



information sheet

Information sheets provide general information only, accurate as at the date of the information sheet. Law, policy and practice may change over time.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not do so.

The ILPA information service is funded by the Joseph Rowntree Charitable Trust.

An archive of information sheets is available at www.ilpa.org.uk/infoservice.html

Vishal Misra, ILPA Legal Officer vishal.misra@ilpa.org.uk

Immigration Law Practitioners' Association www.ilpa.org.uk 020-7251 8383 (t) 020-7251 8384 (f)

25 January 2019

Top Tips for the EU Settlement Scheme

This information sheet seeks to present the top tips that ILPA have gathered regarding how to navigate the new EU Settled Status Scheme. These tips are based on the feedback that ILPA has received from our members based on the trials of the Scheme. ILPA will continue to update this information sheet as more details become apparent, so check back to this sheet.

Background

The EU Settled Status Scheme public test phase went live on 21 January 2019 and will form the basis of stay for EEA nationals resident in the United Kingdom post-Brexit. In the event of a deal, the Scheme will be open for EEA nationals until June 2021, in the event of no deal it will run until 31 December 2020. In either event, EEA nationals who have been continuously present in the United Kingdom for 5+ years will be eligible for settled status (a form of indefinite leave to remain), subject to suitability requirements. Those EEA nationals who cannot demonstrate 5+ years continuous residence in the United Kingdom will be eligible for pre-settled status, subject to suitability requirements.

The Home Office have consistently highlighted the speed and simplicity of the application process. The application process is online, and ID documents can be scanned and submitted using an app which allows certain Android smartphones to 'read' electronic passports. For straightforward applications, the steps should be:

1. Identity Verification – through the Home Office App, or at a [document scanning centre](#).
2. A criminality check.
3. Application and residence verification. The Home Office expects e.g. a national insurance number to suffice in terms of providing evidence of continuous residence
4. You should then receive confirmation of the status you are eligible for, which you can accept or upload further evidence if you disagree.

On 21 January 2019, the Prime Minister announced that there will be [no attendant fee](#) to apply under the EU Settlement Scheme.

What to Look Out For

Members who have used the Scheme in its earlier test phases have reported the following issues that may crop up as applicants navigate the new application process.

- Even compatible smartphones may struggle to 'read' the chip in your passport. In extreme cases, this could lead to you being locked out of the system for up to, or over, 7 days.
- The larger your phone, the harder it will be for you to use it to 'read' the chip in your passport. This will affect applicants who use 'phablet' style devices.
- Photos taken on your phone may not upload, and require a separate submission of relevant photographs.
- If you disagree with the status the Home Office believes you should have (see point 3 above), be aware that the website may crash whilst uploading additional documents.
- There can be a delay in communicating the outcome of your application. It is expected that decisions will be communicated instantly, but members have alerted ILPA of applicants who waited up to a week for their decision letter.
- Text messages with confirmation numbers may take time to be delivered to you.
- The application process has been known to crash, particularly in the second part of the process.
- Text messages can be sent to the wrong number by the Home Office.

It is hoped that as the service runs, the Home Office will iron out these issues. Alongside this, the UK Council for International Student Affairs, an ILPA Member, has published blogs of different experiences by applicants of the EU Settlement Scheme. These are available [here](#) and [here](#).

ILPA will continue to update this information sheet as we receive further feedback from members and the public regarding their experiences of navigating the scheme.