

## **Answers to Questions following the Young Europeans and EU Delegation/Seraphus January webinar on the ‘New Immigration System and the EU Settlement Scheme’**

Watch the event recording [here](#).

*This document was written in collaboration with Christopher Benn ([Seraphus](#)). Seraphus in an Immigration Law Firm.*

Find more information about the Young Europeans Network here:

<https://www.the3million.org.uk/young-europeans>

### **Immigration Assistance:**

- EU Settlement Resolution Centre - call 0300 123 7379 between Monday to Friday (excluding bank holidays), 8am to 8pm, Saturday and Sunday, 9:30am to 4:30pm
- Postcode finder - to find closest charity / voluntary organisation  
<https://www.gov.uk/help-eu-settlement-scheme>
- Charity / community organisations - the Home Office has funded charity / voluntary organisations to assist vulnerable applicants with their EUSS applications for free, search on:  
<https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens>
- Identity Scanning Locations - search gov.uk for a list of Local Authority locations. (Note that these are currently closed due to COVID-19 so if you can't use your mobile devices to scan your documents, you may need to send your Identity documents by post)
- Assisted Digital Service - call 03333 445 675 or text "VISA" to 07537 416 944
- Settled is a charity providing free immigration advice to EU citizens. You can contact them here: <http://settled.org.uk/contact>

### **Questions & Answers**

#### **Applying for EUSS questions:**

- 1. Do travel tickets count as evidence for residence in the UK before 31st of December 2020?**

Yes, travel tickets can count as proof of residence when applying for (pre-)settled status.

This is the Home Office's guidance on which documents can be submitted as proof of residence when applying for pre-settled or settled status:

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

- 2. Do British citizens (including British children born to EU citizens) need to apply for the EU Settlement Scheme?**

No. British citizens do not need to apply for pre-settled or settled status.

**3. How can I prove residence in the UK when I had employment breaks such as periods of time involving childcare?**

You can use many forms of acceptable evidence and you only need to provide proof for 6 months for each year, for 5 years in a row, to apply for settled status. The list of acceptable evidence is here and contains evidence such as bank statements and council tax bills:

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

The Home Office also states that they are willing to work with individuals who may not have enough evidence in their own name suggesting that they may be willing to accept other forms of evidence. If you have lived in the UK for 5 continuous years, apply for settled status and submit additional evidence if needed. Although accepting pre-settled status may seem easier, pre-settled status is a limited leave to remain in the UK for 5 years and offers fewer rights than settled status.

**4. I previously lived in the UK for a total of 5 years. Can I apply for Settled Status, using those years in my application? What if this period was more than 5 years ago and I cannot show that I have returned to the UK since then?**

If you lived in the UK for at least 5 years continuously in the past and have not stayed outside of the UK for more than 5 years since that first period of 5 years of residence, you can apply for Settled Status based on previous residence.

Unfortunately, you must be able to prove that you entered the UK before being absent for more than 5 years. Otherwise, your qualifying residence period would have been broken. Travel tickets can be used as evidence of returning to the UK during that period.

**5. Can I appeal a decision made by the Home Office on my status if I believe I should have been given settled status but was granted pre-settled?**

You may be able to apply for an administrative review of your application if you think there's been a mistake. It costs £80 and you'll usually get the result within 28 days.

You'll get your money back if the original decision is changed because of an error.

You can submit new evidence as part of an administrative review but you will not get your money back if the decision is changed because of the new evidence.

It is also possible to apply again for pre or settled status if the first application you made was refused.

You can also appeal against a decision. For more information on appeals, read it here: <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-outside-the-uk> You may be advised to seek legal advice if you wish to appeal a decision.

**6. If my pre-settled status application is rejected, will this affect my chances of securing a work visa?**

The EU Settlement Scheme and work visas are two separate systems. You may be asked if you have previously had any other application with the Home Office. If in doubt, please contact an immigration adviser - some organisations are listed on the first page of this document.

**7. Can I apply again for pre-settled status if I receive an initial rejection? Is there a limit to the number of applications?**

Yes, you can make another application to the EU Settlement Scheme. You can also ask for the decision to be looked at again - this is called an 'administrative review' - or appeal the decision. There is no limit to the number of applications. You must, however, be able to prove that you were in the UK before the 31st December 2020. It is a good idea to seek legal advice if your application was refused and you were not able to prove that you were in the UK before the 31st December 2020.

More information on administrative reviews can be found here:

<https://www.gov.uk/settled-status-eu-citizens-families/after-youve-applied>

**Absences Questions:**

**8. I have settled status but left the UK for a long period of time. Can I return to the UK?**

With settled status, you have a five-year absence allowance, so as long as you come back within those five years, even for a brief period of time, you can 'reset the clock' on your settled status.

More information on how absences affect your status can be found here:

<https://t3m-settledstatus-absences.paperform.co/>

**9. If I have broken my pre-settled continuous residence, will I be able to apply for pre-settled now?**

If you were granted pre-settled status and broke your 'continuous residence' period, meaning you were absent from the UK for more than 6 months without an important reason and did not return to the UK before the 31st December 2020, you will not be able to re-apply for pre-settled status. Your pre-settled status will still be valid for five years from the date you were granted it.

What is considered as an important reason can be found here:

<https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

If, however, you spent more than 6 months outside of the UK but returned before the 31st December 2020, and you haven't already applied, you are still able to apply for pre-settled status until the 30th June 2021. If you had already applied for pre-settled status and then left the UK for more than 6 months but returned before the 31st December 2021, you must re-apply for pre-settled status before your original pre-settled status period of five years expires. That means that if you were granted pre-settled status in July 2019 and left the UK from March 2020 to October 2020, you must re-apply for pre-settled status before July 2024.

#### **10. What kind of work is considered as reasonable long absences out of the UK without affecting my pre-settled status?**

There are a few work categories which allow for long absences without affecting your status in the UK. These include periods of absence on compulsory military service, a Crown service posting (or as a partner or child accompanying such a person) or time "spent working in the UK marine area". These examples allow you to be absent from the UK for as long as the post lasts without losing your status.

If your job does not fall into one of the above categories, absences from the UK may affect your 'continuous residence' period. However, work postings (i.e. if you are sent abroad by your company) of more than 6 months but not more than 12 months are considered as important reasons for staying outside the UK for more than 6 months and would allow you to maintain your continuous residence period without losing your pre-settled status.

#### **11. Exemptions and absences**

- a. I have been in the UK for a year but had to return back home. If I stay outside the UK for longer than a year, will I lose my pre-settled status?**
- b. We have been absent for more than 12 months because we were stuck in South Africa due to travel restrictions. Do we need to re-apply to the scheme as we've lost our ability to qualify for settled status? if so, what is the process to reapply to the scheme?**
- c. Does pregnancy count as a valid reason to be out of the UK for more than 6 months while maintaining pre-settled status?**

If you have pre-settled status, you are allowed to stay outside the UK for up to 2 years without losing your pre-settled status, which is valid for 5 years from the day you were granted pre-settled status. However, if you have pre-settled status and are absent from the UK for more than 6 months, you will break your 'continuous residence' period and will not be able to convert your pre-settled status into settled status, which is indefinite leave to remain under the EU Settlement Scheme.

However, there are a few exceptions to this rule. For those who hold pre-settled status, one single absence up to 12 months within the 5-year qualifying residence period for settled

status may be permitted in a few circumstances (for example childbirth, serious illness, study, vocational training or an overseas work posting or reasons associated with the pandemic). There are also exemptions relating to COVID-19, which you can find here:

<https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

More information on how absences affect your status can be found here:

<https://t3m-settledstatus-absences.paperform.co/>

**12. I have pre-settled status but cannot upgrade to settled status, what happens when my pre-settled status expires?**

If you are not able to convert your pre-settled status to settled status for any reason, for example, you have broken your continuous residence period, your pre-settled status will expire 5 years after the date it was granted. To continue lawfully residing in the UK, you would need to apply for a new visa under the new Immigration System.

**13. I am an EU student with pre-settled status who has been forced to study from home due to the pandemic. I was out of the UK for less than 6 months due to COVID-19 but if I add my previous absences, I break my continuous residence. Am I covered by the exemption released in December 2020?**

If you are a student with pre-settled status who is studying outside the UK because of COVID-19, that absence will not cause you to break your continuous qualifying period as long as it is a single absence of over 6 months and no more than 12 months during your 5 year continuous qualifying period. To convert your pre-settled status to settled status, you will be able to stay outside the UK for up to 12 months. If you stay outside for more than 12 months, you will break your continuous residence period and will not be able to convert your pre-settled status to settled status. You will still be able to return to the UK and live in the UK until your pre-settled status period of 5 years expires.

More information about this can be found here:

<https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

**14. If I break my continuous residence and re-apply for pre-settled status before June 2021, can I use proof of residence from before breaking my continuous residence or just since returning to the UK?**

If you break your continuous residence in the UK, you will have to provide evidence that you returned to live in the UK before the 31st December 2020. You will have to re-apply for pre-settled status using the evidence from the period following the continuous residence was broken.

If you had already applied for pre-settled status and then left the UK for more than 6 months but returned before the 31st December 2020, you must re-apply for pre-settled status before your original pre-settled status period of five years expires. You do not need to re-apply by the 30th June 2021. That means that if you were granted pre-settled status in July 2019 and left the UK from March 2020 to October 2020, you must re-apply for pre-settled status before July 2024.

You may be able to maintain your pre-settled status if you left the UK for a period of more than 6 months but not more than 12 months for an important reason (for example childbirth, serious illness, study, vocational training or an overseas work posting or reasons associated with the pandemic).

**15. My sister and her husband worked in the UK until July 2020 then left. Can they apply for pre-settled status from abroad as they would like to return to the UK? Would they need an employment contract to apply for pre-settled while abroad? Or if they come to the UK as tourists and in 6 months found a job, could they apply for pre-settled then?**

They can apply for pre-settled status from abroad if they have lived in the UK at least a day in the 6 months preceding 31 December 2020. They will need to show they entered the UK before 31 December 2020 and evidence they were in the UK at least 1 day in the 6 months preceding this cut-off point. If they eventually want to apply for full settled status, they will also need to be very careful with their absences, and make sure they have not been away for more than six months since the last date they were in the UK before 31 December 2020 - since this will break their continuity of residence. Applying from abroad is very similar to applying from the UK and the information can be found here:

<https://www.gov.uk/guidance/eu-settlement-scheme-applying-from-outside-the-uk>

There is no need for evidence of employment to apply for pre-settled status, either from abroad or from inside the UK. Applicants can demonstrate that they were in the UK and qualify via a range of documents, listed here:

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

**16. A person with pre-settled status had to go to their EU home country to serve a 4-month sentence. They have now finished the sentence but are unable to return to the UK because of the COVID-19 travel restrictions. If his absence extends beyond the 6 months, would this be classified as unavoidable extended stay from the UK?**

The rules are that a term of imprisonment breaks a continuous qualifying period irrespective of whether the sentence is served in the UK or abroad. So if someone serves a sentence they need to have started a new qualifying period in the UK by 31/12/20 after they are released. It does not matter if they were prevented from returning to the UK by COVID-19

restrictions, if they did not return by 31/12/20 then they cannot apply to the EUSS / cannot qualify for settled status.

There are some useful video resources about EUSS and criminality from POMOC and New Europeans here:

<https://youtube.com/playlist?list=PLntgETBGNMnFow25eQO56JUICIHP-MvSu>

**17. My family lived in the UK for 1 year and we have pre-settled status. Due to unforeseen circumstances, we need to return to our home country. Can we lose our pre-settled status after a year?**

You will not lose your pre-settled status after a year - you can be out of the UK for up to 2 years and keep your pre-settled status. However, your pre-settled status expires 5 years after you received it and, in this scenario, you will lose the eligibility to apply for Settled Status if you leave the UK for more than six months in any 12 month period. You may be able to leave the UK for one period of no more than 12 months for an important reason (for example childbirth, serious illness, study, vocational training or an overseas work posting or reasons associated with the pandemic).

**Pre-Settled to Settled Status questions:**

**18. How can I upgrade from pre-settled status to settled status?**

To upgrade your pre-settled status to settled status, you will need to submit a new application. You will need to apply for settled status once you have completed five years of residence in the UK (note that you do not need to wait five years from the date you were granted your pre-settled status). For example, if you arrived in the UK in March 2018 and applied for pre-settled status in June 2019, you can apply for settled status in March 2023. Make sure you apply for settled status before your pre-settled status of 5 years expires.

**Proving EUSS questions:**

**19. Where can I find proof of my pre-settled or settled status?**

You can check your immigration status using this link:

<https://www.gov.uk/view-prove-immigration-status>. You will need to use the number from the same identity card or passport you used to apply for your pre or settled status to view it.

You also need to update your details when you change your name, address, phone number, ID document or other details. You can watch the 3million's Young Europeans Network video on how to do this here: [https://youtu.be/TJr\\_ROgVrhs](https://youtu.be/TJr_ROgVrhs) and follow the instructions on the Government's page: <https://www.gov.uk/update-uk-visas-immigration-account-details>

The Home Office email letter you have received stating that you have been granted pre-settled or settled status is not proof of status. There is no physical proof of pre-settled or settled status.



If you ever experience any issues proving your status, you can report it [here](#), as the3million is collecting evidence on this matter.

**20. Will there be situations that will require me to prove my status when I'm "out and about" within England?**

Yes, to access a range of rights and services, EU citizens will need to prove they are lawfully resident in the UK from after the EU Settlement Scheme deadline of 30 June 2021. This includes but is not limited to the following everyday life situations: opening bank accounts, accessing medical treatment (though not for your GP, or for emergency healthcare), accessing welfare, accessing education, travelling in and out of the UK, renting a property or starting a new job. You can view and prove your status online here:

<https://view-immigration-status.service.gov.uk/status>

**BRC/Cards questions:**

**21. If I have settled status and my residence card is expiring soon, do I renew it or apply for a new card?**

If you are an EU citizen and have settled status, you will not have a physical proof/card showing your status. Non-EU family members will receive a physical proof for pre-settled or settled status which is valid as long as the status is valid. For non-EU family members who applied to the EU Settlement Scheme with an EEA Residence card, this will not be valid after 30 June 2021, and they should request a replacement EU Settlement Scheme card here:

<https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service>

**22. I have received Settled Status but my old biometric card will expire on 30 June 2021. I applied for a replacement BRC. While I wait for the new BRC, can I travel on the old BRC which is not linked to my settled status? If I travel abroad with the new BRC, will my old BRC be automatically cancelled?**

See the answer to the previous question. It is advisable that you wait until you receive your new BRC card linked to your settled status before travelling.

**23. My wife's residency card is expiring in 1 month, she already has settled status. Is she getting a new card or does she need to swap for a new card?**

Non-EU family members receive a card as physical proof of their pre-settled or settled status. This replaces the EEA family permits which will not be valid after 30 June 2021 as the UK left the EU. Settled status is indefinite leave to remain in the UK. However, if they applied using their EEA Residence card, they will not necessarily have received an EU Settlement residence card. To receive an EU Settlement Scheme residence card instead,



they should request it here:

<https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service> .

**24. I have a new card under the Withdrawal Agreement as a family member of a British citizen in Ireland. I understand that I cannot use this to travel to other EU countries, but can I travel to the UK with this card or do I need a visa?**

It seems you are referring to the fact you have pre-settled or settled status as a relevant family member of an eligible person of Northern Ireland. Pre-settled status is limited leave to remain in the UK for 5 years, while settled status is indefinite leave to remain in the UK. EU Settlement Scheme rights apply to the whole of the United Kingdom as does the BRC that is issued under the scheme. If you **are** referring to this card, then yes you can travel to the UK with it and do not need a visa.

However, we are not sure if you refer to another system in Ireland, instead of Northern Ireland, in this question, so we cannot answer your question properly.

**25. Family Reunion Questions:**

- a. **If I marry a non-UK/EU citizen, will I be able to bring them to the UK, and under what circumstances?**
- b. **My boyfriend is in the UK and has pre-settled status. I currently live in Romania. Can I apply for pre-settled status or the EU Settlement Scheme family permit?**

If you are an EU citizen who holds pre-settled status or settled status (or is eligible to hold either status), you can be joined by your family members in the UK at any time in the future. If your family member is applying to join you from 1 July 2021 onwards then you must have your status granted before they can apply.

This includes:

- Your spouse, civil partner or unmarried partner (as long as they were already your spouse or registered partner at the end of the transition period, 31 Dec 2020)
- Your or your spouse/partner's children under the age of 21
- Your or your spouse/partner's dependants
- Your or your spouse/partner's direct ascendant dependent relatives (parents, grandparents etc).

When they join you in the UK, they will need to apply to the EU Settlement Scheme within three months of arrival.

Family members of EU citizens who have been granted a status under the EU Settlement Scheme do not automatically have the same status as their relatives. If the family member has been living in the UK with the EU citizen, then they might get settled status if the EU citizen is granted this status. If the family member is joining the EU citizen in the UK, then

they will be granted pre-settled status. Please be aware that if the family member is applying to join the EU citizen in the UK, then they will need to make an EU Settlement Scheme application to enter the UK before travelling - see

<https://www.gov.uk/settled-status-eu-citizens-families/join-EU-EEA-Swiss-family-member>.

In order to apply, you will have to fill in the application form, provide required documents and provide your biometric information.

Non-durable partners need to show that their relationship to the EU citizen began before the 31st December 2020 and must show evidence of this relationship which can include a family permit, a residence card, or other evidence showing that the relationship has been durable. More information on this can be found here:

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-relationship-to-an-eu-citizen>

For more information visit: <https://www.gov.uk/settled-status-eu-citizens-families/eligibility>

**26. I live outside the UK, but my husband is in Scotland. Can I apply for pre-settled status to come to the UK?**

It depends on the nationality and status of your husband, and on your own nationality. If your husband is an EU, EEA, or Swiss citizen with pre- or settled status, you can apply for EU Settlement Scheme status or a EU Settlement Scheme Family Permit. You can find more information here:

<https://www.gov.uk/settled-status-eu-citizens-families/join-EU-EEA-Swiss-family-member>

**27. My child will be studying in the UK. Can I move to the UK with them?**

Family members can apply for a permit to come to the UK based on their relationship with an EU, EEA or Swiss citizen or a 'person of Northern Ireland'. You would be required to prove that you are dependent on the child in the UK, which is unlikely to be the case if the child is in education. You can find more information here:

<https://www.gov.uk/family-permit/eu-settlement-scheme-family-permit>. If in doubt, seek legal advice from one of the organisations listed above.

**28. Can a spouse of an EU citizen that lives in the UK but has not yet applied still apply for pre-settled status?**

EU citizens and their family members who arrived in the UK prior to 31 December 2020 are eligible for the EU Settlement Scheme and they have up until 30 June 2021 to submit an application. Family members who were not in the UK before 31 December 2020 can apply for an EU Settlement Scheme family permit if they fall under one of the categories covered. More information about these can be found here:

<https://www.gov.uk/family-permit/eu-settlement-scheme-family-permit>

**29. Can I apply for pre-settled status from outside the UK, before my partner/family member that lives in the UK applies?**

As a family member joining an EU citizen in the UK, you will need to apply for your pre-settled status based on your family member's status. If the application to join is being made before the 1st July 2021, the sponsoring EEA citizen does not need to have the status at the time the family member is applying as long as they can show they would be able to get the status when applying. Applications made from the 1st July 2021 will need to be made based on the EEA citizens' existing status.

**30. I am an EU citizen with a settled status and I have been in a durable relationship with my non-EU partner for more than 2 years. They have a BRP as a worker. Can my partner still apply for the EUSS to get a pre-settled status without having to suspend their BRP? Can they apply for British citizenship?**

Your partner, including non durable partners, can apply for the EU Settlement Scheme by linking their application to yours. You must be able to show that you have been in a relationship akin to marriage for at least two years before the 31st December 2020. As they hold a BRP, they will retain this card rather than being issued with a new EUSS. However, it is possible to apply to swap for a new EUSS card. (see <https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service>)

When they are granted settled status, they are able to apply for British citizenship after holding settled status for a year, as long as other naturalisation rules are respected.

**31. My 16 year old daughter has dual nationality - British and French. She's been accepted in a UK school from September and I wanted to move in with her. How can I have the right to live and work in the UK?**

It depends on the situation and we advise you get in touch with one of the advice organisations. There are various routes for both family members of British citizens and family members of EU citizens. For the EU Settlement Scheme residency permit, parents need to prove dependency to be able to apply. Additionally, the EU citizen sponsoring the family member in the UK needs to have been resident in the UK before the 31st December 2020 and must have become British rather than being born British. More information can be found here: <https://www.gov.uk/family-permit/eu-settlement-scheme-family-permit>

**32. I am hoping my mum will come to look after my son in the UK. She does not speak English, is it possible to apply for her? What visa do I need and how much does it cost?**

If you have pre-settled or settled status, then you can have family members, including dependent parents, apply for an EU Settlement Scheme family permit (<https://www.gov.uk/family-permit/eu-settlement-scheme-family-permit>). This permit is free of charge. One can support people who do not have digital or language skills in completing an

application, but offering immigration advice is regulated in the UK. If in doubt, check with an immigration advice organisation.

**33. I'm a British citizen and my wife is Dutch. We have lived and worked in Spain for 20 years. We want to return to the UK to live in August 2021. What is the process? Do we simply return and apply for EUSS or do we need to apply for anything beforehand?**

You don't need to apply for pre-settled or settled status to be able to live and work in the UK since you are a British citizen. Your wife can apply for an EU Settlement Scheme family permit to come to the UK before 29 March 2022 since she has lived in an EU or EEA country or Switzerland with an eligible family member who's a British citizen. She cannot apply for pre-settled or settled status directly since, to be eligible, she must have entered the UK prior to 31st December 2020.

**34. My husband has a Nigerian passport and was in the UK with a BRP card. He applied and got indefinite status. Does he need to do anything else? He was in the U.K. because of me being Maltese and got indefinite status.**

As long as the Indefinite Leave to Remain is valid, there should be no need to do anything else. However, he will lose the Indefinite Leave to Remain if he leaves the UK for more than two years. If he were to apply for Settled Status under the EU Settlement Scheme, as your family member, he would be able to leave the UK for five years before losing this status.

**35. How do family visas work?**

There are different ways family members can join an EU citizen in the UK. You can find more information on that in Question 25.

For family reunion outside the EU Settlement Scheme, there are family visas that allow family members to live in the UK for more than 6 months in a year. The cost is £1,523 (applying from outside the UK) or £1,033 (applying from inside the UK) if you are joining your partner, parent or child. The cost is £3,250 (applying from outside the UK) and £1,033 (applying from inside the UK) for an adult who needs to be looked after by a relative. If you're applying from the UK, you may be able to pay an extra £800 for the super priority service to get a faster decision. For more information, see: <https://www.gov.uk/uk-family-visa>.

**36. I am living in the EU with my partner who is a UK citizen. How can I move to the UK with my British partner?**

You can apply for an EEA family permit if you've lived in an EU or EEA country or Switzerland with an eligible family member who's a British citizen, and if your partner returns to the UK before 29 March 2022. This is also known as a 'Surinder Singh' application. You must have lived with them in the EU/EEA country or Switzerland before 1 January 2021, and be:

- their spouse, civil partner or unmarried partner ('durable partner')
- under 21 years old, and are their child or grandchild
- 21 years or older, and are their dependent child or grandchild
- their dependent parent or grandparent

To be eligible for an EEA family permit you must prove that:

- your British family member was resident in an EU or EEA country or Switzerland and was either a worker, a self-employed person, a self-sufficient person, a student, or a person with a right of permanent residence in that country
- you were lawfully resident in that EEA country or Switzerland with your British family member
- your family member returned to the UK by 31 December 2020

There are additional requirements to be met which can be found here:

<https://www.gov.uk/family-permit/surinder-singh>

In cases like this, you are advised to seek legal advice.

### **37. Changing EU Settlement Scheme name details**

- a. Can I add names on my pre-settled or settled status which are not on my document?**
- b. How do I get my married name displayed next to my maiden name on my status?**

You should use your names as shown on your identity document when applying for pre-settled status. The application will ask if you have ever been known by any other names. If your details change after having applied for pre-settled or settled status, you can update your details online following the steps here:

<https://www.gov.uk/update-uk-visas-immigration-account-details>. Your details should still match the details on your identity document as your (pre-)settled status is linked to this.

The update system changed recently and you can now change names on the online system. The system will show the following steps you need to take, as pictured in the screenshot below. You will need to fill in a form, provide your ID and send the ID to the Home Office for verification.

## Tell us you are updating your personal details

**!** Do not make this change until you have received your status decision.

You will need to:

1. Download and print the file [Change of personal details: cover sheet and checklist \(PDF, 229KB\)](#)

The file includes 2 pages: a checklist for you to keep for reference and a cover sheet to send with your new identity document

2. Provide 1 identity document with your new personal details on it - it must be the original and not a copy.

3. Send us the new identity document and cover sheet by recorded delivery to:

PO Box 2077  
Liverpool  
L69 3YP

### 38. Waiting times for EUSS applications

- a. How long should I wait to get confirmation of pre or Settled Status before contacting the Home Office?
- b. I am concerned to see long waiting times for EU Settlement Scheme applications, what should we advise those waiting? Can any pressure be put on the Government?

According to the Home Office website, it usually takes around 5 working days for complete applications to be processed if no further information is required, but it can take up to a month. If you post your identity document, the processing time starts when the identity document is received. More information can be found here:

<https://www.gov.uk/government/publications/eu-settlement-scheme-application-processing-times/eu-settlement-scheme-pilot-current-expected-processing-times-for-applications>

However, especially in the context of the COVID-19 pandemic, some applications have been taking longer, for instance several months. If you have been waiting for more than 6 months for an outcome, you may consider contacting the EU Settlement Scheme Resolution Centre or an immigration adviser for further information and guidance. There is little one can do except being patient. Migrants' rights organisations and immigration lawyers are consistently in communication with the Government about the issues experienced by EU citizens.

### UK nationals

#### 39. Can UK nationals move to a European country to start a business?

It is likely that you will be able to start a business abroad. It is important to check the country-specific regulations. You can start finding out more about this here:

<https://www.great.gov.uk/advice/define-route-to-market/set-up-a-business-abroad/>

#### **40. What are the rules for UK nationals without residence in the EU to travel to the EU?**

UK nationals can travel and stay in the EU for up to 90 days in any 180-day period as tourists. You may need a visa or permit to stay for longer, to work or study, or for travelling for business.

At the border you may need to show a return or onward ticket and that you have enough money for your stay. Moreover, you'll need your passport to have at least 6 months left and be less than 10 years old (even if it has 6 months or more left).

#### **41. Can I apply for Settled Status if I have lived in the UK for 5 years but not consecutively?**

**No, you cannot apply for settled status if you have not lived for 5 consecutive years in the UK.**

You can apply for Settled Status if you are able to provide evidence that you have been living in the UK for at least 6 months in any 12 month period for 5 years in a row. Some exceptions apply - you may be able to maintain your continuous residence in the UK if you left the UK for one period of no more than 12 months for an important reason (for example childbirth, serious illness, study, vocational training or an overseas work posting or reasons associated with the pandemic).

If that cannot be shown, you may need to apply for pre-settled status - as long as you were residing in the UK before the 31st December 2020 - and build a period of 5 years' residence in the UK when you can then apply for settled status.

#### **Citizenship questions:**

#### **42. How are gaps in CSI checked when applying for naturalisation as a British citizen?**

EU citizens in the UK were expected to hold Comprehensive Sickness Insurance during any periods of time when they were a student or self-sufficient person. The Home Office will ask you to provide evidence of CSI for those periods of time. The Home Office may be able to apply discretion to the Comprehensive Sickness Insurance requirement, but you are advised to seek legal support to do that.

For more information on what CSI is, who needs it, and what counts as CSI, please check these documents:

Citizenship factsheet: [http://t3m.org.uk/t3m\\_YE\\_KeyCitizenshipFacts](http://t3m.org.uk/t3m_YE_KeyCitizenshipFacts)

Citizenship Q&A: [http://t3m.org.uk/t3m\\_YE\\_CitizenshipWebinarNov2020\\_QA](http://t3m.org.uk/t3m_YE_CitizenshipWebinarNov2020_QA)



#### **43. How long do I have to wait to apply to British citizenship if I have Settled Status?**

From the date one is granted Settled Status, a period of 12 months must pass before applying for British citizenship. If you're married to or are in a civil partnership with a British citizen you can apply immediately after obtaining Settled Status. However, you should carefully check other eligibility requirements, for example rules for allowable absences, which are different for settled status and citizenship. Another example is that some people will have needed Comprehensive Sickness Insurance (CSI) for certain periods to apply for citizenship - even though this was not needed to apply for settled status.

For more information on naturalisation applications, please check these documents:

Citizenship factsheet: [http://t3m.org.uk/t3m\\_YE\\_KeyCitizenshipFacts](http://t3m.org.uk/t3m_YE_KeyCitizenshipFacts)

Citizenship Q&A: [http://t3m.org.uk/t3m\\_YE\\_CitizenshipWebinarNov2020\\_QA](http://t3m.org.uk/t3m_YE_CitizenshipWebinarNov2020_QA)

#### **44. When applying for citizenship, is the requirement for 450 days out of the UK within 5 years including the 90 days in the last year before application?**

The general rule is no more than 450 days in the total 5-year qualifying period period, and no more than 90 days during the last 12 months. Thus, the 90 days are included in the 450 days. You can find more information here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/946855/naturalisation-as-a-british-citizen-by-discretion-v7.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946855/naturalisation-as-a-british-citizen-by-discretion-v7.0ext.pdf)

the3million has a separate citizenship factsheet and Q&A document, following our citizenship Q&A webinar last year. You will find a list of organisations who can provide advice, including organisations who provide advice free of charge.

Citizenship factsheet: [http://t3m.org.uk/t3m\\_YE\\_KeyCitizenshipFacts](http://t3m.org.uk/t3m_YE_KeyCitizenshipFacts)

Citizenship Q&A: [http://t3m.org.uk/t3m\\_YE\\_CitizenshipWebinarNov2020\\_QA](http://t3m.org.uk/t3m_YE_CitizenshipWebinarNov2020_QA)

#### **45. Can I apply for citizenship when I aggregate 5 years of continuous residence in the UK, both with the remainder of my pre-settled status and any new EU workers' visa that I might obtain should my application for settled status fail?**

You do not need a visa if you have pre-settled status to work in the UK. You can apply for settled status once you meet the 5 years of continuous residence requirement. Thus, it is important to preserve your continuity of residency of at least 6 months every year in the UK.

To apply for British citizenship through naturalisation, you need to have indefinite leave to remain or settled status (which is indefinite leave to remain under the EU Settlement Scheme) first and hold it for 12 months before applying for naturalisation. If you are married

or in a civil partnership with a British citizen, you can submit an application for naturalisation as soon as you get your settled status.

the3million has a separate citizenship factsheet and Q&A document, following our citizenship Q&A webinar last year. You will find a list of organisations who can provide advice, including organisations who provide advice free of charge.

Citizenship factsheet: [http://t3m.org.uk/t3m\\_YE\\_KeyCitizenshipFacts](http://t3m.org.uk/t3m_YE_KeyCitizenshipFacts)

Citizenship Q&A: [http://t3m.org.uk/t3m\\_YE\\_CitizenshipWebinarNov2020\\_QA](http://t3m.org.uk/t3m_YE_CitizenshipWebinarNov2020_QA)

**46. I have settled status and have lived in the UK since 2014. My partner is British. I am away for work several months a year and I think I have too many days outside the UK to satisfy the absence requirement. Are those days counted or is work exempt?**

With settled status, you are able to stay outside the UK for up to 5 years without losing your status, therefore, your work absences will not affect your status.

If you wish to apply for British citizenship, having settled status and British spouse, you can apply for naturalisation straight away and will be asked to provide 3 years of residency evidence. Normally, the absence requirement for applicants who are married to British citizens are: no more than 90 days outside the UK in the 12 months prior to submitting the application and no more than 270 days in total across the 3 years prior to submitting the application.

However, the Home Office can apply discretion. An individual married to a British citizen can make a discretionary application where they have 300 to 540 days absence from the UK during the 3-year period. More information can be found in the Home Office guidance: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/946855/naturalisation-as-a-british-citizen-by-discretion-v7.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946855/naturalisation-as-a-british-citizen-by-discretion-v7.0ext.pdf). We recommend seeking immigration advice in these cases.

the3million has a separate citizenship factsheet and Q&A document, following our citizenship Q&A webinar last year. You will find a list of organisations who can provide advice, including organisations who provide advice free of charge.

Citizenship factsheet: [http://t3m.org.uk/t3m\\_YE\\_KeyCitizenshipFacts](http://t3m.org.uk/t3m_YE_KeyCitizenshipFacts)

Citizenship Q&A: [http://t3m.org.uk/t3m\\_YE\\_CitizenshipWebinarNov2020\\_QA](http://t3m.org.uk/t3m_YE_CitizenshipWebinarNov2020_QA)

**47. Are there any proposals for a discounted price for people with settled status applying for citizenship?**

There are no plans to reduce fees. You can find the government's response to a petition asking for a fee reduction at:

<https://petition.parliament.uk/petitions/564011>

the3million is campaigning for an easier pathway for citizenship for all migrants, not only EU citizens and thus we are not campaigning for different fees for EU citizens.

#### **48. Do EU citizens with pre or settled status need Comprehensive Sickness Insurance if they are students or self-sufficient citizens?**

No, EU citizens do not need CSI in order to apply for pre- or settled status, nor do they need it after they have been granted pre- or settled status. CSI was a requirement under the EU law for an EU citizen to reside lawfully if they were a student or self-sufficient person. However, CSI is still part of the 'good character' requirement for British citizenship applications and will be asked for periods of time when EU students or self-sufficient citizens were not covered by the EU Settlement Scheme.

#### **49. Do I need CSI only for the past 5 years?**

Naturalisation applications will request 5 years of residency evidence (unless you are married or in a civil partnership with a British citizen, in which case it is 3 years). However, the Home Office can go back 10 years to check whether you fit the 'good character requirement' by being lawfully resident in the UK. EU law applies and under EU law, an EU student or self-sufficient person is lawfully resident if they hold Comprehensive Sickness Insurance (CSI). You can watch a video explanation on this topic here:

<https://youtu.be/dZDBaO0QrHc>

the3million has a separate citizenship Q&A document, with more extensive information on the CSI requirement: [http://t3m.org.uk/t3m\\_YE\\_CitizenshipWebinarNov2020\\_QA](http://t3m.org.uk/t3m_YE_CitizenshipWebinarNov2020_QA)

#### **50. Questions on access to welfare**

- a. **If I'm a new arrival to the UK, will I be eligible for the public funds or homelessness assistance?**
- b. **What is the difference between pre-settled and settled status when it comes to claiming benefits?**
- c. **My brother is German, he visited the UK in December and applied for pre-settled status but has since left the UK. He does not have a NINo or a bank account. If he comes back to the UK, will he be eligible for benefits?**

If you have recently moved to the UK, your entitlement to public funds will depend on the status you have. Generally, citizens with pre-settled status will be asked to prove that they can pass the 'habitual residence test' in the UK, which can include showing you have been in the UK for a certain period and that you have been in employment. It is advised that you check your own personal eligibility to state benefits based on your particular circumstances. You can check if you can pass the habitual residence test for benefits purposes here:

<https://www.citizensadvice.org.uk/benefits/claiming-benefits-if-youre-from-the-EU/before-you-apply/check-if-you-can-pass-the-habitual-residence-test-for-benefits/>

While pre-settled status is not an automatic entitlement to welfare benefits, settled status does automatically give you the same rights to welfare as British citizens in the UK - however, there are varying rules depending on the type of welfare benefits.

#### **51. Questions on qualifications**

- a. **Will my UK qualifications be recognised in EU countries?**
- b. **I am a university student in England, will my university diploma be recognised in Romania now that the UK isn't part of the EU anymore?**

Due to Brexit, there is no immediate system of reciprocal recognition of professional qualifications between the EEA states and the UK. So far, there is no agreement between the UK and the EU in the recent trade agreement on recognition of qualifications. You are advised to check with the relevant EU/EEA countries how your qualifications will be recognised.

#### **Other Questions:**

- 52. I know of a case who is applying as an Article 8 Zambrano case, but I worry if she does not get an answer before 30 June 2021, she will not be able to apply for settled status. How can she protect these rights?**

Since the webinar, we have heard that fortunately this application under Article 8 was successful. However, for others who may find themselves in the same situation, we advise getting in touch with one of the legal advice organisations mentioned on the first page of this document as soon as possible.

More detailed information regarding your particular circumstances can be found here: <https://www.gov.uk/uk-family-visa>

- 53. Will the UK or the EU impose double taxation on retirees living in Europe?**  
(Original question: Est-il possible que le Royaume-Uni (ou la France, l'UE) impose une double imposition aux retraités résidents en Europe ?)

There is a reciprocal tax arrangement between France and the UK, which covers dual taxation. Taxation agreements are mainly outside of EU competencies, thus it depends on whether the UK has individual agreements with member states. In the case of France, there is an agreement, so you are advised to check with the relevant French authorities on this matter to avoid double taxation.

**54. If I applied for residency status before the 31st of December 2020, do I have to re-apply in 2021?**

No. You only need to re-apply if you have pre-settled status and you want to exchange it for settled status. You can do that after you meet the 5 years continuous residency criteria, of living in the UK at least 6 months in any 12 month period for 5 years in a row, unless one of the 12-month absences exemptions apply to you. You can find more information here: <https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

**55. If I am over 18 and have dual UK and EU nationality, will I get a free Interrail Pass?**

Interrail Passes can be used by EU citizens or European residents. Non-European citizens and residents can use a Eurail Pass instead. Even though the UK has left the EU, the UK is still a European country, so if you live in the UK you will be able to apply for an Interrail pass. However, regular Interrail Passes are not free.

You can find more information about this on the [Interrail website](#).

The **free** Interrail pass is the DiscoverEU Interrail pass, which is awarded by a selection process to EU citizens only. Therefore if you have dual UK and EU nationality you should be eligible to apply. Application is via the European Youth Portal, and you can find more information here: [https://europa.eu/youth/discovereu/rules\\_en](https://europa.eu/youth/discovereu/rules_en).

**56. Will EU citizens with pre-settled or settled status be able to use their European driving licence to drive in the UK?**

Yes, currently, you can drive in the UK on your full, valid driving licence from an EU country. You can drive until you're 70. However, if you got your EU driving licence by exchanging a non-EU driving licence, then you can only use this to drive in Great Britain for 12 months.

You can exchange your EU licence for a GB licence if you wish to - for example, if you need a GB licence for your job. You do not have to retake your test to do so. More information on non-GB driving licences can be found [here](#). This information may be subject to changes depending on the partnership between the EU and the UK and future regulations.

**57. Appointments with the UK Visa and Citizenship Application Services (UKVCAS) are expensive. Can I find free appointments?**

The cost of the UKVCAS appointments will depend on location and type as well as availability. Unfortunately due to the COVID-19 context, there has been less availability and flexibility in appointments. You can explore different centre options based on your flexibility to travel.

Free appointments are still available in the 6 core visa centres which are in Manchester, Birmingham, Glasgow, Cardiff, Belfast and Croydon.

**58. I don't know where to turn to get help. Can you advise?**

Please see the first page of this document for a list of organisations providing advice on the EU Settlement Scheme. You may find reading this Q&A document useful to address most questions. You can also search for answers on the3million's FAQ site - [www.the3million.org.uk/faq](http://www.the3million.org.uk/faq).

**59. What will happen to people who started working in the UK in 2021 and are not eligible to apply for the EU Settlement Scheme? Do they need to leave the UK on 1 July 2021 even if they have a job and contract already?**

This situation should not be happening. There are 2 categories of EU citizens - those who arrived before 31 December 2020 or qualifying family members who arrived after and can apply for the EU Settlement Scheme, and those who do not qualify for the EUSS and need a visa under the new immigration rules to work in the UK. EU citizens cannot work as tourists in the UK and employers need to be informed about this. If someone does not qualify for the EU Settlement scheme and wants to work in the UK, they need to apply via the points based system for a worker visa from outside the UK.

**60. I am currently contracted by an English-registered company. Do I need to apply for the points-based system?**

If you arrived in the UK before 31 December 2020 or can qualify as a family member of a relevant person with pre-settled or settled status in the UK, you need to apply for pre-settled or settled status.

If you do not qualify for the EU Settlement Scheme, you will need to apply via the points-based system to be able to work in the UK. If you live in the EU but work for an English registered company, your country of residence rules apply.

Frontier Worker permits may also apply to you. A Frontier Worker permit lets you come to the UK to work while living elsewhere.

You may be eligible for a Frontier Worker permit if all of the following apply:

- you're from the EU, Switzerland, Norway, Iceland or Liechtenstein
- you live outside of the UK
- you have worked in the UK by 31 December 2020
- you have kept working in the UK at least once every 12 months since you started working here.

More information about frontier worker permits can be found here:

<https://www.gov.uk/frontier-worker-permit>

**61. Are you considering asking the Home Office to extend pre-settled status given the COVID-19 restrictions?**

the3million is raising various issues with the Home Office on a regular basis, including asking them to consider extending the EU Settlement Scheme deadline and raising awareness of the impact of the pandemic on EU citizens' ability to preserve continuity of residency - and therefore, seeking further clarification on COVID-19 exemptions. If you wish to get in touch on advocacy matters, please email [info@the3million.org.uk](mailto:info@the3million.org.uk).

**62. Is there a route for volunteers through schemes like workaway or helpX to come to the UK (a number of hours a week help with jobs from child care or help with animals to gardening or building projects, in exchange for free board and lodging)?**

No. There is no direct immigration route for this type of volunteering. The Youth Mobility Scheme may be the closest thing to this idea, as it allows young people aged 18-30 from participating countries to live in the UK for up to 2 years. However, this does not currently apply for EU/EEA citizens. More information on this can be found here:

<https://www.gov.uk/youth-mobility>

**63. Can someone lose their pre or settled status by, for example, breaking the law?**

Settled and pre-settled status can be revoked in limited circumstances such as when it has been obtained by deception or the individual is convicted of a serious criminal offence. For more information refer to

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/948009/euss-suitability-v4.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948009/euss-suitability-v4.0ext.pdf)

If you find yourself in that situation, please seek legal advice.

**64. Is it legal to stop EU citizens who are travelling for work and return them from the UK border? For instance, a worker who has a contract, is a key worker and eligible for pre-settled status, has a negative PRC test and completed the quarantine declaration.**

As of March 2021, travel is limited to very specific exemptions. The up-to-date quarantine rules can be found here:

<https://www.gov.uk/guidance/coronavirus-covid-19-travel-corridors#coronavirus-testing-and-quarantine-rules>. Until 30 June 2021, there should be no checks of pre-settled or settled status, although you will need to show you are a resident in the UK if you are travelling from a red list country.

<https://www.gov.uk/guidance/transport-measures-to-protect-the-uk-from-variant-strains-of-covid-19>). There is no guidance on how EU citizens should do this, you may want to take evidence of residence with you.



**65. What happens to people who have a settled status and just graduated from university but cannot find a job due to the current COVID-19 and economic circumstances?**

There is no requirement for EU nationals with pre or settled status to work in the UK to retain their status. Your rights in the UK are maintained regardless of your employment status and, if necessary and eligible, you can apply for benefits to support yourself. With settled status, you can also leave the UK for up to 5 years without losing that status. With pre-settled status, you can leave the UK for up to 6 months without losing your continuous residence and ability to convert your pre-settled status to settled status after 5 years of residence in the UK.

**66. What are your thoughts about voluntary returns schemes for EU citizens in the UK?**

We addressed this question in detail during the webinar to avoid any misunderstandings and confusion on this topic. You can listen to Chris Benn's reply on the recording here, between 01:25:30 and 01:28:30: <https://youtu.be/BBDbsNgVzCw>