

GUIDE

Brexit: Permanent Residence and Citizenship Applications

Are you an European Economic Area (EEA) National residing in the UK?

Following the vote for Britain to leave the EU, you may be concerned about your status here in the UK. Whilst it is clear that the vote to leave the EU may, in due course have a major impact on Immigration to the UK particularly for employers employing EU workers and for EU workers, it should be borne in mind that no changes will be made over night.

EU citizens are to continue to have free movement rights until the UK formally leaves the EU and those already in the UK will more than likely be protected by transitional arrangements which should be put in place to enable them to remain in the UK under UK Immigration Rules.

What can you do now?

Registration Cards

Those EU Nationals who have been living in the UK for less than 5 years should apply for a Registration Card which confirms their ability to work and live in the UK. Any EU nationals coming to the UK post the Brexit vote should also apply for a Registration Card. This will not necessarily guarantee your future ability to remain here but it does evidence the fact that you are formally registering your presence in the UK and the basis upon which you wished to remain here.

Permanent Residence

If you have been living in the UK for 5 years or more, you may be interested in applying for British Citizenship. Prior to November 2015, you could apply for British Citizenship as an EEA National directly if you had been living in the UK and "exercising treaty rights" as an EEA National for a

period of 5 years. However, the rules changed in November 2015 which now means that you must first apply for Permanent Residence (settlement) in the UK **before** applying for British Citizenship, if you do not already have a document certifying Permanent Residence in the UK. You can only then apply for Citizenship once you have spent a period of 12 months in the UK.

In order to apply for Permanent Residence you must demonstrate that you have lived in the UK for a period 5 years exercising EC treaty rights continuously throughout the 5 year period in the capacity as a 'worker', 'self-employed person', 'student', 'self-sufficient person' or as a 'Job-seeker' You would also have to meet the residence requirements.

Please note that there are some exceptions to the above rule, for example, if you have ceased activity due to permanent incapacity from an illness.

We would have to assess your case to see if any exceptions apply if you were unable to exercise treaty rights for any periods during the 5 years.

Further, for any period you wish to rely on as a self-sufficient person and/as a student, you must show that you have had Comprehensive Sickness Insurance cover.





The Home Office fee currently for a Permanent Residence application is £65 per applicant. We would estimate at present the Home Office processing times for this type of application is 3-6 months.

British Citizenship

You can qualify for British Citizenship, if you have already obtained Permanent Residence in the UK provided that you meet the requirements relating to good character, knowledge and Life in the UK Test, and the minimum residence requirements.

The Home Office fee currently for an application for Citizenship for adults is £1235. We would estimate at present the Home Office processing times for this type of application is 3-6 months.

The above is only a very basic guidance, and we would provide you with more detailed advice as

to the documents you would need to provide in support of either application upon receipt of your instructions.

How can we help you

Our Immigration team here at Edwin Coe would be more than happy to assist you in assessing your eligibility to apply for Permanent Residence /Citizenship, advise you as to the documents and information you need in support of your application and prepare and file the application on your behalf. If you have a problem in so far as you are unsure as to whether you meet the precise terms of the requirements, we have the expertise to advise and assist you.

We would be happy to provide you an estimate of our fees to assist you in applying for either Permanent Residence or British Citizenship once we have an understanding of your circumstances.

For further information
please contact Dhruvi Thakrar
on +44 (0)20 7691 4000
or e-mail a team member direct:
firstname.surname@edwincoe.com
For individual profiles
please visit our website:
www.edwincoe.com

Our Team



Dhruvi Thakrar
Head of Immigration
t: +44 (0)20 7691 4137



Christine Chiew
Consultant
t: +44 (0)20 7691 4129



George Curie
Paralegal
t: +44 (0)20 7691 4070

Edwin Coe LLP
2 Stone Buildings
Lincoln's Inn
London
WC2A 3TH
t: +44 (0)20 7691 4000
e: info@edwincoe.com
edwincoe.com

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