



# THE AIRE CENTRE

Advice on Individual Rights in Europe



**I do not have any document proving permanent residence or indefinite leave to enter / remain, but I have resided in the UK for more than 5 years – what do I need to apply under the EU Settlement Scheme?**

If you are an EEA national and have resided in the UK for at least 5 continuous years, and you would like to remain in the UK after December 2020, you should apply for settled status under the EU Settlement Scheme.

**What are the criteria for applying?**

In addition to the general criteria regarding criminal background and no supervening event (see our information note on [Who can apply under the EU Settlement Scheme?]) you will have to meet the following criteria:

- You have resided in the UK for at least 5 continuous years. Your residence only has to be continuous (as opposed to continuous and legal, as was required under the EEA Regulations for permanent residence). You will therefore only have to demonstrate that you did not leave the UK for more than 6 months during the 5 years' residence, but will not be required to provide evidence of your activity during that 5-year period. Residence under derivative / Zambrano right to reside (Regulation 16 of the 2016 Regulations) counts for the purposes of establishing 5 years' continuous residence;
- You have not left the UK for more than 6 months in any 12-month period (except for a single period of absence for an important reason, such as pregnancy, childbirth, serious illness, study, overseas posting or compulsory military service); and
- You have not served any sentence of imprisonment (of any length). If you have, the 5-year period would re-start from the end of the prison sentence.

**What evidence will I have to provide?**

As with any other application under the EU Settlement Scheme, you will have to provide a proof of identity (passport or national identity card).

The Home Office will carry out automated checks with the HMRC and DWP (based on your address and national insurance number, if you have one) which may provide all the necessary evidence that you have resided in the UK for 5 continuous years.

**Advice Line: +44 20 7831 4276      Fax: +44 20 7862 5765**

**e-mail: [info@airecentre.org](mailto:info@airecentre.org)**

Institute of Advanced Legal Studies, Room 505  
Charles Clore House, 17 Russell Square, London WC1B 5DR

Company Limited by Guarantee, Reg. No. 2824400 Charity Registered No. 1090336



Participatory Status



Member of

**advice** UK

The voice of independent advice

Organisation No.  
N200600055



# THE AIRE CENTRE

Advice on Individual Rights in Europe

If these checks do not produce sufficient evidence (e.g. because you were not employed and would therefore not have paid any taxes to HMRC), you will be asked during the application process to provide additional evidence to prove your residence. Such evidence may include council tax or utilities bills, rental agreements, payslips or P45/P60 forms, bank statements etc. for the relevant years.

## **What if I have not yet resided in the UK for 5 continuous years?**

You will be automatically considered for pre-settled status. Pre-settled status entitles the EEA nationals and their family members to reside in the UK for up to 5 years from the date it is acquired (and allows them to depart the UK for up to 2 years without losing that status). Anyone with pre-settled status will be able to apply for settled status once they reach 5 years of continuous residence.

**Advice Line: +44 20 7831 4276      Fax: +44 20 7862 5765**

**e-mail: [info@airecentre.org](mailto:info@airecentre.org)**

Institute of Advanced Legal Studies, Room 505

Charles Clore House, 17 Russell Square, London WC1B 5DR

Company Limited by Guarantee, Reg. No. 2824400 Charity Registered No. 1090336



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Participatory Status



Member of

**advice** UK

The voice of independent advice

Organisation No.  
N200600055