

Settled vs Pre-Settled Status

| | Pre-Settled | Settled |
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| What is it? | UK immigration status called Limited Leave to Remain | UK immigration status called Indefinite Leave to Remain |
| Who is it for? | <p>EU, EEA, Swiss citizens and their family members who:</p> <ul style="list-style-type: none"> reside in the UK by 31 Dec 2020, or Brexit day if no deal, have no serious criminal record, and: <ul style="list-style-type: none"> have lived in the UK for less than five years. | <ul style="list-style-type: none"> have lived in the UK for at least five years, during which time they spent less than 6 months abroad in any 12-month period (unless for compulsory military service; a single absence of 6-12 months may be allowed for an "important reason"). This is called "continuous residence." |
| How long is it granted for? | <p>For five years, but you will lose it if you leave the UK for a period of 2 consecutive years.</p> <p>In addition, your period of "continuous residence" resets to 0 if you spend over 6 months abroad in any 12-month period. This means you will lose the ability to change your pre-settled status to settled. It can also be revoked for subsequent criminal offending.</p> | <p>Forever, but you will lose it if you leave the UK for a period of 5 consecutive years (4 years for Swiss citizens). It can also be revoked for subsequent criminal offending.</p> |
| When do I need to re-apply? | <p>You need to re-apply to change your pre-settled status to settled before your pre-settled status expires. You will be able to do this as soon as you accrue 5 years of "continuous residence".</p> | <p>Never! You do not need to re-apply.</p> |
| What are my employment and welfare rights? | <p>You will enjoy the same rights to live, work, and healthcare as you do now, but pre-settled status does not count as "right to reside" for the purposes of welfare benefits. You may be able to show your right to reside under EEA regulations by being a worker for example. However, it is unclear whether these regulations will apply following a no-deal.</p> <p>This may not matter now but if you need to access support because of ill health, unemployment or domestic violence you will need to demonstrate your right to reside.</p> | <p>You will enjoy the same rights to live, work, healthcare and welfare as UK citizens, as your settled status is evidence that you have a right to reside in the UK.</p> |
| Can I apply for UK Citizenship? | <p>No, you need to be settled in the UK before you can apply.</p> | <p>Yes! But remember you can only apply after holding settled status for a year – unless you are married to a British citizen.</p> |

Note: simplified overview of main differences. If you have concerns about your eligibility, in particular whether a criminal record will interfere with your application, you should seek advice.

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Were you granted pre-settled status despite having lived in the UK for over 5 years?

Please email us at

research@the3million.org.uk

We're starting a new research project investigating cases like yours!