

## HOME OFFICE

### EU SETTLEMENT SCHEME: STATEMENT OF INTENT

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#### STATEMENT SUMMARY FOR IIA MEMBERS

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- The EUSS Statement of Intent (SOI) adds detail to the Government Guidance published in March 2018 ('Agreement with EU over citizens rights to provide certainty'). The SOI is 56 pages long and signed by the Home Secretary.
- The Presentation by Satinder Gill and Ian Wright to IIA Members (at Five Paper on 20.6.18) remains an accurate summary of the current provisions and anticipated provisions concerning the movement of EU nationals into the UK and vice versa. This summary does not repeat the content of that Presentation.
- The SOI emphasises that 'securing the rights of citizens has always been our priority in negotiations with the European Union'. It is in line with the draft Withdrawal Agreement but is a consultation paper and may be revised before its 'phased roll out in late 2018' and its full 'opening' by 30.3.19.
- SOI includes a draft of 'Appendix EU' to the Immigration Rules which will be introduced later this year by which it is proposed the EUSS will operate.
- There is some change of language- the EUSS does not refer to a 'temporary residence permit' but to 'pre-settled status.' Continuous qualifying period is not disqualified by any absence for more than 6 months in any 12 month period (with some exceptions).
- EU nationals and family members do not have to do anything immediately: there will be no change to their current rights until the end of the implementation period on 31.12.20 and the deadline then for applications to the scheme for those resident here will be 30.6.21 (*nb- consider a PRP now- note by SG/IW*).
- As well as EU nationals being eligible for settled status and pre-settled status, close family members may join an EU citizen in the UK after 31.12.20 if the relationship then existed and continues to exist when the person wishes to come to the UK.
- Applications for 'Status' will be based on 'three core criteria' of '**Identity**' (eg passport, national identity card or biometric residence card); '**Eligibility**' (eg using

automated data held by HMRC/DWP) and **'Suitability'** (security threat from serious or persistent criminality).

- Applications may be made online and accessible by computer, tablet or smartphone using internet browsers with an optional app to allow confirmation remotely. Cost will be £65; £32.50 for children under 16 and no fee for the transfer from pre-settled to settled status.
- Evidential flexibility will apply and the Home Office will work with applicants to help them avoid any errors or omissions. Annex A to the SOI lists the types of documentary evidence which an applicant will be able to provide. Types are divided into 'preferred evidence', 'alternative evidence' and 'unacceptable evidence.'
- TCN will have their residence rights protected by the Withdrawal Agreement but their current rights 'do not lead to a right of permanent residence under EU law but further details will be provided in due course on the new status open to them.'
- Non-EU family members of British citizens lawfully resident in the UK on 31.12.20 will be able to apply for status under the EUSS.
- **Please do not hesitate to contact us if you wish to discuss any questions arising from the EUSS or the SOI.**

**Satinder Gill**

**23 June 2018.**

**Ian Wright**

**Five Paper**

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