



# Navigating the EU Settlement Scheme

## Please note:

- The event will be recorded and shared
- Questions? Please use the chat function
- Please kindly mute yourself upon joining and switch your camera off

**We will start shortly at 17:30 GMT**

16 October 2023

**Seyfarth Shaw LLP**

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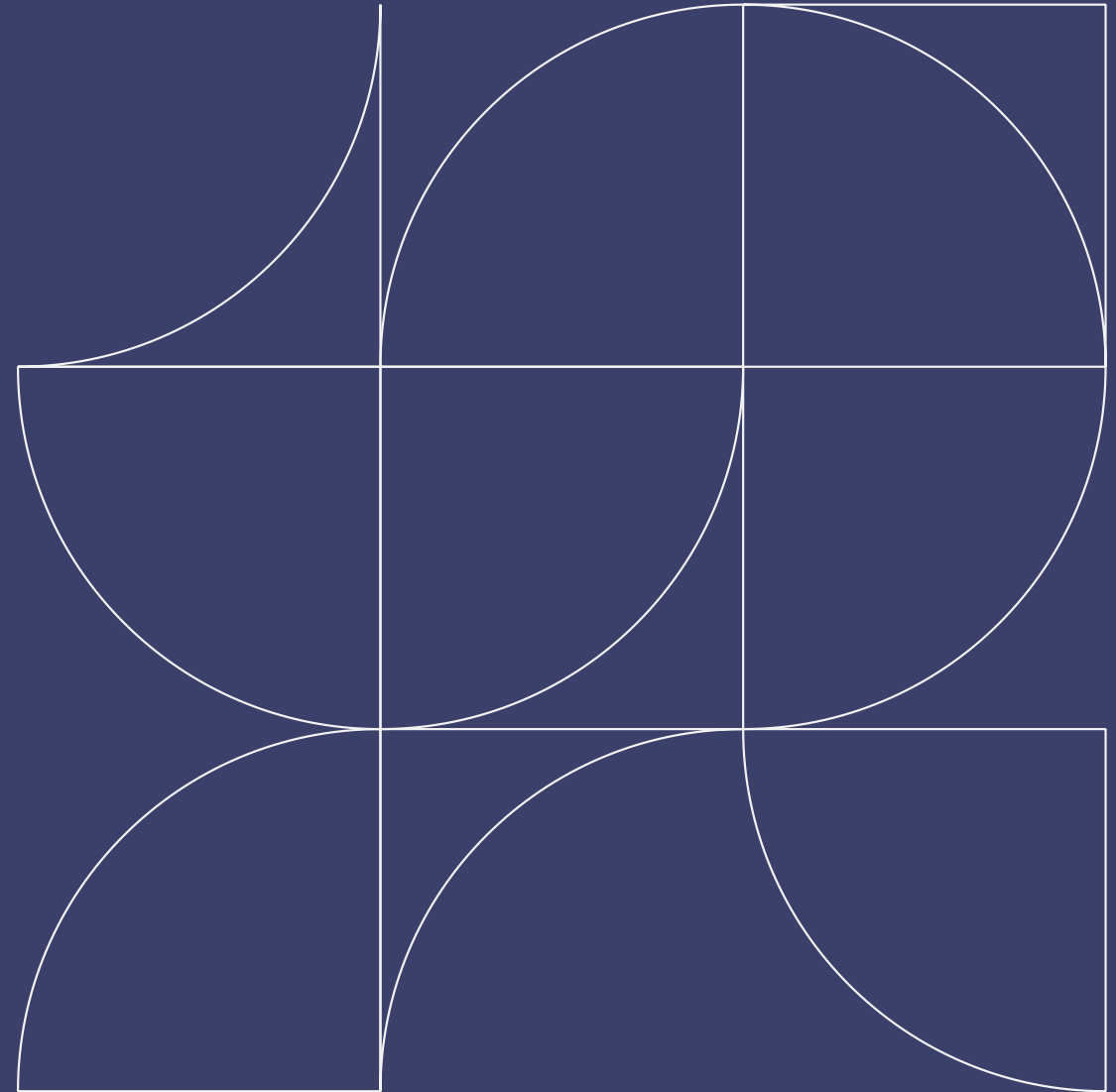
## Legal Disclaimer

*This presentation has been prepared by Seyfarth Shaw LLP for informational purposes only. The material discussed during this webinar should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The content is intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have.*

# Plan For The Discussion

- 1 | Steps To Take When The Pre-settled Status Expires
- 2 | Summary Of Requirements For Settled Status (ILR)
- 3 | Breaks In Continuous Residence & COVID-19 Absences
- 4 | Settled Status Vs British Citizenship
- 5 | Summary Of Requirements For British Citizenship

# Steps to take when the pre-settled status expires



## Steps to take when the pre-settled status expires

### What options do you have after your Pre-settled status expiry date?

- applying for Settled status (ILR = indefinite leave to remain)

Automatic settled status grant option if UKVI checks confirm 5 years residence – likely to be based on HMRC data of 5 years payments of National Insurance.

*Quote: the Home Office also plans to take steps during 2024 to start to automatically switch as many eligible pre-settled status holders as possible to settled status without them needing to make an application. Automated checks of pre-settled status holders against government-held information would check for example their ongoing continuous residence in the UK.*

If no automatic grant received, **APPLY!** Do not wait for the UKVI to grant it, as this is not guaranteed and you may miss a chance to apply.

## Steps to take when the pre-settled status expires (cont'd)

### What options do you have after your Pre-settled status expiry date? (cont'd)

- limited options where you can extend Pre-settled status

Automatic status extension for further 2 years of pre-settled status if you haven't applied for settled status. Only helpful if continuous residence started before the relevant date (i.e. in December 2019).

*Quote: From September 2023, pre-settled status holders who have not yet obtained settled status and are approaching the current expiry date of their pre-settled status will have that status automatically extended by 2 years. Pre-settled status holders will be automatically granted this 2-year extension before their status was originally due to expire if they have not yet obtained settled status. They do not need to contact the Home Office about this extension. It will be automatically reflected in their digital status and they will be notified once it has been applied.*

- Leaving the UK and continue coming as visitor

## Steps to take when the pre-settled status expires (cont'd)

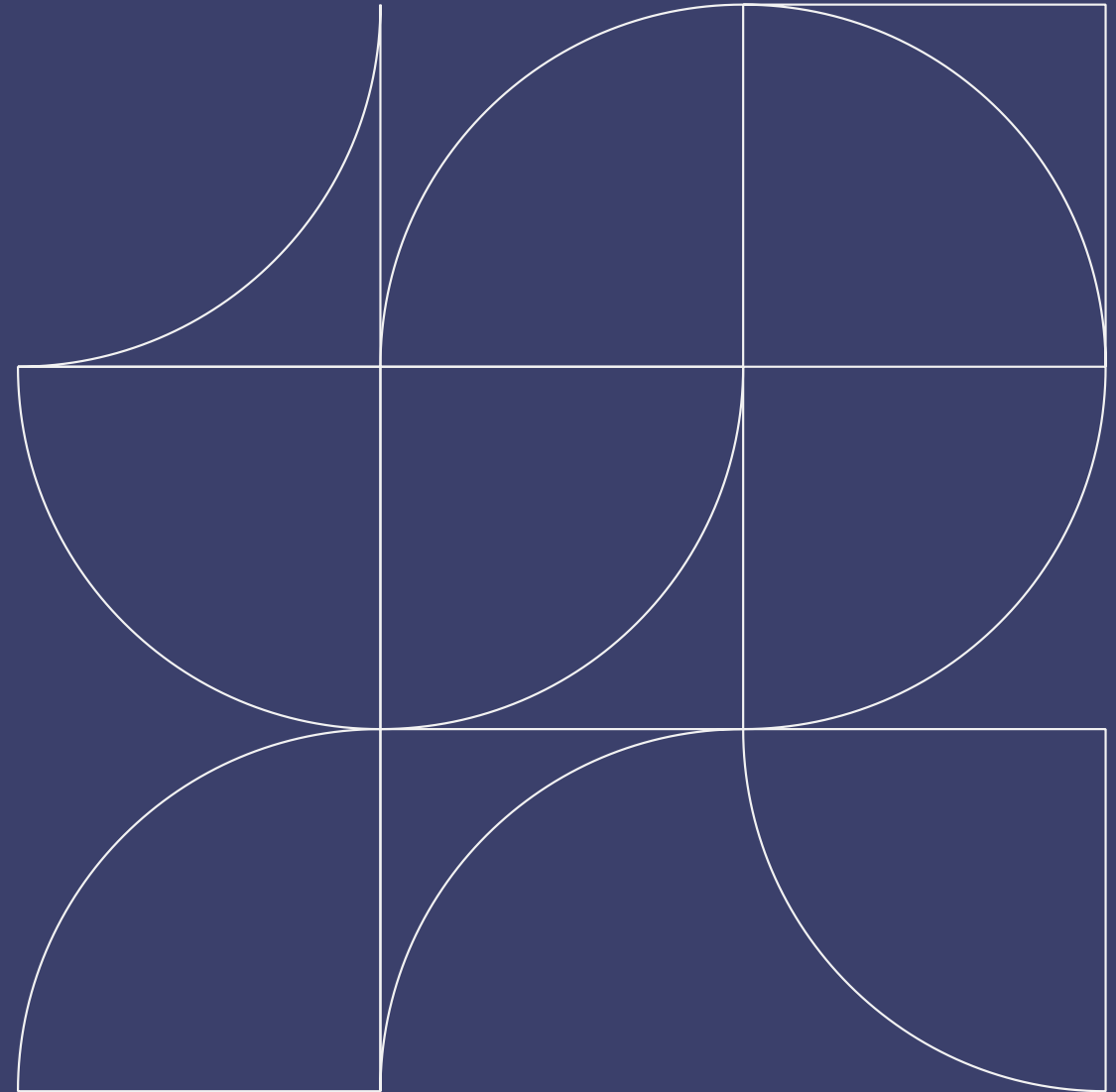
### What options do you have after your Pre-settled status expiry date? (cont'd)

- Switching into another status under existing UK immigration rules

Alternative options can include:

- Student visa for studying
- Skilled Worker visa for working
- Innovator Founder/Global Talent visa for founders and professionals in technology, academia or art
- Partner/child visa for family members of British/settled nationals

# Summary Of Requirements For Settled Status (ILR)





## Summary Of Requirements For Settled Status (ILR)

### What do you need to apply for settled status?

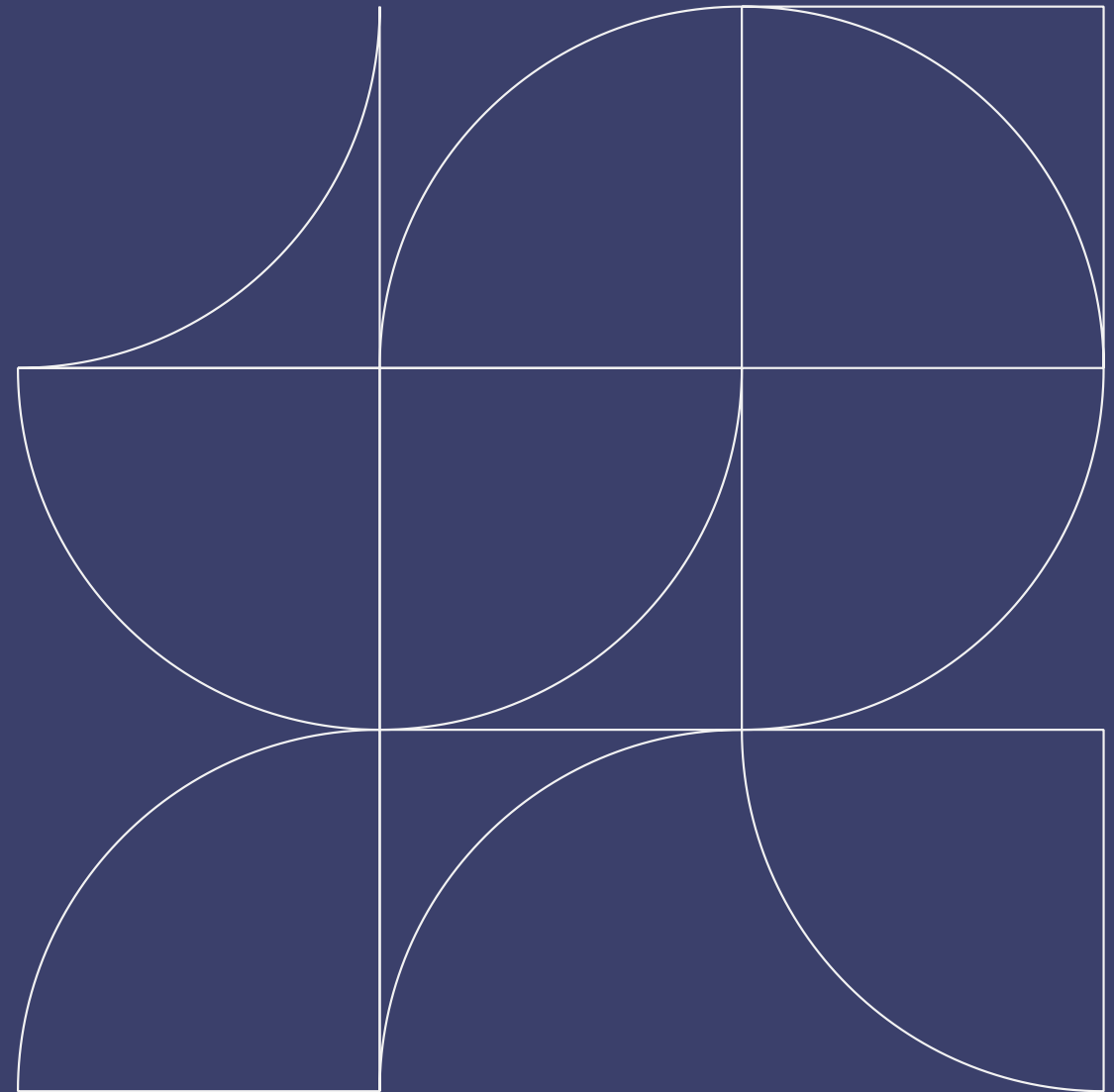
- Having a valid pre-settled status
- Continuous residence in the UK for 5 years that started at least 1 day before 31 December 2020. The 5 years is counted from the day you started your continuous residence, not the day you were granted pre-settled status.
- If you are a family member, evidence of relationship
- Residence in the UK – Use the 3million [calculator](#) to check

You only need evidence for 6 months out of every 12 months for 5 years in a row. The easiest way is to submit your National Insurance for automatic checks, provided you had no gaps in income within the last 5 years.

It doesn't have to be the last 5 years or 5 years since you were granted pre-settled status, if you have lived in the UK before. You can provide evidence for a different 5-year period - as long as you haven't lived outside the UK for 5 years in a row since then.

Examples of documents showing residence: [here](#).

# Breaks In Continuous Residence



## Breaks In Continuous Residence

### Breaks In Continuous Residence

- You might be able to get settled status even if you've spent outside the UK more than 6 months out of any 12 months, because you were:
  - giving birth, seriously ill, studying, training or sent to work abroad by your employer - for 1 period of up to 12 months
  - on compulsory military service - for any length of time
  - serving in the UK armed forces, UK marine area, or as a Crown servant or a family member of someone in the armed forces or Crown servant
  - working for the UK, Scottish or Welsh governments, Northern Ireland executive or the British Council/or being a family member of someone who did
  - because of coronavirus (COVID-19) – see next slides

## Breaks in continuous residence COVID-19 (cont'd)

### Breaks In Continuous Residence – COVID-19

COVID-19 absences are governed by a [separate guidance](#) and the following absences are allowed for those affected by restrictions associated with coronavirus:

- One absence of up to 12 months for an 'important reason'

What is an important reason?

illness with coronavirus / quarantine, self-isolating or shielding in accordance with local public health guidance on coronavirus / caring for a family member affected by coronavirus / prevented from returning earlier to the UK due to travel disruption caused by coronavirus / advised by your university that, due to coronavirus, your course was moved to remote learning and you were advised or allowed to return to your home country to study remotely / advised by your university or employer not to return to the UK, and to continue studying or working remotely from your home country / *absent from the UK for another reason relating to coronavirus, for example, you left or remained outside the UK because there were fewer coronavirus restrictions elsewhere; you preferred to work or run a business from home overseas; or you would have been unemployed in the UK and preferred to rely on support from family or friends overseas.*

Examples of evidence to be provided [here](#).

*Note: where you planned to be absent up to 6 months, but exceeded it for the above reasons, this is allowed with evidence of both. Not the whole period of 6-12 months must be for the above reasons.*

## Breaks in continuous residence COVID-19 (cont'd)

### Breaks In Continuous Residence – COVID-19

- One absence exceeding 12 months for an 'important reason'

What is an important reason?

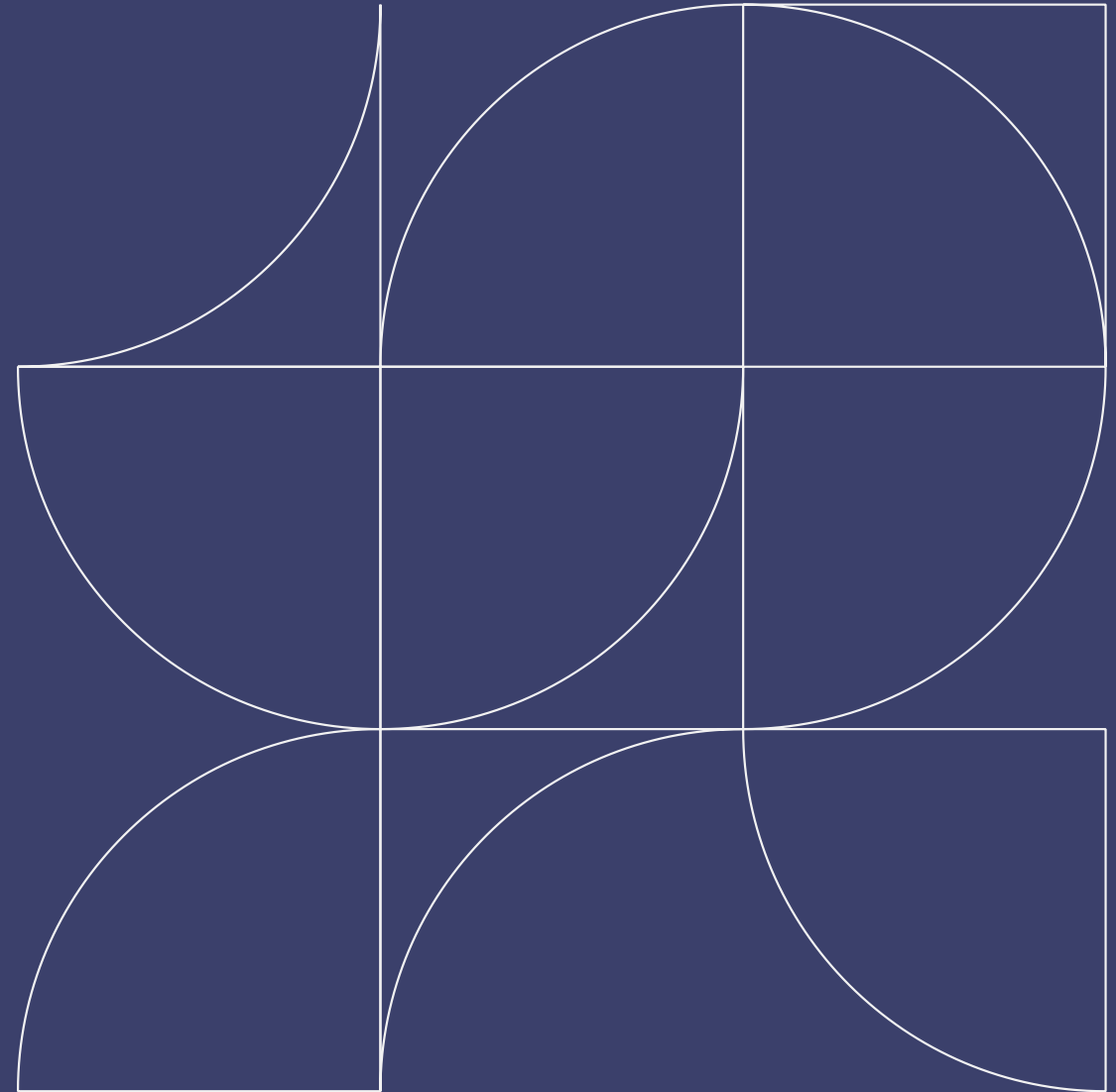
Pregnancy, childbirth, serious illness, study, vocational training, an overseas posting, AND you wanted to return earlier, but was prevented because of coronavirus. See COVID-19 reasons before, above apart from the last one (in *italics*).

*Note: the period of absence exceeding 12 months will not be counted towards your continuous qualifying period of residence under the EU Settlement Scheme. Your continuous qualifying period will be paused from the point your absence reached 12 months and will resume from the point you return to the UK.*

- Two absences up to 12 months for an 'important reason'

This means you can rely on any coronavirus related reason (including where you chose to leave or remain outside the UK because of the pandemic) as the basis for requiring a second period of absence of up to 12 months for an 'important reason'. However, only one period of absence can be over 12 months.

# Settled Status vs British Citizenship



## Settled Status vs British Citizenship

**After 12 months of holding and being granted settled status, you can apply for British citizenship.**

What are the advantages of British citizenship?

- UK allows dual nationality *[but check whether your country of nationality allows this before applying]*
- Right to live in the UK forever – your status will be permanently settled, and you cannot lose it by leaving the country *[in contrast, you can lose Settled status after leaving the UK for 5 years]*
- No restrictions on travelling abroad and staying overseas for extended periods of time.
- Full civic rights – this includes the right to vote in elections and the right to stand for public office.
- Passing nationality to children who are born abroad *[in contrast, with Settled status only children born in the UK will be automatically British citizens and only if they are born after you are settled].*

## Settled Status vs British Citizenship (cont'd)

### What are the disadvantages of British citizenship?

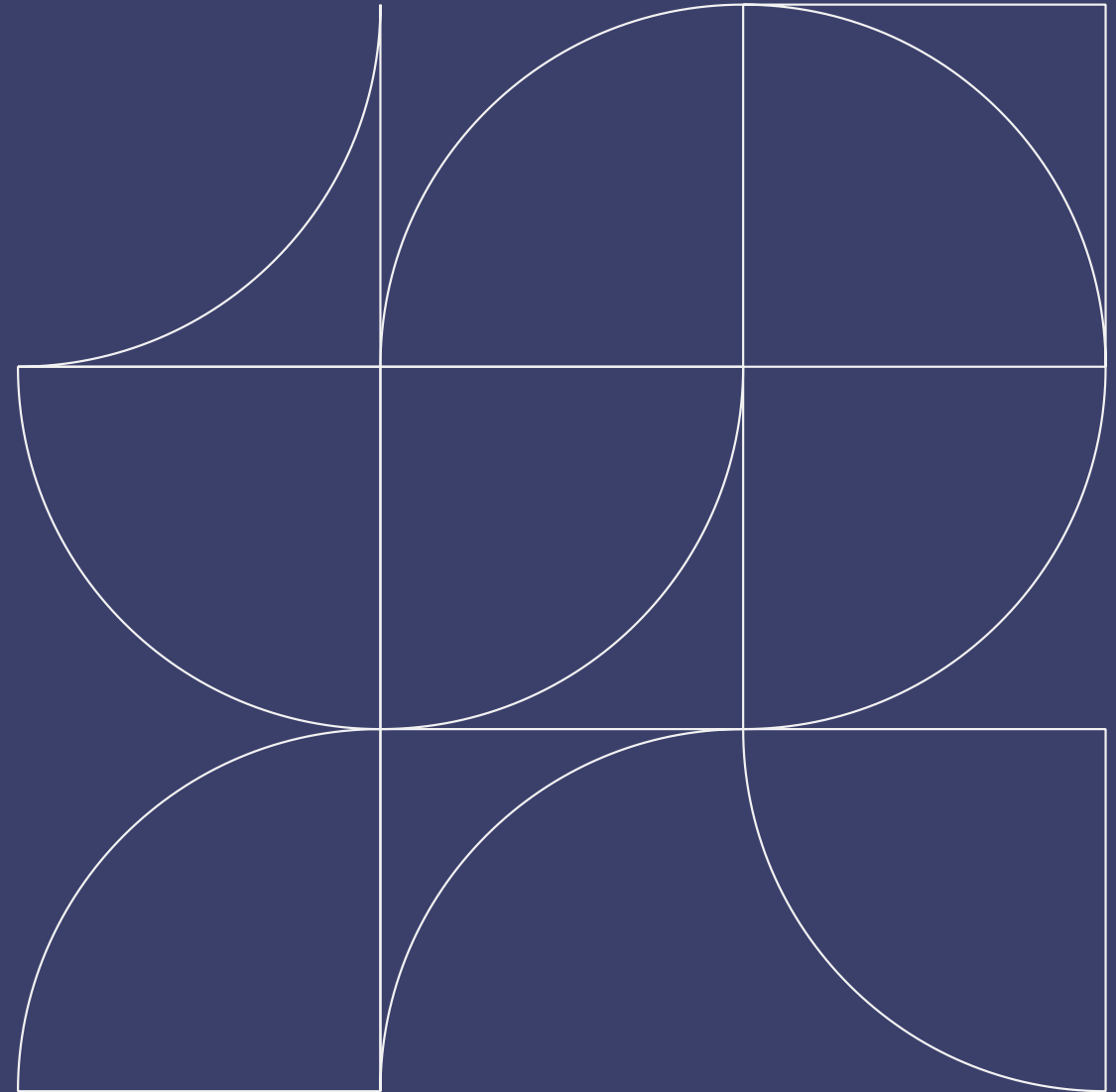
- Application cost – GBP 1,351 application fee as of 4 October 2023
- Requirement to pass a [Life in the UK test](#) and English language test at level B1

UNLESS: exemption applies, which can be due to age (65+ years old), or a long term physical or mental condition.

- Swearing an oath or affirmation of allegiance to the Crown, or a pledge to the UK as part of the [citizenship ceremony](#) to become British



# Summary Of Requirements For British Citizenship



## Summary Of Requirements For British Citizenship

### Main requirements to become a British citizen:

- Residence in the UK 5 years before the application (3 years if married to a British citizen)
- Holding ILR/settled status for at least 12 months before application
- Absences from the UK no more than 450 days in the last 5 years (270 days for 3 years)
- Absences from the UK no more than 90 days in the last 12 months
- Knowledge of English at level B1 (UK or other foreign English taught degree, passing a test)
- Passing Life in the UK test
- Be of 'good character'
- Pay the application fee

# Questions?

# Thank you

## Contact information

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# Thank you for attending!

## DKUK Upcoming Events

- **Young Professionals Halloween party – Mikkeller Bar**  
*31 October 2023, 18.00-22.00*
- **Smorrebrod, Gin tasting & distillery tour with Jensen Gin**  
*15 November 2023, 18.00 – 20.30*
- **Curry Night celebrating Diwali**  
*23 November 2023, 17.30-20.30*
- **DKUK Christmas Lunch**  
*08 December 2023, 11.30-16.00*



Sign up at [www.dkuk.org](http://www.dkuk.org)

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