



# EU citizens' right to work in the UK post Brexit

## Frequently Asked Questions

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## Frequently Asked Questions

### What will the qualifying criteria be for settled and pre-settled status?

The Statement of Intent (June 2018) explains that the settled status process for EU citizens and their family members will involve three simple stages:

- Proving their identity
- Proving five years' continuous residence in the UK
- Checking they are not a serious or persistent criminal.

EU citizens will have to show that they have been resident in the UK for a continuous five-year period. Subject to identity and criminality checks, EU citizens and their family members who have been continuously resident in the UK for less than five years will be granted pre-settled status, but will be eligible for settled status as soon as they have completed five years' continuous residence in the UK.

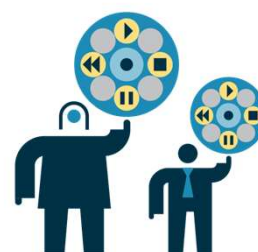
### What will the process be to obtain settled or pre-settled status?

The Home Office has set out that the process will be a "streamlined and user friendly" digital application.

As part of the process, EU citizens and their families will need to prove their identity and nationality through a valid passport, national identity card and, in the case of non-EU family members, a valid biometric residence permit.

Applicants will be able to scan their identity document via an online application accessible via computer, tablet or smartphone. In addition, applicants will enrol their facial image by uploading a passport photo. Those who cannot upload their documents, will be able to send them to the Home Office by post.

Applicants will be asked to confirm whether or not they have any criminal convictions and the Home Office will conduct the necessary checks through various databases. To confirm residence in the UK, applicants will be asked to provide their National Insurance number so that the Home Office can use existing government data to evidence employment etc.



### I am an EU national currently working in the UK – what is the impact of Brexit on me?

As things currently stand, if there is no deal, free movement is expected to end on 29 March 2019.

All EU nationals currently employed in the UK should apply for either pre-settled or settled status by September 2019 (\* date to be confirmed in due course).

The application process opens from April 2019 for most employees.

## Frequently Asked Questions

### What does “continuous residence” mean for the purpose of qualifying for settled status?

“Continuous residence” generally means that you have not been out of the UK for more than six months in total in any 12-month period.

### Can my spouse/partner and children apply for settled or pre-settled status at the same time as I do?

Yes. Applications made by families at the same time will be considered together.

EU family members will be able to apply for status on their own account as set out above. In addition to identity, residence and criminality checks, family members will need to provide evidence of their relationship to the EU citizen.

### Will the Home Office be able to reject my application for a simple mistake?

The Statement of Intent indicates that Home Office case workers will help applicants as much as possible. Caseworkers should contact applicants and give them a reasonable opportunity to submit additional evidence or correct simple errors or omissions.

### What will it cost to apply for settled status or pre-settled status?

As announced on 21 January 2019, the initial fee of £65 will be waived. Therefore these applications will be free of charge

Where an individual has already made an application under the Settlement Scheme (pilot or testing) which would of cost them £65, this will be refunded.

Those individuals applying for settled status, and who have already been issued a permanent residence, will also remain exempt from any

submission fees.

Applicants under the Settlement Scheme will not be required to pay the Immigration Health Charge.

### How long will it take for my settled or pre-settled status application to be approved?

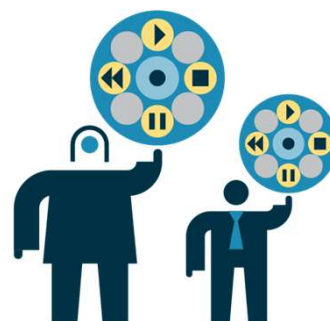
The Statement of Intent makes no commitment in relation to processing times. The Home Office have informally suggested a straight forward application could take 2-3 weeks, complex applications are likely to take longer.

### Can I lose my settled status once I have acquired it?

Yes, if you leave the UK for more than 5 years consecutively.

### If I have already acquired permanent residence, will this mean that I am automatically granted settled status?

EU citizens with a permanent residence document will be able to change this over to settled status free of charge, subject to an identity and criminality check, as well as confirmation of their ongoing residence in the UK and that they have not been absent from the UK for a continuous period of five years since acquiring permanent residence.



## Frequently Asked Questions

### What is the difference between permanent residence, settled status and indefinite leave to remain?

The three statuses are similar, in each, the individual is not subject to immigration control and can reside and work in the UK without restriction, and can go on to apply for British citizenship.

However, under current EU law, permanent residence is acquired automatically by EU citizens who have spent five lawful, continuous years in the UK, regardless of whether the holder applies for a document to confirm that status.

**Settled status** is a form of indefinite leave to remain that will only be granted under the Settlement Scheme.

**Indefinite leave to remain (ILR)** is granted for those applying for it after completing a qualifying period in the UK under UK Immigration Rules.

### What about Irish citizens?

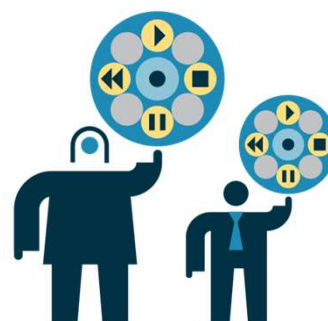
The Statement of Intent says that Irish citizens enjoy a right of residence in the UK that is not reliant on the UK's membership of the EU.

Irish citizens will not be required to apply for status under the scheme, but can do so if they would like to.

### I am a UK citizen working in one of the EU Member State countries in Europe. What is my status and what should I do now?

As part of the Withdrawal Agreement (if approved), the EU and the UK government have agreed that equivalent arrangements to those set for non-UK EU citizens and their families in the UK would also apply to UK citizens and their families living in the EU.

Each of the EU countries can and are likely to put in place their own residence procedures similar to the Settlement Scheme. The Statement of Intent merely says, *"the Government continues to press for further details from our EU partners of the arrangements that will be in place for UK nationals."*





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