



Visabytes

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With all the news focused on the uncertainty of Brexit what is perhaps masked are the immigration regulations which continue to be quietly and steadily developed by the Home Office and are largely favourable to those who enter the UK before the end of December 2020. For those who are confused about the state of affairs here is a run-down on the latest position. Some issues are still subject to the Government reaching a deal.

The EU Settlement Scheme

Those who are in the UK by the 29 March 2019

EU citizens and their family members who enter the UK before 29 March 2019 can apply immediately for settled or pre-settled status under the EU Settlement Scheme. The scheme is open now, but only to certain applicants. The scheme will open fully and will be free of charge to all applicants by 30 March 2019.

The deadline to apply will be 30 June 2021 or 31 December 2020 if the UK leaves the EU without a deal. The rights of EU citizens and their family members will remain unchanged until 1 January 2021.

Those who arrive after the 29 March 2019

EU nationals and their family members who enter the UK after 29 March 2019



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but before 31 December 2020 will be able to apply for pre-settled status, if they wish to remain in the UK after 30 June 2021.

Those who arrive after 31 December 2020

EU nationals who arrive after 31 December 2020 will not be eligible to apply under the Scheme.

Family members joining EU citizens living in the UK after that date will be able to apply to join their family member in the UK only if their family member has been granted settled or pre-settled status, their relationship began before 31 December 2020 and they are a close family member, for example a spouse, civil partner, unmarried partner, a dependent child or grandchild, or a dependent parent or grandparent.

If the relationship began after 31 December 2020, the family member will be able to apply for a family visa to come to the UK.

Settled status

EU citizens and their family members can apply for settled status providing they have completed 5 years of continuous residence in the UK by 31 December 2020.

Five years' continuous residence means that for 5 years in a row they have not been absent from the UK for more than 6 months in any 12 month period, except for absence for an important reason (for example, childbirth, serious illness, compulsory military service of any length).

All rights to work, access to NHS or to public funds will remain unchanged.

The status will be lost by continuous absences from the UK of 5 years in a row although this is still a subject to Parliamentary approval.

Any children born in the UK to applicants who hold a settled status will be automatically British citizens.

There may be circumstances when an applicant will be eligible for settled status before he/she completes the 5 years period of continuous residence, for example because he/she had to stop work or self-employment due to an accident or illness or because they have reached the state pension age. This may also apply to family members of EU citizens who have died or when the marriage to EU citizen has been terminated. In these circumstances specific conditions must also be satisfied.

Pre-settled status

Pre-settled status will be granted to those, who have not completed 5 years' continuous residence by 30 June 2021. They will need to apply again once they have completed 5 years continuous residence to get settled status, if they wish to remain in the UK permanently.

All rights to work, access to NHS or to public funds will remain unchanged.

The status will be lost by continuous absences from the UK of 2 years in a row although this is still a subject to Parliamentary approval.

Any children born in the UK to applicants who hold pre-settled status will be automatically eligible for pre-settled status.

Those with permanent residence documents

Those already issued with permanent residence document can swap that for the EU settled status free of charge and without a need to prove 5 years' continuous residence again.

Those in the UK from 1 July 2021

It will be compulsory for EU nationals and their family members to hold either settled or pre-settled status.

Applications Under The EU Settlement Scheme

The EU Settlement Scheme is open now, but only to certain applicants. The scheme will open fully to all applicants by 30 March 2019.

Who can apply now?

- An EU citizen who has a valid passport as a national of that EU country (apart from nationals of Iceland, Lichtenstein, Norway and Switzerland)
- A non-EU citizen where they have previously been issued with a biometric residence card.

How is the application made?

Applicants will be able to complete the application form online. An Android phone is required for applications made now to be able to scan their identity document. Applicants will be able to use any device (for example, an iPhone) or send their identity document in the post when the scheme opens fully.

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