

Committee(s): Establishment Committee	Date(s): 3 December 2018
Subject: EU Settlement Scheme	Public
Report of: Chrissie, Morgan, Director of HR	For Discussion
Report author: Chrissie Morgan, Director of HR	

Summary

The EU Settlement Scheme, which was laid before Parliament on 20th July 2018, outlines the process that must be followed to allow EU Citizens to continue to live and work in the UK in the future, post Brexit. Whilst the EU settlement scheme is not law, it has been widely communicated through various Government communication channels and we believe it is unlikely that the scheme, in relation to EU Citizens' ability to remain within the UK, will change if no deal is reached.

The City of London Corporation employs EU Citizens and we need to put plans in place to communicate and engage with these staff to offer support and guidance through the application process.

Recommendation(s)

Members are asked to:

- Note the report
- Provide views on the proposed support for City of London employees who are EU Citizens

Main Report

Background

1. The government have announced an EU Settlement Scheme for all EU Citizens who are living in the UK up until 31st December 2020. The EU Settlement Scheme, which was laid before Parliament on 20th July 2018,

outlines the process that must be followed to allow EU Citizens to live and work in the UK in the future, post Brexit. The Scheme has been widely communicated by the Government and as such it is expected that a no deal Brexit will not impact upon the scheme as it relates to EU Citizens' ability to remain within the UK.

2. The Scheme is currently being piloted and will run until 21st December 2018 for certain groups, including those working in the higher education, health or social care sectors. The Scheme will open fully to other EU Citizens by the end of March 2019. The deadline to apply is 30th June 2021 and proof of status will be through an online service unless the applicant is from outside the EU and they do not already have a biometric residence card. To qualify the applicant must be living in the UK no later than 31st December 2020.
3. EU Citizens and their families will be able to apply for either settled or pre-settled status allowing them to continue living in the UK after 31st December 2020. Rights for Citizens of Norway, Iceland, Liechtenstein and Switzerland are still being negotiated.
4. The following EU Citizens will not need to apply:
 - Irish Citizens
 - those who have indefinite leave to remain in the UK
 - those who have indefinite leave to enter the UK – e.g. a Returning Resident visa. However, their family members from outside the UK and Ireland will need to apply to remain living in the UK.

Settled and Pre-Settled Status

5. Settled status allows an EU national to stay in the UK for indefinitely as well as apply for British Citizenship if they meet the requirements. To be eligible the applicant would usually need to:
 - be an EU citizen, or a family member of an EU citizen
 - have been living in the UK continuously for 5 years ('continuous residence')
 - have started living in the UK by 31st December 2020.
6. If an EU citizen has lived in the UK for less than 5 years, they will generally be eligible for 'pre-settled status' instead of settled status. Pre-settled status allows an EU citizen to stay in the UK for a further 5 years from the date they receive pre-settled status. They can apply for settled status as soon as they've lived in the UK for 5 years continuously ('continuous residence')

7. Continuous residence means an applicant has been in the UK for at least 6 months in each of the last 5 years, except for either one period of up to 12 months for an important reason (e.g. childbirth, serious illness, study, an overseas work posting) or compulsory military service of any length
8. EU Citizens will need to apply for settled or pre-settled status even if they are married to a British citizen.

Rights with settled or pre-settled status

9. Settled or pre-settled status will mean an EU national can:
 - work in the UK
 - use the NHS
 - enrol in education or continue studying
 - access public funds such as benefits and pensions, if eligible
 - bring family members to the UK after 31 December 2020
 - travel in and out of the UK (subject to time limits agreed by Parliament)

Fees

10. The fee to apply will be:
 - £65 for applicants aged 16+
 - £32.50 for applicants under 16

There is no fee when applying to move from pre-settled to settled status.

Non-EU Citizens

11. Non-EU Citizens can also apply for settled or pre-settled status if they are in a relationship with an EU citizen as their spouse/civil partner or unmarried partner. There are some circumstances where non-EU Citizens can apply where they are related to EU Citizens. In addition, permanent residence cards will not be valid after 31st December 2020 and this can be changed for settled status through application to the Scheme at no cost.

Government Guidance

12. The government has issued guidance including a toolkit for employers which is under development. The toolkit will provide guidance on communicating information to employees and a suggested plan of when and how might be most appropriate.
13. Key points in the Government's guidance:

- Current 'right to work' checks (e.g. EU passport and/or national ID card) apply until the end of 2020. There will be no change to the rights and status of EU Citizens living in the UK until 2021. There is no guidance yet as to what happens from that point.
- Employers are not expected to pay/support the cost of the EU Settlement Scheme application for EU citizen employees but are welcome to do so at their discretion.
- There is no legal obligation for employers to communicate the EU Settlement Scheme, however they may wish to signpost the information that the Government is providing.
- Employers do not have to interpret information provided by the Government and must be careful not to provide immigration advice.

Key Proposals

14. We are aware of 163 EU Citizens employed in the organisation. However, currently we do not have easily accessible central records which show exactly how many employees are EU Citizens and this figure could be higher. We will look at the easiest and most constructive way of establishing the status of all employees. The scheme appears to be fairly straightforward and the criteria for pre-settlement and settlement status not onerous (unless an individual has a serious criminal background) so the risk in employees not gaining settlement appears to be low.
15. As current 'right to work checks' will continue until 31st December 2020, now is a good time to look at introducing a way of recording centrally the documentation used for each new employee which confirms their 'right to work'. One issue with this is that departments sometimes check this documentation themselves rather than the HR Recruitment service. We are looking at a way of recording on City People the type of document that was used to confirm 'right to work' for each employee going forward. In the future we will need to keep EU settlement status confirmations as well.
16. Given the scheme will not be open for general applicants until the end of March 2019 we propose a communication in December with a plan and actions for the first quarter of 2019.
17. We propose to give additional support to staff who may need help with online applications or where there might be language barriers.
18. We propose that we pay the settlement status application fee of £65 for employees (and consider whether this should be extended to their immediate families).

19. There is no guidance on what the requirements for EU Citizens will be post 31st December 2020 so long-term planning would need to be considered once we know more. This is expected to be known by the end of January 2019.
20. Other staff engagement initiatives will be considered such as the potential creation of a new staff network group for EU Citizens where speakers can attend to talk on relevant subjects and staff can support each other.
21. We will signpost EU Citizens requiring specific advice around their status to the City Corporation's Barbican and Shoe Lane Libraries who have recently been approved as a VISA processing office (walk in centre), providing help and support to EU Citizens in applications for settlement status.

Financial Implications

22. The cost for an individual EU settlement application is £65.00 16 plus and £32.50 for applicants under 16. Based on 163 known EU Citizens working for us that would be £10,595. If we paid for family members an average of 4 per unit equates to £42,380. Clearly this figure will increase if the number of EU Citizens identified increases.

Conclusion

23. The Government have announced an EU Settlement Scheme for all EU Citizens who are living in the UK up until 31st December 2020 which is expected to open at the end of March 2019. There is a need to identify all EU Citizens within the organisation and engage with them to ensure they are aware of the Scheme and how it affects them and that they are supported in their applications to enable them to remain within the UK after 2020.

Chrissie Morgan
Director of HR

T: 020 7332 1415
E: Chrissie.morgan@cityoflondon.gov.uk