



SHEPHERD+ WEDDERBURN

IMMIGRATION SERVICES

Brexit: FAQ for EU Nationals

NO DEAL SCENARIO

1. What happens in a no-deal situation?

If there is a no-deal, only those physically in the UK by 31 October 2019 will be able to apply under the EU Settlement Scheme. In terms of that scheme, EU nationals and their family members will have until 31 December 2020 to apply. Those who do not apply by that deadline will be in the UK illegally.

2. In a no-deal situation how will EU nationals come to the UK after 31 October 2019?

EU nationals who arrive in the UK after 31 October 2019 will be granted three months leave to enter and during this time they will be able to work in the UK. Prior to this 3 month period expiring, applicants will require to apply for a new form of leave which will be known as “European Temporary Leave to Remain”. This leave will last three years. The Government has stated that it will publish further details on the costs of this visa in due course. Prior to the expiry of this visa, applicants will have to apply to switch into another visa in term in terms of the new immigration system which is due to be implemented at the end of December 2020. If they don't qualify to switch into another visa under the new immigration system they will have no right to remain in the UK.

EU CHILDREN

3. Will my UK born EU child qualify for a British passport?

The answer to this depends on when the child was born and what the parent had been doing in the UK prior to the child's birth. If the child was born at least 5 years after a EU parent had been in the UK exercising Treaty rights (eg as a worker or as a self-employed person) then the child will qualify automatically for a British passport and should provide evidence of their parents 5 year activity history to the HM Passport office. If however, the child's parent(s) had not been doing a relevant activity for 5 years then the child will not have been automatically British at birth and the child will have to wait and register as a British citizen once their parents had obtained Settled Status.

4. Can I make a family application under the EU Settlement Scheme and include all family members in one application?

No, all family members require to make individual applications under the Scheme. However, the process is made significantly easier by virtue of the fact that once one family member makes an application a reference number is generated which can then be used in any subsequent applications to link up family applications.



For further details on this question see: shepwedd.com/knowledge/british-passports-children-eu-nationals-handy-guide

5. What happens to my adult children – do they require to apply themselves or can I apply on their behalf?

In terms of EU law, children include those up to 21 years old and therefore those in this category can either apply on their own behalf or their parents can make an application for them linking them up to their earlier application.

APPLICATION PROCESS

6. How do I apply without an Android device?

The first stage of the application must be made via the “EU Exit ID Document check” application. Your phone/tablet will need:

- Android 6.0 or above – you can find this in your settings;
- At least 135MB of storage space to install the app;
- To be connected to 3G/4G or Wi-Fi;
- NFC reader – you can find this in your settings (required to be able to read the biometric information on your passport)



You can use someone else's Android phone to prove your identity. You can also visit an ID location scanner. See gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations/locations-offering-chip-checker-services. You will need to book an appointment and pay a fee. You can also begin your application online using a computer and complete the identity checks via the post. You will need to enter your

7. Will I be issued with a physical document under the Settled Status Scheme?

No, the Settled Status Scheme is a digital scheme and you will be issued with digital status. You will be able to use this digital status in future to prove your right to work. See gov.uk/prove-right-to-work

8. Is my digital status linked to my current passport?

Your digital status is linked to the passport you used at the point in which you you're your settlement application, you will need to update your digital status and send your passport to the Home Office. This would not apply if you became a British citizen and some EU nationals may decide to become a British citizen as a means to avoid this future hassle. See further below on how to naturalise as a British citizen.

9. What happens if I don't send the right documents, will my application be rejected?

The feedback that we have had back so far from the settlement scheme has been very positive. The Home Office will give you an opportunity to provide them with the correct documentation and your application will not be automatically rejected.

10. When should I apply under the Settled Status Scheme?

The Settled Status scheme is now fully open. We would recommend that applicants apply as soon as they can as the application is in the main straightforward and free.

11. Can I lose my Settled Status once I have acquired it?

Holders of Settle Status can be absent from the UK for any reason for a period of five consecutive years without losing their status.

12. Who is eligible to apply under the scheme?

You will be able to apply under the scheme if you are either:

- An EU national with a valid passport or
- A citizen of Norway, Liechtenstein, Iceland
- A Swiss citizen
- An eligible family member of the above

13. What happens if my current passport expires after I have received Settled Status?

You will be required to update your status and when you receive a new passport unless you have applied to naturalise since you became a British citizen.

NATURALISATION AS A BRITISH CITIZEN

14. If I am a British citizen do I need to apply under the EU Settlement Scheme (EUSS)?

No, British citizens don't require to apply under the EUSS and neither do Irish nationals. However, family members of Irish nationals can apply under the Settlement Scheme and it may be beneficial for them to do so.

15. Are there benefits to applying to become a British citizen?

The decision whether to apply to become a British citizen is a very personal decision. For the general benefits of naturalising please see our video [HERE](#). An additional reason why EU nationals may wish to naturalise is that

16. When will I be able to apply for British citizenship?

Once you obtain settled status you will be able to naturalise as a British citizen:

- Immediately if you have lived in the UK for a continuous period of three years and are the spouse or civil partner of a British citizen; or
- 12 months after the date on which you were granted settled status; or
- 12 months after you were issued Permanent Residence OR 12 months after the date in the letter accompanying the grant of PR which would confirm the date you actually acquired PR.

There are additional requirements around naturalisation including an English language requirements, a requirement to pass the Life in the UK test and absence requirements.

We would be delighted to assist in respect of a naturalisation application. For assistance with making a naturalisation application please contact Jacqueline Moore or Blair Melville.



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