



# ACT NOW

## TO STAY HERE FOR GOOD

A SELF-HELP GUIDE FOR EU, EEA AND SWISS  
NATIONALS AND THEIR FAMILY MEMBERS  
CURRENTLY LIVING IN THE UNITED KINGDOM

HERE **FOR** GOOD

Free post-Brexit immigration advice

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# INTRODUCTION

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For decades, people from elsewhere in the European Union ('EU'), European Economic Area ('EEA') and Switzerland have been able to come to the UK by exercising free movement rights based on EU immigration law. Although these rights are qualified, millions have relied on them to make a contribution to this country and lead their lives here.

But now, due to the UK's decision to leave the EU, free movement rights are likely to be extinguished. There is real uncertainty over what will happen to EU nationals who have come here in the past and to others who may want to come here in the future.

Here for Good<sup>1</sup> is a new project established to empower EU, EEA and Swiss nationals living in this country, by making them aware of the action they can take to protect their own and their families' rights – whether they have been here for years or arrived just weeks ago. Over time we will commission and update further guides like this one, and we plan to fundraise for an advice service to help those who cannot help themselves – either because of their personal circumstances or the complexity of their cases. We will also help identify sources of legal representation when rights need to be enforced against the UK authorities.

The main focus of this guide is to answer the question that most EU, EEA and Swiss nationals living in the UK will have been asking themselves since the outcome of the UK's EU Referendum: what should I do now?

The guide's approach is to break that question down into a series of 21 others depending on individual circumstances and, wherever possible, to offer short, practical answers from a team of expert lawyers.

The guide is up to date as of February 2018. It assumes the UK will leave the EU, that it will do so on the date currently set for its departure (Friday, 29 March 2019) and that there will be some form of EU/UK agreement on a 'transitional period' (i.e. a time-limited period after departure during which some rights based on EU law remain enforceable because the UK and EU have reached a 'withdrawal agreement' that has that effect). None of these things are certain, but at present they are likely.

All readers should start below with **Q1: Is this guide for me?** and all should read **Q4: Given all the uncertainty, how can I check the legal position?**, then **Q5: What rights do I already have?**

We have tried to avoid using jargon and legalistic language wherever possible. A list of the unusual words and phrases used in the guide and their meaning is set out at the final pages (**Q21: What does the guide mean when it says...?**).

We very much hope you will find the guide helpful. We give details of further information and sources of help in the final sections (**Q19: What other useful information is out there?** and **Q20: Where can I get specialist help if I need it?**).

**Tahmid Chowdhury and Isabella Mosselmans**  
**Co-founders, Here for Good**  
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## Q1

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# IS THIS GUIDE FOR ME?

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'European immigration law' is the set of special rights and freedoms that originate in the EU's treaties (though the principles are now found in other treaties too). As it is applied in the UK, European immigration law covers nationals of:

- countries which are members of the EU, namely Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and (currently) the UK itself;
- countries in the EEA which are not also members of the EU, i.e. Iceland, Lichtenstein and Norway; and
- Switzerland;

along with:

- the 'family members' of these nationals (see **Q2: What about the 'family members' of European nationals?** for an explanation of what this means)

However, not everyone in each of these groups has exactly the same rights. Most significantly:

- UK nationals (e.g. British Citizens) are not generally considered under British law to enjoy the benefits of European immigration law except in certain exceptional circumstances (so most UK nationals living in the UK have to meet different rules to have their family members join them than, say, French nationals living here);





- to complicate things further, nationals of the Republic of Ireland also enjoy a separate set of rights under British immigration law (e.g. Irish nationals in the UK are deemed to have indefinite leave to remain in the UK under British law, but also have the rights of European nationals as Ireland is an EU member state); and
- because Croatia is the newest member of the European Union, special regulations still apply to Croatian nationals seeking to work in the UK under their European immigration rights in the UK.

To keep this guide accessible, we have not dealt with any of these three special groups here. To understand their legal position after the UK's departure from the EU, UK (i.e. British), Irish and Croatian nationals should seek specialist advice (see **Q20: Where can I get specialist help if I need it?**).

Throughout the remainder of this guide, everyone else who can benefit from European immigration law because they are nationals of one of the countries listed above are referred to as 'European nationals'.

## WHAT ABOUT THE 'FAMILY MEMBERS' OF EUROPEAN NATIONALS?

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Most of the information in this guide is also applicable to the 'family members' of European nationals exercising their rights in the UK - after all many family members of European nationals in the UK will be European nationals themselves. However, some will not be. For instance, say Henri is a French national who has worked in London since 2015. His wife, Mariam, is a Côte d'Ivoire national and is not French. She joined him here in 2016. He has rights as a European national. She would be classed as a 'family member' for the purpose of European immigration law.

'Family members' is a very specifically defined category. The main people in the category are 'direct family members' including:

- spouses and civil partners (e.g. wives and husbands);
- direct descendants of the European national or his/her spouse/civil partner under the age of 21 or otherwise dependent on the European national or his/her spouse/civil partner; and



- dependent direct relatives in the ascending line of the European national or his/her spouse/civil partner (i.e.. parents, grandparents, etc.).

There is also a separate category of:

- 'extended family members' (e.g. some other close relationships including those where people live together as partners).

It remains very uncertain what extended family members' rights will be after the UK leaves the EU, the one exception being individuals who have been determined to be the 'durable partners' of a European national on the basis of living together for two years. Preliminary indications from the Home Office (the UK's immigration authority) are that, for purposes of defining their rights after the UK leaves the EU, durable partners are likely to be treated the same as 'family members'. This would be similar to British immigration law where 'unmarried partners' (defined as couples who have lived together for two years or more in a relationship 'akin to marriage') have the same rights as those who have married or entered into civil partnership.

The definition of 'extended family members' in European immigration law is complex, as is the law on the particular rights enjoyed by those who qualify. Again, to keep the guide manageable, these further special groups are not discussed here. They and their families should seek specialist legal advice on action they can take now to protect their position in the future (see **Q20: Where can I get specialist help if I need it?**).





Q3

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## WHY IS THERE SO MUCH UNCERTAINTY?

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Most European nationals and their family members living in the UK are confused about what their current rights are. They would like to know whether and how they may take steps to protect their position now and in the future.

This is very understandable. The uncertainty has come about for a number of reasons:

- there are only very limited precedents of territories that are part of particular states leaving the EU (e.g. as Greenland did in 1985) and no member state has ever left the EU;
- EU law says hardly anything about what will happen to European nationals living in a member state at the time that state leaves;
- when one state that has an international treaty that defines its legal relationship with other states (e.g. the EU treaties) and decides it wants that relationship to end, the future relationship will generally need to be negotiated;
- rather than give a clear indication of the rights EU nationals in the UK would enjoy in future (as many UK politicians urged it to do), the UK Government decided to make these rights a matter for negotiation with the EU Commission;

- those negotiations are still ongoing at the time of writing (although an ‘in principle’ agreement was reached in December 2017: see **Q7: Does the ‘in principle’ agreement of December 2017 give me any rights?**); and
- There is likely to be an agreed ‘transitional period’ after the UK leaves the EU, where the rights of European nationals will depend on when they came to the UK and what they have done since (including the action this guide recommends you should consider taking now).

This uncertainty has been increased by the conflicting messages given out by different sources. At present, for example, the section of the Home Office website dealing with the rights of European nationals states<sup>2</sup>:

***‘There is no need for EU citizens living in the UK to do anything now. There will be no change to the status of EU citizens living in the UK while the UK remains in the EU. If you would like to find out the latest information you can sign up for email updates.’***

It also states:

***‘A new scheme will be available for EU citizens and their families to apply to stay in the UK after it leaves the EU.’***

At the same time, many horror stories have appeared in the press about European nationals having to complete 100-page long application forms and some people being refused documents on technicalities and receiving letters suggesting they should leave the UK immediately. Worse still, there is evidence of European nationals being made to feel unwelcome in other ways since the EU Referendum, e.g. being discriminated against by prospective employers, landlords and even by public authorities.

The good news for most European nationals in the UK is that their legal position is far stronger than these reports suggest. Until the UK leaves the EU, their European immigration law rights will not change and afterwards it is likely that those who have arrived and begun exercising EU immigration rights (e.g. working) before the leaving date will be able to stay for the foreseeable future. However, there is action most European nationals should seriously consider taking now to protect their position. The options are set out below.

As for discrimination, European nationals in the UK can challenge this in a number of ways. The position is summarised below (**Q18: What action can I take to challenge discrimination against me?**).

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<sup>2</sup><https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know>

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## GIVEN ALL THE UNCERTAINTY, HOW CAN I CHECK THE LEGAL POSITION?

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This guide summarises current European immigration law in February 2018 (except for the special groups mentioned above) and attempts to predict whether and, if so, how those rights will be converted into rights under British immigration law, based on recent government pronouncements and the 'in principle' UK/EU agreement on citizens' rights that was reached in December 2017 (see **Q7: Does the 'in principle' agreement of December 2017 give me any rights?**).

Given the rapid changes which are taking place, however, you should not rely on the information contained in this guide in the future without checking that the situation remains the same and there is nothing unusual in your personal circumstances that means the general advice given here may not apply. Organisations you can contact to check the position are listed at the back of the guide (**Q20: Where can I get specialist help if I need it?**).



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## WHAT RIGHTS DO I ALREADY HAVE?

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European immigration law currently gives most European nationals who are in the UK 'automatic rights'. This means that European nationals immediately benefit from these rights under European immigration law. It also means that once any European national exercises any of their rights in the UK, they automatically become a 'qualifying person' with other rights, such as the right to have family members join them. These European nationals do not need to apply for a Home Office document to confirm their rights. This is because their rights exist whether or not a piece of paper has been issued to formally confirm the position.

The main 'automatic rights' under European immigration law are:

- subject to verifying their nationality (e.g. with a passport at a border) each time a European national enters the UK, there is an automatic right to be here for three months for any purpose;

and, once here, European nationals currently have rights to remain on a number of grounds, referred to as 'qualifying activities', most importantly:

- as a jobseeker in the UK (for a 'limited' period of time and on the basis that you are actively seeking work in the UK);
- as a worker, i.e. an employed person, in the UK (this status can be retained by women on maternity leave and also where a person has had to stop work involuntarily);
- as a self-employed person in the UK;
- as a financially self-sufficient person in the UK (able to support oneself without needing public funds such as Universal Credit, but note that, in order to qualify to stay on this basis, EU nationals must have 'comprehensive sickness insurance', i.e. full private medical insurance from their own country or private health insurance. Many European nationals assume that because they have access to the NHS in the UK they meet this requirement, but for complex reasons that is not the case);

- as a student (but 'comprehensive sickness insurance' is necessary, as above);
- as someone temporarily or permanently incapacitated from working after coming here and taking employment for a period of time; and
- as someone who has retired having been a worker or self-employed (provided they meet certain criteria).

Direct 'family members' of European nationals have automatic rights to come and stay too (see **Q2: What about the 'family members' of European nationals? for who is covered**).

Once a European national or family member has lived here continuously for five years in one of the categories above they automatically acquire 'permanent residence' in the UK and are entitled to a formal document confirming that status (see **Q8: As a European national living here, should I be thinking about applying for a Home Office document to confirm my current rights?**).

Note, 'extended family members', such as partners who are not married or in a civil partnership, do not have the same automatic rights. We strongly recommend that extended family members take advice on the action they can take now to protect their position after the UK leaves the EU (see **Q20: Where can I get specialist help if I need it?**).

There are some exceptions to the automatic European immigration law rights e.g. for European nationals whose presence in the UK presents a serious risk. Subject to that, almost all European nationals should be free to exercise their automatic rights up to the point when the UK leaves the EU. Besides their rights under European immigration law, all European nationals have rights to equal treatment in the UK, free from discrimination (see **Q18: What action can I take to challenge discrimination against me?**).

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## WHAT WILL HAPPEN TO THESE AUTOMATIC RIGHTS WHEN THE UK LEAVES THE EU?

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The short answer to this is that no one knows for sure. In summary:

- the UK Government set out its initial bargaining position in a sixteen page document published on 26 June 2017 entitled 'The UK's Exit from the European Union: Safeguarding the Position of EU Citizens living in the UK and UK nationals living in the EU'<sup>3</sup>;
- this was then summarised – and to a certain extent elaborated upon – by a statement made by the Prime Minister in the House of Commons on 26 June 2017<sup>4</sup>;
- then, in a speech given on 22 September 2017 in Florence, the Prime Minister Theresa May suggested that there would be a 'status quo' transition period lasting 'around two years' from the time that the UK left the EU in March 2019<sup>5</sup>;
- in the 'in principle' agreement of December 2017, the UK Government agreed that European nationals and family members who have been both 'continuously' and 'lawfully' living here for five years by 29 March 2019 will be allowed to stay indefinitely by getting 'settled status', and that those who arrived here before that date will have the same rights, once they have been here 'continuously' and 'lawfully' for five years;
- however, while European nationals and family members who arrive after 29 March 2019 and before 29 March 2021 will have some rights to enter to live, work or study, their future position has not been decided. The EU negotiators have argued they should be in the same position as those who arrived before 29 March 2019.

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<sup>3</sup><https://www.gov.uk/government/publications/safeguarding-the-position-of-eu-citizens-in-the-uk-and-uk-nationals-in-the-eu/the-united-kingdoms-exit-from-the-european-union-safeguarding-the-position-of-eu-citizens-living-in-the-uk-and-uk-nationals-living-in-the-eu>

<sup>4</sup><https://www.gov.uk/government/speeches/pm-commons-statement-on-european-council-26-june-2017>

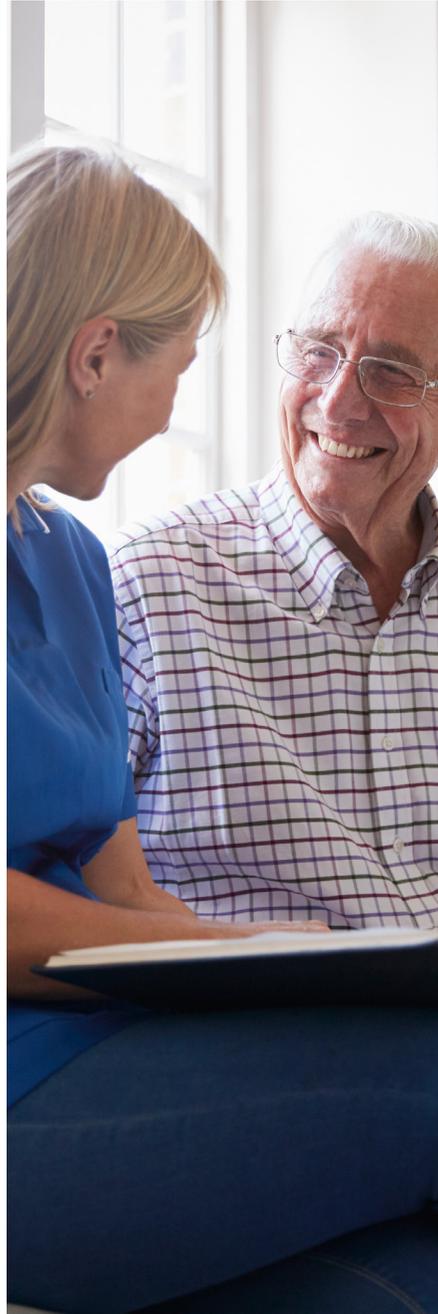
<sup>5</sup><https://www.gov.uk/government/speeches/pms-florence-speech-a-new-era-of-cooperation-and-partnership-between-the-uk-and-the-eu>

The implication drawn from this is that, at least with respect to European nationals and their family members already in the UK as of the 29 March 2019 'cut-off date', they would have a period of two years within which to obtain whatever status might be available to them under British immigration law. It is suggested that European nationals and their family members who arrive after the 29 March 2019 'cut-off date' will be subject to a separate new regime for 'registering' to stay in the UK without any promise of a long-term right to remain here.

It should be noted that the UK Government's documents and speeches listed above set out the UK's opening bargaining position on how European nationals are going to be treated in the UK in future. It has shifted several times. Even the 'in principle' agreement of December 2017 could be changed and needs clarification in many respects (see **Q7: Does the 'in principle' agreement of December 2017 give me any rights?**).

Some of the basic principles set out in these documents, however, are likely to remain important to European nationals, and are worth keeping in mind when deciding what to do now:

- while the automatic rights described above (see **Q5: What rights do I already have?**) will remain in place until the actual date the UK leaves the EU, in law these rights will cease automatically either when the UK leaves the European Union, or during or at the end of the proposed two year 'transition period' (i.e. after 29 March 2019 and before 29 March 2021) if a new, legally binding treaty is agreed to between the UK and EU making them enforceable (note:



the 'in principle' agreement of December 2017 is not such a treaty - see **Q7: Does the 'in principle' agreement of December 2017 give me any rights?**); and

- the UK Government intends to create new rights in UK law for European nationals living in the UK as of 29 March 2019 based on the concepts of 'residence status' and 'settled status' whereas those coming here after that date will have different arrangements made for them.

As regards 'residence status' (which will be a new legal concept in British law):

- European nationals will be expected to apply for this new form of 'residence status' either at the time the UK leaves the EU or, more likely, during the two year 'transition period' after 29 March 2019 and before 29 March 2021;
- for people who arrive during this period, this 'residence status' is likely to be a short term status and it is not clear yet whether that could lead to 'settled status'; and
- Irish nationals are not covered by the proposed 'residence status' arrangements (the proposals will not alter the Common Travel Area arrangements between the UK and the Republic of Ireland and the rights of British and Irish citizens in each other's countries rooted in the Ireland Act 1949 which provide that Irish nationals in the UK are treated as having indefinite leave to remain in the UK under British law).

As regards 'settled status' (which will also be a new legal concept):

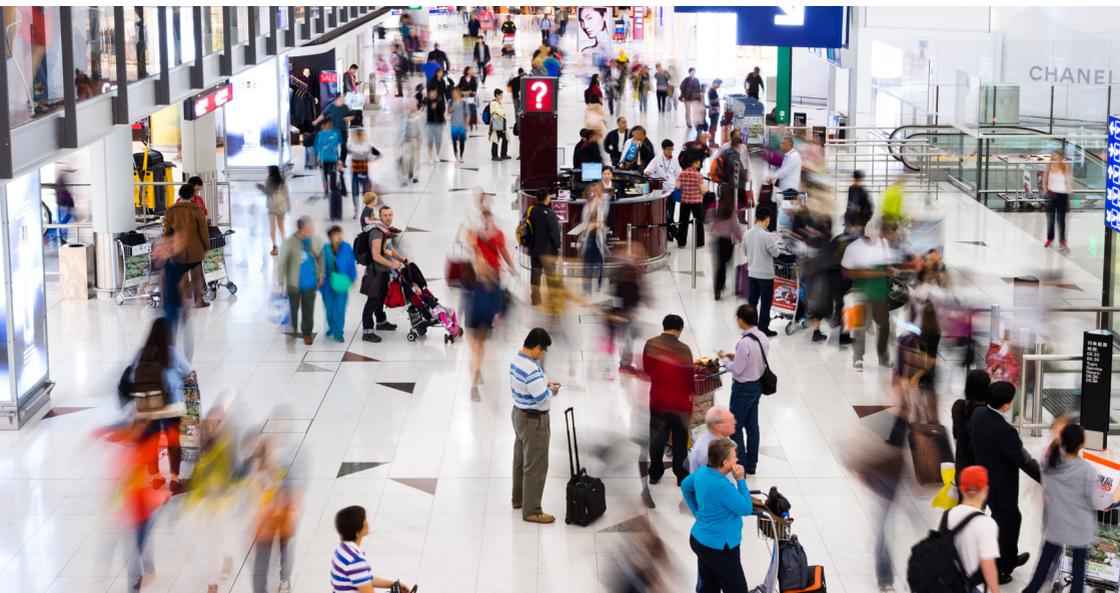
- European nationals living in the UK with five years' continuous residence at the proposed 'cut-off date' of 29 March 2019 are likely to be granted a 'settled status' (effectively the same as 'indefinite leave to remain in the UK' under current British immigration law), as will those European nationals who qualify later on for this status because they have arrived here before that date;
- the UK expects European nationals seeking this 'settled status' to have completed a period of five years of 'continuous residence' here before they apply, at which point they must still be 'resident', but these concepts are not yet clear, even in the 'in principle' agreement of December 2017;
- it is also not yet clear what the new rules will require in term of activity in

the UK or whether residence (in the sense of physical presence here for a continuing purpose) itself will be sufficient;

- there has also been one very significant concession that helps European nationals who have been in the UK mostly as self-sufficient persons and students for more than five years, but have not yet been able to apply successfully for documentation confirming their permanent residence under European immigration law because they have not held comprehensive sickness insurance for the requisite period – these people will be able to apply for ‘settled status’ without holding such insurance; and
- family members who do join a qualifying European national in the UK before the 29 March 2019 are likely to be able to apply for ‘settled status’ after five years (including where the five years falls after the UK has left the EU).

As regards people coming here to live after the UK leaves the EU (assuming that happens on 29 March 2019, of course):

- the plan is that European nationals who arrive after 29 March 2019 will be allowed to remain in the UK for at least a temporary period and may become eligible to settle permanently, depending on their circumstances and the new rules but, according to the UK Government, this group should have no expectation of guaranteed ‘settled status’;



- the UK also intends that most family members (e.g. spouses and civil partners, direct descendants of a European national, and most adopted children, dependent direct relatives in the ascending line) who want to join or remain with a qualifying European national here after 29 March 2019 will have a right to do so throughout the qualifying European national's lifetime (note, as before, 'qualifying European national' means a European national who is exercising European immigration rights);
- the UK also intends to 'facilitate entry and residence' of 'partners' in a durable relationship after 29 March 2019 provided the relationship is accepted as durable and continues to exist at the point the partner wishes to join the qualifying European national (note, it is not clear how this will be interpreted);
- but the UK has yet to decide what to do about other family members of European nationals in the UK who want to join them here after 29 March 2019; and
- family members who join a European national in the UK after the 29 March 2019 may be subject to the same immigration rules as those joining UK nationals in the UK now for the purposes of seeking 'settled status'.

Last, as regards documents:

- while all European nationals will need to make an application under British law for 'settled status' or permission to remain in order to acquire 'settled status', this option will be made available sometime beforehand;
- the UK Government wants to avoid 'cliff edge' applications being made on or very shortly before the 29 March 2019, so there may be a reasonable period, probably two years, within which such applications can be made;
- European nationals who already have a document certifying permanent residence under European law will not be automatically issued with a document granting the new 'settled status', but the UK Government wishes to streamline the 'settled status' application process for those who already hold such documents;
- the UK Government has indicated that the fee for any new document for settled status will be no more than that of a British passport which is currently £72.50, rising to £75.50 on 27 March 2018.

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## DOES THE 'IN PRINCIPLE' AGREEMENT OF DECEMBER 2017 GIVE ME ANY RIGHTS?

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In short, no.

In December 2017, under pressure to agree an 'in principle' agreement on citizens' rights in order that other discussions with the EU could begin, the UK made a number of compromises in its negotiating position on European nationals and rights. The result is a 'joint technical note' in the form of a table<sup>6</sup> said to reflect what has been agreed with the EU Commission's negotiators and a slightly clearer explanatory report<sup>7</sup>.

The Home Office website describes the 'in principle' agreement in this way:

***'The UK government has reached an agreement with the European Union on citizens' rights in negotiations on the UK's withdrawal from the EU. This will provide certainty about the future to millions of EU citizens and their families in the UK. Most importantly, it will allow you to stay here after we leave the EU on 29 March 2019, and to continue to access public funds and services.'***

This is very misleading for four reasons:

- the UK Government chief negotiator, David Davis, said separately on 10 December 2017 that 'nothing is agreed until everything is agreed' – in other words, this is an 'in principle' agreement that may form part of an overall UK withdrawal agreement, if one can be reached;
- there is a great deal in the agreement that needs to be clarified, e.g. how periods of residence are counted to activate rights;

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<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/665871/December\\_-\\_Joint\\_technical\\_note\\_on\\_the\\_comparison\\_of\\_EU-UK\\_positions\\_on\\_citizens\\_rights.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/665871/December_-_Joint_technical_note_on_the_comparison_of_EU-UK_positions_on_citizens_rights.pdf)

<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/665869/Joint\\_report\\_on\\_progress\\_during\\_phase\\_1\\_of\\_negotiations\\_under\\_Article\\_50\\_TEU\\_on\\_the\\_United\\_Kingdom\\_s\\_orderly\\_withdrawal\\_from\\_the\\_European\\_Union.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/665869/Joint_report_on_progress_during_phase_1_of_negotiations_under_Article_50_TEU_on_the_United_Kingdom_s_orderly_withdrawal_from_the_European_Union.pdf)

<sup>8</sup> <https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know#agreement-on-rights-for-eu-citizens-and-their-families>



- the rights of many people are not covered by the agreement e.g. the rights of some extended family members will be dealt with by UK law only; and
- most importantly, to be legally binding (and so create rights of any value) any UK withdrawal agreement will need to be incorporated into a treaty between the UK and the remaining EU states, approved by the EU Parliament and Council and, in the UK, by our Parliament.

The 'in principle' agreement of December 2017 is a good guide to the common ground the UK and EU have reached in the negotiations, but it creates no rights and little certainty.

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## AS A EUROPEAN NATIONAL LIVING HERE, SHOULD I BE THINKING ABOUT APPLYING FOR A HOME OFFICE DOCUMENT TO CONFIRM MY CURRENT RIGHTS?

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Yes: all European nationals in the UK should at least think about making such an application now.

There are two documents you can apply for to confirm your current position ('confirm' because, as discussed above, the rights you have are not based on such documents, but on the automatic effects of EU immigration law: see **Q5: What rights do I already have?**).

The documents available for European nationals are:

- a 'registration certificate' – if you have not 'clocked up' five years of residence here but are a European national currently exercising automatic EU immigration rights, you can seek a certificate confirming this;
- a document certifying your 'permanent residence' confirming you are a European national who has exercised automatic EU immigration rights here for five years continuously;

and their family members can apply for:

- a European nationals' family member 'residence card'; and
- after the European national you joined has exercised automatic EU immigration rights here for five years continuously, a 'permanent residence' certificate.

Until the Government announced the proposed new system for EU nationals to acquire immigration rights under British law on 26 June 2017 (see **Q6: What will happen to these automatic rights when the UK leaves the EU?**) most lawyers were advising that European nationals exercising their automatic rights in the UK to apply for 'registration certificates' and 'permanent residence' documentation confirming such rights in the hope that, under British law, such confirmation would be likely to have continuing legal effect after the UK leaves the EU.

It now seems likely that this will not be the case – it is much more likely that 'registration certificates' and 'permanent residence' documents will simply formally confirm the legal position rather than actually create rights. Further, the Home Office website has, for the last few months, included guidance for European nationals indicating that:

- If they already have a registration certificate it won't be valid after the UK leaves the EU;
- they should register their email addresses with the Home Office to get information updates<sup>9</sup>; but
- they need not make any application for the time being until receiving information from the Home Office regarding how they might apply in due course for 'settled status' or for a short term status (e.g. 'residence status') leading to 'settled status' (to understand what these terms are intended to mean, see **Q6: What will happen to these automatic rights when the UK leaves the EU?**).

It is very likely that this position by the Home Office is largely an act of self-preservation: it not wanting to have two to three million potential applications being made by EU nationals in the UK now seeking formal confirmation of their position.

However, notwithstanding what the Home Office says, you certainly should be thinking about applying for a Home Office document to confirm your current rights, and for some people this will be essential.

As discussed below:

- certain European nationals definitely should apply for a document to confirm their current rights in the UK - **Q9: When must I apply for a Home Office document confirming permanent residence?**

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<sup>9</sup> <https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=67&id2=627DF7>

and for many other European nationals it will still be a good idea, see:

- **Q10: Am I likely to benefit from applying for a Home Office document confirming permanent residence?;**
- **Q11: Are my children likely to benefit if I apply for a Home Office document confirming permanent residence?; and**
- **Q12: Might there be other benefits to applying for a Home Office document confirming permanent residence?**



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## WHEN MUST I APPLY FOR A HOME OFFICE DOCUMENT CONFIRMING PERMANENT RESIDENCE?

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Despite the Home Office's apparent reluctance to receive applications from European nationals, there are very clear cut cases where they must apply for a document confirming permanent residence as a step to secure other rights. It is recommended that this is done as soon as possible because there are already long processing backlogs.

European nationals who definitely should be applying for documents confirming permanent residence are those who:

- want to apply for British Citizenship - since it is essential to have a document confirming permanent residence before applying to naturalize as a British Citizen; and
- have a dependant who wants to come to the UK now under British immigration law (rather than EU immigration law), prior to the implementation of the new 'settled status' scheme for European nationals and family members – for some people this route may be better as it avoids the uncertainty associated with dependants' EU immigration law rights.

The Home Office itself has effectively acknowledged a need to apply if you fall into these two categories: on the cover sheet to the application form for a document certifying permanent residence, for example, it says that a document confirming permanent residence is necessary if 'you want to apply for British Citizenship' or if 'you want to sponsor your partner's application under the Immigration Rules' (which in fact is only one of several categories where holding a document confirming permanent residence might be relevant to sponsor a dependant).

Advice on making an application follows below (**Q13: How do I apply for a Home Office document confirming permanent residence?**).

## AM I LIKELY TO BENEFIT FROM APPLYING FOR A HOME OFFICE DOCUMENT CONFIRMING PERMANENT RESIDENCE?

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European nationals in the UK are very likely to benefit by securing a document that confirms their permanent residence if they have already automatically acquired permanent residence in the UK (see **Q5: What rights do I already have?**) but since then have not been living in the UK continuously.

For example:

- a European national family whose members have been living and working in the UK for more than five years and, therefore, automatically acquired permanent residence here under EU immigration law but are then, for a period of time, transferred to another country because of the employment of one of the parents – the family would continue to hold permanent residence under EU immigration law provided they returned to the UK at least once in every two year period, but having documented confirmation of their UK residence would be very helpful; and
- the children of European nationals raised in this country for most of their lives who have acquired permanent residence as the dependants of their parents but, despite the UK remaining their home, have gone on to further education or to take up work positions abroad – they would also retain their permanent residence status provided that they return here, e.g. to spend holidays with family at least once every two years but again, confirmation of that status may well be important in future.

We strongly recommend that European nationals apply for a Home Office document confirming permanent residence if they have been living here, consider the UK their home, but will be abroad for significant periods straddling the time the UK plans to leave the EU and in the following two years and maintain their links by returning here as described in the examples above.

That is because the UK Government's plans are mainly focussed on European nationals living here at the time the UK leaves the European Union (see **Q6: What will happen to these automatic rights when the UK leaves the EU?**). It is not at all clear how the UK will treat European nationals who have already acquired permanent residence but who are living abroad (at least temporarily) at that time. There is a real possibility that those who have maintained their permanent residence status in this country and back this up with a Home Office permanent residence document will be in a better position to secure the new form of 'residence status'. This cannot be certain, but it is advisable to take steps to protect any existing permanent residence.

Advice on making an application follows below (**Q13: How do I apply for a Home Office document confirming permanent residence?**).





## Q11

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# ARE MY CHILDREN LIKELY TO BENEFIT IF I APPLY FOR A HOME OFFICE DOCUMENT CONFIRMING PERMANENT RESIDENCE?

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Yes, in most cases they will. If you have acquired permanent residence at some point in the past it may have a very significant, beneficial effect on the rights of your children.

- First, a child born in the UK to a parent who is British or 'settled' at the date of the child's birth will be British by birth. 'Settled' in this context means that the parent has indefinite leave to remain under British law contained in the UK's Immigration Rules, or has acquired the right of permanent residence under European law. It is not to be confused with the new 'settled status' discussed above (see **Q6: What will happen to these automatic rights when the UK leaves the EU?**). This means that, if you apply for a document confirming you acquired permanent residence by a certain date in the past once you completed a continuous five year period of exercising European immigration rights, any child you had after you had permanent residence would automatically be British 'by birth' under British Nationality Act 1981. Such children can apply for a British passport straightaway. Note, however, that it is not mandatory for you to have been issued with the document confirming your permanent residence in order to take advantage of this rule but, instead, you could simply prove in the context of the application that you have exercised your European rights for a continuous five year period and have not been absent since then for more than two years at a time.
- Secondly, a child born in the UK to a parent who later becomes 'settled' has an entitlement (i.e. an absolute right) to register as a British citizen under the British Nationality Act 1981, although such an application must be made before the child's 18th birthday. As soon as you are issued with a document confirming your permanent residence, your children will be able to use that

document to demonstrate that they have the right to register as British citizens, after which they will be entitled to British passports.

- Thirdly, a child born in the UK who has lived in the UK for the first ten years of their life is entitled to register as a British citizen under the British Nationality Act 1981. This entitlement exists independently of the immigration status of the parents. This type of application can be made by adults as well as children.

Different rules may apply depending on when the child was born, most significantly:

- a child born in the UK before 2 October 2000 to an EEA national parent will be a British citizen if the parent was exercising treaty rights at the time of the child's birth. (NOTE, there has been doubt cast on this by recent case law, so if this is your own or your child's situation, please check the Passport Office guidance here before you apply: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/374616/TreatyRightsPolicy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374616/TreatyRightsPolicy.pdf));
- a child born between 2 October 2000 and 30 April 2006 to an EEA national parent will be a British citizen if the parent had indefinite leave to remain in the UK at the time of the birth (indefinite leave under British law is required as permanent residence under European law only became available after 30 April 2006); and
- a child born in the UK after 30 April 2006 will be a British citizen if their parent had been in the UK exercising Treaty rights for more than 5 years (and therefore has automatically acquired permanent residence) or has indefinite leave to remain.

It is never absolutely necessary for a child's parents to obtain a document confirming their own (i.e. the parents') permanent residence to rely on these rights, but such a document can be very helpful in proving when they arose.

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## MIGHT THERE BE OTHER BENEFITS TO APPLYING FOR A HOME OFFICE DOCUMENT CONFIRMING PERMANENT RESIDENCE?

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This is not an easy question to answer. Lawyers disagree on whether European nationals who do fall into any of the groups above might still benefit from applying for documentation confirming permanent residence:

- on the one hand, some lawyers do not want to be seen to be urging people to pay substantial legal fees for help with applications which may need to be effectively re-made if the plans for a new 'settled status' come into effect as proposed by the UK Government (see **Q6: What will happen to these automatic rights when the UK leaves the EU?**); but
- on the other hand, no one knows precisely what the procedure will be for acquiring the new 'settled status' - logically, having acquired a document confirming permanent residence, particularly in this two year period immediately prior to Brexit, would allow someone to make a much more straightforward application for 'settled status'.

The better view is having a Home Office document confirming permanent residence before 29 March 2019 is likely to make seeking 'settled status' easier and cheaper after that date and so is a step seriously worth considering.

We say this because of the consistent statements given in the main negotiating documents. For instance, the Government document issued on 26 June 2017 stated (our emphasis):

***'EU documents certifying permanent residence will not be automatically replaced with a grant of 'settled status', but we will seek to make the application process for 'settled status' as streamlined as possible for those who already hold such documents.***

This position was reiterated in an e-mail sent by the Home Office on 29th September 2017 to people who have signed up to receive updates. This e-mail reported back on the fourth round negotiations between the UK and the EU (our emphasis):

***'After four negotiation rounds we are starting to get into the detail of how EU citizens will apply for a new settled status. The UK presented its early thinking and we will be engaging on the design and delivery of a proposed Settlement Scheme for EU citizens in the UK. We are committed to making the application as streamlined and user-friendly as possible for everyone. Those who already hold permanent residency documents should not have to go through the full process, for example. We will also use data that EU citizens have already provided to minimise the burden of documentary evidence required.***

and the 'in principle' agreement of December 2017 then said:

***'Current holders of permanent residence certificate: In order to obtain status under the Withdrawal Agreement by application, those already holding a valid permanent residence document issued under EU law on the specified date will have that document converted into the new document free of charge, subject to verification of identity, a criminality and security check and confirmation of ongoing residence.'***

The caveats about that agreement above have to be kept in mind (see **Q7: Does the 'in principle' agreement of December 2017 give me any rights?**). No one can be sure or state categorically how much getting such a document confirming permanent residence will assist in the 'settled status' process so it is difficult to state categorically what the advantages are of obtaining such documents. On the face of the 'in principle' agreement of December 2017, having such a document will make a positive difference for European nationals.

## HOW DO I APPLY FOR A HOME OFFICE DOCUMENT CONFIRMING PERMANENT RESIDENCE?

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For a long time, many European nationals who were entitled to apply for a document confirming their permanent residence were put off because of the lengthy (85 page) document which they needed to complete (which even lawyers found very difficult to understand and use).

Making an application is no longer as difficult, however. Assuming that you have taken the decision that you want to make an application for a document confirming your permanent residence based on the guidance above, the good news is that this, in many cases, is no longer a complicated procedure provided you are able to make an online application. This is a relatively straightforward process. After completing the online form you will receive a list explaining exactly what supporting documents you need to submit to the Home Office and how to do so. Family members can apply with you, as long as they have been here as your family members for a five year period.

Here is the link to the online application form:

- <https://visas-immigration.service.gov.uk/applicationInProgressWarning/eea-pr>; and

Paper applications are also still permitted using this form which can be printed off, completed and returned to the Home Office:

- <https://www.gov.uk/government/publications/apply-for-a-document-certifying-permanent-residence-or-permanent-residence-card-form-eea-pr>

Current guidance notes to help you fill out either version of the application form can be found here:

- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/672960/Form-EEA-PR-guidance-notes-v3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672960/Form-EEA-PR-guidance-notes-v3.pdf)

It is important to complete either form carefully. The Home Office identifies the five top reasons for rejection of applications as:

- you haven't submitted a valid passport or national identity card to prove your nationality and identity';
- 'you haven't submitted evidence to prove you're a job seeker, worker, self-employed person, self-sufficient person, or student';
- 'you haven't signed [the] application form';
- 'you haven't paid the correct application fee'; and
- 'you haven't explained any long absences from the UK which break continuity of residence'.

The last of these tends to cause the most problems. If there has been a continuous five year period since you have come here during which you have exercised your rights as a European national (see **Q5: What rights do I already have?** for examples), you are likely to have acquired permanent residence and so have the 'continuity of residence' the Home Office is looking for. Short breaks in continuity are acceptable, e.g. a period of job-seeking in another country for a few months. You must not have been out of the UK for more than a total of six months during any of the five years or for more than two years at a time after the five year period in order to qualify for permanent residence.

If you are doubtful about being able to demonstrate continuity of residence having read pages 4 and 7 to 9 of the Home Office guidance notes, you should consider some of the specific guides others have written on the application process (**Q19: What other useful information is out there?**) or seek advice (**Q20: Where can I get specialist help if I need it?**).

If you come from the Czech Republic, Estonia, Lithuania, Latvia, Hungary, Poland, Slovakia, and Slovenia, you may not be eligible to count time up to 30 April 2011 if you were a worker and did not register under the Workers Registration Scheme for the first year of your employment.

## WHAT IS THE EUROPEAN PASSPORT RETURN SERVICE?

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If opting to use the online form to apply for a Home Office document confirming permanent residence, you can also opt to use the European Passport Return Service.

This enables you to keep hold of your passport while your application is with the Home Office, as a local authority Register Office will (for a small fee) take a certified photocopy of your passport and forward that onto the Home Office as part of your application package.

A list of participating Register Offices in England, Greater London, Scotland, Wales and Belfast can be found at:

- <https://www.gov.uk/government/collections/european-passport-return-service>

To use the service, you need to do the following:

- within a maximum of 5 days of submitting your online application form, go to a participating Register Office (note, you may need to book an appointment at the relevant Office to use this service so contact the one you plan to visit before submitting your online application to check whether this is necessary);
- take along your entire application package, containing all supporting documents (including a printed



copy of the application form you submitted online);

- pay a small fee (in the range of £10-£25) for the Register Office to make a certified photocopy of your passport; and
- if you want Special Delivery postage, pay a separate fee (which is recommended as you should then be given a tracking number to enable you to trace your package as it is sent to the Home Office).

The Register Office will make and certify a copy of your passport and then forward that and the whole package onto the Home Office on your behalf. You are then able to use your passport while the application is being processed.





Q15

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## IF I HAVE YET TO AUTOMATICALLY ACQUIRE PERMANENT RESIDENCE, IS APPLYING FOR A 'REGISTRATION CERTIFICATE' WORTHWILE?

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If you have not 'clocked up' five years of residence here but are a European national currently exercising automatic EU immigration rights, you can seek a certificate confirming your rights here. Most lawyers agree that taking this step is unlikely to make much difference to European nationals' rights in future or the ease with which they can apply for 'settled status'. It does make sense, to keep good documentation about work histories, proof of living here, etc. Obtaining a registration certificate now is not in and of itself likely to carry much weight in proving an entitlement to settled status.



## Q16

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# HOW DO I APPLY FOR A 'REGISTRATION CERTIFICATE' IF I STILL WANT TO?

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Given how close the UK is to leaving the EU, some people will nevertheless want to apply for a registration certificate so they have a formal document confirming their position. There are two ways to make an application:

- by applying online at <https://visas-immigration.service.gov.uk/product/eea-qp>; or
- printing and completing a paper application form: <https://www.gov.uk/government/publications/apply-for-a-registration-certificate-as-a-qualified-person-form-eea-qp>

Guidance notes to help you fill out either version of the application form can be found here:

- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/673052/EEA\\_QP\\_guide-to-supporting-documents\\_v1\\_3\\_2015-12-04\\_KP.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/673052/EEA_QP_guide-to-supporting-documents_v1_3_2015-12-04_KP.pdf)

Again, if you want to keep your passport while the application is being considered, you can use the passport return service described above (**Q13: What is the European Passport Return Service?**). You can also, if you are an EEA national, apply for a registration certificate at a Home Office Priority Service Centre, and receive a same-day decision on your application.

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## HOW DO I BECOME A BRITISH CITIZEN?

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For most European nationals, the best way to secure rights to remain in the UK will be to naturalise as a British citizen (note, though, this will not be for everyone because some EU states do not allow dual nationality and, in some circumstances, family members can end up in a difficult position if the person they joined here becomes British before the family member has rights to stay – see below).

The basic requirements to naturalise as a British citizen involve showing that you:

- have been lawfully resident in the UK for 5 years ( or 3 years if married to / or in civil partnership with a British citizen);
- have not been absent from the UK for more than 450 days in total in the 5 year period ( or 270 days if married to / or in civil partnership with a British citizen) and not more than 90 days in the year before you apply;
- have held indefinite leave to remain / permanent residence in the UK for at least a year at the date of application unless you are married to / or in civil partnership with a British citizen when you must hold indefinite leave/ permanent residence at the date of the application (remember, however, that you may well have automatically acquired permanent residence a long time ago, when you completed five years of exercising your European immigration law rights);
- are over 18;
- are not of unsound mind;
- intend to live in the UK permanently unless you are married to / or in civil partnership with a British citizen;
- have passed the Life in the UK test and an English language test; and
- are of good character.

The law changed in 2015 to require European nationals to obtain a document confirming their permanent residence as a precondition to applying to become

British citizens. Prior to that, they could simply rely on their automatically acquired right to permanent residence when applying for British nationality.

When applying for a document confirming your permanent residence, you should therefore be sure to document, if possible, a period which ended over a year ago. Then, when the Home Office issues your document confirming your permanent residence, it should specify the date on which you acquired permanent residence, which will be at the end of the five year qualifying period which you documented. The result may be that you will immediately be able to apply to naturalise if your permanent residence document shows that you in fact automatically acquired your permanent residence at least one year ago.

You should be aware, however, that if you have a non-European national family member who is relying on European immigration law to remain here with as your family member, it is advisable to hold back from applying become a British citizen until your family member acquires a permanent residence card himself/herself or a right to be here under British law as the family member of a European national with permanent residence. That is because your family member's right to be here under European law depends entirely on your being here on a European law basis. Under British law applicable since 16 October 2012, once you become a British national, the rights of any family member to remain here under European law cease automatically. European law scholars do not necessarily accept that this interpretation of the position by the UK Government is lawful under European law provisions, but for now and for practical purposes it remains in effect and must be taken into account.



# WHAT ACTION CAN I TAKE TO CHALLENGE DISCRIMINATION AGAINST ME?

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Until it leaves the EU, the UK remains fully bound by EU law including the free movement and anti-discrimination provisions of the EU Treaties, the Charter of Fundamental Rights and particular directives intended to promote equality (one of the most important features of EU law). Yet following the EU Referendum the practice of at least two Government Departments have undoubtedly shifted to the detriment of European nationals and there are reports of local authorities, and even charities, treating European nationals differently than before, for example in relation to homelessness support decisions.

Much of this is open to challenge now. Options include:

- judicial review (the legal process that enables the courts to examine public authorities' actions) of the compatibility of public bodies' decisions, policies and clear practices with EU law;
- judicial review based on the Equality Act 2010, challenging direct or indirect nationality-based discrimination and/or failures to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, advance equality of opportunity and foster relations between people with different protected characteristics;
- complaints to the EU Commission (which can bring infraction proceedings against the UK);
- complaints to the EU Ombudsman; and
- complaints to the UK's Equality and Human Rights Commission which has investigatory, enforcement and litigation-funding powers under the Equality Act 2006.
- individual discrimination claims against public authorities based on the Equality Act 2010;



- compensation claims for any serious failure to implement EU measures intended to confer enforceable rights on individuals; and
- claims to enforce private law anti-discrimination rights under the Equality Act 2010 to challenge e.g. job and housing advertisements.

Specialist lawyers can advise on options to enforce anti-discrimination and equality law (see **Q20: Where can I get specialist help if I need it?**). The UK's Equality and Human Rights Commission is evidently keen to fund litigation of this kind and, in some cases, Legal Aid (state funding for legal cases) is available.

## WHAT OTHER USEFUL INFORMATION IS OUT THERE?

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The Home Office's own guidance notes are well worth reading (see, e.g. **Q13: How do I apply for a Home Office document confirming permanent residence**). The following are also recommended:

- JCWI's Brexit Guide for EU nationals - [https://www.jcwi.org.uk/sites/jcwi/files/2017-04/2017\\_04\\_07\\_PUB%20Brexit%20Guide%20for%20EU%20nationals%20Update1.pdf](https://www.jcwi.org.uk/sites/jcwi/files/2017-04/2017_04_07_PUB%20Brexit%20Guide%20for%20EU%20nationals%20Update1.pdf);
- a series of free e-book guides produced by Barrister Colin Yeo aimed at EU and EEA nationals wanting to apply for residence documents here in the UK on the basis of being workers, self-employed individuals, self-sufficient individuals or students for making applications for documentation confirming your right to be in the UK under European law - <https://www.freemovement.org.uk/free-ebook-application-guides-for-eu-citizens/>; and
- 'EU Citizens Living in the UK: A Self-Help Guide' by barrister Adrian Berry - [http://www.advicestation.org.uk/wo\\_files/files/Advice\\_Forum/AFM\\_15092016/EU\\_BREXIT\\_implications\\_for\\_EU\\_residents.pdf](http://www.advicestation.org.uk/wo_files/files/Advice_Forum/AFM_15092016/EU_BREXIT_implications_for_EU_residents.pdf)

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## WHERE CAN I GET SPECIALIST HELP IF I NEED IT?

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Here for Good has been set up specifically to provide help and guidance to European nationals and their family members seeking advice about their rights under European law to remain in the UK and possible applications that they can make to confirm these rights.

In many cases, if you decide to make an application for a document confirming your permanent residence or for a registration certificate now, you should be able to do this yourself given the relative simplicity of the online application form. Even if you were to make a mistake and the applications were refused, you could make a fresh application correcting the error made in the first application. The only negative consequence would be that an additional fee of £65 would be payable.

If, however, your application is complicated for one reason or another, you may be able to access assistance from Here for Good, once our advice service is operational. There are details on our website at <https://www.hereforgoodlaw.org/>

If you wish to have a lawyer in private practice review the application and are in a part of the UK where there are lawyers specialising in immigration law, you can contact one of these following bodies to help you find one:

- the Immigration Law Practitioners' Association (ILPA), a highly respected organisation bringing together the best and most committed immigration law practitioners, has a useful search directory at <http://www.ilpa.org.uk/search-directory.php> ;
- the Law Society also has a tool for finding specialist lawyers in your area <http://solicitors.lawsociety.org.uk>;
- some legal charities such as Law Centres (<http://www.lawcentres.org.uk/about-law-centres/law-centres-on-google-maps/alphabetically>), the Joint Council for the Welfare of Immigrants (<http://www.jcwi.org.uk/about/legal-advice>) and the AIRE Centre (<http://www.airecentre.org/pages/i-am-seeking-advice-for-myself-or-someone-i-know.html>) may be able to offer advice.

On the discrimination issues, you may want to approach:

- the Equality and Human Rights Commission which has various Helplines:
  - » for England: 0845 604 6610 (England main) 0845 604 6620 (England textphone)
  - » for Wales: 0845 604 8810 (Wales main) 0845 604 8820 (Wales textphone)
  - » for Scotland: 0845 604 5510 (Scotland Main) 0845 604 5520 (Scotland Textphone);

and a good website <https://www.equalityhumanrights.com/en/advice-and-guidance>; or

- a private practice solicitor specialising in this type of work (the Discrimination Law Association may be able to make a recommendation - 0845 478 6375 and may the Law Society – see above).



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## WHAT DOES THE GUIDE MEAN WHEN IT SAYS...?

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- **‘British immigration law’** – the set of rules that determine the rights to enter and stay in the UK that are made exclusively by the UK, not the EU;
- **‘direct family members’** – European nationals’ spouses and civil partners (e.g. wives and husbands), direct descendants (e.g. children) of the European national or his/her spouse/civil partner under the age of 21 or otherwise dependent on the European national or his/her spouse/civil partner, dependent direct relatives in the ascending line of the European national or his/her spouse/civil partner (e.g. parents, grandparents, etc.);
- **‘EU’** – the European Union of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and (currently) the UK itself;
- **‘EEA’** – the agreement between countries the EU and states in the European Economic Area which are not also members of the EU i.e. Iceland, Lichtenstein, Norway;
- **‘European immigration law’** – the set of special rights and freedoms that originate in the EU’s treaties (though the principles are now found in other treaties such as the EEA);
- **‘European Passport Return Service’** – the special service that allows European nationals to hold onto their passport when an application is being considered;
- **‘European national’** – nationals of Austria, Belgium, Bulgaria, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and Switzerland (note, in this guide, the position of special groups who are also EU nationals – specifically UK, Irish and Croatian nationals - is not covered in detail);

- **‘extended family members’** (some other close relationships including those where people live together, that do not fall into the definition of ‘family members’ below – these too are not discussed in detail in the guide);
- **‘Home Office’** – the government department in the UK that sets and enforces immigration policy;
- **‘Home Office document confirming permanent residence’** – confirmation from the Home Office that a European national or family member has been exercising EU rights here for over five years;
- **‘naturalise’** and **‘naturalisation’** – the process of becoming a British Citizen as an adult;
- **‘permanent residence’** – the legal status that a European national or family member automatically acquires once they have been exercising EU rights here for over five years;
- **‘qualifying activity’**: those activities allowing EU, EEA or Swiss national to remain in the UK and acquire permanent residence, i.e. working, looking for work, self employment, self sufficient with comprehensive sickness insurance, or studying with comprehensive sickness insurance.
- **‘qualifying European national’** and **‘qualifying person’**: an EU, EEA or Swiss national in the UK exercising their rights as worker, work seeker or self employed person and (as long as they have comprehensive sickness insurance) self sufficient persons and students;
- **‘registration’** – the process by which a child becomes a British citizen (or formally confirms their citizenship);
- **‘residence status’** – a new legal status for European nationals that will allow them to stay for certain purposes;
- **‘settled’** - in the context of UK nationality law this means that the parent has indefinite leave to remain under British law contained in the UK’s immigration rules, or has acquired the right of permanent residence under European law;
- **‘settled status’** – a new legal status for European nationals that will be effectively the same as ‘indefinite leave to remain in the UK’ under current

British immigration law (note, this is not the same thing as 'settled' for UK nationality law proposes – see above);

- **'special groups'** – UK nationals (e.g. British Citizens), nationals of the Republic of Ireland, Croatian nationals and extended family members'
- **'registration certificate'** – a Home Office document confirming EU rights are being exercised by the holder;
- **'the 'in principle' agreement reached in December 2017'** – an agreement on citizens' rights between the UK and EU negotiators which in intended to form part of a withdrawal agreement;
- **'transitional agreement'** – any agreement between the UK and EU on a time-limited period after the UK's departure from the EU in which some rights based on EU law will remain enforceable;
- **'treaty'** – a binding agreement creating rights between states in international law and sometimes, enforceable rights for individuals;
- **'UK national'** – a person who is a citizen of the UK (normally a British Citizen); and
- **'withdrawal agreement'** – any agreement the UK and EU reach on what should happen during or after a transitional period.

# ACT NOW

## TO STAY HERE FOR GOOD

A SELF-HELP GUIDE FOR EU, EEA AND SWISS  
NATIONALS AND THEIR FAMILY MEMBERS  
CURRENTLY LIVING IN THE UNITED KINGDOM

Here for Good is a new NGO committed to providing free high quality immigration advice to EEA citizens and their family members - supporting their applications for settled status, residency and/or citizenship. In the most complex cases, Here for Good will also support individuals to source affordable legal advice and representation.

Wesley Gryk Solicitors LLP are specialists in UK immigration and nationality law. Wesley Gryk will help individuals, families, businesses and organisations find their way through the complexities of the British immigration and nationality system.

Bindmans LLP has over 60 specialist lawyers working on a wide range of legal issues including immigration and nationality, human rights, family law (including cases with an international dimension), judicial review, discrimination, employment, crime and personal injury.

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