

**If I have the pre settled status and have left the UK for covid reasons for less than 6 months and i go home for christmas now, should the two periods of time outside the UK still be less than 6 months in total?**

You should try and limit absences to less than 180 days in a consecutive 12 month period to retain continuous residence. This is important if you want to apply for settled status after 5 years. Applicants are permitted one period of absence of more than 6 months (but which does not exceed 12 months) for an important reason such as childbirth, serious illness, study, vocational training, overseas posting, or compulsory military service, without losing their pre-settled status. If the absence is longer, and it is not for an important reason, it will break continuous residence, and they will not be able to apply for settled status.

This might be the way the Home Office decides to deal with COVID-19 related absences – either it's an important reason and the applicant "uses" their exception for it, or they return to the UK before 11pm on 31 December 2020 so they can re-start a new period of residence in the UK. (e.g apply again for pre settled status)

**I applied this year and got a pre-settled status, and says it expires in 2025, but I've been in the UK since 2018 (and have sent the relative evidence when applying). can't I apply for a settled status in 2023? why does the counting starts from 2020?**

You can apply for settled status as soon as you can have been resident in the UK for 5 years and you can show continuous residence. You do not have to wait until 2025 to apply. Pre settled status is always granted for 5 year regardless of how long you have already been resident.

**Does my period of continued residency begin from the day I moved to the UK (4 years ago) to start my uni course, or from the day I was given pre-settled status (this month)?**

You need to have 5 years continuous residency(CR) to apply for settled status. If you have already accrued 4 years CR you can apply for settled status in one years time when you reach 5 years. However if there has been a break in CR at some point over last 4 years you could apply for settled status from the point after the break. You have up to 5 years from when you got pre settled status to accrue 5 years CR.

**Does the '12 month gap' count as a part of the 5-year requirement? So after 2 years in the UK, 1 abroad and 2 more in the UK am i eligible for Settled? the 1 year abroad was for a industrial placement year for my course**

Yes you can have one absence up to 12 months for an important reason such as study abroad (work placements should also count if they are integrated part of course as you will remain registered as student for the whole period). You will be required to evidence the reason for the break in continuous residence.

**I want to do both study abroad and placement abroad. How will that affect my status?**

If you have pre-settled status you can leave the UK up to 2 years in one go and not lose that status, however by doing so you would not have maintained 5 years continuous residence and so you would not qualify for settled status within the 5 years period. You are only allowed one 12 month absence for important reason during the 5 year period. If both placements were 12 months you would risk losing your continuous residency and would not be able to apply for settled status. If you wanted to stay in UK after that your pre settled status ends you would then have to switch into a different visa e.g skilled worker . It does not look like it will be possible to extend pre settled status.

**I have a question from a friend who couldn't be here today. She has a pre-settled status but her EHIC card has expired. She's currently finishing my PhD and She's also working as NHS staff. Will she get access to medical treatment? And will there be any issues when she switch to settled status after 30 June 2021?**

She will be able to access free NHS healthcare with pre settled status and will not be required to hold a EHIC card. When she applies for settled status she will not have to show evidence of EHIC/Comprehensive sickness insurance.

If she applies for naturalisation/ British citizenship in the future, she may be required to show evidence of having a valid EHIC/CSI for any period she was in UK prior to being granted pre settled status when relying on EU treaty rights as a qualified person (student).

**And how do we prove we had comprehensive sickness insurance and EHIC when we are applying for British citizenship**

We are not able to provide detailed advice around british citizenship applications however it is likely that you would need to show copies of the EHIC card or get a letter from home issuing authority confirming that you held this. For permanent residence applications in the past this is what the Home office required. If you have private comprehensive sickness insurance you would need to show copies of certificates. We would advise you to seek further specialist advice on this. This website has some useful articles and guides around this and other EU topics see <https://www.freemovement.org.uk/csi-and-citizenship/>

*On 14 May 2020, the Home Office published updated Guidance on Naturalisation as a British citizen by discretion:*

*"A "grant of settled status (also known as indefinite leave to enter or remain) will not confirm that they were here lawfully under the EEA Regulations during that time, as defined by the British Nationality Act 1981 as this is not a requirement of the EU Settlement Scheme. You may therefore need to request further information from the applicant to demonstrate this.*

*The naturalisation application form (Form AN) asks for information to confirm the applicant was lawfully in the UK for the relevant 3 or 5 year qualifying period.*

*A person granted pre-settled status may have dual running rights under both UK immigration rules (in accordance with their grant of pre-settled status) and the EEA Regulations during their residence – once granted pre-settled status, they will not need to demonstrate that they were exercising a treaty right. To assess whether the person was here lawfully in accordance with the EEA Regulations (if required) prior to their grant of pre-settled or settled status you must look at the guidance on EEA/Swiss nationals and their family members. This includes the type of evidence you can take into account. You must assess whether the applicant was lawfully resident under the EEA Regulations in accordance with that guidance and therefore lawfully in the UK for any residence prior to the grant of pre-settled status, or settled status. "*

**If I am graduating in the summer of 2021 and do not intend to stay , should I apply?**

Whilst you do not have to apply, it may be advisable to make an application for pre settled status. A 'grace period' exists between 31.12.20 and 30.6.21 and during this time there should be no requirement to prove to employers, landlords, banks etc proof of EUSS status but the actual legal 'status' of EU citizens who were resident before 31.12.20 and have not applied for EUSS is a little unclear.

It is clear EU citizens who move to UK from 11pm on 31.12.20 do need to apply for alternative immigration status e.g. student visa, visitor. It may be a confusing time and so having pre settled status could help. Applying is free and would give you proof of your status as an EU citizen resident in UK prior to 31.12.20. It could also allow you some flexibility in the future if you wanted to do another course or work in the UK.

If you stayed after 30.06.21 you would be unlawfully present in the UK.

**If one wants to come to work (not study) after 31/12, how can he do that? Does he need to be formally employed before arriving?**

If the EU citizen does not hold pre settled or settled status and has not been resident in the UK recently, so cannot qualify for EUSS then if they wish to work in the UK after 1.1.21 they will need to apply for a work visa/alternative immigration visa. The UK Govt are [introducing a new points based system](#)

The [Skilled work visa](#) has been introduced on 1.12.20 (replacing Tier 2) this will be the main worker route. It will require sponsorship from an employer, the role will need to be at a skilled or highly skilled level and meet certain salary requirements. The applicant will also need to meet certain other requirements e.g. English language. There will also be application fees to pay and an

Immigration Healthcare Charge which is currently £624 per year. It will be more restrictive than working under the EUSS scheme.

### **Can my parents visit me in the uk after 31.12.20?**

Yes EU citizens will be able to visit the UK and will not required a visa before travel, they will be able to stay for up to 6 months and be granted leave to enter as a visitor at the border. See [Visitor guidance](#) for details.

### **I am a third year PhD student from EU. In my pre-settlement scheme last week I was asked to give more evidence that I was in England for at least a day in last 6 months. My supervisor has said that I was allowed to travel abroad and work from home. My 6 months expire in 3 days - Should I worry and go back?**

There is a requirement to show at least one document dated within last 6 months proving residence. There is a possibility that the application will be refused on the basis that you have been outside the UK for more than 6 months if you cannot provide this. Although they may accept longer absences due to Covid it is not yet in any guidance and they could say they will only accept absences for a period where you could not return, eg lockdown and travel restrictions rather than choosing to study from home. It would be an idea to keep records of this if this is why you have not returned . It could be safer to re-enter the UK before 31.12.20 in case you did get a refusal as you could then re apply and would have up until 31.06.21 to do so.

You may want to contact [international.student@shef.ac.uk](mailto:international.student@shef.ac.uk) for further advice and provide some additional information..

### **If I'm not in the UK but I was (have been up until may), can I apply for the pre-sett?**

Please see above.

### **And do we have to reach 5 consecutive years by June 2021 to apply for full settled status?**

No, if you will not have been in uk for 5 years before 30.06.21 you should apply for pre settled status in the first instance. You will be granted a further 5 years leave. You can apply for settled status when you get to 5 years continuous residence. So, if you have been in the UK continuously for 3 years already you can apply for settled status in 2 years.

### **I have pre settled status , can my boyfriend join me in the UK under EUSS in the future?**

For family members to join you in the UK the relationship must have existed before 11 pm on 31 December 2020. Unmarried (durable) partners must be in their relationship

with their EEA partner before 31 December 2020 as well. To be eligible to apply for (pre-)settled status as a durable partner, the durable partnership must first be assessed as genuine by the Home Office. In the case of a durable relationship, the Home Office requires durable partners to apply for a document under the EEA Regulations to evidence their relationship. That document must be issued and received before the durable partner can then apply for status under the EUSS, meaning that if you're an unmarried partner (i.e. durable partner) an application for that document must also be made before 31 December 2020. I am sorry but he may not be able to join you on EUSS scheme.

If he is an EU citizen and he could enter the UK before 31.12.20 he may be able to apply in his own right for EUSS