****

**UNISON BRANCH GUIDANCE ON SETTLED STATUS**

**Organising, supporting and negotiating for EU workers**

**What is this guide?**

This is an updated guide for branches to reach, support and signpost EU members, who will need to apply for the EU Settlement Scheme. The guide explains Settled Status, the proposed changes for EU citizens living and working in the UK, and provides suggestions for how your branch can negotiate, organise and support EU members and prevent workplace discrimination.

The information provided in this guidance is based on UNISON’s latest understanding of the government’s proposal which will continue to be reviewed and updated as necessary.

Keep checking on [www.unison.org.uk/eucitizens](http://www.unison.org.uk/eucitizens) and <https://www.unison.org.uk/our-campaigns/brexit-public-services/>

**Introduction**

UNISON stands for the rights of all our members regardless of nationality or immigration status and we have been the leading trade union campaigning to protect the existing rights of EU citizens in the UK, representing 80,000 members and their families.

EU citizens play a vital role in delivering our public services and are key to our economy, society and communities. UNISON has called for all EU citizens to have a guaranteed right to remain in the UK.

Since the EU referendum the government decided to introduce a new immigration status for EU citizens called Settled Status. The scheme opened fully on 29 March 2019.

UNISON has provided an updated guidance leaflet to EU members applying for Settled Status – ***UNISON EU Members and Settled Status Guidance*** - whilst continuing its campaign to ensure that EU citizens’ rights are fully safeguarded. This includes:

* Changing the scheme to a declaratory system where people can register at any time. This will avoid citizens becoming undocumented if they fail to apply by the government deadline;
* Any future changes to Settled Status to be transparent and scrutinised by parliament;
* A fair appeal process if Settled Status is denied;
* Campaigning against a No Deal which would further diminish EU citizens’ rights.

**Settled Status in a Snapshot**  Citizens of the European Union (EU), the European Economic Area (EEA) and Switzerland plus their family members will need to have a valid immigration status to continue to live in the UK after Brexit. 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 ensure that EU citizens have the opportunity to apply for valid immigration status to stay in the UK by the relevant deadline.

**Who is eligible?**

* 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)  -

<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 and you do not need to apply. However, depending on your individual circumstances, it may be beneficial for you to do so. You will need to 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 status 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>

For more information about the scheme and how EU members can apply please refer to the latest UNISON leaflet on the Settlement Scheme for our EU members *-* ***UNISON EU Members and Settled Status Guidance.***

**How Branches can Organise and Support EU Members**

**Support Members in Navigating Settled Status**

Settled status will undoubtedly raise concerns for our EU members and their families. UNISON has produced an information leaflet on the Settlement Scheme for our EU members *-****UNISON EU Members and Settled Status Guidance.***

Branches can print and distribute the leaflet. This is the most up to date guidance from UNISON and will help many members. Nevertheless some members might have complicated cases and issues with their application that will require specialist immigration advice.

Immigration advice is regulated and union representatives must make a distinction between what is immigration support and what is legal immigration advice. To stay on the safe side, please signpost EU members to our partners, the Joint Council of the Welfare of Immigrants (JCWI) for advice - see below. Please do not attempt to provide individual immigration advice to members directly.

**Hold a meeting**

Holding a meeting in the workplace, at the branch and in the community around Settled Status is a great way to promote and showcase UNISON’s core values on fairness, equality and our campaign on the right to stay for EU citizens. Some of our branches have used this as part of an organising plan to bring new members and activists on board. West Herts Trust Health branch is one great example, if you want to see the transformative impact it had on the branch, read our unison story - <https://www.unison.org.uk/news/magazine/2018/08/meet-our-nhs/>

There are also many charities that have received government funding to provide free legal information sessions and drop in sessions across the UK. Check the list here - <https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations>

As an example, EU Rights ([eurights.uk](http://eurights.uk)) is offering free legal advice if you’re holding an event around citizens’ rights or Settled Status. You need to provide the room and at least 40 participants for this to go ahead.

There are other alternatives if you want to start with a smaller number. Settled ([settled.org.uk](http://settled.org.uk)) is another charity that can provide an accredited volunteer in your local area to help people understand the scheme.

See the Appendix on the risks and issues which may be useful for branches to know

**Participation in the branch**

EU members should be supported, mentored and encouraged to join branch discussions so they feel supported and a part of the union. Include them in your branch planning and in activities which might help them understand the union’s overall work.

**Work with employers on how they can also support EU members:**

UNISON branches and activists most valuable tool to protect people’s rights is through negotiation. UNISON has produced an employer template agreement for activists – ***Migrant Worker Support and Retention Policy*** – that can be used to negotiate withemployers on how best to support all migrants in the workplace by:

* Giving time off for employees to apply for residency, Settled Status or to seek specialist immigration advice
* Offering employees interest free loans for application costs of residency
* Attending meetings to speak about how they will assist members with the roll out of settled status
* Distributing UNISON Guidance on the EU Settlement Scheme and Settled Status.
* Organise sessions with an immigration advisor for their staff

**Keep members involved and informed**

Promote EU Citizens’ Rights: [www.unison.org.uk/eucitizens](http://www.unison.org.uk/eucitizens)

This website will provide updated information on our campaigns and will also include news stories, features and resources for EU members.

To keep up with UNISON policy on Brexit: [www.unison.org.uk/brexit](http://www.unison.org.uk/brexit)

**Additional resources to support branch work and EU members:**

* UNISON Tackling prejudice and Xenophobia <https://www.unison.org.uk/get-help/knowledge/discrimination/tackling-prejudice-and-xenophobia/>
* The3million: an EU citizens campaign group <https://www.the3million.org.uk/settled-status>

**Advertise to members UNISONs free legal guidance and helpline**

UNISON members are entitled to a free telephone consultation with a lawyer from the Joint

Council for the Welfare of Immigrants (JCWI).

Members can call UNISON Direct on **0800 0 857 857** and arrange a free consultation.

**Appendix**

**Risks to members of the EU Settlement Scheme** The UK government claims that the EU Settled Scheme will give EU citizens certainty about their rights going forward. Yet branches need to be aware of the potential risks of the scheme and how this can impact our members. Keep up to date on these issues on UNISON’s website on [www.unison.org.uk/eucitizens](http://www.unison.org.uk/eucitizens)

**Risk of losing legal status** While all EU citizens currently living in the UK are entitled to settled or pre-settle status, individuals are not automatically granted this right and must apply under the scheme. This creates a risk that 1) individuals may be denied settled status, or 2) that individuals may not apply for many reasons, including not knowing that they need to.

It is particularly important to reach those in the workplace who are most precarious—those on temporary contracts, those that may not have a strong grasp of English, or those that may struggle to produce paperwork documenting the full extent of their residency in the UK.

If individuals are denied settled status, or don’t apply by the government’s deadline, they are at risk of losing their legal status in the country and could be subject to removal from the UK or immigration detention.

**Risk of digital exclusion from the Scheme** The application process is largely digital with a paper-based application only available on request. Language barriers, age, disability and the lack of digital literacy may not only prevent people from applying, but may also lead to a misunderstanding of what is required of them from the application process. Additional info to know:

The scheme is high-tech, involving scanning your biometric passport with an app and successful applicants receiving a digital code

* There have been problems with the app only being available on Android and on some newer Apple devices
* Complicated non-English names, for example with lots of accents, could prove problematic for the technology
* There is no clear plan for how this digital code can be presented to employers and landlords who have traditionally relied on physical documents

**Risk of discrimination and dismissal** The government states that there will be no change to the rights and status of EU citizens living in the UK until 30 June 2021 (in the event of a no deal, this date will be 31 December 2020). We understand this to mean that EU workers are not required to show their settled status digital code until these dates, and importantly employers cannot retrospectively ask for this information. Yet it is likely that some employers will go beyond the legal requirements and ask workers to prove their status–either from misunderstanding or the exploitation of migrant workers. It is vital the UNISON branches monitor how employers are dealing with current and new EU workers to avoid discrimination or unfair dismissal.