

THE EU (EUROPEAN UNION) SETTLEMENT SCHEME – UPDATE (13 NOVEMBER 2018)

FREQUENTLY ASKED QUESTIONS (FAQs) REGARDING REGISTRATION FOR THE PILOT SCHEME

These FAQs provide general information about the EU Settlement Scheme and how to apply between 15 November and 21 December 2018 when the scheme is open to staff in the university sector. The Appendix hosts some of the questions we've recently received from staff which others might find helpful.

Information about fee reimbursement and how to apply can be found in the [“Frequently Asked Questions \(FAQs\) Regarding Fee Reimbursement”](#) which can be found on the University's HR website.

By way of reminder - the UK Government is introducing an EU Settlement Scheme for EU citizens and their family members to obtain UK immigration status, which will be required to remain in the UK post-Brexit. The scheme is currently being tested and, from Thursday 15 November 2018 until Friday 21 December 2018, a second pilot phase will be open to staff in the university sector. Applying during this pilot phase is entirely voluntary as the scheme will be fully launched from the end of March 2019 when the UK leaves the EU.

Who can apply for the Scheme during the pilot phase?

The following University of Edinburgh staff will be eligible to apply:

- **EU citizens.** This does not include those with British citizenship, nationals of certain EEA countries (Norway, Iceland and Liechtenstein) or Swiss citizens. (Please see the note below if you are originally from one of these countries.) Irish citizens will not have to apply under the scheme, but may choose to do so.
- **Non-EU citizens who are (a) a direct family member of an EU citizen** and (b) have a biometric residence card with 'EU Right to Reside' on the back, which was applied for on or after 6 April 2015.

Can my family apply at the same time?

Your family members will not be able to apply during this pilot, unless they themselves meet the requirements of one of the pilot schemes. You can find out more about which other employers/organisations are covered by the pilot here <https://www.gov.uk/guidance/eu-settlement-scheme-pilot-applicant-eligibility>. They will be able to apply when the Scheme is fully launched at the end of March 2019.

Can I apply during the pilot if I'm also a student?

Yes. You can apply if you are a current employee of the University on the date you apply and you apply during the pilot phase, i.e. between 15 November and 21 December 2018.

How will I apply and what will I need to do?

Full information about how to register your interest in taking part in the pilot can be found in the HM Government email. This also explains what you need to do to confirm your identity and nationality and evidence how long you've lived in the UK.

What immigration status will I be given?

There will be two new immigration statuses for those applying under the scheme based on time spent in the UK.

- **Settled status:** if you have at least 5 years' continuous residence in the UK you will be granted settled status, which is the equivalent of 'indefinite leave to remain'. This confirms that you have permission to stay in the UK permanently with no immigration restrictions.
- **Pre-settled status:** if you less than 5 years' continuous residence in the UK you will be granted pre-settled status for a period of 5 years. This allows you to continue living in the UK as if you were still exercising free movement rights. Once you have reached 5 years' residence, you will be able to apply for settled status.

Continuous residence means that you have not been absent from the UK for more than 6 months in any 12 month period. An absence of up to 12 months is allowed for exceptional reasons (e.g. childbirth, serious illness, study, vocational training or an overseas work posting).

What documentation will I receive to confirm my status?

EU citizens will not be given a physical document. Instead, your status will be recorded electronically on Home Office systems. Once granted, you will be able to access your online record. Non-EU family members of EU citizens will be issued with a residence permit for their new status.

How much will it cost?

The application will cost £65. If you already have a valid (UK) permanent residence or indefinite leave to remain document you can apply free of charge. Although the current pilot is not open to dependants, the cost of an application for a child under 16 will be £32.50.

Will the University help with this cost?

Yes. We will help with the £65 payment. We'll also help you with the cost of your dependants' applications once they scheme is opened up to them. Please refer to the separate set of FAQs regarding [Fee Reimbursement](#) which you can find, along with the [claim form](#) on the HR website.

How long will the application take?

There is no confirmed timescale, however the UK Home Office has indicated that a decision should be issued – by email - within a couple of weeks.

Is there a chance that my application could be refused?

It is very unlikely, as the UK Government has confirmed it will be looking to grant applications, not for reasons to refuse them. The only foreseeable reason for refusal would be on the basis of criminality.

Do I have to apply?

No. Making an application during this pilot phase is **entirely voluntary**. It is entirely up to you whether you want to apply or not at this time, and may depend on your individual circumstances.

What happens if I do not make an application?

At the moment, nothing. This phase has been introduced to fully test the on-line application system and enable to Home Office to make improvements ahead of the full-roll out.

The rights of EU citizens and their family members will remain unchanged from the EU exit date of 29 March 2019 until 31 December 2020. This means that those currently living in the UK, or who arrive before 31 December 2020, will be allowed to continue living and working in the UK, as they do now.

However, if you intend to remain in the UK after 31 December 2020 you will need to make an application to the scheme before the deadline of 30 June 2021. The Home Office has advised that the scheme will be fully open by the end of March 2019.

What about citizens of certain EEA countries (Iceland, Liechtenstein and Norway) and Swiss nationals?

The EU Settlement Scheme currently applies to EU citizens only and not to citizens of the EEA (Norway, Iceland and Liechtenstein) or Switzerland. The UK will need to negotiate citizens' rights with each of these countries separately, although the UK Government has expressed its intention that citizens of these countries will be treated in the same way as EU citizens. In the meantime, citizens of these countries will continue to have free movement rights.

What about citizens of Ireland?

As an Irish citizen you have the right to live and work in the UK under the Common Travel Area arrangement. This right pre-dates the EU and is not reliant on the UK's membership of the EU. So, you do not need to apply for an immigration status under the EU Settlement Scheme, although you can choose to do so.

Where can I find out more?

You can keep up to date with information from the UK Home Office via their website.

Information on the second phase of the pilot can be found at:

<https://www.gov.uk/guidance/eu-settlement-scheme-pilot-applicant-eligibility>

Who should I contact if I have any queries about my application?

The Home Office has set up the EU Settlement Scheme Resolution Centre. You can contact them by calling 0300 123 7379 or through their online submissions form eu-settled-status-enquiries.service.gov.uk

Who should I contact with general queries about the Scheme?

We've set up a dedicated mailbox so we can keep track of queries and concerns and respond in a consistent way. So please send any queries that you have – now or in the near future – to EUstaffquery@ed.ac.uk. The mailbox will be monitored by HR staff based in the Employee Relations team in Charles Stewart House. We'll respond as soon as we can and will let you know if we need to share your enquiry with anyone outside of this team.

I haven't been receiving the emails about the Scheme and the pilot direct from HR – why not?

We have been emailing staff direct who we understand from our HR database are eligible for the pilot scheme. However, there are many staff who do not have an active University staff email account on our database – so they have not been included. To reach as many people as we can, we have asked Heads of College, Schools etc to ensure that the information is brought to the attention of such staff through local channels of communication. Copies of all correspondence will also be posted on our [website](#).

If you do have an active staff email account, please email EStaffquery@ed.ac.uk to let us know and we'll update our records.

It's also possible that we may have an incorrect record of your nationality. If you believe you should have received the emails about the Scheme, please contact EStaffquery@ed.ac.uk.

I don't have access to an Android device, can the University help?

We understand you will need an Android device to access the 'app' which will read the biometric information on your e-passport or BRP and upload it into the application. You can start your application on an Android device, save it and then complete it on a smartphone, laptop or computer. If you don't personally have an Android device but can borrow one, we understand that your personal details will not be stored on the device.

If you don't have a device, cannot borrow one from a family member etc, and feel you can't wait until the Scheme opens fully next year then email EStaffquery@ed.ac.uk and we will explore if and how we can help you. Whether we will be able to do this will depend on how many of the 2,500 staff eligible for the pilot.

My EU passport has expired but I have my national identity card, can I use this to apply?

No, you can only apply if you have an e-passport and this has not expired, been cancelled or invalidated. We understand there will be alternative ways to verify your identity when the scheme opens fully next year.

I applied for and have a permanent residence card confirming I've been in the UK for more than 5 years. Do I have to apply?

Applying during the pilot phase is entirely voluntary. However once the Scheme is fully open next year, you will have until 30th June 2021 to convert the permanent status you had under EU Free Movement to settled status under the EU Settlement Scheme. You will however be able to do this relatively simply and free of charge. We understand the on-line application will ask for your residence card number, skip the residency check and the payment stage.

I already have a permanent residence card confirming I've been in the UK for over 5 years. I'm interested in applying for British citizenship. Do I have to apply for settled status first?

You have two options:

1. Under current EEA Regulations you automatically acquire permanent residence status once you've lived in the UK for 5 years continuously. Once you've held this right for 12 months – so you've lived in the UK for 6 years or more – you can apply for British citizenship. You'll

have to show that your permanent residence has not lapsed, i.e. you have not been absent from the UK for more than 2 years since you acquired the right to permanent residence.

2. Apply for settled status. You'll be able to apply for citizenship 12 months after the date you are granted settled status, or immediately if you are the spouse or civil partner of a British citizen. One factor you might want to take into account is that under the 'settled status' route, you can be absent from the UK for five years without losing your settled status.

I'm an EU national and I'm interested in applying for British citizenship – will this have an impact on my EU nationality (e.g. my German citizenship)?

The UK allows dual nationality, however you will have to check with your own country if this is allowed under their own nationality laws. If, for example, your country only allows dual nationality with another EU country, then you may have to ensure that you have secured British citizenship before we leave the EU. This would mean having a permanent residence card and then a British citizenship application granted before 29 March 2019.

I am an EU national and my child was born in the UK – how will Brexit impact them?

If your child was born in the UK then they could be entitled to register as a British citizen, or may be born British and can apply directly for a British passport. This will depend on a number of factors, including their date of birth and your status. If your child has British citizenship, then they will not need to apply under the EU Settlement Scheme.

For example:

- If your child was born in the UK on or after 30 April 2006, then they will be born British (and can apply directly for a British passport) if you can prove that you held permanent residence before their date of birth
- If your child was born in the UK before 30 April 2006, then they may be born British if you have been issued with an official UK document confirming your permanent residence or if there is evidence that you were exercising your EU Treaty Rights on the date of their birth. The evidence and requirements depends on the child's date of birth and you should seek further advice.
- If your child's other parent was a British citizen when the child was born, then the child will be born British
- If you acquire permanent residence after your child was born, then you may be able to apply to register them as a British citizen. This application would have to be granted before they could apply for a British passport.