

The French Chamber Of Commerce in Great Britain



Brexit and citizens' rights From freedom of movement to settled status

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Brexit and citizens' rights

Current situation:

- ✓ Freedom of movement: application of the EU law
- ✓ Passport or ID card sufficient to assert your rights

Brexit:

- ✓ End of freedom of movement
- ✓ Transition to British immigration law



Conditions of movement

- ▶ Possibility to enter the UK with an ID card until 31 /12/2020
 - in case of a deal, deadline extended until 31 /12/2025 for residents who have the settled status
- ▶ No intention to introduce short-term visas (cf. political declaration)



From freedom of movement to the new immigration policy

Three phases:

- ✓ Residents by the date the UK leaves the EU: rights preserved
- ✓ Transitional system (no deal): facilitated stay
- ✓ New system: immigration based on skills



Transitional system

▶ Deal

- ✓ Application of EU law extended until the enforcement of the new immigration system

▶ No deal

- ✓ Transitional system: from the end of freedom of movement to the future system
- ✓ Entry without visa (work, studies)
- ✓ For a stay longer than 3 months: Temporary Leave to remain (non-renewable status, 36 months)



Future immigration system (1 January 2021)

- ▶ Government White Paper (12/2018)
- ▶ End of the "European exception": one single system
- ▶ System based on professional skills
- ▶ Specific conditions (e.g. income threshold) to be determined



Schedule

August 2018 – January 2019

- ✓ private beta phase of implementation of the EU Settlement Scheme

November 2018

- ✓ withdrawal agreement approved by the EU and the UK

21 January 2019

- ✓ public experimental phase of implementation of the EU Settlement Scheme

30 March 2019

- ✓ public launch of the settled status

31 October 2019

- ✓ **UK exit from the EU**

31 December 2020

- ✓ end of the transitional period (withdrawal agreement)

31 December 2020 or 30 June 2021

- ✓ deadline for applying to the scheme



Settled status: general overview

- ▶ Status granted by the British authorities to preserve the following rights of European citizens:
stay, work, study, receive social benefits and health care
- ▶ Meant for European citizens (and non-European family members) who are residents by the date the UK leaves the EU or by the end of the transitional period
- ▶ Must be applied for and granted
- ▶ Digital status



Settled status: eligibility

- ▶ European citizens and their families (including children) living in the UK by 31.12.2020 (deal) or by 31.10.2019 (no deal)
- ▶ European partners of British citizens
- ▶ European citizens not living in the UK by 31.12.2020 (in case of a deal) but who lived there for 5 years in the past (and provided they did not leave the country for a period of more than 5 years in a row)

NB: people with **dual citizenship** (Franco–British) cannot apply



Settled status: application process

- ▶ The application can be made
 - ✓ in the UK and from abroad
 - ✓ online: Android mobile phone (version 6.0 or above)
 - ✓ via the 'EU exit: ID document Check' App to be downloaded on the Home Office website or on Play Store

- ▶ It consists of several steps allowing the check of **three criteria**:
 - ✓ Identity
 - ✓ Residence
 - ✓ Criminal records



EU Exit: ID Document
Check
UK Visas and Immigration



Settled status: identity

- ▶ The following **proofs of identity** can be provided by :
 - ✓ a valid passport or identity card (EU citizens),
or
 - ✓ a valid biometric residence permit (non-UE citizens),
or
 - ✓ a biometric residence card (EEE), before 1973



Settled status: residence

- ▶ Requirement to prove 5 years of continuous residence
- ▶ Need to be in the UK for at least 6 months in any 12 month (for 5 years in a row)
- ▶ An exception up to 12 months for cases of force majeure (birth, illness, studies, vocational training, overseas posting)
- ▶ Unlimited exception for compulsory military service



Settled status : proof of residence

- ▶ NIN
- ▶ HMRC and DWP record checks to calculate the period of residence
- ▶ Gaps: additional evidence (non-exhaustive list) – non-original documents

Settled status: criminal records

- ▶ Based on declarations
- ▶ Only serious or repeated crimes (recidivism), as well as potential threats to the security of the country will be taken into account:
 - ✓ Conviction, arrest, indictment in case of a pending trial
 - ✓ Participation in, support for or encouragement of terrorist acts or war crimes
- ▶ The Home Office will cross-check British and/or foreign criminal databases.



Settled status: potential difficulties

- ▶ **Impossibility to scan your biometric identity document:**
 - ✓ 50 help centres are available to access the app
- ▶ **No biometric identity document:**
 - ✓ possibility of sending the document by post
- ▶ **Help needed during the process:**
 - ✓ technical assistance: Assisted Digital support (0333 344 5675);
 - ✓ advisory assistance: EU Settlement Resolution Centre (0300 123 7379)
- ▶ **Impossibility to provide the requested documents:**
 - ✓ possibility of providing other documents in case of force majeure



Settled status: finalization of the application

▶ Temporary result:

- ✓ 5 years of residence proved with admissible documents: settled status application reviewed by a case worker
- ✓ Less than 5 years of residence proved: pre-settle status application reviewed by a case worker or provision of additional documents

▶ Decision:

- ✓ 5 years of residence: **settled status**
- ✓ Less than 5 years of residence: **pre-settled status**
Valid for 5 years and allows you to apply for settled status later, provided you meet the residence requirement
- ✓ **Rejection of the application** (eligibility conditions)



Settled status: digital status

- ▶ No paper document
- ▶ Status available online for employers, landlords, etc.
- ▶ Mail from the Home Office confirming the decision



Settled status: deal vs no deal

Brexit with deal

- ▶ Arrival in the UK before 31/12/2020
- ▶ Application until 30/06/2021
- ▶ Family reunification with no time limit
- ▶ Right of appeal

Brexit without deal

- ▶ Arrival in the UK no later than 31 October 2019
- ▶ Application until 31/12/2020
- ▶ Family reunification subject to time limits
- ▶ No possibility of appeal (administrative review only)

Settled status: feedback

- ▶ Home Office determined to implement the EU settlement scheme (means, philosophy, improvement process)
- ▶ Efficient and fast application process under optimal conditions
- ▶ Some concerns raised (parliamentarians, NGOs, EU embassies and consulates) are taken into account



Settled status: points of concern

- ▶ Awareness / support
- ▶ Non-biometric identity documents: to be sent by post
- ▶ Treatment of complex situations
- ▶ Discontinuous periods of residence



Settled status: role of the Consulate General

- ▶ Providing information to the French community
- ▶ EU members informing the British administration and raising awareness of the difficulties encountered
- ▶ Identifying specific cases
- ▶ Issuing passports and ID cards so that French citizens can apply for settled status
 - ✓ More than 110,000 identity documents issued over the past 3 years



Main recommendations

- ▶ The settled status is the way to preserve your rights:
EU citizens need to apply
- ▶ Holders of a resident permit must apply for settled status
- ▶ People with the Indefinite Leave to Remain status do not have to apply for settled status but are invited to do so
- ▶ The best time to apply depends on your own situation
- ▶ Stay informed



Sources of information

- ▶ Consulate General website and newsletter
- ▶ French Governmental portal: [Brexit.gouv.fr](https://brexit.gouv.fr)

Other sources

- ▶ Home Office website 
- ▶ European Commission website / [Eurights.uk](https://eurights.uk) 
- ▶ The 3 million 
- ▶ Here for Good/Seraphus  
- ▶ Freedom of Movement 
- ▶ EU londoners Hub 





Q&A