Brexit and EU/EFTA Citizen Rights Guide to the European Settlement Scheme

By Sarah Woods & Fang Zheng
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Who are we?

• Sarah Woods is a Senior Adviser (International) based in the SU’s Student Advice Centre and provides advice on immigration routes including EEA residence, EU settlement, post study work, family and settlement visas.

• Fang Zheng is an adviser in the International Student Support team, advises and supports international students in relation to Tier 4 and EUSS applications.
What is aim of the session?

To provide

• A Brexit update
• Provide an overview of EU/EFTA citizen rights under the EU Settled Status Scheme (EUSS)
• Guide to making EUSS
• Details of further advice & support from SU & University
• Q & A’s- we will do our best to answer them!
Brexit Update

- Withdrawal Agreement (Boris Johnsons Brexit Deal) passed through House of Commons with big majority 358 to 124
- Has moved to House of Lords
- Withdrawal Agreement likely to made into law by 31.1.20
- Very likely that UK will now formally leave EU on 31.1.20
Brexit Update continued

- Transition/Implementation period until 31.12.20
- No changes to EU citizen rights in UK until 1.1.2021
- Freedom of Movement will continue until 31.12.20 as UK still in single market
- Jonson’s Withdrawal Bill rules out further extension of transition period
Current EU Citizen Rights

• Current EU Citizen Rights and Freedom of Movement enshrined in EU treaty (Dir2004/38/EC)
• This applies until UK officially leaves EU or end of transition period
• After 3 months in UK, EU citizen should be ‘exercising treaty rights’ to work, study, or be self sufficient (Students also need CSI)
• EU citizens could apply for proof of this e.g. for registration card or permanent residence after 5 years but they did not have to!
How does Brexit affect EU Citizen rights?

- Brexit will mean the end of FOM and end to citizen rights enshrined in EU treaty (Directive 2004/38/EC)
- See [Part 2 of Withdrawal Agreement Bill](https://www.parliament.uk/briefingpapers/) deals with EU Citizen Rights
- After Brexit EU citizens will have to register to protect current rights in UK
- UK has introduced [EU Settlement Scheme](https://www.gov.uk/government/publications/eu-settlement-scheme) for EU/EFTA citizens and their families under UK Immigration system
Rights of EU Citizens resident in UK before 31.12.2020

- Up until 31.12.2020 they can continue to take up employment, rent property and study as now by simply showing their passport or national identity card.
- Their rights to claim benefits and access services in the UK will remain the same until 31.12.20.
- But Must apply for EUSS by 31.12.2020 if they wish to protect right to work, study in UK after that time.
Who can apply under EUSS?

- EU 27 citizens;
- Citizens of Norway, Lichtenstein, Iceland (non-EU EEA citizens);
- Swiss citizens;
- eligible family members of all of the above
- eligible family members of British citizens who have exercised a right to reside in another EU country (Surinder Singh)
- Zambrano, Chen carers
Who are Family members?

- **Direct family members** - Spouse, Civil partner, Dependant children up to age 21 (& future children)
- **Extended family** members such as Dependant parents, grandparents, grandchildren, durable partners
- Covered if relationship exists before 31.12.2020
- Extended family members must be residing in UK by 31.12.2020 and have documentation under current EEA regs proving this to apply under EUSS
- Some protection for non EU nationals who were family members e.g. divorced, widowed, carers of EU children
- **Can be complex area, please seek further advice from Student Advice Centre email advice@shef.ac.uk** to make appointment.
Who will not need to apply?

- Irish citizens will not be required to register under EUSS as they have right to residence under Common Travel Area
- (Non EU family members of Irish Citizens will need to apply)
- EU citizens who already have Indefinite Leave to Remain (*)
- EU Citizens with Permanent Residence will need to apply
Should you apply?

• Do you want to protect your existing right to continue living in UK with right to work, study?
• Are you planning to stay in UK longer term?
• It’s free and fairly straightforward to do so
• Keeps your options open for future study, work
• Do you have non EU family members?
• May help prove status in a ‘hostile environment’
• Seek further advice if you have any serious criminal convictions as this could be reason for refusal.
What happens if you do not apply?

- You would have to leave by end of December 2020
- OR apply for new immigration status called **Temporary Leave to Remain** (max 3 years)
- Or apply under a different UK immigration route (likely to be tougher requirements and more expensive)
- Govt announced plans for major reform of Immigration system from 1.1.2021
When to apply for EUSS?

• You can apply now, scheme fully rolled out from 30.3.19
• No rush, you can apply up to at least 31.12.2020
• Think about personal situation and when it suits you
• Can apply in or out of UK
EUSS- Pre-settled Status

• Granted if less than 5 years continuous residence in UK
• Time limited, will need to apply again for settled status when 5 years reached & before pre-settled status expires
• Allows you to leave UK for up to 2 years and protect current rights (caution if you then want to apply for settled status you need to maintain CR)
• May be worth applying for pre settled status even if close to 5 years
EUSS-Settled-Status

- Means you will have Indefinite Leave to Remain in UK
- This will be granted if you can prove 5 years Continuous Residence (CR)
- If you have Permanent Residence under current EU law you still have to apply under EUSS but should get settled-status
- If you will reach 5 years CR before end of transition (or up to 30.6.2021), can wait and apply once for settled-status
- Will allow you to leave UK up to 5 years without losing status/rights.
- You can apply for British Citizenship after 1 year of holding SS
What is Continuous Residence?

- No absence more than 6m out of any 12m period
- One 12 month absence OK if important reason
  - childbirth
  - serious illness
  - study
  - vocational training
  - overseas posting
  - any period of compulsory military service
  (Seek advice before applying if this applies to you)
What do you need to apply?

- Valid biometric passport or biometric national ID card from 30.3.19
- If applicable: UK issued BRC (non-EU family member of EU citizen)
- Android phone (min vs 6.0, NFC enabled)
- I Phone 8 or newer should also work
- If you do not have biometric ID now possible to apply online at https://apply-for-eu-settled-status.homeoffice.gov.uk/web-or-app
How to Apply

- Enable NFC on your phone
- Download the UKVI app (EU exit ID document check)
- Stage 1: Verify your identity via the app
- Stage 2: Complete online application on your phone or computer (you will be sent code to log in)
Using the app

1. Provide contact details
2. Verify your email
3. Receive PIN via sms
4. Enter PIN to continue
5. Scan your passport
6. Scan face
7. Take a photograph
Scanning photo page

Follow prompts on app

If you are having problems, try taking the photo at arm’s length
Place phone on passport

- Remove any covers from phone or passport
- Click “check now”, place device on top of document
- After 3 unsuccessful attempts – locked out for 1 day
- Move device around document until app recognises it
- **Tip:** place top half of phone on bottom half of passport
Place phone on passport
Continue application

- Answer questions about yourself (passport number, nationality etc.)
- Answer questions about criminal convictions*, terrorist activities
- Answer security questions
- Provide NI number (if you have one)
- Automatic check is carried out based on NI & HMRC records
- Provisional result of settled or pre-settled status
- If a) you don’t have a NI number OR b) you think you should have settled status but NI record doesn’t cover last 5 years – option to upload further documents
Examples of Docs

Longer periods of residence

- Annual bank statement (at least 6 months transactions)
- Council Tax letter
- Letter/Cert from school, college, university
- Letter from Student Finance England
- Letter from employer
- Not an exhaustive list!
- https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence
Examples of Docs

Shorter periods residence

- Will cover month they are dated from
- Utility bills
- GP or hospital appointment card /letter
- Payslip
- Passport stamp
- Used travel ticket showing entry to UK
- Letter from a government department, public service or charity
What’s next?

• Receive email confirmation of application
• Within ? Days you receive an email with the decision letter attached
• Govt says processing times between 5 days to a month
• Up to now decisions have been fairly quick but this could change
• Decision letter tells you your status and includes a link to the online checking service
Type in passport number & date of birth, receive code by text or email and type it in
How will I prove my status

- Evidence of pre settled or settled status is in digital form for EU citizens
- Accessible via ID number, D.O.B and 2 stage verification code
- It will display name, photo, personal details
- Show type of status and provide rights
- Can be shared with third parties via email or access code (e.g. employer)
Your status is displayed like this
What support can you get with application?

• Advice and application support from International Student Support Team (individual EU students)

• Family & Complex cases should contact Student Advice Centre for advice and support with application

• Devices are available to use at ISS and SAC to verify ID via app if your phone does not have NFC
Travelling to UK during transition period 31.12.20

- At first will be able to use Passport or ID
- UK will phase out ID card by end of 2020
- Check if you need to get/renew passport
- Will be able to use E gates and should not be subject to border control checks at least until 31.12.2020
- Non EU family members will require family permit to enter UK
- Pet passport scheme will not apply after 31.12.20
EU citizens travelling to UK after Brexit

- Future immigration system under consultation and EU travel may form part of EU negotiations
- Short visits likely to be visa free but wish to stay longer will need to apply for EU Temporary Leave to Remain or other category
- Only direct/close family members will be able to apply for EU TLR but detailed guidance not available yet
Driving

- You can use your EU or EEA car or motorcycle driving license until you are 70
- Different requirements for bus, lorry
- If you pass test in EU/EEA you can exchange for UK license after Brexit
- Check if you passed test outside of EU/EEA.
- See https://www.gov.uk/guidance/driving-in-the-eu-after-brexit-driving-licence-exchange
Funding

• If you have already started course there will be no change to fee status (same as home)
• No change to student finance support for duration of course.
• This has also been guaranteed for EU students who start course in 2020/21
• Also applies to family members
Healthcare for EU citizens

- Govt has **promised** access to healthcare on same basis as now
- Under current EU treaty rights students should have valid EHIC card or Comprehensive Sickness Insurance.
- Students who start course before Brexit can continue to use EHIC even if course ends after Brexit
- Do not need CSI to apply for EUSS BUT
Healthcare Continued

- Access to free healthcare = depends on being ‘Ordinarily Resident’
- ‘Lawfully resident and settled for time being’ in relation to NHS
- Pre settled status is ‘likely’ to mean you are OR, Settled Status would be OR
- Erasmus/short term students could be seen as visitor and may would need insurance further details at

Useful Websites

- https://www.sheffield.ac.uk/brexit-advice
- https://www.sheffield.ac.uk/ssid/immigration/eu-students/index
- https://yoursu.sheffield.ac.uk/student-advice-centre/immigration/eea-students-and-family-members
Home Office Guidance

- https://www.gov.uk/government/collections/eu-settlement-scheme-applicant-information
- https://www.gov.uk/settled-status-eu-citizens-families
No Deal EEA & Switzerland

- EEA

- Switzerland
How to apply for National Insurance Card

Call 0800 141 2075 8.00-6pm Mon-Fri
SSIID phone free of charge
Will need
ID-passport
Proof of Address
Student Status
Evidence of seeking work

https://www.gov.uk/national-insurance
Contact Student Advice Centre

- Level 3, Students’ Union Building
- https://yoursu.sheffield.ac.uk/student-advice-centre
- Email – advice@sheffield.ac.uk
- Twitter - @SheffieldSAC
Contact International Student Support

Level 6 Student Union

international.students@shef.ac.uk
0114 2229679

https://www.sheffield.ac.uk/ssid/immigration/eu-students
Questions

• We will do our best to answer them?