

THE BIG EUROPEAN CITIZENS' SURVIVAL GUIDE *On Brexit*



THE BIG EUROPEAN CITIZENS' SURVIVAL GUIDE *On Brexit*

CONTENTS

CHAPTER 1	About the Guide	3
CHAPTER 2	Option 1: Do nothing	4
CHAPTER 3	Option 2: Registration	5
CHAPTER 4	Option 3: Naturalisation	8
CHAPTER 5	Sources of help	10



CHAPTER 1

About this Guide

The Big European Citizens' Survival Guide on Brexit is the first version of a post-Brexit guide for EU citizens living in the UK covering general information about citizenship and rights that will enable them to make choices about their future.

It is not a substitute for legal advice.

At the time of publication, the UK and the EU have concluded four rounds of negotiations on post-Brexit citizens' rights and the outcome remains uncertain. As things stand, even in the event of an early deal on such rights, any

agreement is dependent on the outcome of the overall Brexit negotiations.

As we understand from the UK's offer, all EU citizens will be required to register for a new immigration status if they want to stay in the UK after Brexit. This is not examined in this guide. There might be further clarity in the coming months and an updated version of this guide will be published to reflect any changes and/or agreement reached.

While the UK remains a member of the European Union, EU citizens and their family members will continue to enjoy all of their rights stemming from EU legislation, including the right to remain in the UK; to work; to access healthcare and other public services; to vote in local and regional elections and to equal treatment.

In this guide, we look at different steps EU citizens may want to take pending a conclusion of the overall Brexit negotiations.



CHAPTER 2

Option 1: Do nothing

As an EU citizen, you are not required to apply for any official documentation to confirm your right to stay in the UK. You are free from immigration control. In some situations, you may be asked to show evidence of your EU citizenship for example by an employer or to access services from your local council. The same applies to your family member if they themselves are EU citizens.

When you arrive in the UK, you have an initial right to stay for 3 months without any restriction. This is called a Right of residence. After 3 months, you and your family members continue to have a right to reside if you (or your family members) are:

- A worker (including if you are looking for work, or in certain situations if you **were** a worker- it is always best to check with your local advice centre)
- A self-employed person
- A student
- A self sufficient person

This Right of residence also gives you other rights to make sure you are treated equally with British citizens. You do not have to apply to the Home Office or ask permission to stay in the UK.

If you are asked to provide documentation from the Home Office about your status, or if you are refused services because you are an EU citizen, you should contact your local Citizens Advice office on 03444 111 444.





CHAPTER 3

Option 2: Registration

Registration certificates

Registration certificates are useful to show that you have a right to reside at the time of registration. **They are useful if you have been in the UK for less than 5 years.** A £65 fee applies for each applicant.

On the Home Office website it says ‘a new scheme will be available for EU citizens and their families to apply to stay in the UK after it leaves the EU’ and ‘If you already have a registration certificate it won’t be valid after the UK leaves the EU.’ You might feel worried about it but nothing is decided, no law has been adopted and the UK is still a member of the EU!

You can apply online by visiting <https://www.gov.uk/eea-registration-certificate/apply>, in person at a ‘premium service centre’¹ or by downloading and completing the EEA (QP) form. You may ring the Home Office helpline on 03333 445 675 or alternatively contact one of the advice agencies listed in in Chapter 5 of this guide for assistance.

Depending on your circumstances, you will be required to provide supporting documents. These include:

- A valid proof of identity e.g passport or an Identity Card
- Proof of your employment e.g payslips, a letter from your employer, a P60
- Proof of your self-employment e.g Profit and Loss account, National Insurance payments
- Proof of residence in the UK e.g Council Tax or Utility Bill, bank statements
- Comprehensive Sickness Insurance (CSI) in some circumstances
- If you are looking for work, evidence that you are registered with local Jobcentre/in receipt of unemployment benefit
- Evidence of your studies

Remember that you need to show that you are a qualified person. This means that you have retained a Right to reside. You are not necessarily disqualified if you are no longer working eg if you are temporarily unable to work due to illness or maternity or if you are the primary carer of a child in education.

1. <https://www.gov.uk/ukvi-premium-service-centres/eligibility>

If you do not submit enough information, your application may be refused by the Home Office.

Permanent residence

If you have lived in the UK continuously for at least 5 years (fulfilling the qualifying criteria), you automatically acquire permanent residency. You will only lose this status if you are absent from the UK for a continuous period of 2 years. Once you acquire this status, you will no longer be required to show that you are a qualified person to access some services such as Local council housing or certain State benefits.

You will need to show that for each year of residence you rely on, you were a qualified person as an EU citizen exercising your Treaty rights.

Qualified Activities include:

- employment;
- self-employment;
- study; and
- economic self-sufficiency

As is the case for registration certificate, you may apply online by visiting <https://www.gov.uk/eea-registration-certificate/permanent-residence> or download the EEA (PR) form.

Again, you will see a message from the Home Office telling you that documents certifying permanent residency will no longer be valid after Brexit. As long

as the UK remains in the EU, you will continue to qualify for it.

A £65 fee is applicable for each applicant. Similar documents (as above) will be required for each year you rely on to support your application.

You will be asked for a schedule of absences for the 5 continuous years of residence. This includes any period spent abroad either for holiday, short trips or other purposes. 5 years is quite a long time, if you do not remember the exact dates we recommend that you submit a letter explaining that you tried to the best of your ability.

There may be some gaps between periods of employment. You should explain how you supported yourself during these gaps: it does not necessarily mean that you were no longer a qualified person.

If you were a student or self-sufficient at any point during the 5 year qualifying period, you will need to show that you held Comprehensive Sickness Insurance (CSI). Any health insurance that covers 'the majority of risks' may count; this includes private health insurance or a valid European Health Insurance Card (EHIC), provided it was issued by an EU member state other than the UK, or evidence of a reciprocal arrangement² between your home country and the UK (you should contact your home consulate to see whether health insurance certificates may be issued retrospectively).

The Home Office issued guidance³ on what they accept as CSI.

If you are unsure whether you had CSI, you should contact one of the advice centres listed in chapter 5 of this Guide before making any application.

There are instances when showing that you were a qualified person is not straight forward – it is always best to speak to an adviser as there are many ways you retain your qualifying status even if you were not in work for a continuous period of 5 years.

The Home Office aims to deal with applications for permanent residency within 6 months. We suggest that you (or your local Member of Parliament) contact the Home Office if there are delays with your application.

The Home Office decision

If you are successful, the Home Office will issue a document certifying your permanent residency in the UK or a registration certificate. You should keep this document somewhere safe. The documents do not generally confer any rights but they show that you are exercising your rights under European Law and that the Home Office accept that you are permanently settled in the UK.

Once the Home Office receives your application, they will consider it on the basis of the evidence that you have provided. It is important that you send all your supporting documents. If some are missing, the Home Office will reject your application. This means that you will receive a letter stating that you do not qualify for permanence residence. The fee is non-refundable.

If your application is refused, you have the right to appeal or you can make a fresh application. Any appeal must be made within 14 days of the date on your decision letter. You can find further information by visiting: <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-within-the-uk>.



2. http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm

3. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506065/EEA_QP__guide-to-supporting-documents_v1_3_2015-12-04_KP.pdf



CHAPTER 4

Option 3: Naturalisation

You can apply to become a British citizen after you have held permanent residence for one year. You have to get a document certifying permanent residence before applying for British citizenship, but you don't necessarily have to wait a year after getting the document.

Before applying, we recommend that you check whether you are allowed to hold dual citizenship and whether applying for citizenship will impact your tax position.

Please note that the following EEA countries do not allow their nationals to hold other nationalities: Austria, Estonia, Lithuania, Netherlands, Norway, and Slovakia.



Becoming British also means that you may no longer be able to rely on your rights as an EU citizen to bring family members. Instead, you will solely rely on UK immigration rules, which are far less generous.

Do I qualify?

You must have been in the UK for 6 or more years;

- During your time in the UK, you must have been exercising Treaty Rights
- You must meet the residence requirements which include an assessment of your absences from the UK (no more than 450 days spent outside the UK during those 5 years, no more than 90 days spent outside the UK in the last 12 months)
- Where you intend to live after making the application;
- You will need to pass the Life in the UK Test⁴;
- You also need to pass an approved English Language Test⁵ or have an approved degree from /be a national of a majority English speaking country;
- You must meet the "Good Character" guidance, for example no recent or serious criminal convictions, you must not be bankrupt, or associated with those considered to have "bad character".

Please note that you will need to show that you have 12 month of permanent residence status before the date of your application: the Home Office will ask you to submit your permanent residence document.

The fees are £1,282 per applicant and non refundable.

If you have children born in the UK, they may already be British citizens. Children born in the UK on or after 30 April 2006 are automatically British if at least one of their parents completed the five-year qualifying period for permanent residence before they were born.

How do I apply?

There are 3 ways to apply for naturalization:

- Making an individual application
- Using the Nationality Checking Services (fees will apply)
- Use an agent or representative (fees will apply in most cases). Please make sure the immigration adviser is regulated by the Office of the Immigration Services Commissioner (OISC), as it is a criminal offense to provide unregulated immigration advice in the UK.

For further information, please visit <https://www.gov.uk/becoming-a-british-citizen/how-to-apply>

4. <https://www.gov.uk/life-in-the-uk-test>

5. <https://www.gov.uk/english-language>



CHAPTER 5

Sources of help

The AIRE Centre

They provide free legal advice on specific areas of EU and Human Rights law.

You can either send an email to info@airecentre.org or can call them on 020 7831 4276.

Citizens Advice

You can contact local Citizens Advice service. They provide free generalist advice and may signpost or refer you to an immigration specialist. They will provide you with a list of advisers who are regulated by the Office of the Immigration Services Commissioner (OISC). For details of your local office, please visit www.citizensadvice.org.uk or ring them on 03444 111 444.

The Law Centre Network

Law centres in the UK provide specialist advice on immigration matters. For details of your local law centre please visit www.lawcentres.org.uk/i-am-looking-for-advice. Please check with them if any fees apply. If your local law centre cannot help you, they will try to refer you to another nearby organisation that can, or to a nationwide specialist helpline.

The Law Society

By visiting www.solicitors.lawsociety.org.uk, you will find contact details of immigration solicitors. Fees may apply so we recommend that you discuss charges that may apply before you see an immigration solicitor.

Migrants Rights Network

EU nationals can receive advice on how they can obtain documents to show that they are resident in UK or to obtain British Citizenship. To access the Mobile EU Citizens programme, please visit www.mobilecitizens.eu.

Your Europe Advice

Your Europe Advice provides free and personalised advice in the language of your choice, clarifies the European law that applies in your case and explains how you can exercise your EU rights. You may send them your query by visiting www.ecas.org/services/your-europe-advice-yea.

The European Commission

If you have any issues with your residence rights, you may contact the European Commission online via https://ec.europa.eu/info/about-european-union/problems-and-complaints/help-services/get-help-defending-your-eu-rights_en and submit your query.

Useful information

Living Rights Project

<http://www.lawcentres.org.uk/lcn-s-work/living-rights-project/know-your-rights>

ILPA Brexit Factsheets

<http://www.ilpa.org.uk/pages/brexit-information.html>

Children EU Citizens Rights

<http://www.childrenslegalcentre.com/resources/eu-residence-rights/>

Registration of children as British citizens

<http://www.childrenslegalcentre.com/resources/citizenship/>

<https://prcbc.wordpress.com/>

Right of residence for EU family members of an EU national

http://europa.eu/youreurope/citizens/residence/family-residence-rights/eu-wife-husband-children/index_en.htm



Right of residence for non-EU family members of an EU national

http://europa.eu/youreurope/citizens/residence/family-residence-rights/non-eu-wife-husband-children/index_en.htm

EEA (PR) form permanent residence

<https://www.gov.uk/government/publications/apply-for-a-document-certifying-permanent-residence-or-permanent-residence-card-form-eea-pr>

EEA (QP) form registration certificate

<https://www.gov.uk/government/publications/apply-for-a-registration-certificate-as-a-qualified-person-form-eea-qp>

This publication has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of New Europeans and can in no way be taken to reflect the views of the European Commission.

THE BIG EUROPEAN CITIZENS' SURVIVAL GUIDE *On Brexit*

