

**Public Interest
Law Centre**

INFOSHEET EU Settlement Scheme

July 2019

On 31 October 2019, the United Kingdom will leave the European Union. EU citizens will be required to apply for 'settled status' if they wish to stay in the UK. The registration process will be open until 30 June 2021. If there is no deal between the UK and the EU, the registration process will end on 31 December 2020. This information sheet is about how to apply for 'settled status' and what you will be entitled to if you are granted this status. If you have questions that are not answered by reading this information sheet, you should seek further advice. You can contact the Public Interest Law Centre using the contact details at the bottom of this sheet.

Who can apply?

- EU citizen
- Family members of an EU citizen: spouse, partner, children, parents and other dependent relatives.
- You must have started living in the UK by 31 December 2020

What happens if I don't apply?

If you don't apply by 31 December 2020 or 30 June 2021, you will effectively become undocumented. This means you may not be able to work, claim benefits or access other essential services such as housing or free healthcare. You may be vulnerable to being removed from the UK.

How much will it cost?

It is free. If you need advice about making the application, you can contact us and we will try to direct you to a reputable adviser. You should not need to pay anyone hundreds of pounds to make this application for you. It is a simple process which should take no more than one hour if you have all the documents ready.

How can I apply?

Applications will be open until 30 June 2021. Applications must be made online. You must also be able to scan your ID document with an Android phone (not I-Phone). If you don't have an Android Phone, you can access scanning services at two locations in London at a cost of £14.

These locations are:

- **Hackney** - 1 Hillman Street, London, E8 1DY – walk-in service on Tuesdays 1.30pm - 4pm
Thursdays 9am - 11.30am
- **Southwark** - Southwark Register Office, 34 Peckham Road, London, SE5 8QA – book appointment via Southwark Council's website

What will I need to show to get 'Settled Status'?

- a valid proof of ID: valid passport or national identity card (valid BRP card for non-EU citizens)
- declare your previous criminal convictions in the UK and overseas
- evidence of five years' continuous residence in the UK (see below for list of evidence you can provide)

What 'status' will I get?

If you have been *continuously* resident in the UK for 5 years or more, you will be eligible for 'Settled Status' (Indefinite Leave to Remain). You may also be eligible for Settled Status if you are retired or permanently incapacitated (i.e. you cannot work for health reasons).

If you have been *continuously* resident in the UK for less than 5 years, you will be eligible for 'pre-Settled Status' (Limited Leave to Remain). This status is valid for 5 years. You can apply for 'Settled Status' as soon as you've lived in the UK for 5 years.

Successful applicants will get **digital proof of their status** through an online service. Once you receive your status, details will be provided on how to access it on GOV.UK. You will not get a physical document unless you are from outside the EU and do not already have a biometric residence card.

What does 'continuously' mean?

Being *continuously* resident in the UK means that you have not been absent from the UK for more than 6 months in total in any 12-month period. Continuity of residence is broken if:

- you have lived in the UK less than 5 years and you go to prison. This rule does not apply if you had been living in the UK for more than 5 years prior to going to prison.
- you have been removed or deported from the UK by the Home Office

People who were removed by the Home Office between November 2015 and December 2017 because they were sleeping rough should seek legal advice because the Home Office's actions were found to be unlawful in December 2017.

What will I be entitled to?

If you are granted 'Settled Status' (Indefinite Leave to Remain), you will be entitled to welfare benefits and housing assistance.

If you are granted 'pre-Settled Status' (Limited Leave to Remain for 5 years), you will have to prove that you are a 'qualified person' by exercising Treaty rights in order to access welfare benefits and housing assistance. This means you would have to be employed or self-employed to claim welfare benefits or get housing assistance. If you are temporarily unable to work (because you are sick or pregnant) or a registered with the Job Centre as a jobseeker, you may only be entitled to welfare benefits and housing assistance for as long as you hold 'retained worker' status.

What if the Home Office are trying to remove or deport me?

If there is an existing deportation or exclusion order against you when you apply, your application will be refused. If the order relates to an 'administrative removal' because, for example, you are not exercising Treaty rights, your application will not be decided until the 'administrative removal' has been successfully appealed or enforced.

What if I have a criminal record?

Applicants are required to declare previous criminal convictions in the UK and overseas. All applications will also be checked against the Police National Computer (PNC) and Warning Index (Home Office system). Depending on the nature of offences and the length of residence, some cases may be referred to Immigration Enforcement for further consideration. If you are worried, you should seek legal advice before applying.

What if I was removed or deported from the UK?

If you were deported or removed from the UK, you will only be able to count the time of residence from the date you were allowed back in the UK.

People who were removed by the Home Office between November 2015 and December 2017 because they were sleeping rough should seek legal advice because the Home Office's actions were found to be unlawful in December 2017.

What if I have travelled back and forth between the UK and my country of origin?

As long as you have not been absent from the UK for more than 6 months in total in any 12-month period, that year can be included.

What if I have been out of the UK for a while?

As long as you have not been absent from the UK for more than 5 consecutive years after having been resident in the UK for 5 years, these years can be included.

How will I prove that I have been living in the UK *continuously*?

You will be asked to provide your National Insurance Number. All applications will be checked against HMRC (tax and benefits) records. If those checks indicate that you have been continuously resident for at least 5 years, no further evidence will be required. Similarly, if you are applying for 'Pre-Settled Status' and the HMRC (tax and benefits) checks confirm you have been continuously resident for less than 5 years, no further evidence will be required.

If the HMRC checks don't provide your full information, you will be asked to provide documentary evidence of your eligibility.

List of possible evidence to prove continuous residence:

- Annual bank statement
- Letter from an employer
- P60 or P45 confirming employment
- Letter from a school, college or university
- Letter from a registered care home or other housing provider
- Tenancy agreement, with evidence of rent payment
- Council Tax or utilities' bill, including mobile phone contract
- Letter from a UK charity confirming your interaction with them
- Letter from a GP confirming registration and appointments

This is not an exhaustive list of evidence. If you have problems getting all the documents, you should seek legal advice.

For more information, contact the Public Interest Law Centre
07856 539 582 (Monday, Wednesday, Thursday - 10am-4pm)
office@pilc.org.uk