

EU Settlement Scheme Guidance

1. Introduction

The University is proud to have such a diverse range of staff working here who have made, and who continue to make, an enormous contribution to the University across a range of roles and disciplines. The University recognises that the diversity of our colleagues is one of our greatest assets and therefore we want to continue to encourage and support staff who are EU citizens to continue working at the University regardless of their role or length of service.

Under the terms of the Withdrawal Agreement, the UK left the EU on 31 January 2020 and the 'transition period', during which the UK remained subject to EU law, expired on 31 December 2020. Free movement of people between the EU and the UK no longer exists.

EU citizens, and their family members, who were resident in the UK on or before 31 December 2020 must apply for either pre-settled or settled status, via the EU Settlement Scheme, by 30 June 2021. Gaining status via this scheme safeguards the residence rights of EU citizens' resident in the UK before 31 December 2020.

This guidance document aims to provide colleagues who are EU, EEA and Swiss citizens the relevant information and advice on the EU Settlement Scheme, who are eligible, how to apply and general FAQ's regarding the scheme.

2. Eligibility for the EU Settlement Scheme

The EU Settlement Scheme provides EU, EEA and Swiss citizens, and their family members, the opportunity to continue living in the UK after 30 June 2021 with either a 'settled' or 'pre-settled' status. There is no cost associated with applying to the scheme for either status. Individuals will not be able to decide which status they are applying for, this will be granted depending on how long they have lived in the UK for at the time of applying.

2.1 Settled status

To be eligible for settled status individuals will need to:

- Be an EU, EEA or Swiss citizen, or a family member of an EU citizen
- Have been living in the UK continuously for five years
- Have started living in the UK by 31 December 2020.

Please note that family members from outside the UK and Ireland will still need to apply. Where the individual is an EU citizen married to a British citizen, an application will still need to be made. Settled status will usually be granted if the individual has lived in the UK for a continuous five-year period.

2.2 Pre-settled status

If individuals have lived in the UK for less than five years, they will generally be eligible for pre-settled status. Where this is the case, an application can be made for settled status once the individual has been in continuous residence for five years after the pre-settled status expires.

An individual will not need to apply if they are:

- An Irish citizen
- Have indefinite leave to remain in the UK
- Have indefinite leave to enter the UK.

2.3 Rights with settled or pre-settled status

Individuals will have different rights depending on whether they are granted settled or pre-settled status. However, with both status, they will be able to:

- Work in the UK
- Continue to live in the UK
- Use the NHS for free
- Enrol in education or study in the UK
- Travel in and out of the UK
- Access public funds such as benefits and pensions.

For any questions about an application, please contact the **Home Office EU Settlement Scheme Resolution Centre** by calling 0300 123 7379 (inside the UK) or +44 (0) 203 080 0010 (outside the UK). Questions can also be asked using the online submissions form eu-settled-status-enquiries.service.gov.uk.

3. Support for OU staff

There a number of support options available for staff:

- Through the [OU International Community Support Network](#). This is a self-organised staff diversity network open to everyone (regardless of nationality), which has been set up to support staff and students who are affected by the results of the United Kingdom leaving the EU.
- Support and advice can also be accessed through the [Employee Assistance Programme](#). This is a free and confidential service, available to all OU employees and their immediate family members. It offers expert advice, information, counselling and support and is available 24 hours a day, 7 days a week.
- Email staff-brexite-enquiries@open.ac.uk where colleagues from People Services will offer support on a range of practical and pastoral matters.

4. Further information

A range of [support](#) is available online, by email and over the telephone, to help EU/EEA/Swiss citizens and their family members to apply to the EU Settlement Scheme.

- The [EU Settlement Resolution Centre](#) continues to provide support seven days a week by telephone and by email.
- Staff can use the [EU Exit: ID Document Check app](#), available for iPhone and Android, to complete the identity stage of their application. A postal route is also available – contact the [EU Settlement Resolution Centre](#) for details.
- [Assisted Digital](#) offers additional support for those who do not have the appropriate access, skills or confidence to apply online.

- The Home Office have translated [communication materials](#) into 26 EU languages, including Welsh.

Staff can also access the Government website (www.gov.uk) for further information - see below for the main links:

- [Overview of the EU Settlement Scheme](#)
- [What settled and pre-settled Status means](#)
- [Who should apply?](#)
- [Applying for settled status](#)
- [Getting settled status in less than 5 years](#)
- [Settled status if you're under 21](#)

5. Useful references

- British Citizenship Application Loan Scheme
- British Citizenship Application Form

Appendix 1 - Frequently Asked Questions (FAQ's)

Why do I need to apply under the EU Settlement Scheme?

After 31 December 2020, free movement of people between the EU states and the UK no longer exists. Therefore, the ability to reside in the UK solely on the basis of holding citizenship of an EU country (except Ireland) also came to an end.

In order to 'regularise' stay under UK law, all EU citizens and their family members, who are not also British or Irish, will be required to apply via the EU Settlement Scheme to ensure they can remain lawfully in the UK.

How do I gain status?

Eligibility to apply is set out within the scenarios that follow (with the definition of 'continuously resident' set out in further detail below).

I was resident in the UK for at least five years by 31 December 2020

EU citizens who, by 31 December 2020, have been **continuously resident** in the UK for five years, will be eligible for settled status, enabling them to remain indefinitely.

I was resident in the UK for less than five years by 31 December 2020

EU citizens who were continuously resident in the UK for less than five years by 31 December 2020 will be able to apply for pre-settled status. This will provide 'limited leave to remain' for at least five years, leading to settled status after five years of continuous residency in the UK.

I was previously resident in the UK and I am currently living abroad

EU citizens who had been continuously resident in the UK for **at least five years**, then went abroad (for any reason) for up to five years, can apply for settled status from within the UK or abroad, but must apply by 30 June 2021.

EU citizens who were previously resident in the UK for **less than five years**, then went abroad for less than 6 months, can apply for pre-settled status from within the UK or abroad, but must apply by 30 June 2021.

The deadline for applications for either settled or pre-settled status is 30 June 2021.

Who needs to apply through the EU Settlement Scheme?

Irish citizens do not need to apply due to existing immigration provisions, which have been in place since at least 1971 and confirmed by way of the Immigration Act 2020. Irish citizens become 'settled' from the date they take up residence in the UK, even if it's only for one day. However, it is possible to apply, if desired.

EU citizens who are also British, do not need to apply.

All other EU, EEA and Swiss citizens need to apply, although there are other exceptions/special circumstances:

- EU citizens holding 'historic' Indefinite Leave to Remain (issued pre-April 2006) do not need to apply, but can if they wish.
- EU Permanent Residence Card holders must apply.
- EU family members of British Citizens must apply.

How much does it cost?

There is no fee required to make an application for either settled status or pre-settled status.

What rights will I have?

- Both settled and pre-Settled status confers the unlimited right to live, work and study in the UK.
- Individuals are provided with unrestricted access to state education, healthcare and benefits.
- Once gained, settled status can only be lost if absent from the UK for a continuous period of 5 years or more.
- Any children born in the UK to an EU/EEA/Swiss citizen who holds settled status will automatically be British at birth.
- An EU/EEA/Swiss citizen with settled status will be able to apply for naturalisation as a British citizen after holding settled status for at least one year (or immediately, if also married to a British citizen).

How do I apply?

The deadline for applications is currently **30 June 2021** for those resident in the UK on or before 31 December 2020. Applications can be made from inside the UK and also from overseas. It is possible to make an application using [mobile devices](#).