**Brexit FAQs for EU nationals**

This briefing sets out details of the applications that EU nationals will be required to make under the EU Settlement Scheme in order to continue to reside lawfully. It also consider other actions that EU nationals may wish to consider in the run-up to Brexit

EU Settlement Scheme

What are the key points from the Settlement Scheme?

EU nationals and their family members who are residing in the UK will need to make an application under the Scheme in order to continue to reside lawfully in the UK. Details are set out in the [Statement of Intent](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718237/EU_Settlement_Scheme_SOI_June_2018.pdf) which was published on 21 June 2018. The key points are as follows:

* EU nationals and their family members (spouse, civil partner, durable partner, dependent child or grandchild, and dependent parent or grandparent) who by 31 December 2020 have been continuously resident in the UK for five years will be eligible to apply for **settled status**, enabling them to stay indefinitely.
* EU nationals and the family members who arrive in the UK by 31 December 2020, but who will not have been continuously resident for five years, will be eligible **for pre-settled status**, enabling them to remain in the UK until they reach the five year threshold. They can then apply for settled status where they have remained continuously resident in the UK for a five year period.

Who will be required to lodge an application under the Scheme?

All EU nationals will need to apply in order to continue to reside lawfully in the UK, subject to limited exceptions:

* Irish nationals will not be required to apply, but can do so if they wish.
* EU nationals who have indefinite leave to remain (which is not the same as permanent residence) are not required to apply, but can do so if they wish. An EU national with ILR will usually have acquired ILR prior to April 2006 and will have a stamp in their passport to evidence this, or in some cases hold a biometric residence permit.

EU national family members of British nationals will need to apply under the Scheme – ie, there is no exemption by virtue of being, for example, the spouse or partner of a British national.

Will I need to apply for the new settled status if I have permanent residence documents?

Yes. But individuals with permanent residence documentation will have a ‘light touch’ process where they will be able to convert their permanent residence status to the new settled status free of charge, subject only to verification of identity, a criminality and security check, and proof of ongoing residence.

What are the eligibility criteria?

The eligibility criteria are straightforward. Applicants will be required to meet three core criteria:

* **Identity** – proof of identity, usually through a passport or national identity card.
* **Eligibility** – establishing residence in the UK and, if relevant, family relationships. Cross departmental Government checks will be conducted using data held by HMRC and DWP, meaning that the additional information that will need to be provided by many applicants will be limited (eg, to fill in gaps where there is no Government data). In many cases applicants will be required to provide only their national insurance number (if they have one). Appendix A of the [Statement of Intent](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718237/EU_Settlement_Scheme_SOI_June_2018.pdf) lists examples of the additional documents which may be required.
* **Suitability** – a security and criminal record check.

But what about comprehensive sickness insurance, travel logs and qualifying activities?

Comprehensive sickness insurance will not be a qualifying requirement. EU nationals will not need to account for every absence from the UK (ie, a travel log will not be required) and there will be no requirement to establish English language competency. Furthermore, there is no requirement for EU nationals to have been undertaking qualifying activities during the five year period – eg, being in employment, or being a student.

What are the rules for continuous residence to qualify for settled status?

A person must have been continuously resident in the UK for five years in order to be eligible to apply for settled status. In general, a person will have been continuously resident if they have not been absent from the UK for more than six months in total in any 12 month period. There is no restriction on the number of absences permitted, provided that the total period of absence does not exceed six months in any 12 month period. Limited exceptions apply and these are set out in the Statement of Intent.

When and how can applications be made?

A pilot was run in late 2018 for staff of universities, NHS Trusts and some other healthcare organisations. **An extension of the pilot is being opened on 21 January 2019** when all EU nationals with a valid passport and non EU national family members who hold a valid biometric residence permit will be able to apply. The intention is that the Scheme will open fully by 30 March 2019. Applications can be made online and using mobile phone apps. .

How will the application process work?

The Scheme is designed to be streamlined and user friendly with fast-track processing, using an online application portal and mobile phone apps. Reassurance has also been given that the default position will be to grant applications, rather than to look for reasons to refuse. Applicants will be afforded an opportunity to provide supplementary evidence or remedy any deficiencies in the evidence provided where it appears that a simple omission has occurred.

How long will it take for applications to be processed

The aim is for applications to be processed in one to two weeks. During the pilot scheme some applications were processed on the day they were lodged.

Is there a deadline by which applications must be lodged?

Yes. Applications under the Scheme must be lodged by 30 June 2021.

What will be the cost of applications?

There will be no application fee when the Scheme opens fully (which is expected to be on 30 March 2019). Individuals who apply during the pilot phase operating from 21 January 2019 will need to pay a fee of £65, but this will be reimbursed in due course. Likewise, individuals who have already applied and paid the application fee will have this reimbursed in due course.

What is the significance of the implementation period

There will be an implementation period from 30 March 2019 to 31 December 2020. As referred to above, EU nationals (and their family members) who arrive in the UK during this period will be entitled will be to stay on the same terms as EU nationals who were residing on or before 29 March 2019 (ie, the date the UK is expected to leave the EU). They will also be eligible to apply for settled status in due course (with no additional fee) and a reminder will be sent prior to the expiry of pre-settled status.

What rights will EU nationals who are granted settled status have?

The new settled status will enable EU nationals to reside in the UK in any capacity and undertake any lawful activity. They will continue to have access to UK benefits (eg, healthcare, benefits, pension and social security) in a similar manner to UK nationals. It will be similar to indefinite leave to remain status (which is the settled status for non-EEA nationals).

Will EU nationals residing in the UK be able to have family members join them in the UK at a later date?

Yes, subject to certain requirements.

* EU nationals who are resident in the UK before 31 December 2020 will have a lifetime right for family members who were family members on 31 December 2020 to join them in the UK.
* ‘Family members’ for these purposes includes spouses, civil partners, durable partners (ie, partners who have been in a relationship with the EU national akin to marriage or civil partnership for a period of at least two years), direct descendants who are under the age of 21 or are dependant (eg, children and grandchildren), and dependant direct relatives in the ascending line (eg, parents and grandparents).
* There is also provision for the children of EU nationals born inside or outside the UK after the specified date to join the EU national in the UK, subject to detailed requirements.

So what is the position for people who become family members after 31 December 2020?

As it currently stands, these individuals will be subject to separate rules to be determined by the UK. Details of the proposed future immigration system are set out in the [White Paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf) published by the UK Government on 6 December 2018.

Will it be a problem if I have a short period of absence from the UK between now and when the UK leaves the EU?

No. People considered to be ‘resident in the UK’ will include those here before midnight on 31 December 2020. It will also include those previously resident in the UK who are outside the UK on that date but who have maintained continuity of residence here. This means that individuals who are continuously resident in the UK but who happen to be abroad on business or holiday or living overseas temporarily on 31 December 2020 will still be protected.

Can the new settled status be lost?

Yes. Settled status will be lost if a person spends more the **five** continuous years outside the UK. This is more generous than many expected: it had been anticipated that the new settled status would be lost if the person spent more than two continuous years outside the UK. It should be possible to ‘re-set’ the clock on the five years by returning to the UK for a short period of time.

What is the position for nationals of Switzerland and EEA countries that are not members of the EU?

Nationals of Norway, Iceland, Lichtenstein and Switzerland are not covered by the Withdrawal Agreement. However, the UK has now reached an [agreement with Norway, Liechtenstein and Iceland](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766995/Agreement_on_arrangements_between_Iceland__the_Principality_of_Liechtenstein__the_Kingdom_of_Norway_and_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_following_the_withdrawal_of_the_United_Kingdom_from_the_European_Union_.pdf) and separate [agreement with Switzerland](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767003/Agreement_between_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_and_the_Swiss_Confederation_on_citizens__rights_following_the_withdrawal_of_the_United_Kingdom_from_the_European_Union_and_the_Free_Movement_of_Persons_Agreement.pdf). These agreements largely mirror the key terms of the Withdrawal Agreement agreed with the EU, meaning that nationals of these countries are in a similar position to other EU nationals.

What is the position of EEA nationals living in the UK in the meantime?

Effectively, there is no impact on the principle of freedom of movement and the right of EEA and Swiss nationals to live and work in the UK. In practice this should remain unchanged until 31 December 2020 (ie, the end of the implementation period).

What will happen to EU nationals in a ‘no-deal’ scenario?

The UK Government has published a [Policy Paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762222/Policy_paper_on_citizens__rights_in_the_event_of_a_no_deal_Brexit.pdf) setting out what will happen in a no-deal scenario. This is largely reassuring for EU nationals. In summary, the UK will run the Scheme for EU nationals who are resident in the UK by 29 March 2019. The key differences compared with the terms contained in the Withdrawal Agreement are as follows:

* The Scheme will be run for EU nationals and their family members who are resident in the UK by 29 March 2019. There will be no agreed implementation period, meaning the Scheme will not apply to EU nationals who are not resident in the UK by 29 March 2019.
* The deadline for applications will be 31 December 2020, rather than 30 June 2021.
* Family reunion rights will be more limited.
	+ EU nationals with settled status would be able to be joined in the UK in the period up to 29 March 2022 by existing close family members such as children, spouses and partners, provided the relationship existed by 29 March 2019 and continued to exist when the family member applied.
	+ After 29 March 2022, such family members will be able to join EU nationals in the UK by applying under the applicable UK Immigration Rules, the details of which are currently unknown.
	+ EU nationals with settled status will be able to be joined by future spouses and partners (where the relationship was established after exit) and other dependent relatives until 31 December 2020, after which point the UK Immigration Rules would apply to such family reunion.

What will happen to nationals of Norway, Liechtenstein, Iceland and Switzerland in a no-deal scenario?

The agreement reached between the UK and Switzerland will apply in a no deal scenario. The UK is still in negotiations with Norway, Liechtenstein, Iceland regarding the position for nationals of these countries in a no deal scenario.

Assuming the Withdrawal Agreement is ratified, what rules will apply to EU nationals who intend to come into the UK from 1 January 2021?

In December 2018, the Government has published a [White Paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf) containing proposals for a new immigration system. It confirmed that freedom of movement will end and there will be a new skills based immigration system which will apply to EU and non-EU nationals alike with effect from 1 January 2021. There will also be provision for EU nationals to visit the UK on a short-term basis (eg, to visit family, holiday, attend meetings and interviews etc) without having to obtain a visa in advance and the intention is to continue to facilitate the use of e-gates for entry to the UK in these circumstances. .

Where can I find out further information?

The key document is the [Statement of Intent](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718237/EU_Settlement_Scheme_SOI_June_2018.pdf). But various other documents have been published over the past 12 months or so containing details of the proposed arrangements for EU nationals:

* An [Employer toolkit](https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit) has been published containing practical guidance on the Settlement Scheme in various brief documents.
* [Caseworker Guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736281/EU_Settlement_Scheme___Caseworker_guidance.pdf) for the Settlement Scheme has also been published, indicating how applications should be dealt with.
* The Joint Report followed the UK Government’s policy paper [Safeguarding the Position of EU Citizens Living in the UK and UK nationals Living in the UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/621847/60093_Cm9464_NSS_SDR_Print.pdf) published in June 2017.
* A [Technical Paper](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/657694/TECHNICAL_NOTE_CITIZENS__RIGHTS_-_ADMINISTRATIVE_PROCEDURES_IN_THE_UK.pdf) was published in November 2017 containing further details of the Government’s proposals.
* An [Implementation Period paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684515/2018-02-28_EU_Citizens_in_the_IP_policy_statement_FINAL.pdf) was published in February 2018 containing details of the implementation period proposals.
* The UK Government has published a [Policy Paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762222/Policy_paper_on_citizens__rights_in_the_event_of_a_no_deal_Brexit.pdf) setting out what will happen in a no-deal scenario
* The Government has published a [White Paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf) containing proposals for a new immigration system to take effect from 1 January 2021.
* Periodic updates are also posted on the GOV.UK website and it is possible to sign up for email alerts.

What steps should EEA nationals consider taking now?

Depending on individual circumstances, it would be prudent for EEA nationals to do the following:

* **Documents and absences** - EEA nationals should start to collate documents evidencing their continuous residence in the UK and, where appropriate, family relationships or dependency. It would also be prudent for EEA nationals to retain a record of absences from the UK and, where practicable, ensure they do not break continuous residence by reason of their absences.
* **Permanent residence** - applying for permanent residence documents may be sensible, notwithstanding that permanent resident status will not be recognised by the UK post-Brexit (see below for further details).
* **British citizenship** - obtaining British citizenship may be the best way for an EU national to secure their right to live and work in the UK on a long-term basis with minimal restrictions (see below for further details).

Permanent Residence

Why should I apply for permanent residence given I will need to lodge an application under the Settlement Scheme in any event?

Permanent residence is, effectively, the settled status for EEA nationals under the current rules. The Government has made clear that the UK will not recognise permanent residence status after Brexit. Permanent residence is, therefore, unlikely to prove to be of relevance for EEA nationals post-Brexit. There are, however, reasons why it may still be sensible to apply for permanent residence documentation.

* Those who hold permanent residence documentation will benefit from a streamlined application process for the new settled status, as referred to above.
* EEA nationals must hold permanent residence documentation or have settled status under the Settlement Scheme in order to be eligible to apply for British citizenship. Therefore, EEA nationals who wish to apply for British citizenship now, or who want to be in a position to do so with minimal delay in future (eg, depending on the progress of the UK’s negotiations with the UK), may wish to apply now.
* In light of the continuing uncertainty about the future status of EEA nationals – in particular the fact that nothing is yet certain - obtaining formal documentation evidencing current status may be a sensible step to take.
* For nationals of Switzerland and the EEA states of Iceland, Liechtenstein, Norway, future arrangements continue to be less certain than for EU nationals, as referred to above. Permanent residence documentation may be of relevance, depending on the arrangements that are agreed with these countries – although this seems unlikely.

What are the eligibility criteria for permanent residence?

EEA nationals who have exercised treaty rights (as a worker, job-seeker, student, self-sufficient person, or self-employed person) continuously in the UK for a five year period will have acquired permanent residence. EEA nationals who have acquired permanent residence are able to evidence this by applying for a certificate of permanent residence.

Can family members of EEA nationals apply to confirm permanent residence?

Yes. Family members of EEA nationals (whether EEA nationals, or third country nationals) – for example, spouses, civil partners, durable partners, and children - who have resided legally with the EEA national in the UK for the same period will also acquire permanent residency and can apply to have this status confirmed. Family members who meet the relevant criteria can be included in the same application as the EEA national who has been exercising treaty rights.

Are there any circumstances when permanent residence can be acquired prior to five years’ continuous residence in the UK?

Yes, in limited circumstances. Examples include ceasing work due to retirement or permanent incapacity. Detailed requirements apply in these circumstances.

What are the common pitfalls that arise for permanent residence applications?

The conditions for acquiring permanent residence depend on the right of residence that the person is exercising (ie, whether as a worker, job-seeker, student, self-sufficient person, or self-employed person). The requirements are complex and this is an area where problems often arise. For example:

* **Students** – in most circumstances, students are required to have comprehensive sickness insurance (“CSI”) cover in the UK in order to rely on the student right of residence. As a result, some EEA nationals will not have acquired permanent residence, despite having been in the UK for five years or more.
* **Workers** - periods out of work will not necessarily mean that a person ceased to be treated as a worker or self-employed person, but this will depend on the particular circumstances.
* **Self-sufficient** – applicants relying on a period as a self- sufficient person are also required to have CSI cover in the UK for the period relied upon (and also for their dependants).

Who is required to have Comprehensive Sickness Insurance?

**Students** are required to have CSI cover in the UK in order to rely on the student right of residence. There is an exception to this requirement for students prior to 20 June 2011 who obtained a registration certificate as a student before 20 June 2011. However, most students will not have applied for a registration certificate. CSI is also required for the family member of students from 22 June 2015. **Self-sufficient** - applicants relying on a period as a self-sufficient person are also required to have CSI for the period relied upon. This is also a requirement for the family members of self-sufficient persons. CSI is not required for workers, job-seekers and the self-employed – ie, those who are economically active.

What must an applicant have done in order to meet the CSI requirements?

CSI requirements can be met in three ways:

* A comprehensive private medical insurance policy document.
* A valid European Health Insurance Card (EHIC) issued by an EEA member state other than the UK, or the predecessor form E111.
* Forms S1, S2, and S3 (and their predecessor forms E109, E121, and E112).

These must cover the full period being relied upon.

These are the only ways in which CSI requirements can be met. Being entitled to access the NHS, or having substantial personal funds, is not sufficient to meet the requirements. If an applicant has disposed of historic EHIC cards, or the EHIC card does not feature a valid from date, they must also submit evidence from the issuing authority confirming that they held a valid EHIC card for the period relied upon. CSI requirements cannot be met retrospectively.

Would part-time work count for the purpose being a worker?

It may do. While there is no minimum number of hours of work to qualify as a worker, the employment must be genuine and effective and not marginal or supplementary. If an EEA national is earning below the Primary Earnings Threshold (the point at which employees must pay class 1 National Insurance Contributions (“**NICs**”)), the Modernised Guidance indicates that enquiries will be made into whether the activity relied upon is genuine and effective. Applicants in these circumstances should proactively explain in a cover letter why their work should not be regarded as marginal or supplementary, notwithstanding it is below the NICs threshold.

An EEA national who was a student for a period but does not meet all of the requirements for extended residence as a student (eg, CSI), but who worked on a part-time basis when studying, may be able to contend that they should be regarded as worker for that period. It is likely that the EEA national would need to meet the NICs threshold referred to above. Further, there is a risk that the Home Office may regard part-time work by a student to be marginal or supplementary on the basis it is not the main purpose of the EEA national’s residence in the UK.

Can absences from the UK break continuity for permanent residence purposes?

Yes. EEA nationals should normally spend no more than six months outside the UK in any 12 month period in the five years they are relying on for permanent residence. In addition, a single period of absence from the UK not exceeding 12 months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or an overseas posting, will also not break continuity.

Is it necessary to submit evidence in relation to absences when making a permanent residence application?

No. Applicants are not required to submit documents evidencing their absences (eg, airline tickets or hotel booking). It is, however, sensible for individuals to retain such documents for their own records. Further, a travel log is required for applications for British citizenship.

Can I choose the five year period I rely on for the application?

Yes. Permanent residence is acquired automatically on meeting certain conditions. Therefore, a person may have acquired permanent residence several years ago (based on an earlier five year period), or more recently (relying, say, on the five year period immediately preceding the date of the application). The five year period relied upon is potentially a relevant consideration for the timing of applications for British citizenship (see below for further details).

Should a cover letter be included with a permanent residence application?

It is permissible (and sensible) to include a cover letter confirming the five year period replied upon, identifying the relevant evidence in support, explaining any anomalies or missing documentation, and confirming that the person has not been absent from the UK for more than two consecutive years since the date they acquired permanent residence.

What does the application process for permanent residence involve?

As noted above, applications for permanent residence can be made online in most circumstances. A link to the form is [here](https://visas-immigration.service.gov.uk/product/eea-pr). The paper form is EEA(PR) and a link to the form can be found [here](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/505032/EEA_PR__03-16.pdf).

Applicants are required to submit original evidence to confirm they have exercised treaty rights for the five year period being relied on – ie, that each condition of the relevant right of residence being exercised at any time was met throughout the period. The guidance notes for form EEA(PR) include suggested lists of supporting documents. The online application form identifies the documents that an applicant is required to provide. It appears that the Home Office is looking to streamline some of the document requirements.

More detailed guidance can be found in the Modernised Guidance which can be found [here](https://www.gov.uk/government/collections/eea-swiss-nationals-and-ec-association-agreements-modernised-guidance).

Is permanent residence relevant for an EEA national who is married, to or the civil partner, of a British national?

Yes. EEA nationals who have a British national spouse or civil partner are usually residing in the UK on the basis of free movement rules for EEA nationals. They are not usually residing in the UK on the basis of their marriage to a British national (ie, they will not usually have applied for a visa as the family member of a British national). The current route to settlement for such EEA nationals is likely to be permanent residence (in due course it will be the new settled status).

What fees are involved?

The application fee is currently £65 per person.

How quickly will the application be processed?

Permanent residence applications for EEA nationals are supposed to be determined as soon as possible following receipt of the application by the Home Office – applications are typically processed within a few weeks. Applications by third country national family members of EEA nationals should be determined within 6 months. Online applications are currently being processed in around two to three months.

Is it possible to lose permanent residence?

Yes. Permanent residence will normally be lost if the person is absent from the UK for more than two consecutive years. But as noted above, it is unlikely to be of relevance post-Brexit. Residence documentation confirming permanent residence can also be revoked in other limited circumstances (eg, on public policy, public security, or public health grounds).

Do I have to submit my passport or national ID card when applying for permanent residence?

The European Passport Return Service has been made available for EEA nationals applying online. Further details can be found [here](https://www.gov.uk/government/collections/european-passport-return-service). Using this service means that passports can be checked and copied by a participating local authority or at certain premium service centres, meaning the applicant will not have to give up their passport while the application is pending.

British citizenship

Can EEA nationals apply for British citizenship?

EEA nationals may be eligible to apply to naturalise as British citizen (ie, to become a British citizen). British citizenship may be the best way for an EEA national to secure their right to live and work in the UK, depending on the final outcome of the Brexit negotiations and any transitional provisions that are implemented. In practical terms, being a British national may also provide more flexibility in terms of future absences from the UK. Further guidance can be found [here](https://www.gov.uk/government/publications/application-to-naturalise-as-a-british-citizen-form-an).

What are the main routes to naturalisation as a British citizen for an EEA national?

Different requirements apply depending on whether the applicant is married to, or the civil partner, of a British national:

* EEA nationals who are married to, or the civil partner of, a British national and have been in the UK for a continuous period of 5 years may be eligible to apply for naturalisation.
* EEA nationals who are not married to, or the civil partner of, a British national and have been in the UK for a continuous period of 6 years may be eligible to apply for naturalisation.

EEA nationals who are not married to, or the civil partner of, a British national must be free of immigration restrictions for 12 months before they can apply for citizenship. In practice, this means that such individuals cannot apply for citizenship until 12 months have elapsed since the date they acquired permanent residence / settled status.

EEA nationals who are married to, or the civil partner of, a British national can apply for citizenship once they have acquired permanent residence / settled status (ie, the requirement to be free of immigration control for 12 months does not apply).

What other requirements apply for applications to naturalise as a British citizen?

The other key requirements relate to residence, future intentions (where the applicant does not have a British national spouse or civil partner), good character, knowledge of the English language, and knowledge of life in the UK (applicants must pass a multiple choice exam).

The residence requirements are quite restrictive. These requirements vary, depending on whether the applicant has a British national spouse or civil partner. As a general rule, applicants who do not have as British national spouse or civil partner should have spent no more than 450 days outside the UK in the preceding five year period. During the last 12 months of the five year period the applicant should have spent no more than 90 days outside the UK. But higher rates of absence are permissible in certain circumstances. It should be noted that these continuity requirements are more onerous than for permanent residence.

What are the potential drawbacks to becoming a British national?

Very careful consideration should be given by an EEA national as to whether naturalisation is an appropriate course of action. An EEA national’s home country may not allow dual nationality, meaning that acquiring British citizenship may result in renouncing original nationality, possibly permanently. Further, naturalisation may impact on pension rights, tax status, social security, the ability of non-EEA family members to remain in the UK, and other matters. An EEA national should consider obtaining advice in their home jurisdiction.

Can British citizenship be lost?

In general, British citizenship cannot be lost unless the person renounces it, or is deprived of it because this is considered conducive to the public good, or there is evidence that the citizenship was obtained by fraud or deception.

What is the status of the children of EEA nationals?

Children of EEA nationals who have resided legally with the EEA national in the UK should be able to acquire permanent residence, as outlined above.

The law relating to the acquisition of British citizenship is complicated. It is often advisable to obtain individual advice. Further guidance can be found in [Guide MN1](https://www.gov.uk/government/publications/application-to-register-child-under-18-as-british-citizen-form-mn1). More detail on the various routes to British citizenship and the related eligibility criteria are contained in the Nationality Instructions which can be found [here](https://www.gov.uk/government/collections/nationality-instructions-volume-1).

As a general rule the position can be summarised as follows:

* Children born in the UK to an EEA national parent who on the date of the birth had indefinite leave to remain, or had been exercising treaty rights continuously for a period of five years, will automatically be British.
* Children born in the UK who were not automatically British when they were born (because neither parent was a British citizen, or settled in the UK) are entitled to register as British citizens when minors if either parent becomes a British citizen, or becomes settled in the UK. Settled status in the UK for these purposes includes the acquisition of permanent residence or settled status.
* A child who has lived in the UK for the first 10 years of their life may be able to register as British, even if neither of their parents is settled. Absence requirements apply.
* Children born abroad to parents who are now applying or British citizenship may be eligible to apply to be registered as British when their parent(s) are apply for British citizenship. However, such an application will usually succeed only if both parents are granted British citizenship, or one parent is granted British citizenship and the other parent is settled.

Applying to register a child as British is different from the application to naturalise as a British citizen as an adult. However, naturalisation and registration applications can often be made at the same time.

Is there anything else to consider?

Immigration law is complex. These FAQs are for general guidance only and are not a substitute for individual advice. EEA nationals and their family members should carefully consider their personal circumstances and may wish to obtain professional advice before determining what actions they wish to take.

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