

Brexit and EEA citizens – how to stay in the UK

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The [EU Settlement Scheme](#) is open to EU nationals and their family members living in the UK before 31 October 2019, the current date set for Brexit. The Scheme should run in tandem with the existing rules on [Permanent Residence](#) until then. This means that EU nationals can currently choose how to secure their right to live, work and study in the UK. All EU nationals and their family members must apply to the Scheme before 31 December 2020 if no deal is reached on Brexit, or by 30 June 2021 if a deal is reached.

In many cases, applying under the Scheme is a light touch and entirely digital process. It requires applicants to [download an app](#) on any Android device (the app is not yet compatible with iPhones), scan their passport, National ID Card or UK Biometric Residence Card, their face and photograph, and then complete the application online to input their National Insurance number and answer questions on residence and criminality.

Requirements

Under the Scheme, EU nationals and their family members who have been continuously resident for 5 years in the UK can apply for Settled Status, allowing them to stay indefinitely in the UK. Those who have been resident for less than 5 years can apply for Pre-Settled Status, allowing them to stay in the UK until they have reached the 5 year threshold, at which point they may be eligible for Settled Status.

Advantages

The Scheme's automatic checks with HMRC and DWP data make it less onerous for most applicants to prove residence. Also, applicants who have been studying or self-sufficient in the UK no longer have to prove that they held comprehensive sickness insurance, unlike the rules on Permanent Residence. Also, whilst Settled Status is lost after a continuous absence from the UK of 5 years or more, Permanent Residence is lost after a continuous absence of 2 years or more.

Disadvantages

However, there are disadvantages to the Scheme, not least because applicants cannot backdate their acquisition of Settled Status to the date on which they completed 5 years of residence. This may delay their eligibility to naturalise as British citizens until they have held Settled Status for 12 months (for those applying on the 5 year route to naturalisation). In contrast, Permanent Residence is automatically acquired after any qualifying 5 year period of residence which means that it can be backdated to the point at which the EU national completed 5 years in the UK. This impacts those with UK-born children who will be British citizens if one parent had Permanent Residence at the time of birth.

Each case is different and we can provide guidance on the different options for EEA citizens.

To view the table please [click here](#).

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