

EU Settlement Scheme FAQs

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The guidance below has been gathered from Home Office websites, public webinars and other events. The University offers the information below in good faith to allow you to explore your specific situation with the Home Office. We can't advise on individual cases and encourage you to contact the Home Office or consult an immigration lawyer if you need specific immigration advice.

Table of Contents

Question: How do I apply for EU Settlement Scheme (EUSS)?	3
Question: Who can apply?	3
Question: What are the important dates for EU settlement scheme?	3
Question: Who should apply?	3
Question: Can EEA/Swiss citizens apply?	3
Question: Do all EU citizens have Indefinite Leave to Remain (ILR) by default?.....	4
Question: Do Irish citizens need to apply for settled status?.....	4
Question: Are there any considerations for Northern Irish citizens?	4
Question: Is there a deadline for applying?	4
Question: What evidence do I need to provide to apply?	4
Question: How long do I need to live in the UK for to be eligible for settled status?.....	5
Question: Will an unavoidable COVID-19-related absence from the UK impact on 'residency' for pre-settled eligibility?	5
Question: I have been living in the UK for more than 5 years but was out of the country for approximately 9 months, how does that affect me?	5
Question: Is an active National Insurance number essential for obtaining Settled status?	5
Question: When can I apply for settled status? Do all the months/years spent in the UK count (including the time as pre-settled status)?.....	5
Question: If an individual has been resident for less than 5 years and is granted pre-settled status would this automatically change to settled status once they have 5 years' continuous residence?.....	6
Question: Can my family members apply?.....	6
Question: What is a 'durable partner'?	6
Question: I have settled status but my spouse who currently lives outside the UK does not. When is the deadline for my spouse to join me in the UK?	6
Question: Can I apply for my children who are EU citizens but do not live in the UK?	6
Question: My civil partner has been living with me in the UK since last year, we have two children. I have a pre-settled status and I need to apply for my children. How does my civil partner link their application to mine?.....	7
Question: Some of my documentation is not in English. Does this need to be translated into English?	7

Question:	Can a spouse/partner/child of an EU citizen enter the UK at any time?.....	7
Question:	How do I download the EU Exit: ID Document Check app?.....	7
Question:	What documents do I need to use the EU Exit: ID Document Check app?	7
Question:	Must children have their own EU passport before applying through EUSS? Where children do not already have their own EU passport must the parent first obtain an EU passport for each child – or what is the alternative?	7
Question:	I don't have an Android device or iPhone 7 (or newer) – can I still apply?	7
Question:	Can I do the application while overseas?	8
Question:	If the screen says you don't have 5 years of records, but you think you do, can scanned documents be uploaded?	8
Question:	I have lived in the UK for at least 5 years previously, but when I applied for settled status I was granted pre-settled status. Is this right?.....	8
Question:	I received 'pre-settled' status but have 5 years residency and expected to receive 'settled status' when I applied, what should I do?	8
Question:	I already have (or applied for) a permanent residence document - do I need to apply for settled status?	9
Question:	Should I apply for UK citizenship or settled status?	9
Question:	I have settled status, do I need to apply for citizenship?	9
Question:	Why has the Government launched the settlement scheme when EU staff could already apply for a permanent residence document?	10
Question:	I have applied for citizenship/naturalisation - does that mean I don't need to go through the settlement scheme process too?	10
Question:	I already have indefinite leave to remain. Do I need to apply for settled status?	10
Question:	I work for the University but am not a UK resident (i.e. I live in another country) - I commute to the University can I stay employed by the University after 30 June 2021?	10
Question:	I have historic period of 5 years' residence, but I am not a UK resident now (possibly a Frontier Worker). Am I eligible to apply?	11
Question:	For current non-residents (possibly a Frontier Worker), who have accrued five years residence historically, what are pros/cons of the Frontier Worker visa vs settled status?.....	11
Question:	I have a permanent contract with the University - what's the University doing to ensure that I can continue to be employed by the University?	11
Question:	What happens if I don't apply for settled status?	11
Question:	How much does it cost to have the Southampton Register Office scan and verify my ID document?	11
Question:	How will my settled status be confirmed?	12
Question:	How long does the application process take?	12
Question:	How do I know I have completed the application process?	12

Question:	I have completed the application process but did not receive a Certificate of Application, what should I do?	12
Question:	I have received an email from the Home office confirming that I have been granted settled status but no other document. Do I need to ask for a specific official letter? .	12
Question:	My application was refused, what should I do?	12
Question:	I've had confirmation of my settled status – do I need to advise the University?	12
Question:	Is there a way an individual's settled status could lapse?	12
Question:	How long can I be out of the UK once granted pre-settled status?	13
Question:	How long and often must I be in the UK to avoid losing the Settled Status?	13
Question:	Where can I get further support?	13
Question:	Where can I find the Government's guidance on the EUSS?	13

Question: How do I apply for EU Settlement Scheme (EUSS)?
 Government guidance on how to apply to the EU Settlement Scheme can be found [here](#).

Question: Who can apply?
 All EU citizens with a valid passport.
 Non-EU family members can also apply if they have biometric residence card with 'EU Right to Reside' printed on the back. For information about EEA/Swiss citizens, please see the FAQs below.

Question: What are the important dates for EU settlement scheme?
 You must be resident by: 31/12/2020 'Residency deadline'
 You must submit an EUSS application by: 30/06/2021 'Application deadline'
 You must meet 'residency deadline' to be eligible for application deadline.

Question: Who should apply?

- All EU nationals who wish to remain in the UK after 31 December 2020 who do not already have a valid UK document. Note a permanent residence document won't be valid after 31 December 2020.
- The children of EU national will need to make their own application (unless they were born British and hold a British passport). They can use your sponsorship as an EU citizen, using your registration number.
- Non-EU family members also need to apply and can use your sponsorship as an EU citizen, using your registration number.

Question: Can EEA/Swiss citizens apply?
 Yes, the Government has now reached an agreement with the governments of Norway, Iceland, Lichtenstein (the EEA countries) and Switzerland that from 30 March 2019 their citizens can apply for settled/pre-settled status to allow them to stay in the UK beyond the end of the implementation period, just as EU citizens are able to do now.

From 9 April 2019, EEA/Swiss citizens and certain family members will be able to apply for the Scheme from overseas, based on their previous residence in the United Kingdom.

From 30 March 2019, third-country national family members of EEA/Swiss citizens will be able to apply from overseas for entry clearance to the United Kingdom to join or accompany an EEA/Swiss national who has been granted status under the Scheme.

Question: Do all EU citizens have Indefinite Leave to Remain (ILR) by default?

No, there is no automatic right to remain in the UK unless this has been actively applied for by the individual. All EU citizens should apply via the EU Settlement Scheme unless they have already applied for (and received) indefinite leave to remain via a previous application.

Question: Do Irish citizens need to apply for settled status?

The rights of Irish citizens residing in the UK are protected after the UK leaves the EU under the UK-Ireland Common Travel Area arrangements.

This means that Irish citizens do not need to apply under the scheme. Nonetheless, Irish citizens can make an application under the scheme and having settled status will make the application process easier if they need to sponsor a family member for settled status.

If their family members are EU citizens, they will need to make their own application for status under the EU Settlement Scheme.

Question: Are there any considerations for Northern Irish citizens?

Northern Irish citizens - assuming they are British by virtue of being born in Northern Ireland - will not be able to apply to the EUSS. In some cases, they will be able to sponsor non-EU family members for EUSS status, but only if a certain set of conditions are met. Applications for family members of Northern Irish nationals will be accepted from 24 August 2020 onwards through the EU Settlement Scheme (instead of using the more expensive UK family routes of the Immigration Rules).

Question: Is there a deadline for applying?

You have until midnight on 30 June 2021 to apply for settled or pre-settled status providing that you were resident before 1 January 2021.

Question: What evidence do I need to provide to apply?

Before you apply: Important that you know what status you are eligible for. If eligible for settled status you must click 'continue' to 'upload residence evidence' to support your settled status application.

Pre-settled application evidence must be within the last 6 months (detailing address is not vital), eg:

- a flight ticket/travel document showing date of arrival in the UK
- an 'HM Revenue and Customs' letter including address
- pay slip showing National Insurance contributions

As long as the evidence is dated within the last 6 months the evidence should be accepted. The more detailed evidence the better to support your application but anecdotally we have heard that flight tickets have been accepted in the past.

Settled status applications require evidence to cover the full span of 5 years residence. This can be achieved with:

- Five years of Council Tax bills (more information is recommended, but anecdotally this level of evidence has been sufficient)
- Mortgage statements
- Employment evidence

Question: How long do I need to live in the UK for to be eligible for settled status?

If you live in the UK for five years or more continuously* you should be eligible for settled status. If you have lived in the UK for less than five years you should be eligible for pre-settled status which you can then apply to have changed to settled status once you have 5 years' continuous residence.

Please refer to the link below for more information:

<https://www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means>

** Continuous residence means that for 5 years in a row you've been in the UK for at least 6 months in any 12-month period. See above link for list of current exceptions.*

If you have had an absence that has broken your continuous residence you can still apply for pre-settled status and after reaching 5 years of unbroken continuous residence you can then apply for settled status.

If you have been resident in the UK for 5 years continuously in the past you could rely on that historic period of residence in a settled status application, provided you have not been absent for a continuous period of 2 years since then.

Question: Will an unavoidable COVID-19-related absence from the UK impact on 'residency' for pre-settled eligibility?

The Home Office is still developing policy on this area, so it is not known if some leniency will be offered regarding enforced absences from the UK due to COVID-19. Retain as much evidence as possible relating to your 'unavoidable absence' in case it is required by the Home Office.

Please see [Gov.uk](https://www.gov.uk) for further details and scenarios.

Question: I have been living in the UK for more than 5 years but was out of the country for approximately 9 months, how does that affect me?

You will have to start your 5 years of continuous residence from the point when you returned to the UK (after the 9 month absence), unless the absence event is one of the permitted 'important reasons' given by the Home Office.

Question: Is an active National Insurance number essential for obtaining Settled status?
No.

Question: When can I apply for settled status? Do all the months/years spent in the UK count (including the time as pre-settled status)?

Pre-settled status will always be granted for 5 years' continuous residency at time of acceptance. You can apply for settled status after 5 years in the UK (the period used to qualify for pre-settled is included in the 5-year period). The individual must calculate when 5 years' residence has been reached and apply for settled status at that point.

If your initial evidence of residence is not strong, it could be worth waiting until you have good evidence of 5 years residence. For example, if you started work 8 months after arriving in UK, it could be worth waiting until you have proof of 5 years' employment in the UK, rather than rely on lesser evidence for the first 8 months).

Question: If an individual has been resident for less than 5 years and is granted pre-settled status would this automatically change to settled status once they have 5 years' continuous residence?

No, status will not change automatically. They will need to apply for settled status once they become eligible to do so. **The individual must apply for settled status before pre-settled status expires.**

Question: Can my family members apply?

Yes, they can as long as they have a valid passport, or in the case of non-EU members, a biometric residence card with 'EU Right to Reside' printed on the back.

A family member is defined as:

- Spouse
- Civil partner
- Durable partner (unmarried partnership akin to marriage or civil partnership)
- Child, grandchild or great-grandchild (including of the spouse or civil partner)
- Dependent parent, grandparent or great-grandparent (including of the spouse or civil partner)
- Dependent relative (including of the spouse or civil partner where the applicant holds a relevant document in the UK as the result of an application made before 1 February 2017)

Question: What is a 'durable partner'?

A durable partner is somebody you have lived with for at least the last two years, outside of marriage or a civil partnership. If your 'durable partner' is an EU national they can apply themselves, but if not they will need to provide their family permit or residence card, or if they do not have this, evidence that they have lived with you for at least the last two years. See [Gov.UK](https://www.gov.uk) for more information.

Question: I have settled status but my spouse who currently lives outside the UK does not. When is the deadline for my spouse to join me in the UK?

Assuming you were married before the end of the transition period (30 December 2020) they can be sponsored at any time in the future.

Question: Can I apply for my children who are EU citizens but do not live in the UK?

Yes. Children, until age 21, can be sponsored by a parent and will be granted the same status as the parent. If the parent has settled status (before the child is 21) the child will be granted settled status (even if the child does not live in the UK). If the parent applies whilst holding pre-settled status (and the child is not living in the UK) the child will receive pre-settled status but will not then be eligible for settled status (as the child will not fulfil the continuous residency requirement until they have lived in the UK for at least 5 years). Under EU law 'a child is up to age 21'.

Question: What about children born in the UK to EU parents?

For children born in the UK, they are assessed on the parent's status at that time. If the parent has settled status they can apply for settled status for the child (as long as child is under 21 years old).

Question: My civil partner has been living with me in the UK since last year, we have two children. I have a pre-settled status and I need to apply for my children. How does my civil partner link their application to mine?

Your civil partner should apply using the same online form, they may need a biometric appointment, which should then be linked to the application. You may also need to upload the civil partnership certificate.

Question: Some of my documentation is not in English. Does this need to be translated into English?

The Home Office reserve the right to ask for translations. It is not obvious as to when they may or may not request this. If the original (non-English) document is submitted and the Home Office asks for a translation they must give you time to get the translation actioned and submitted back to them.

Question: Can a spouse/partner/child of an EU citizen enter the UK at any time?

A family member wanting to move after 31 December 2020 can do so, if connected to someone with settled or pre-settled status. They must be sponsored by a family member with settled status. It doesn't matter when they apply.

Question: How do I download the EU Exit: ID Document Check app?

You can download the app on any Android device or iPhone 7 (or newer) by going to the Google Playstore or the Apple Appstore and searching 'EU Exit: ID Document Check'. Note the device you are using needs to be equipped with NFC (near field communication) for the app to work.

Question: What documents do I need to use the EU Exit: ID Document Check app?

You need to have either your passport or EU ID Card to hand. Either document must contain the biometric data symbol.

Question: Must children have their own EU passport before applying through EUSS? Where children do not already have their own EU passport must the parent first obtain an EU passport for each child – or what is the alternative?

All applicants to the EUSS - adults and children - are generally required to hold a valid passport or national ID card unless there are very good reasons why they are not able to obtain one. The Home Office policy is that if there are compelling reasons why someone is unable to produce a valid identity document then the Home Office can accept alternative forms of ID with the application if it shows the person's identity and nationality. This approach as an option of last resort as it requires a paper application form to be obtained from the Home Office settlement resolution centre (which can be difficult as they tend to be reluctant to issue paper forms), and the applicant is also required to produce evidence showing that they are unable to obtain a valid passport or national ID card. Processing times for these applications can be significantly longer than a normal EUSS application.

Question: I don't have an Android device or iPhone 7 (or newer) – can I still apply?

All applicants must use the *EU Exit: ID Document Check* app to verify their identity. This App is only available on Android Devices (such as an Android smartphone) or

the iPhone 7 (or newer). The device also needs to be equipped with NFC (near field communication) – you can check this in the device settings. You can use a friend or colleague's device to complete this initial step of the application - the rest of the application can then be completed on that device or any smartphone, laptop or computer.

We know that many of our EU staff do not have a suitable device to use the *EU Exit: ID Document Check* app, so we have arranged for compatible phones to be available for staff to use. If you need to use this facility, please email HRUKVI@soton.ac.uk. Phone usage is currently by appointment only due to COVID-19 social distancing measures, please contact in advance so that arrangements can be made and location discussed.

You can make an appointment at the Southampton Register Office to have your ID document scanned and verified for you if you cannot use the EU Exit: ID Document Check app:

<https://www.southampton.gov.uk/people-places/ceremonies/citizenship/eu-settlement-scheme.aspx>

<https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations>

If you cannot access the app or get into the Register Office at the moment, you will need to send your documents by post.

Question: Can I do the application while overseas?

Yes, the EU Settlement Scheme (EUSS) App can be used from anywhere in the world. It doesn't matter where the person is located at the time they submit the application.

Question: If the screen says you don't have 5 years of records, but you think you do, can scanned documents be uploaded?

If the Home Office cannot confirm the entitlement to the status that you claim via HMRC or DWP records you will need to provide additional evidence of your residence. Photos or scans of documents can be uploaded as evidence of your UK residence.

See [here](#) for information on the types of evidence that may be acceptable.

Question: I have lived in the UK for at least 5 years previously, but when I applied for settled status I was granted pre-settled status. Is this right?

If you have lived in the UK for more than 5 years and have visited the UK within each 5-year span since, you should reapply, ensuring you submit the evidence of your time in the UK AND subsequent visits. This should allow settled status to be granted.

Question: I received 'pre-settled' status but have 5 years residency and expected to receive 'settled status' when I applied, what should I do?

The simplest solution is to apply again, while it is possible to do so. Include all evidence (better evidence than your first submission, if possible). Note: Evidence of residency prior to 2013 will not automatically be picked up within the application process therefore the final submission screen will suggest pre-settled status is available or offer an option to submit further information to support settled status

claim. 'Continue' to submit supporting evidence, otherwise pre-settled status will be the outcome of the application.

Question: I already have (or applied for) a permanent residence document - do I need to apply for settled status?

Permanent residence documents will not be a valid proof of residence after June 2021 so you will still need to apply for a settled status even if you have previously applied for the permanent residence permit. You will not have to prove you have been resident in the UK for 5 years or more if you have a permanent residence document. You will also not have to pay any admin fee for settled status.

For more information, please click here:

<https://www.gov.uk/uk-residence-eu-citizens/permanent-residence>

Question: Should I apply for UK citizenship or settled status?

That's ultimately a personal decision for you. Settled status effectively guarantees/maintains your current treaty rights and will mean you can continue to live and work in the UK indefinitely, but citizenship will provide a greater level of security and certainty, which many people will be seeking in the current climate.

For many people citizenship will not be an option though, either for financial, ideological or legal/political reasons (e.g. some countries don't recognise dual citizenship).

Question: I have settled status; do I need to apply for citizenship?

Holding settled status is 'sufficient' to allow you to continue to live and work in the UK. You should seek legal advice before going for naturalisation, as it is an expensive process and requires more qualifying factors, so may not be achievable (application costs are non-refundable if refused). Additional considerations include:

- Settled Status is an immigration status which can be lost through an absence of more than five years from the UK or, can be taken away from the holder if they commit a criminal offence that meets the relevant threshold (this is a low bar).
- Conversely, British citizenship cannot be taken away due to an absence from the UK of any period. Citizenship can only be taken away (known as deprivation), in very extreme circumstances due to criminal offending that threatens the security of the UK.
- Children born in the UK to settled status holders will be automatically British, but children born outside of the UK will not be. Children born outside of the UK to naturalised British citizens will be British as well as children born inside the UK.
- British citizens can vote in general elections whereas holders of Settled Status cannot. At the moment EU citizens holding Settled Status can vote in local elections but this could be subject to change once the transition period with the EU ends. There is also a significant cost to applying for British citizenship (currently £1330).
- There are implications for family reunion if an EU citizen progresses from Settled Status to British citizenship and anyone applying to become British should take legal advice first so that they fully understand the implications. Not every person who holds Settled Status will be eligible to become a British citizen and therefore

it is important to know that the applicant meets the qualifying criteria before submitting an expensive application.

- There may also be an impact on their current EU citizenship if their country does not allow for dual citizenship which may necessitate advice from an expert in their country's nationality laws again, something we encourage people to do prior to making the application.

Question: Why has the Government launched the settlement scheme when EU staff could already apply for a permanent residence document?

The permanent residence card existed before the Brexit vote. It is intended to confirm residential status for family members of EEA and Swiss nationals, and to prove residential status for those wishing to apply for British citizenship.

EU citizens did not (and still do not) need a permanent residence card to exercise their rights as an EU citizen, but many EU nationals applied for one to provide some reassurance (and the University provided reimbursement for application costs knowing that many of its EU employees would wish to seek such reassurance) prior to a specific provision being put in place by government for EU citizens in light of Brexit - the EU settlement scheme is that specific provision.

EU staff should be aware that they will still need to apply for settled status or pre-settled status, even if they already have a permanent residence document or registration certificate.

Question: I have applied for citizenship/naturalisation - does that mean I don't need to go through the settlement scheme process too?

Anyone awarded British citizenship will not be required to apply for settled status.

Question: I already have indefinite leave to remain. Do I need to apply for settled status?

Your indefinite leave to remain will continue to be valid after the end of the transition period and there is no need for you to apply for settled status.

However there are some advantages to having settled status instead of ILR:

- If you do apply for settled status it means you will be able to live outside the UK for periods of up to 5 years without your settled status lapsing (indefinite leave to remain lapses after an absence of 2 years or more). As detailed [here](#).
- ILR status is held as a stamp* and remains valid after the passport has expired, however if the owner loses that passport, they have lost their evidence of settled status. Applying for the EUSS scheme ensures you have this settled status permission electronically held.

* *The ILR 'stamp' in the old passport may say similar to "Given leave to enter the United Kingdom for an indefinite period".*

Question: I work for the University but am not a UK resident (i.e. I live in another country) - I commute to the University can I stay employed by the University after 30 June 2021?

You can apply for a frontier worker permit which will allow you to continue to commute to work at the University <https://www.gov.uk/frontier-worker-permit>.

Question: I have historic period of 5 years' residence, but I am not a UK resident now (possibly a Frontier Worker). Am I eligible to apply?

Yes. Previous residence qualifies, as long as you've not had a period of more than 5 years without visiting the UK since your residence and you can evidence this. Once settled status is granted individuals must retain evidence of visits within each 5 years to retain settled status.

Question: For current non-residents (possibly a Frontier Worker), who have accrued five years residence historically, what are pros/cons of the Frontier Worker visa vs settled status?

The Frontier Worker scheme allows access to pre-existing (i.e. began before 31 December 2020) employment or self-employment, while living mainly outside the UK. The Frontier Worker scheme does not allow a person to gain indefinite leave to remain (i.e. permanent) residence status no matter how many years a person is using this scheme. The Frontier Worker scheme provides a 5-year visa to access pre-existing employment or self-employment, it's extendable, with no limits on the number of times it can be extended. The EU Settlement Scheme provides a route to indefinite leave to remain once a person has resided mainly and continuously in the UK for 5-years. Question: Can a staff member who lives in Europe but come to Southampton for work a few days a month apply for settled status?

Unless the person has previously spent at least five years continuously resident in the UK and has visited the UK at least once every five years since their period of residency (and can evidence this), then the best option is likely to be the frontier worker permit/visa, assuming that they fulfil the eligibility conditions (see [Gov.uk](https://www.gov.uk) for further details).

Question: I have a permanent contract with the University - what's the University doing to ensure that I can continue to be employed by the University?

We want to retain all EU and international staff as we highly value the contribution they make to the University, hence why we are promoting the Home Office settlement scheme to our EU staff and have made compatible devices available to staff

Question: What happens if I don't apply for settled status?

It is still unclear what will happen to any EU citizens who have not applied for settled status by the scheme deadline, but it is likely that the University won't be able to continue legally employing any staff who have not applied for settled status after this deadline.

Question: How much does it cost to have the Southampton Register Office scan and verify my ID document?

We've been advised that the cost is £14.

The service provided by Southampton Register Office is only one of your options. We have also arranged for compatible 'phones to be available for staff to use for free. If you need to use this facility, please contact HRUKVI@soton.ac.uk. Phone usage is currently by appointment only due to COVID-19 social distancing measures, please contact in advance so that arrangements can be made and location discussed.

- Question: How will my settled status be confirmed?**
Applicants will receive confirmation of their status via email. Applicants will be granted a digital status which will be stored electronically by the Home Office. Once applicants receive their status, details will be provided on how to access it on GOV.UK. This will enable individuals to prove their rights to others online, including employers and landlords. Further information will be included in a letter attached to the confirmation email.
- Question: How long does the application process take?**
EU citizens with an NI number will get a quicker decision normally between one week and one month. Non-EU applications normally take 2-3 months and commonly take up to 6 months to process.
- Question: How do I know I have completed the application process?**
A Certificate of Application issued by the Home Office confirms successful submission of application, provided as a pdf document once your application is complete (including biometric evidence if required). If your identity is confirmed through the EUSS Online Application, the issue of the 'Certificate of Application' will be immediate.
- Question: I have completed the application process but did not receive a Certificate of Application, what should I do?**
If you have not received the Certificate of Application something has gone wrong, or you have failed to complete the application process. **Contact the Home Office as a lack of Certification of Application means your application is not being processed and incomplete applications are deleted after a certain time.**
- Question: I have received an email from the Home office confirming that I have been granted settled status but no other document. Do I need to ask for a specific official letter?**
No. The evidence is a digital status if you are an EU national. It can be accessed using the details of the identity document you used during your application (eg passport, national identity card etc) along with date of birth and verification via the mobile or email address you provided during application.
Non-EU citizen family members holding pre-settled or settled status will be issued with a Biometric Residence Card showing the status granted (unless they already hold one which remains valid).
- Question: My application was refused, what should I do?**
If refused, you may wish to seek guidance from an immigration lawyer.
- Question: I've had confirmation of my settled status – do I need to advise the University?**
No, not at this stage. The University have been advised that it shouldn't be asking staff to provide evidence of their settled status, as EU staff still have a right to work in the UK. Staff should be aware though that the University may need to ask them for this evidence once the transition period is over.
- Question: Is there a way an individual's settled status could lapse?**
Yes, it will lapse if an individual is absent from the UK for five consecutive years. Pre-settled status will lapse after an absence of two consecutive years (similar to restrictions on indefinite leave to remain).

Whilst pre-settled status will lapse after an absence of two consecutive years an individual's eligibility to apply for (full) settled status normally demands 'an absence of no more than six months (in one stretch or cumulatively) in any 12-month period'. Exceeding this period of absence (unless for an 'important reason' listed as one of the Home Office's exceptions) will cause the five-year period of eligibility for settled status to start again.

Question: How long can I be out of the UK once granted pre-settled status?

To be eligible for settled status you must achieve five years of 'continuous residence'. The applicant must not be absent from the UK for more than six months (in one stretch or cumulatively) in any 12-month period otherwise continuous residence is broken. If the absence limit is exceeded the five years 'continuous residence' must be started all over again. If returning after 31 December 2020 you may lose the right to upgrade to settled status entirely.

Absences up to two years in a row are permitted under pre-settled status however you will NOT be eligible to progress to full settled status, as maintaining continuous residence is essential for settled status.

The list of 'important reasons', defined by the Home Office permits 'one period of absence of more than six months but not exceeding 12 months. The list is limited to specific events as defined by the Home Office. NEVER go over 12 months absence or you will break continuous settlement status for full settlement.

Question: How long and often must I be in the UK to avoid losing the Settled Status?

Once achieved, maintaining settled status, requires visiting the UK 'for a few days' prior to the five years' absence limit being reached each time. A short visit will reset the five years' count to zero. You do not need to be resident once settled status is achieved.

Question: Where can I get further support?

Ask HR can answer questions staff might have. To contact Ask HR

- Raise a ticket through [ServiceNow](#)
- Call on ext 27547 (dial A-S-K-H-R) Externally: 023 8059 7547
- Email AskHR@soton.ac.uk

The University's EU/EEA staff support network provides supports to EU staff. To contact the network please email: bruno.linclau@soton.ac.uk

Staff can also contact the Home Office EU Settlement Scheme Resolution Centre on 0300 123 7379.

Question: Where can I find the Government's guidance on the EUSS?

Useful links can be found here:

[EU Settlement Scheme: applicant information](#)

[Check if you're a British citizen](#)

[Using the 'EU Exit: ID Document Check' app](#)

[EU Settlement Scheme: evidence of relationship to an EU citizen](#)

[EU Settlement Scheme: evidence of UK residence](#)

[EU Settlement Scheme: application processing times](#)

[Frontier worker permit](#)