

EU Citizens after 30 June 2021



Which EU citizens can live in the UK ?

After 30 June 2021 all EU citizens (adults and children) living in UK lost their right to be in the country lawfully with the exception of :

- Those who have settled or pre-settled status through the EU Settlement Scheme
- Those who made an application to EUSS on or before 30 June 2021 (they should have a Certificate of Application to show this)
- Those who have some other sort of status, e.g. Indefinite Leave to Remain, Discretionary Leave to Remain
- Those who are British citizens (even if they hold dual citizenship)

Other EU citizens may be visiting the UK as a tourist or with visas allowing them to stay for a set period or to join family members. These people do not have the same rights as those with settled status living in the UK.

People who do not have the right to live in the UK but who are living in this country do not have rights to most benefits, NHS treatment other than for emergencies (and some other exemptions), to be employed, to enter into a rental lease for property, to access further or higher education, or to have a UK bank account. They may be removed from the country by the British authorities.

How does an EU citizen get the right to live in the UK ?

The government maintains that the deadline to apply under the EUSS was 30 June 2021, which has now passed. Almost everyone who has did not apply before this deadline is now unlawfully resident in the UK as explained above.

However, the Home Office have effectively extended the time limit for applications, allowing late applications until at least 28 July 2021. During this period from 30 June – 28 July 2021 applicants can apply as before, but must explain why their application is late. During this initial 28-day period following the 30 June 2021 any explanation for lateness can be minimal and requires little or no supporting evidence, and can still be expected to be processed as normal.

Beyond 28 July 2021 applicants will likely need to provide stronger explanations for their late application. The Home Office guidance provides a helpful non-exhaustive list of accepted reasons for lateness. Some of the common reasons will involve age, medical condition, capacity, vulnerability (e.g. victims of trafficking or domestic

violence), and a useful catch-all of any other compelling reason e.g. waiting for a new ID/passport to be provided.

This allowance for late applications does not change the legal position and lack of rights now that the 30 June 2021 deadline has passed. At present no indication has been given about the government's policy after 28 July 2021 and whether they will seek to remove EU citizens with no right to remain. Late applications to the scheme can be made after 28 July and there is, at present, no end date for these, but the government could begin enforcing much harsher measures against those who have yet to apply by 28 July 2021

The process for applying under the EUSS remains much the same. Applicants can apply online using a valid national ID, passport, or BRP/BRC. Now, applicants with an expired passport or national ID can use the online application process. Those without a valid or expired ID document will need to use some alternative ID, such as a Birth Certificate, and apply via a paper application form.

Most applicants will still need to prove their residence in the UK before 1 January 2021, as a minimum. Applicants will also still need to prove "suitability", which is effectively proving they should not be excluded from the EUSS based on serious criminal history.

There remain other, more complex, routes by which applicants can apply including non-EU national family members, victims of domestic violence, carers of British citizen children. Do check with a legal professional if you feel someone might be eligible under these routes.

How does someone prove their right to live in the UK ?

People with settled or pre-settled status can prove this by obtaining a "share code" online and logging into the UK Immigration – ID check website (link below). They will need details from the same ID document they used when applying to EUSS and have access to same mobile number or email address used to make the initial application. Some EU citizens may have a Biometric Residence Permit or an entry in their passport to prove their status but the majority will need to access the online site. If people are looking to rent or to prove their right to work there are other online sites that can be used by a prospective landlord or employer.

This document is for guidance purposes only and reflects the situation at the date of writing. Readers should take specific advice or research their position before taking any action. Useful websites include :

- For making late applications – <http://kcalc.org.uk/our-services/eu-settlement-scheme/>
- Government application site - <https://www.gov.uk/settled-status-eu-citizens-families>
- Information on proving status - <https://www.gov.uk/view-prove-immigration-status>
- Home Office Caseworker Guidance Notes - <https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

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