

Settled vs Pre-Settled Status

	Pre-Settled	Settled
What is it?	UK immigration status called Limited Leave to Remain	UK immigration status called Indefinite Leave to Remain
Who is it for?	<p>EU, EEA, Swiss citizens and their family members who:</p> <ul style="list-style-type: none"> •reside in the UK by 31 Dec 2020, •have no serious criminal record, and: 	<ul style="list-style-type: none"> • have lived in the UK for at least five years, during which time they spent less than 6 months abroad in any 12-month period (unless for compulsory military service; a single absence of 6-12 months may be allowed for an “important reason”). This is called “continuous residence.”
How long is it granted for?	For five years , but you will lose it if you leave the UK for a period of 2 consecutive years. In addition, your period of “continuous residence” resets to 0 if you spend over 6 months abroad in any 12-month period. This means you will lose the ability to change your pre-settled status to settled . It can also be revoked for subsequent criminal offending.	Forever , but you will lose it if you leave the UK for a period of 5 consecutive years (4 years for Swiss citizens). It can also be revoked for subsequent criminal offending.
When do I need to re-apply?	You need to re-apply to change your pre-settled status to settled before your pre-settled status expires. You will be able to do this as soon as you accrue 5 years of “continuous residence”.	Never! You do not need to re-apply.
What are my employment and welfare rights?	You will enjoy the same rights to live, work, and healthcare as you do now. As regards welfare rights, the Court of Appeal has ruled that pre-settled status should give access to means-tested benefits ; however, the Government is appealing this at the Supreme Court. Please read this page for important advice. The Withdrawal Agreement also means that you may be able to show an alternative right to reside instead by being a worker for example.	You will enjoy the same rights to live, work, healthcare and welfare as UK citizens , as your settled status is evidence that you have a right to reside in the UK.
Can I apply for UK Citizenship?	No , you need to be settled in the UK before you can apply.	Not necessarily. The requirements for citizenship and settled status are different. Also, if you do apply, you can only do so after holding settled status for a year - unless you are married to a British citizen.
What status will my child get?	If you have pre-settled status and you link your child’s application to yours, your child will get pre-settled status.	If you have settled status and you link your child’s application to yours, your child will get settled status. If you have a baby (born in the UK) after you have been given settled status, your baby will be born a British citizen and does not need to apply for settled status.

Note: simplified overview of main differences. If you have concerns about your eligibility, in particular whether a criminal record will interfere with your application, you should seek advice.

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Were you granted pre-settled status despite having lived in the UK for over 5 years?

Please email us at: research@the3million.org.uk

We’re running a research project investigating cases like yours!