

BREXIT: your final countdown

15 OCTOBER 2020

Tracy Evlogidis

PARTNER | UK

CATEGORY:

ARTICLE



Free movement with the UK will end on 31 December 2020. From that date EEA and Swiss citizens and their family members will be subject to immigration control. This means that from 31 December 2020, they will be asked to prove their status at the border when entering the UK, as well as to employers, landlords, banks and the NHS. They will need a visa to stay in the UK for more than 6 months, and to work or study in the UK.

EEA nationals who began their residence in the UK before 31 December 2020 and who have successfully applied to the EU Settlement Scheme ("EUSS") will be permitted to continue residing in the UK on a long term basis.

The Home Office will not make exceptions for EEA nationals who do not move to the UK before 31 December 2020 and secure their status under the EUSS. Having Pre-Settled or Settled Status allows a person to undertake any activities they wish in the UK, including work, study or be self-sufficient. It is significantly cheaper, faster and less onerous than other kinds of visa.

It does not require financial disclosure, or for a person to spend the majority of their time in the UK. It is only lost if a person spends two continuous years without entering the UK (if Pre-Settled) or 5 continuous years (if Settled) without entering the UK.

At the law currently stands, Pre-Settled Status is issued for up to 5 years and cannot be renewed in the future, but in the meantime it provides both flexibility and certainty. A person with Settled Status is entitled to remain in the UK indefinitely, and apply for British citizenship, making it a desirable status for those who wish to secure their right to live in the UK in the future.

It is also important to note that an individual's immigration status has no bearing on the statutory residence test and does not impact upon whether an individual is resident for tax purposes in the UK or not.

For further information as to how we can help with a successful application process please contact our Immigration team who would be happy to advise, alternatively you can call +44 20 7597 6364 or email enquiries.uk@withersworldwide.com.

Authors

Tracy Evlogidis

PARTNER | LONDON

Immigration

 +44 20 7597 6030

 tracy.evlogidis@withersworldwide.com