EU Settlement Scheme for EU and EEA nationals - when and how to apply: You will need to apply to the EU Settlement Scheme if you wish to remain in the UK after the end of the “transitional period” when the UK leaves the EU. During the transitional period the UK will adhere to current EU trading arrangements and abide by EU rules, however would no longer be involved in any EU decision making. While the UK Government has made some recent announcements and additions to the immigration rules, things could change so it is very important to keep checking for updates on the www.gov.uk webpages. Everything written here is based on the information we have at this moment and with the UK expecting to leave the EU on 31st January 2020, although it is possible the UK could leave the EU before this date. There is also potential for the end of the transitional period to be extended up to December 2022, so this too may change.

EU citizens and certain family members can apply from outside the UK free of charge and a decision would be made based on the length of their residence in the UK and can apply before the end of the transitional period that will follow the UK leaving the EU. At present, we understand that EU nationals will need to apply for the EU Settlement Scheme before 30 June 2021, whereas EEA nationals will need to apply before 31 December 2020. There is no change to the position of EEA nationals (EU, non-EU EEA and Swiss citizens) and their family members already here in the UK during before and during the transitional period which means students and their family members can continue to exercise their residency rights in the UK.

It would probably be safest, in terms of reassurance and having evidence of your right to re-enter the UK, if you apply for the EU Settlement Scheme soon. You can see information about the EU Settlement Scheme in Appendix EU of the UK Immigration Rules. UKVI have noted that the EU Settlement Scheme processing times are usually 5 working days however can take up to one month. Once granted, your settlement status will be recorded digitally so you will not receive a document to prove this. However, employers, educational institutions, UK Border Officers etc can access this if required. Those holding settled or pre-settled status are expected to continue to be able to work, study, and access benefits and services in the UK in the same way they do now.

Please note, if your EU Settlement Scheme status is lost due to a period of absence exceeding the time permitted, and if you are no longer eligible to apply under the settlement scheme, you will need to apply under any other category of the Immigration Rules in place at the time you wish to enter the UK.

“Settled status” and “pre-settled status”: You will receive either “settled” or “pre-settled” status when your application is decided – this will depend on how long you have lived in the UK. Read the information below about what is expected to happen if the UK leaves the EU with a “deal” and what to expect to happen if there is “no deal”.

If you have been living in the UK continuously for five or more years (with gaps of up to 6 months in any 12 months period and / or one instance of up to 12 months absence for a specified reason, including study) you will be eligible to apply for settled status under the EU Settlement Scheme. ‘Settled status’ (unless granted to Swiss citizens and their family members) will be lost after a continuous absence of more than five years from the UK and Islands.

If you have not been living in the UK continuously for 5 years you will be eligible to apply for pre-settled status under the EU Settlement Scheme. There is no minimum time you need to have spent in the UK in order to apply for pre-settled status – you only need to show evidence that you currently live in the UK and meet the definition of ‘continuous qualifying period’ in Appendix EU Annex 1- Definitions. ‘Pre-settled’ status will be lost after a continuous absence of more than two years from the UK and Islands.

Leaving the UK before Brexit and returning after Brexit: Please see both the “deal” and “no-deal” information below. The UK and the European Union are in the process of trying to finalise a Withdrawal Agreement, including an agreement on citizens’ rights during a transitional / implementation period from the date the UK leaves the EU.

Based on the information from the UK government so far, the transitional period is likely to continue until at least 31 December 2020, during which time EU citizens and their family members can come to, or remain in, the UK on the same basis as they can now.
If the UK leaves the EU with a deal: EU & EEA nationals already in the UK before the date the UK leaves the EU and those who come to the UK during the transitional/implementation period, can apply for immigration permission in the UK the EU Settlement Scheme. You need to apply to the EU Settlement Scheme if you wish to remain in the UK after the end of the transitional period. We understand that EU nationals will need to apply for the EU Settlement Scheme before 30 June 2021, whereas EEA nationals will need to apply before 31 December 2020. If you’re an EU or EEA citizen who arrives in the UK after the date the UK leaves the EU, but were previously living in the UK before this date, you can also apply to the EU Settlement Scheme.

Paragraph 13 in the “Citizen’s Rights – EU Citizens in the UK & UK National in the EU” Policy Paper says it will be possible to use an EU National ID card to enter the UK until 31 December 2020, however a passport will be required to enter the UK in 2020 (and by 2021 for Swiss citizens). Please note however that the Statement of Changes issued on 24 October 2019 states from 6 January 2020, if you do not have the correct documents at the UK border, you will no longer be given an automatic opportunity to produce the required documents or to establish a right of admission to the UK by other means. Please also note that if you were not resident in the UK prior to your entry after the date the UK leaves the EU with no deal that you will not be able to apply for the EU Settlement Scheme.

If Britain leaves the EU without a deal (“no deal”): If no agreement on a deal is reached, EU, non-EU EEA and Swiss citizens will not be able to come to the UK on the same basis as now to live, work and study. EU nationals will be able to use their passport or national identity card to enter the UK (although non-EU EEA citizens will not be able to use only a national identity card to travel to the UK in a ‘no-deal’ scenario).

If you enter the UK after the date that the UK leaves the EU, we understand that you will be permitted to enter the UK and stay in the UK for up to three months, so long as you enter the UK before the end of the transitional period (in a “no-deal” scenario this transitional period would be expected to end 31 December 2020). Studying and working in the UK is anticipated to be permitted during this 3-month period as they are for EU and EEA nationals now. If you are not living in the UK prior to entering the UK after the date the UK leaves the EU with no deal, you will not be eligible to apply for the EU Settlement Scheme. However if you wish to stay in the UK beyond this three month period you will be required to make an online application for European Temporary Leave to Remain (ETLR).

European Temporary Leave to Remain (ETLR): If your ETLR application is successful, you will get immigration permission (‘limited leave’) for a period of three years (however no leave will be granted for a period beyond 31 December 2023). This leave cannot be extended, will only be granted once and will not lead to status under the EU settlement scheme. Any period of ETLR leave granted can however be counted towards the qualifying residence period required for settlement (indefinite leave to remain).

You will need to “occupy adequate accommodation for the duration of the (ETLR) leave” – there is no definition at the moment for “adequate accommodation” however this may mean that you must have arranged stable accommodation appropriate for yourself and any family members (e.g. children) to live in. From 4 December 2019 if your ETLR application is refused it will be possible to submit an Administrative Review (if you believe your application was refused incorrectly) and have the decision reviewed.

The deadlines for European Temporary Leave to Remain applications are before:

- 1 January 2021 for EEA citizens (or the expiry of the EEA citizen’s leave for relevant family members).
- 31 December 2023 for family members of Irish citizens.

European Temporary Leave to Remain will be granted for the following periods:

- for EEA citizens and the relevant family members of Irish citizens who apply before 1 January 2021 will be granted 36 months of leave from the date of decision.
- other relevant family members – leave which expires the same day as the EEA citizen’s leave.
- relevant family members of Irish citizens who apply on or after 1 January 2021 will be granted leave ending 31 December 2023.

If you wish to discuss the information in this handout please e-mail: internationalstudentsupport@glasgow.ac.uk