



How to apply for settled status for European nationals and their family members

The draft Withdrawal Agreement setting out provisions for the legal status of European nationals following our departure from the European Union confirmed that those who had completed a period of 5 years residence in the United Kingdom would be able to apply for settled status (indefinite leave to remain). Those who had not yet completed a five year period will be able to apply for pre-settled status which will lead to settled status (indefinite leave to remain). Pre-settled status and settled status (indefinite leave to remain) includes the right to live in the UK, work, study and access public funds and services.

The Home Office proposes that the application route for settled (indefinite leave to remain) and pre-settled status will open towards the end of this year.

In the [statement of intent](#) published on 21 June 2018, the Home Secretary, Sajid Javid MP has confirmed as follows:

“To obtain settled status EU citizens will generally need simply to have lived continuously in the UK for five years. This means for example that stay-at-home parents, retired people and students can all be eligible. Those with less than five years’ continuous residence will be granted pre-settled status and be able to apply for settled status once they reach the five-year point.”

The Home Office have now revealed details of how the application process will work.

They have confirmed that those applying under the scheme will need to prove their identity, prove residence in the UK for the required period of time and declare they have no serious criminal convictions.

The Home Office intend to use HMRC and DWP records to confirm residence and employment in the UK. People will not need to provide substantial evidence of residence. Where the automated checks of HMRC and DWP data do not confirm that the applicant has been continuously resident in the UK, they will be able to upload alternative evidence of having completed the relevant 5 year qualifying period. If evidence is needed, the Home Office have confirmed that they will apply flexibility to the documentary requirements.

They intend to provide an online application process which will be accessible through smartphones, tablets, PCs and laptops. They will provide a smartphone app. which will read the chip in a biometric documents, such as passports. This will enable applicants to retain their ID during the application process. Applicants will be able to upload documents and upload a passport style photograph image of themselves as part of the process of confirming their identity. Alternatively applicants will be able post their documents securely to the Home Office. The Home Office state that support will be offered to vulnerable applicants or those with no access to the online process.

It is proposed that the fee will be £65 for an adult application and £32.50 for a child under 16. There will be no fee for those who already have a document certifying permanent residence. From April 2019, there will be no fee for those applying for settled status who already hold pre-settled status.

Evidence of settled or pre-settled status will be given to EU nationals in digital form. No physical document will be issued to them. Non-EU family members will be issued with a biometric residence permit.

The Home Office have emphasised that caseworkers are looking to grant applications rather than refuse and caseworkers will work with applicants to give them every opportunity to remedy any deficiencies or omissions in the application. This marks a welcome change in Home Office policy.

The scheme will open at the end of 2018. Applications will be voluntary until June 2021, at which applications for pre-settled or settled status (indefinite leave to remain) will become mandatory.

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