

EU Workers and Settled Status



Members' guidance

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**UNISON**
the public service union

What is the EU Settlement Scheme?

Citizens of the European Union (EU), the European Economic Area (EEA), Switzerland and family members will need to have a valid immigration status to continue to live in the UK after Brexit. The UK Government opened the EU Settlement Scheme in March 2019. Those who successfully apply through the scheme will be granted either Settled or Pre-Settled Status to remain in the UK. You have until the end of June 2021 to apply (or the end of December 2020 if there is No Deal).

The government states that people who have not applied by the deadline will lose their legal right to be in the UK and will be subject to the UK immigration rules. It is very important to make sure that you have applied for a valid immigration status to stay in the UK by the relevant deadline.

Settled and Pre-Settled

Broadly, if you have been resident in the UK for a continuous period of 5 years you will be able to acquire Settled Status. If you have lived in the UK for less than five years, or had breaks over 6 months out of any 12 month period, you may only get pre-settled status. Pre-settled will be valid until you reach a period of 5 years of continuous residence when you will be able to apply for Settled Status.

Settled Status gives you a version of Indefinite Leave to Remain, with the right to:

- work;
- rent or buy accommodation;
- and have access to healthcare and other social security provisions such as benefits and access to education on the same conditions as UK citizens.

Pre-Settled gives you a version of Limited Leave to Remain, with the right to:

- work;
- rent or buy accommodation;
- and have access to healthcare from the NHS, but some benefits may be restricted due to additional conditions that apply.

If you have been living in the country for a continuous period of 5 years or more, you should be applying for Settled Status, not Pre-settled status. Immigration rules can change so you should apply for the most secure status you are entitled to. You might just need to upload additional evidences during the application process.

Who is eligible?

The Home Office campaign does not cover the full range of citizens who can apply under the scheme. The messaging is centered on EU/EEA/Swiss citizens and some family members.

Many overseas citizens in the UK do not identify as an EU/EEA and Swiss national because they are from another country, have dual nationality and are a passport holder of one of the EU/EEA country and/or Switzerland.

Some might not realise yet that their stay in the UK is conditional on the status of their EU/EEA /Swiss family member(s) and they too must acquire status to remain in the UK.

The Scheme is open to:

- UK residents from EU/EEA countries and Switzerland.
- Non EU/EEA/ Swiss citizens who are certain family members of the above people can apply if they can provide evidence of their relationship to an EU/EEA citizen. To verify your eligibility, check the government website – **<https://www.gov.uk/settled-status-eu-citizens-families/not-EU-EEA-Swiss-citizen>**
- Family members of Irish citizens from outside the UK and Ireland.
- Even if you have previously had a document from the Home Office, such as a Registration Certificate or were registered under the Workers Registration Scheme you must apply.
- If you have an EU/EEA/Swiss Permanent Resident document you must apply too because this status has been issued under EU Law and will become invalid after 31 December 2020. However, it will count as evidence of residence during your settled status application.
- If you are a long term resident and have a valid Indefinite Leave to Remain status, this will entitle you to remain in the UK indefinitely and you do not need to apply. However, depending on your individual circumstances, it may be beneficial for you to do so. You should obtain specialist advice on this before deciding which is the best choice for you. Either way it is likely you will need to acquire up to date and valid evidence of your status from the Home Office.
- It is recommended that you make sure you have valid proof of your Indefinite Leave to Remain status. Details of how you can do this can be found via the following link: **<https://www.gov.uk/guidance/indefinite-leave-to-remain-in-the-uk>**

What do you need to successfully apply?

A valid ID document (a passport or an ID card) – your ID must be valid and in date. If you haven't got a valid ID Document, or cannot get hold of it, contact your consulate urgently to get a new one.

Proof of residence in the UK by providing your National Insurance (NI) number. Other documentation may also be necessary for proof of residence if no NI number.

Potential additional evidence – The government's own electronic record are known to be incomplete and might cover only recent years. Below is a short checklist of documents the Home Office will accept as evidence of residency.

Checklist

✓	Check you and your family's passports or National ID cards are still valid for a good while after Brexit Day
✓	If you haven't got a passport/ID card, or if it is about to expire, visit your embassy to apply for a new one as soon as possible
✓	If you have not got a National Insurance number find out if you can apply for one
✓	If you have not done so yet, get yourself on to the local electoral register
✓	Keep all bills: Council Tax, water, gas, electricity, TV licence and main line phone – mobile phone bills are not accepted
✓	Check your name is on it and get it added now if possible
✓	For women in particular, make sure that the name on bills, payslips etc. matches the name on your passport or ID
✓	Keep bank and building society statements
✓	Track down old and keep current rental, tenancy or mortgage agreements
✓	Keep old and current employment contracts and any payslips, P45s and P60s
✓	Keep any communication with government departments (for instance letters from HMRC, DWP, NHS, DVLA, Housing Benefits, etc.)
✓	Do not throw away anything that could be used to prove that you have lived continuously in the UK for 5 years or more (the longer the better)

We recommend you try and use documents that cover longer periods, such as annual bank statements or council tax bills.

To start your digital application, you will need to upload the Government application at <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

Your right to work and tackling discrimination

EU, EEA and Swiss citizens can continue to prove their right to work in the UK using a passport or national identity document until at least 31 December 2020. You can also use your digital status granted under Settled Status but it is not a requirement and should be done on a voluntary basis.

Many people would not have applied until the deadline so if you feel that an employer is going beyond the legal requirement and ask you to prove that you have settled status, please refer it to your UNISON local branch in the first instance.

There is a risk that employers may mistakenly dismiss workers and discriminate against those who cannot prove their immigration status.

Keep up to date and join our campaign:

UNISON EU Citizens' Rights: Learn more about your rights and UNISON's campaign supporting EU citizens

www.unison.org.uk/eucitizens

UK Government's information/sign up for email alerts

<https://eucitizensrights.campaign.gov.uk>

Joint Council for the Welfare of Immigrants (JCWI): UNISON members are entitled to a free telephone consultation with a lawyer from the JCWI. Members can call UNISON Direct on 0800 0 857 857 and arrange a free consultation

<https://www.jcwi.org.uk/Pages/Category/our-work>

the3million: citizens' rights campaigning partner: Keep up to date on the latest development on EU citizens rights

<https://www.the3million.org.uk/settled-status>

Settled: Support EU members in your community: Charity whose aim is to increase accredited volunteers to support people with their Settled Status application and give up to date info on Settled Status in their local area

<https://settled.org.uk/>

Contact your UNISON branch for support and information

Call UNISON Direct at 0800 0 857 857 if you need help locating your branch