*As the UK is now moving towards the end of Free Movement (31st December 2020) this update will highlights few policy updates that will impact on EU nationals residing in the UK.*

**EU nationals and Employment:**

**Apply for a National Insurance Number and work in the UK:**

Since March 2020, non-UK nationals can only apply for a National Insurance number in England, Scotland and Wales if they have entered the UK on a visa because of coronavirus (COVID-19).

*EU nationals*[*can start work without a National Insurance number*](https://www.gov.uk/apply-national-insurance-number) if they can prove you can work in the UK. They can also still apply for benefits or a student loan.

EU, EEA, or Swiss citizen, can continue to use your passport or national identity card to prove they can work in the UK until 30 June 2021.

You can find further information on Gov.uk [here](https://www.gov.uk/prove-right-to-work).

**EUSS Application:**

**Applying with an expired document:**

The updated guidance on EU Settlement Scheme include information on the [*extended validity period of identity documents*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/910941/EUSS_main_guidance.pdf) made in response to the COVID-19 by some EU countries such as Bulgaria, Croatia, Hungary, Romania and Spain. Please see the table below for more details.

|  |  |  |
| --- | --- | --- |
| **Country** | **Document** | **Changes to expiry date** |
| Bulgaria | Passport and national identity card | Any document expiring between 13 March 2020 and 31 October 2020 is to be treated as having no expiry date. |
| Croatia | Passport and national identity card | Any document expiring on or after 13 March 2020 is to be treated as having no expiry date. |
| Hungary | Passport and national identity card | Any document expiring on or after 11 March 2020 is to be treated as having no expiry date. |
| Romania | Passport and national identity card | Any document expiring on or after 16 March 2020 is to be treated as having no expiry date. |
| Spain | National identity card | Any card expiring between 14 March 2020 and 13 March 2021 is to be accepted as valid until 13 March 2021. |

**France** has confirmed that the validity of the secure French national identity card (laminated), issued to people aged 18 or over from **1 January 2004 to 31 December 2013**, has been increased from 10 years to 15 years. Therefore, any such card is **to be treated as having a validity period of 15 years, regardless of the expiry date printed on the card**.

For more information on how to apply to EUSS with an expired ID document, please get in touch with the Home Office Resolution Centre: 0300 123 7379

**End of the Transition Period:**

**Grace period draft regulation**

The Brexit transition period is set to end at 11PM on 31 December 2020, after which the UK will officially break with the EU and EU law will no longer apply to UK territories. For the purposes of the EU Settlement Scheme, the government has provided for a “grace period” of six months in which EEA nationals can still apply for status under the EU Settlement Scheme without losing their rights. That grace period will end on 30 June 2021, after which EU citizens in the UK who have not acquired status under the Scheme will become unlawful residents and will be considered “late” applicants.

Draft legislation proposals reveal how the government intends to protect *(most)* of the people eligible to apply to the EU Settlement Scheme, but who have failed to do so before the end of the transition period. It sets out that during the grace period, economically active EEA nationals and Swiss nationals will automatically remain lawfully in the UK. They will also be protected if they do apply before 30 June 2021, but their application is unresolved when that deadline passes.

*For economically inactive individuals such as students and self-sufficient EEA nationals, remaining legally resident will be more complicated*. The deadline for application is still 30 June 2021, and until that day, economically self-sufficient people can stay in the UK. However, according to the draft legislation, if economically self-sufficient people have applied by the deadline but are still waiting for their application outcome on 30 June 2021, they risk losing their status and be found illegal residents in the UK for the period between 30 June 2021 and the conclusion of their application. It is also unclear whether during the grace period itself, they are considered lawful residents or merely granted relief from hostile environment policies, but still considered unlawful residents. Having such a period of unlawful stay on your resume can have far-reaching consequences when trying to apply for visas or re-enter the UK from abroad.

*In order to avoid this period of unlawful residence, economically inactive applicants are encouraged to apply to the EU Settlement Scheme early. If they cannot do so, for whatever reason, they are advised to take up comprehensive sickness insurance (CSI) before the transition period ends (meaning before 31 December 2020), as holding CSI will protect them from losing their right to reside and become unlawful residents*.

**What does residing lawfully (exercising EU Treaty Right) mean?**

In order to be considered to reside lawfully in the UK, EU nationals have to fulfil certain requirements.

EEA and Swiss nationals have an initial right to reside in the UK for 3 months, provided they hold a valid national identity card or passport and do not become an unreasonable burden on the social assistance system. Under Directive 2004/38/EC (the Free Movement Directive) they have an extended ‘right to reside’ beyond that period if they are ‘exercising a Treaty right’ as:

i)                    A worker

ii)                   A self-employed person,

iii)                 A student,

iv)                 A self-sufficient

v)                  A job seeker, for a period of up to 6 months.

An EEA national who is residing in the UK as a student or self-sufficient person ***must also have “comprehensive sickness insurance” (CSI) in order to be exercising Treaty rights*** in those capacities. A self-sufficient person and student must also hold CSI for their family members.

**Using an EU ID card in UK:**

EU, [EEA](https://www.gov.uk/eu-eea) and Swiss citizens can continue to travel to the UK for holidays or short-term trips after the 1st January 2021, without needing a visa.

They will need to show a valid passport or a national identity card if you’re a citizen of either:

* [an EU country](https://www.gov.uk/eu-eea)
* Iceland, Liechtenstein, Norway or Switzerland

However, some EU nationals will not be able to use your EEA or Swiss national ID card to enter the UK from 1 October 2021.

EU nationals can continue to use their national ID card to enter the UK until at least 31 December 2025 if they:

* have settled or pre-settled status under the [EU Settlement Scheme](https://www.gov.uk/settled-status-eu-citizens-families)
* have a frontier worker permit
* are an S2 Healthcare Visitor
* are a Swiss Service Provider

Non-EEA family member of an EEA or Swiss citizen can enter the UK as they do now until December 2020. Please note that all documents issued under the EU regulations will cease to be valid in the UK on the 31st December 2020. This includes:

* non-EU family member biometric residency card
* EU residency card (blue document)

**EU students:**

From 2021-22, [EU students will be classed as oversees students](https://www.timeshighereducation.com/news/eu-students-lose-home-status-and-loan-access-england-2021) and they will no longer be eligible for home fee or student loans. This change will not affect those covered by the Withdrawal Agreement.

**Providing support to EU nationals:**

**Providing immigration advise/services:**

Local organisations providing support regarding the EU Settlement Scheme shall ensure that they are fully compliant with the requirements of the **Office of the Immigration Service Commissioner (OISC)** in the services they deliver. Any basic immigration advice within the Immigration Rules being provided requires organisations to be registered with OISC level one. If not OISC regulated, organisations must ensure all staff supporting applicants understand the definition of advice and the limits of what they can do without OISC regulation.

The definitions of ‘immigration advice’ and ‘immigration services’ are set out in section 82 of the Immigration and Asylum Act 1999 (as amended). Immigration advice:

* Relates to an individual; and is given in connection with a relevant immigration matter
* Immigration services means making representations on behalf of a particular individual:
* In civil proceedings before a court, tribunal or immigration judge in the United Kingdom
* In correspondence with a Minister of the Crown or a government department

**Providing non-OISC restricted EUSS support:**

If your work is restricted only to signposting or the provision of general information, you do not need to apply to the OISC for registration.  Examples of this are:

* + awareness raising,
  + signposting
  + information provision,
  + public events,
  + language support,
  + digital assistance and equipment provision.

However, providing one-to-one immigration advice would require OISC registration.

You can find further information on OISC regulations [**here**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604521/OISC_GoC_2017.pdf).

**Support available in Leeds:**

**St Vincent’s:**

St Vincent’s has secured further funding to support EU nationals apply to the EU Settlement Scheme. Please contact St Vincent’s directly for more information on how to access support: **0113 248 4126.**

**Leeds City Council Digital Assistance and ID scan services:**

Support appointments at Merrion Hub will resume 19/10/2020. There will be some alterations to the process, however, to ensure we maintain a COVID-safe environment.

The key points are as follows:

·         There will be a minimum of a seven day lead time on all new appointments.

·         Any documentation required for the appointment must be dropped off at Merrion Hub at least four days before the scheduled appointment (this will be held securely until the appointment date).

·         All appointments must be booked through We Are Digital (WAD)

We are Digital contact details are: email: [visa@we-are-digital.co.uk](mailto:visa@we-are-digital.co.uk) - Phone: 03333 445 675 (Monday to Friday, 9am to 5pm; Saturday, 9am to 4pm).