality	Swedish
Personal circumstances	Anna who is 11 and from Sweden came to the UK when she was 10 Her parents are not married and has been working on and off

# Anna: Pre-settled status

- Yes Anna needs to apply linking her application to one of her parents submitting evidence of relationship
- As the parents has only been in the UK 1 year they will all get pre-settled status
- The Pre-settled status is valid for 5 years (Limited Leave to Remain) and the whole family must apply for settled status before this expires when they have been here 5 years



# 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?

- 1) Proof of identity (passport or identity card)
- 2) Proof of residence in the UK
  - In most cases you'll only need to give your National Insurance Numbers (NINo)
  - If NINO is not enough, or if you don't have NINO, you can add documents to prove your residence (e.g. utility bills, GP appointments, etc)
- 3) Declaration of criminal convictions

# Use your phone to apply

- You can apply using your phone by downloading the app: 'EU Exit: ID Document Check'
- You can use a friend's phone and you'll still be able to give your own personal details
- The app is available on Android and Apple phones. You need a fairly recent device (eg iPhones 7\_and above)

# You can help – spread the word !

We've met many people who were not aware that they need to apply, or didn't know how to get help.

You can help your European friends, relatives, colleagues, service users by sharing information and signpost them to EU Project should they need support.

# Becoming a British citizen ?

## Why

- The right to vote in general elections
- You do not lose citizenship if you move abroad
- British passport, consular protection
- Children born abroad will be British citizens

## Why not

- Some countries do not allow dual citizenship
- It is difficult and expensive:
  - Life in the UK & English language tests
  - Showing good character
  - £1,330 fee for adults
  - Future family reunion may be more difficult

# How to get British citizenship

You can apply for British citizenship after one year\* residence in UK with either

- Settled status,
- Permanent residence
- Indefinite Leave to remain

[New rules since 15 May 2020](#): Simply having settled status is not enough, you also need to satisfy other criteria, for example being a worker or a student

\* No need to wait if you are married to a British citizen

# Help applying for settled status

- Step-by-step guidance on [Gov.uk](https://www.gov.uk) and the [Citizens Advice website](https://www.citizensadvice.org.uk)
- The [EU Settlement Resolution Centre](https://www.settlementresolutioncentre.org.uk) (0300 123 7379) can answer general/individual questions
- The Home Office have funded a national [network of organisations](#) to help vulnerable people apply.



Wandsworth Council offers free [identity document scanning](#) for their residents – *Service suspended*

# Contacting us

Complete our webform: [www.cawandsworth.org/eu](http://www.cawandsworth.org/eu)

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

Call us on 0203 559 2019



# Questions?



# Free, confidential advice. Whoever you are.

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

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