Executive summary
This Update is to advise members that on 21 June, the Home Office published details of a Settlement Scheme for EU citizens in the UK. EU citizens living in the UK and their family members will need to make an application under this Scheme to obtain their new UK immigration status. They will need to demonstrate that they have been living continuously in the UK for five years to be granted settled status. EU citizens living in the UK for fewer years will be granted pre-settled status until the five year point is reached. The application will essentially involve providing evidence under three categories: identity - the applicant will need to prove their identity; eligibility – the applicant will need to show that they live in the UK; and suitability (criminally) – the applicant will need to declare that they have no serious criminal convictions. Following a phased introduction later this year, the Scheme will be fully open by March 2019. The deadline for applications is 30 June 2021. Further consultation on the Scheme is taking place prior to Parliamentary approval in due course.

Introduction
UCEA Update 17:086 provided members with details of the Government’s technical document setting out the proposed administrative procedures for EU citizens to obtain settled status. On Thursday 21 June, the Government published details of the EU Settlement Scheme by which EU citizens and close family members (a spouse, civil partner, unmarried partner, dependent child or grandchild, and dependent parent or grandparent) living in the UK will be able to apply to continue living and working in the UK indefinitely. The draft Immigration Rules, giving legal effect to the Scheme, provide details of the Scheme and deliver on the citizens' rights agreement made with the EU in March this year (formalised in the draft text of the Withdrawal Agreement, which guarantees the rights of EU citizens living in the UK, and UK nationals living in the EU). The Government’s Statement of Intent sets out further details of the Scheme including how the online application system will work, the forms of evidence which will be needed (see Annex A) and how status will be evidenced. A shorter overview of the Scheme is also available.

The Scheme has been designed to be user-friendly and to facilitate fast-track registrations to be made; online applications and digital submission of the documentation required will, for example, be possible. Reassurance has been given that the default position will be to grant rather than refuse applications for settled status, and applications will only be rejected on particularly serious grounds. The Settlement Scheme is subject to Parliamentary approval and further consultation is planned with stakeholders and employers regarding the details of the Scheme to ensure effective implementation.

How the Settlement Scheme will work
To obtain settled status, EU nationals will, generally, need to prove that they have been continuously resident in the UK for five years. Those who have been living in the UK for less than five years will generally be granted pre-settled status and will be able to apply for settled status once they have met the five year residence requirement. The Statement of Intent provides further information on what ‘continuously resident’ means and guidance on exceptions (see Section 3). Applicants will need to prove their identity, provide evidence that they live in the UK and declare
that they have no criminal convictions. Applications will be checked against Government databases (e.g. HMRC and DWP records). However, there will be some flexibility surrounding documentary evidence. For example, in relation to proof of residence, the Home Office will accept various forms of evidence including council tax bills, rental or mortgage statements, and utility bills (rather than just National Insurance and tax records) where Government data is unavailable. Full details regarding documentary evidence is provided in Annex A of the Statement of Intent.

Applications will cost £65 per adult and £32.50 per child, and there will be no charge for EU nationals who already have residency or indefinite leave to remain.

**Key dates**
The settlement scheme will be fully open by 30 March 2019, but a phased roll-out is planned for later this year and further details of this will be published over the summer. There will be no change to the current rights of EU citizens in the UK under EU law until 31 December 2020, and until this date, they will be able to continue living in the UK and access public funds and services in the same way as currently. The deadline for applications for settled status for those who are resident in the UK by 31 December 2020 will be 30 June 2021.

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