

CITIZENS' RIGHTS FACTSHEET 4

FREQUENTLY USED TERMS RELATING TO CITIZENS' RIGHTS AND BREXIT

The following is a list of definitions of frequently used terms in the Brexit discussions and the UK government's new settlement scheme. The list is intended to help UK and EU citizens from other countries with regard to their citizens' rights in the period leading up to and after Brexit on 29 March 2019. Although the definitions are from reliable sources and have been checked by the Norfolk Community Law Service as a guide to users, it is always important to seek professional advice on the exact meaning and interpretation of terms.

Brexit

Brexit is an abbreviation for 'British exit', and refers to the UK's decision in the 23 June 2016 referendum to leave the **European Union**.

British citizenship

Citizenship is the position or status of being a citizen of a particular country. **British citizens** can live and work in the UK free of any immigration controls. A **British citizen** is effectively the same thing as a British national.

Continuous residence

When you have been living in the UK continuously for 5 years with no absence of more than 6 months, you have **continuous residence**. This applies to the new **EU Settlement Scheme** only.

Dependant

In the new **EU Settlement Scheme**, there is a distinction between **family member** and **extended family member**. In the new scheme, and in line with EU regulations, children are young people under the age of 21. **Family members** are spouse, children under 21 or who are financially dependent, direct family members who are financially dependent in ascending line (mother, father) and **extended family members** who hold a **residence registration certificate** or a **residence card** showing that they are an **extended family member**. **Extended family members** are unmarried partners, any other financially dependent relative and a relative who, on serious health grounds, needs personal care from the EEA national.

Dual citizenship / Dual nationality

Dual citizenship means you are a **British citizen** and also a citizen of another country (or other countries). **Dual citizenship** is also known as **dual nationality** and is allowed in the UK.

European Economic Area

The **European Economic Area (EEA)** is made up of all **European Union** countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market. Switzerland is neither an EU nor EEA member but is part of the single market. This means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

European Union

The **European Union (EU)** is a union of 28 countries. It operates an internal (or single) market which allows free movement of goods, capital, services and people between member states. The EU countries are 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 the UK.

EU Settlement Scheme

A new UK government application scheme for people from other EU countries living in the UK to allow them to continue to live and work in the UK after 31 December 2020. In addition, **settled status** will allow these people to use the NHS; enrol in education or continue studying; access public funds such as benefits and pensions, if you are eligible for them; bring family members to the UK

after 31 December 2020, and travel in and out of the UK.

EU Withdrawal Agreement

This is part of UK legislation currently going through Parliament relating to the UK's leaving the EU. The **Draft Withdrawal Agreement** of 19 March 2018 includes agreed legal text for the implementation period, citizens' rights, and the financial settlement, as well as a significant number of other articles. The UK and the EU negotiating teams are finalising the entire **Withdrawal Agreement**.

Extended family member

See **dependants** above. Key things are that an **extended family member** can be any relative who is dependent or needs personal care and that they are only **family members** if they hold a **residence registration certificate** or a **residence card** showing that they are an **extended family member**. Only **family members** share the same right of residence as their EEA national family member.

Family member

See **dependants** above. **Family members** are spouse, children under 21 (under the new **EU Settlement Scheme** and in line with EU regulations) or who are financially dependent, direct family members who are financially dependent in ascending line (mother, father) and **extended family members** who hold a **residence registration certificate** or a **residence card** showing that they are an **extended family member**.

Freedom of Movement (in the EU)

Freedom of movement allows citizens of the EU to move to, live in, and in certain circumstances, access the welfare system of the EU country where they have moved to. **Freedom of movement** is one of the founding principles of the EU.

Future Relationship

The government has published a White Paper setting out a detailed proposal for a future relationship that works for both the UK and the EU which will be negotiated after the signing of the **Withdrawal Agreement**.

Indefinite leave to remain

Indefinite leave to remain (ILR) or **settled status** is an immigration status granted to a person who has been admitted to the UK without any time limit on his or her stay and who is free to take up employment or study. In the new **EU Settlement Scheme** ILR will be lost by an absence from the UK

of more than two years. An EU citizen under the new scheme has to apply for this status.

Limited leave to remain

Limited leave to remain or **pre-settled status** is an immigration status granted to a person who has been admitted to the UK for a **limited** period. EU citizens who have lived in the UK for **less** than 5 years can apply for **limited leave to remain / pre-settled status** after 29 March 2019. This status means they can stay in the UK for a further 5 years from the date they are granted **limited leave to remain / pre-settled status**. After 5 years residence in the UK they can apply for **indefinite leave to remain / settled status**.

Naturalisation

Naturalisation is one way of obtaining **British citizenship**.

No recourse to public funds

A person admitted to the UK with **no recourse to public funds** is not eligible to receive certain benefits. He/she will also be excluded from most forms of local authority housing and homelessness assistance. A person's immigration status does not affect eligibility for benefits which depend on national insurance contributions or other work-related benefits. A full list of benefit entitlements for people with **no recourse to public funds** can be found on the turn2us website here: [https://www.turn2us.org.uk/Benefit-guides/Nationals-of-non-European-Economic-Area-\(EEA\)-coun/Limited-leave-to-remain](https://www.turn2us.org.uk/Benefit-guides/Nationals-of-non-European-Economic-Area-(EEA)-coun/Limited-leave-to-remain)

Permanent Residence (PR)

Under current regulations, this is a status obtained by an EEA national or their **family member** once they have lived in the UK for a continuous period of 5 years in line with the UK regulations on free movement. A person with **permanent residence** has no time limit on his or her stay in the UK, is free to take up employment or study and can access benefits and housing on the same basis as a **British citizen**.

Permanent Residence Document (Document Certifying Permanent Residence for EEA nationals, Permanent Residence Card for non-EEA nationals)

This document confirms that **permanent residence** has been obtained. EEA nationals do not need to apply for this document but is useful. Non-EEA nationals should always apply for this document. A **permanent residence document** is required if you want to apply for **British citizenship** or you want to sponsor your partner's **visa** application under the immigration rules. **Permanent residence**

documents will not be a valid proof of residence after 31 December 2020.

Pre-settled status

This is the term that the government is using in its information and guidance to describe the **limited leave to remain** which EU citizens who have lived in the UK for less than 5 years can apply for after 29 March 2019 under the new **EU Settlement scheme**. This status means they can stay in the UK for a further 5 years from the date they are granted **limited leave to remain / pre-settled status**. After 5 years residence in the UK they can apply for **indefinite leave to remain / settled status**.

Qualified person

A citizen of the **European Economic Area (EEA)** or Switzerland who is living in the UK and is one of the following: working; studying; self-employed; self-sufficient; or looking for work.

Residence Registration Certificate

This certificate confirms that an EEA national has a right of residence in the UK in line with the UK regulations on free movement. It will be valid as long as the EEA national continues to have a right of residence. There is no need for an EEA national to apply for this document unless they are an **extended family member**. It will not be a valid proof of residence after 31 December 2020.

Residence Card

This card confirms that a non-EEA national has a right of residence in the UK in line with the UK regulations on free movement. It will be valid as long as the non-EEA national (and any relevant EEA national family member) continues to have a right of residence. Non-EEA nationals should always

apply for this card if it applies to them. It will not be a valid proof of residence after 31 December 2020.

Returning resident visa

A **visa** given to someone to come back to live in the UK if he/she was previously settled and has lived outside the UK for more than 2 years. This visa does not apply to **EEA nationals** or their **family members**. There is no agreed position yet about this after Brexit.

Settled status

This is the term used by the government in its information and guidance to describe **indefinite leave to remain** granted under the new **EU Settlement Scheme**. After 29 March 2019 EEA nationals and their non-EEA national **family members** will be able to apply for **indefinite leave to remain / settled status** on the basis of having lived in the UK for a continuous period of 5 years.

UK national

The term **United Kingdom national** is not defined in the nationality law of the United Kingdom. It has been defined in various ways and at various times for the purposes of other United Kingdom legislation, international agreements, treaties and the like. For guidance see this UK government document:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/258245/UKnational.pdf

Visa

A **visa** is an endorsement on a person's passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.



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