EU Settlement Scheme
Information briefing for students and their family members

By Sarah Woods & David Barrott
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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 EUSS, post study work, visit, family and settlement visas.

• David Barrott works for the University’s International Student Support Team as an International Student Adviser advising on student visas and EUSS scheme.
Who are you?

- Are you a current or prospective student?
- Have you applied for the EUSS scheme yet?
- Please fill in the polls!
What will we cover in the session?

• Update on UK’s withdrawal from EU and key dates.

• EU/EFTA/Swiss citizens rights and immigration status after 31 December 2020 (Please note we may refer to EEA/EU in text but are referring to citizens from all relevant countries)

• Overview of EU Settled Status Scheme (EUSS)

• Q & A’s - some prepared FAQ’s but please submit your questions in chat and we will do our best to answer them!

• A guide to making a EUSS application for anyone who has not applied as yet
The Withdrawal Agreement and transition period

- The UK formally left the EU at 11pm (GMT) on 31 January 2020 on the basis of an agreement made between the UK and the EU known as the Withdrawal Agreement.

- The UK made separate agreements with the EEA EFTA states (Norway, Iceland, Lichtenstein) and Switzerland.

- The European Union (Withdrawal Agreement) Act 2020 contains all the provisions of these agreements including an agreement on citizens' rights during the 'transition period'.

- During the transition (1.2.2020 to 31.12.2020), EU citizen rights in the UK remain the same as before and freedom of movement continues.

- The transition period will end at 11pm on 31 December 2020.
The Future EU/UK relationship

During the transition period the EU and UK have been undertaking negotiations with the aim to agree future relationship covering areas like

- **Trade** (goods, industrial and agriculture)
- **Services** (financial and people)
- **Future financial arrangements**
- **How far UK will need to keep to EU rules and regulations**
- **Horizon 2020 research and structural funding**
- **Security and Intelligence sharing**

Talks are in final stages and not yet clear if a deal will be agreed or on what terms. Any deal must also be ratified by member states before 1st January 2021.

Still lots of uncertainty on final terms for future relationship but EU citizen rights were covered in withdrawal agreement so more clarity around this.
Current EU Citizen Rights

- EU Citizen rights enshrined in EU treaty (Directive 2004/38/EC)
- Based on concept of the freedom of movement (people, services, trade)
- 3 months visa free travel for any purpose
- After 3 months should be ‘exercising treaty rights’ as a qualified person e.g. working, studying or self sufficient
- EU citizens could apply for registration card & permanent residence after 5 years- but did not have to!
- Students also need Comprehensive Sickness insurance to be ‘qualified person’ and to access free healthcare (EHIC card issued by home country = CSI) but many were unaware of this!
- Having EU/EFTA or Swiss passport was sufficient to meet border control requirement or prove right to work, right to rent.
Future EU Citizen Rights

• The Withdrawal Agreement contained a plan that EU citizens to be able to settle in the UK indefinitely. The UK Govt introduced the EUSS scheme to make the withdrawal plan happen.

• The UK Govt has confirmed that Freedom of Movement will end from 11pm on 31 December 2020 and the UK Govt is introducing a new points based immigration system from 1st December 2020 which includes changes to the student and worker routes.

• EU/EFTA/Swiss citizens in UK will not be able to rely on their treaty rights and must apply for alternative immigration permission to remain in the UK or enter in the future. See Appendix EU of immigration rules.

• In short EU citizens lose the ‘right’ to reside and must instead apply for permission to stay in the UK.
EU Citizens resident in the UK before 31.12.2020

- EU citizens and their family members who are currently resident in the UK will need to register under the EUSS scheme to confirm immigration status and protect current rights to live, work and study in the UK.

- **Final deadline for application is 30 June 2021, but you must have been resident in the UK prior to 31 December 2020**

- You can apply from outside the UK but must show evidence of residence in the UK prior to 31 December.

- You could enter UK up to 31 December and still be able to apply

- You will not have to show that you are exercising treaty rights as a worker or student or show evidence of CSI to apply, but until you are granted EUSS status you should maintain CSI/EHIC.
EU Citizens
Arriving in the UK after 31.12.20

- If you will be arriving after 11pm on 31st December 2020 you would need to apply under a different immigration route.
- If you want to study a course at the UoS for more than 6 months you will need to apply for a Student Visa.
- EU citizens will be able to enter the UK on a visitor visa and study for up to 6 months.
- International student support have further information about Student and Short term study/Visitor visas.
- Please note you would not have the right to work if you had a visitor visa.
- If you will be coming to the UK to start a course (or job) in the next few months, you may be wish to enter the UK before 31 December 2020. If you do so, you may also be able to apply for the EUSS scheme.
Who can apply for the EUSS scheme?

- EU citizens;
- Citizens of Norway, Lichtenstein, Iceland
- Swiss citizens;
- Eligible family members of all of the above

Please note eligible family members of British citizens who have exercised a right to reside in another EU country (Surinder Singh), Zambrano carers and Chen cases are derivative rights cases e.g. non EU national with and EU child can also apply.

These are often complex applications and not covered in today’s session so email advice@shef.ac.uk if you need further information.
Who will not need to apply?

- Irish citizens will not be required to register under the EUSS scheme, as they have right to residence under **Common Travel Area** (Please note that their non EU/EFTA/Swiss family members would need to apply!)

- Those EU citizens who already have **Indefinite Leave to Remain**

- However EU citizens who had applied for Permanent Residence under previous EEA regulations **will** need to apply.

- If you are a dual British/EU national you do not need to apply, even if you have not been resident in UK.
What is Pre Settled Status?

- Granted if less than 5 years residence
- Time limited, will need to apply again for settled status when 5 years reached & before pre settled status expires
- May be worth applying for pre settled status even if close to 5 years
- Allows you to leave UK for up to 2 years and retain pre-settled status
- However if you are outside of UK for more than 6 months in one year or over a 12 months for ‘important reason’ you would not have 5 years continuous residence by the time your pre settled status expires. At present it does not look like you will be able to extend pre settled status so you may not meet requirements for settled status!
What is Settled Status?

• If you already have 5 years Continuous Residence (CR)
• If you will reach 5 years CR before end of June 2021, can wait and apply once for settled status
• If you have Permanent residence under previous EU law you still have to apply but should get settled-status
• Will allow you to leave UK up to 5 years without losing status/rights.
• Settled status is similar to Indefinite Leave to Remain
• You can apply for British Citizenship after 1 year of holding settled status
What is Continuous Residence

No absence more than 6 months out of any 12 month period

- One period of up to 12 months permitted for an important reason such as
  - Childbirth
  - Serious illness
  - **Study**
  - Vocational training
  - Overseas posting
  - Any period of compulsory military service is permitted
  - **May include Covid 19 related absences. Nono official guidance yet and may only cover time you could not physically get back to UK, rather than time you may have chosen to stay away because of distance learning. We advise caution about relying on this until further information is published. Lobbying to UKVI is ongoing around this issue.**
How will you prove your status?

- Evidence of pre settled or settled status is in digital form for EU citizens
- You will not get a biometric card or stamp in your passport
- 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)
Type in passport number & date of birth, receive code by text or email and type it in
Your status is displayed like this
Why should you apply?

• Having EUSS will mean you retain your current rights to live, work and study without restriction.

• It will be easier to prove your status (e.g. right to work or rent a property)

• It secures your immigration status and can lead to long term settlement if you want to stay in the UK after studies.

• If you do not apply for EUSS or alternative visa route before 30 June 2020 you will be in the UK illegally

• The application is free, other visa routes will have much higher fees and tougher visa requirements to meet. They will also have more restrictive conditions e.g, around work.
Suitability Criteria
Criminal and Security checks

- Article 20 of Withdrawal Agreement allows member states to set
- UKVI seeks to identify serious or persistent offenders
- You must disclose any offences, however minor
- UKVI will check UK databases and may check overseas criminal records
- Before 31 December 2020 assessed using EU public policy test for deportation
- After against UK deportation threshold which is lower
- Suitability guidance EU15(c) applies and could be used to refuse EUSS applications
- Some concern about how UKVI will enforce this, poor decision making in past on non EU cases

What would be potential serious offences- grounds for refusal/deportation?
- Received any sentence of imprisonment at all within the last five years
- At any time received a sentence of 12 months or more for a single offence

For those resident for less than five years,
- if they in the last 3 years received three or more convictions (including with non-custodial sentences)
- Previous involvement in serious deception such as sham marriage or assisting unlawful immigration (even if there was no conviction)
- Please seek further advice if you are concerned by this
Which family members can apply?

Remember If your family member is also EEA or Swiss citizen they can apply in their own right if resident before 31.12.20.

**Direct (close) family members** can also apply such as;
- Husband or wife (spouse)
- Civil partner-same sex partner with whom you have [legally recognised relationship](#)
- Children under 21, who are dependant on you or your non EU partner (includes future children). Parents can apply on their behalf.
- Grandchild and great grandchild aged under 21
- Parent, grandparent, great grandparent
- Children over 21 may be able to apply if they are “dependent”

**Extended family members**
- Cohabitees or durable partners
- Relative who lives with ‘EU sponsor’
- Relative who is cared for by ‘EU sponsor’
- Other dependant relatives
Family members

- Family members can apply at same time or anytime up to 30.06.21 if resident in the UK before 31.12.2020.
- Close EU or non EU family members can also join EU citizen in the future on EUSS but **relationship must have existed prior to 31.12.2020,**
- Any future partner where relationship formed after 31.12.20 would not be able to apply for EUSS and may have to apply under **Appendix FM** which has much tougher eligibility requirements.
- They will need to prove their own ID and residence but also their relationship with EU sponsor e.g. marriage or birth certificate.
- Children born in UK to EU citizens may have or be entitled to British Citizenship and would not have to apply.
- In order for Extended family members to apply they need to already have a UK issued document under EEA regs, such as family permit, registration certificate, residence card or permanent residence card or they will need to obtain this before applying for EUSS, see **here**
- Further advice and support with family applications is available from **SAC**
Questions

• We have prepared a number of FAQ’s
• Please submit any further questions in chat
• We will do our best to answer them!
Frequently Asked Questions

• Q - What happens if I require medical treatment in the UK, will I have to pay for it?
  • A - If you have already been granted pre-settled or settled status under EUSS, you will have access to free healthcare under the NHS. If you have not been granted this status yet (including where you are waiting for a decision on an EUSS application), it is important that you have an EHIC card or comprehensive sickness insurance in order to avoid being charged for healthcare.

• Q Do I still need an EHIC card?
  • A - You do not need an EHIC card or comprehensive sickness insurance in order to apply for, or be granted pre-settled or settled status under EUSS. **However**, for the reasons above it is important that you still have this in order to be resident in the UK under EU law. If you are not resident in the UK under EU law from 1st January 2021 to 30th June 2021, there will be grace period where you will not be treated as being in the UK illegally. But if you apply under EUSS before 30th June 2021 and are still waiting for a decision on the application after this date, your status in the UK will only be protected if you are resident in the UK under EU law.
Frequently Asked Questions ctd...

- **Q** - Can I still travel to the UK after 11pm on 31st December without a visa?
  - **A** - As an EU/EEA/Swiss national you will be classed as a ‘non-visa national’ and you should be permitted to travel to the UK without a visa and enter (usually using an e-gate) as a visitor for 6 months. Being in the UK as a visitor is much more restrictive than the rights EU/EEA/Swiss citizens currently benefit from. So, if you have already been resident in the UK and not broken your continuous qualifying period, you should apply under the EUSS as soon as possible to try ensure your status in the UK is confirmed, before you travel back to the UK. If you do not have time to do this, you should ensure that you carry evidence of your residence in the UK in your hand luggage (for example your accommodation contract, bank statements showing payments received or spending in the UK, utility bills and/or evidence of your University registration), and apply under EUSS as soon as possible after arriving back in the UK.

- **Q** - I have registered on my course remotely and have not been to the UK yet. Can I still apply under the EU Settlement Scheme?
  - **A** - No, you will not be eligible. You will need to arrive in the UK by 11pm on 31st December to be eligible to apply. (There has been lobbying to allow discretion to students because of Covid 19 but so far this has not been successful.)
Frequently Asked Questions ctd...

• Q - I left the UK in March at the start of the COVID-19 pandemic, and have not yet returned, can I still apply under the EU Settlement Scheme? What if I plan to come back to the UK after 31st December?
  • A - Under EUSS, an absence from the UK of more than 6 months and less than 12 months will not break your continuous qualifying period if it is for an ‘important reason’. UKVI have said that absence related to COVID-19 will be seen as an ‘important reason’, but have given no further guidance on the criteria for this. We suggest trying to make an application under EUSS ASAP using the evidence of residence you have. If the application is refused or still pending, make preparations to travel back to the UK before 31st December. You should keep evidence that your absence was related to COVID-19 safe should you require this in future when applying for settled status.

• Q - I am living in the UK now, but I am travelling home from the Christmas vacation. If I come back to the UK after 31st December, will I need a visa?
  • A - Again, we would advise to make an application under EUSS ASAP to try and ensure that your status is clear when are travelling back to the UK. This will help protect your rights to live, work and study in the UK for when you come back. If you still have not received the decision on the application by the date you come back, you should carry evidence of your residence in your hand luggage (for example your accommodation contract, bank statements showing payments received or spending in the UK, utility bills and/or evidence of your University registration).
Frequently Asked Questions ctd...

• Q - I am on a study abroad placement as part of my course. Do I need to come back to the UK by 31st December?

• A - Study is written in UKVI’s guidance as an ‘Important reason’ where you can be absent from the UK for 6 -12 months and it will not break your continuous qualifying period. If this applies to you, you do not already have pre-settled status, and you are concerned, you could make an application under EUSS ASAP in order to get clarity on your status. If you have been outside the UK for more than 6 months at the time of application, it is important that your certificate of student status confirms the dates of your Study Abroad placement. You should keep this evidence safe should you need it in the future when applying for settled status.

• Q - I have been granted pre-settled status/settled status, will I have difficulty re-entering the UK after 31st December?

• A - No, you should not (as long as you have not been outside the UK for more than 2 years or 5 years if you have settled status). You should ensure that you can access your online portal showing your status in case you are asked by a Border Force Officer.
Frequently Asked Questions ctd...

• **Q - What about my fee status?**

  • **A -** EU/EEA/Swiss nationals who started their course by the 20/21 academic year will continue to pay home fees and be able access financial support. This will continue throughout the duration of your current course.

  • Michelle Donelan MP minister for universities said
    "Following our decision to leave the EU, EU, other EEA and Swiss nationals will no longer be eligible for home fee status, undergraduate, postgraduate and advanced learner financial support from Student Finance England for courses starting in academic year 2021/22. This change will also apply to Further Education funding for those aged 19+, and funding for apprenticeships. **It will not affect students starting courses in academic year 2020/21, nor those EU, other EEA and Swiss nationals benefiting from Citizens’ Rights under the EU Withdrawal Agreement, EEA EFTA Separation Agreement or Swiss Citizens’ Rights Agreement respectively.**"

  • However we do not yet know how people with pre settled or settled status will be catered for in the Fees and Student Support regulations for 2021/22 onwards. There can be other residency requirements and eligibility criteria so it is not clear if everyone with pre settled or settled status will be eligible to get fee support for new courses.

  • If you are a new student from the EU/EEA/Switzerland starting a course from August 2021 you will not be eligible for home fees or financial support (unless you are eligible through a different criteria)
Do I need a National Insurance number?

Please note that you do not need a NI number to apply for EUSS and can make application without it.

If you have one then the application will automatically check your records and use it to calculate length of residence.

Due to Covid 19 we are aware that EU citizens have not been able to make appointment or get a NI number for several months. It should still be possible to start work and your employer can get a temporary payroll number.

Call 0800 141 2075 8.00-6pm Monday to Friday

SSiD has phone free of charge

https://www.gov.uk/national-insurance

You’ll need to return the application form along with your proof of identity and your right to work or study in the UK. You’ll be told which documents you can use as proof when you get your application form.

After you apply, it can take up to 8 weeks to get your National Insurance number.
Guide to Making the EUSS Application

- Download the UKVI App (EU exit ID document check) to mobile device/phone with NFC settings

- Verify your identity via the App (scan passport and take a picture)

- Complete application on your phone or computer (you will be sent code to log in)

- Upload any supporting documents (to prove residence)
What do you need to apply?

- Valid biometric passport or biometric national ID card
- UK issued Biometric Residence Card (non-EU family member of EU citizen will need this)
- Android phone (min vs 6.0 or above, NFC enabled, 135MB storage); or
- IPhone (7 or 7 Plus or newer, iOS 13.2 or newer, 120MB storage space to install the app)
- App requires access to camera
- Using the app: https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app#check-if-you-can-use-the-app-on-your-phone
- If you do not have biometric ID you can send the document by post and use the online application form to take your photo
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
Reading Chip in 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. Chips will be in different places in different passports!

**Tip**: Try holding phone at bottom of passport and keep still this has worked for us.
Application Form

• Enter Personal Details
• Application Type - Questions on any previous nationalities, dual nationality, permanent residence cards or indefinite leave to remain granted.
• If you are under 21 - Extra questions about whether you want to apply on the basis of your own residence or in line with parents settled status in UK
• Residence in the UK - Are you inside or outside the UK, UK address, previous names, NI number 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.
• Criminal Convictions - Answer questions about criminal convictions, terrorist activities. Answer questions honestly
• Security questions (for future application enquiries, so they know it’s you)
• Declaration - Confirming information given and documents are correct and genuine
• Provisional result if settled or pre-settled status
• Confirm how long lived in UK for
• Upload documents - Assign dates for period of time that the document covers
• Submit application
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 only cover month they are dated from

- Utility bills
- GP or hospital appointment card /letter
- Payslip
- Passport stamp (entry to UK)
- Used travel ticket showing entry to UK
- Letter from a government department, public service or charity
Documents which are not allowed

- photos and videos
- letters or references from family and friends
- greeting cards,
- postcards sent or received
- personal scrapbooks
Getting a decision

• Receive email confirmation of payment and application
• Decision times can vary. Currently published as 5 working days or up to a month if you are asked for more info
• Decision letter tells you your status and includes a link to the online checking service, keep this safe.
Application Refused

- UKVI say they will be looking to grant not refuse, relatively few so far.
- Could be invalid application
- Refusal to grant EUSS status (e.g. due to criminality/suitability or other reason)
- Grant of pre-settled status not settled status (incorrect/error)

What can you do if your application is refused?
- [Appeal to the Immigration Tribunal](#) (for applications made after 31 January 2020)
- [Apply for Administrative Review](#) of the refusal decision
- Make a fresh EUSS application (as long as this is done before 30 June 2021)

- Seek prompt legal advice if your application is refused
- Instructions and timescales should be included in the refusal notice
- We will try and help but in complex cases or appeals to tribunal you would need to be referred to a solicitor.
Home Office Guidance

- https://www.gov.uk/government/collections/eu-settlement-scheme-applicant-information

Useful information

https://www.gov.uk/settled-status-eu-citizens-families

https://su.sheffield.ac.uk/advice-and-support/immigration/eea-students-and-family-members

https://www.sheffield.ac.uk/brexit-advice

https://www.freemovement.org.uk/hubs/eu-free-movement/?ref=ga_header_hub

UKCIS
Contact International Student Support

international.students@shef.ac.uk
https://www.sheffield.ac.uk/ssid/immigration/eu-students

Please note that International Student Support will be close after Friday 18th December and will not reopen until Monday 4th January
Student Advice Centre

- Level 3, Students’ Union Building, Western Bank
- Web – www.sheffield.ac.uk/union/advice/
- Email – advice@sheffield.ac.uk
- At present the SAC is operating remotely due to Covid-19, so please email to get in touch.
- We will be closed from 18 December-11 January 2021.