European Union settlement scheme

Contents

What does European Union settlement scheme provide?

The Home Office have introduced the European Union settlement scheme for European Union (EU), European Economic Area (EEA) and Swiss citizens and their family members.

Successful applicants to the scheme will be given either:
* a settled status (indefinite leave to remain) or
* pre-settled status (leave to remain)

Settled status is normally given to people who have lived in the United Kingdom for a continuous 5-year period, known as continuous residence.
Settled status gives eligibility to Universal Credit provided the person can show factual habitual residence.

Pre-settled status is normally given to people who have not yet lived / been resident in the UK for a continuous period of 5-year. Pre-settled status does not give automatic eligibility to Universal Credit.

EEA nationals, have no physical residency card to prove settled status. It is a digital status, that can be viewed using the Home Office 'View and prove your immigration status' service.

An EEA claimant must prove settled status by providing a share code. A share code can be generated and provided from the service when they receive 'settled' or 'pre-settled' status.
If a claimant provides a share code, it is used to confirm their status using the Home Office 'Check someone's immigration status' service.

Non-EEA nationals who are granted 'settled' or 'pre-settled' status will receive a Biometric Residency Permit (BRP). The BRP will show 'EU scheme settlement' or 'EU scheme pre-settlement' depending on the claimant's status.

Home Office check

When new claimants apply for Universal Credit and their National Insurance number is recorded on their claim, their EU Settlement Scheme status is automatically checked with the Home Office.

There are 4 possible outcomes, that will be reviewed and we will be notified of:
- they have settled status
- they have pre-settled status
- they have a Certificate of Application
- no information is returned from the check

Settled status

If the check finds the claimant has 'Settled' status, but they declare they have been out of the UK. Habitually residency must be checked again.

Certificate of Application

A Claimant may have applied to the European Union settlement scheme (EUSS), but the Home Office is yet to decide if they will receive settled or pre-settled status. These claimants receive a Certificate of Application to prove they have applied for the scheme. When the EUSS collects information about a claimant's status, it also checks if they have a Certificate of Application.

No information from the Home Office

Where the automatic Home Office check returns no information on the claimant's status, and the claimant has provided a share code this can be used on the Home Office 'Check someone's immigration status' service to check their status.

EU Settlement Scheme Couple claims

When one member of a couple has 'settled status' under the EU Settlement Scheme, this does not automatically mean that their partner is eligible for Universal Credit.

The Customer Information System (Searchlight) can be used to check if there is evidence that the claimant with 'settled status' is working. Evidence of earnings is used to prove they are a 'worker' or 'retained worker'.

If the European Economic area (EEA) national claimant with settled status, is a 'worker' or 'retained worker, the claimants' partner is eligible to claim Universal Credit. The Partner must be a spouse or civil partner to be eligible.

If the claimant with 'settled status' is not a 'worker' nor a 'retained worker', their partner is not eligible for Universal Credit unless they can evidence, they are eligible for a different reason.

If the couple are not married or in civil partnership, they must have a family permit issued by the Home Office confirming they are in a durable relationship.