

FAQs

Permanent Residency (PR)

1. What will PR status entitle me to post Brexit?

This has not yet been determined although, as noted within the presentation, there seems to have been some initial consideration given by UK Visas and Immigration to the likely illegality of obliging anyone who has demonstrated PR status to leave.

Our view is that making this application may well be good evidence of the right to live and work in the UK at a future date after Brexit takes effect. It is important to demonstrate that right in several different areas of life within the UK; aside from the right to work, matters such as benefit and NHS entitlements, the right to rent property, access to bank accounts and driving licences can all require the applicant to show they have the right to live in the UK.

2. I have lived in the UK for over five years; do I need to get a Permanent Resident (PR) Card?

No, this is not a requirement of remaining in the UK. Our view, however, is that making this application may well be good evidence of the right to live and work in the UK at a future date after Brexit takes effect for the reasons above. Whilst the terms on which EEA citizens may stay in the UK after this are to be negotiated, we feel this may well help in, for example, showing a future employer the right to work.

3. I have worked in the UK for 20 years and am due to retire soon and will receive my pension. How will my right to remain in the UK be affected?

There may be several ways to make this application for permanent residence.

Applying on the basis of five consecutive years of employment would be possible. If you have not subsequently lived outside the UK for two years, that may be the most straightforward application.

If you started work in the UK and retired here then you may have a “derivative right of residence” based on having initially qualified to stay in the UK for more than three years, but to have subsequently retired

It may also be possible to apply for your permanent residency based on being “self-sufficient” as you are in receipt of a pension.

4. Is it better if my wife/partner and I apply separately for our PR cards?

This doesn't make much difference. If you apply jointly you will only need to provide one set of documents. If you subsequently split up this would not affect either of you in terms of your PR status. This is only lost if you leave the UK for more than two years.

5. Should we apply for PR now or should we wait given the current uncertainty surrounding the long term view on those that hold PR?

That is an individual decision to make and, since Brexit is likely to take at least 2 years to negotiate, it may be worth waiting to obtain permanent residence. It is possible, for example, that there may be more clarity about the rights one can anticipate in future or further streamlining of the process during this period.

6. Would the permanent residence protection regarding 2 years' absence apply to those who have not applied for a card?

This is yet to be decided but, since there is no obligation to apply for confirmation of the right to permanent residence, it would appear logical that the protection should apply. What evidence an immigration official might wish to see of having previously exercised qualifying person rights for five years is not defined; this is another reason that holding evidence of such status in the form of a residence card is suggested.

7. Could the government "backdate" the final date at which people will be able to apply for permanent residency?

Yes, they could choose any date. The most likely ones seem to be the date of the referendum decision (24 June 2016), the date article 50 is triggered or the date on which the UK actually leaves the EU.

8. If I don't have permanent residence will I need a working visa post Brexit?

This is a critical question to those considering such applications but, at the moment, not determined. We know the Government has called for a "generous settlement" in respect of those currently in the UK exercising qualifying rights.

9. What are working visas and how will I qualify for one?

The UK currently has an immigration system whereby employers may sponsor workers from overseas to undertake skilled roles in the UK. The University of Manchester holds such permission to sponsor employees. In many circumstances, it is necessary to show that there are no suitable resident workers available to take the role before this can be offered to someone who needs permission to work in the UK. If sponsoring an employee in the UK, permission to stay can be granted for up to five years after which it may be possible to apply for the right to stay permanently.

It is relatively unlikely that employees from EEA countries currently working in the UK would be obliged to apply for permission to work in this way on Brexit, with some form of transitional arrangement likely regarding existing employees. The precise nature of this will become clearer during the negotiations.

10. Can I lose Permanent Resident status once I have qualified?

Currently if you spend more than 2 years outside of the UK or commit a serious crime, such as an act of terrorism then residency may be revoked. We think it is very unlikely the government would revoke permanent residence as a consequence of the Brexit negotiations.

The requirement in the Immigration Rules for citizens of countries outside the EEA coming back as returning residents also obliges them to “seek admission for the purpose of settlement” when coming back to the UK. This is not tested in practice at the moment because immigration officials don’t ask how long a person has been out of the UK and would not be able to work it out from the passport. A person in that situation who, in future, tells an immigration officer on arrival that they are staying for a short time just to renew their residence rights may therefore not qualify. It is too early to predict whether that’s also going to be the case for EEA citizens on Brexit, but it is something they should consider.

11. If my PR card expires on a specific date, does this mean that my PR status is only valid until that date?

No, permanent residence is acquired automatically after five years’ residence as a qualifying person in the UK. Since there is no obligation to obtain the card, one does not cease to be a permanent resident when it expires.

It is advised to obtain such a card for evidential reasons so that, on Brexit, you will be able to demonstrate the right to live and work in the UK. Whilst the requirements are not yet known, we would suggest the right to work legislation may well require EEA citizens to demonstrate permanent residence with current and valid PR cards.

Permanent Residency Application Process

12. Do I have to use the very long EEA(PR) on-line application form?

From **1 February 2017** it is necessary to use the currently valid forms. It is important to note that UK Visas and Immigration will be the party determining whether the information is sufficient. We would suggest that the forms they recommend should usually be used, although there may be circumstances in which that is not appropriate.

The on-line [EEA\(PR\) form](#) is the only available option if you want to use the Passport Return Service. The University understands that the on-line process which results in a dynamic application form being generated is easier to use than its paper counterpart.

13. What is the cost of a PR application?

It costs £65.00 to apply for PR.

14. How long does the application process take?

Currently around 6 months, although this may increase significantly. Prior to the Brexit vote, applications were taking less time, however as demand has increased significantly, staff should be prepared that the process could take even longer than 6 months. The University understands that approximately 80,000 new applications within these immigration categories were made in the three months leading to the Brexit vote.

If your passport or travel document is likely to expire within a year, it’s advisable that this is renewed before submitting a postal application.

Should you apply by post and are obliged to submit a document to confirm your nationality, we would suggest you prepare yourself for the possibility that this may not be returned to you in good time. Sending either a national identity card or a duplicate passport (i.e. an original second passport issued to you by your Government) may assist with this.

15. On what basis are 30% of applications for PR status rejected?

We do not know the precise reasons but think a common problem is that the documents provided with the application are not in the format required by UKVI. For example payslips or P60's alone will not be sufficient, nor copies of online bank statements. Sometimes this is due to problems with the method of payment e.g. credit card payment being rejected.

In addition students and "self-sufficient" applicants need to be able to demonstrate comprehensive sickness insurance, which is not always straightforward.

16. If I am unsuccessful in my application for PR, will this impact on any future applications?

No (unless you are found to have lied on the form). You can resubmit an application immediately. If you are rejected you will get a letter explaining the reasons why, but these tend to be long (around 12 pages) and very technical and specific, which can be difficult to interpret if you are not familiar with the legislation.

17. I didn't register my employment under the Worker Registration Scheme, which I was meant to do – will this impact my EEA PR application?

We think this is very unlikely to present a difficulty although UK Visas and Immigration does state that work without registration under the WRS, when that was necessary, may not count towards the qualifying period.

The Worker Registration Scheme ended more than five years' ago and, whilst those living and working in the UK were subject to its requirements at that time, it seems very unlikely to have an impact on whether you can be considered a qualified person or permanent resident now.

18. What name would be used on my PR card e.g. my married or maiden name?

This will be the name that is on your passport or national identity card.

Five Years Qualifying Period for PR

19. How should I approach residence if I've been here for more than five years as a qualified person?

You will be considered free of immigration restrictions on the earliest date on which you demonstrated five years' residence in the UK exercising one of the qualifying rights. A person employed at the university since 1 January 2006, for example, would probably be able to

demonstrate this by 1 January 2011, so can be considered by UKVI to have been free of conditions since that date, even if the card itself has not been issued until 2016 .

20. For the PR card application I have to show evidence of my residency in the UK for five years, does this have to be the last five years?

No, you can choose any five year consecutive period. You will only need to include evidence about the relevant five years of qualification on which you wish to rely. The most straightforward from a documentary perspective is to choose a period in which you were an employee. You should evidence each of those five years as a qualifying person in the UK and as resident in respect of the relevant period. This would mean, for example, P60 forms, payslips and bank statements which cover the period starting on 1 January 2006.

21. Why would I want to demonstrate an earlier date of residency?

The importance of showing a date of permanent residence earlier than the current one is that applicants for British citizenship must be free of any immigration restriction for one year at the date of the application. A person in the above situation, seeking to make a British nationality application as early as possible, would therefore be advised to establish permanent residence from no later than 2015.

22. How do I indicate which five years I wish them to consider?

You can either mark it on the form or enclose a covering letter.

23. I have been in the UK for over five years, but I am applying for PR based on the last five years. Will UKVI be interested in the whole time I have been in the UK, or just the last 5 years?

Just the last five years, however you will need to list all of the times you have left the UK whilst living here, for the full period you have lived here, even if this is over 5 years ago.

Absences during the qualifying period for PR

24. The PR application requires information of my absences from the UK in the five year period, how much detail is required?

If you are finding it difficult to produce a complete history of all your short term absences, you should make your best effort to estimate these for the application. If you travel to a Schengen country on an EEA passport there will be no evidence of your travel between these countries and it may prove genuinely impossible to find this information. However, you should include a note or as part of a covering letter a statement saying something like:

“Information in respect of my travel since I first arrived in the United Kingdom is accurate to the best of my knowledge. I have not previously been keeping records of this, however, since I have had no need to do so and it has not been possible to fully re-construct this from my immigration stamps. Any errors or omissions are for this reason only and are inadvertent”

25. Absence of less than six months in an application year is permitted for these applications but is there any discretion to allow longer than this?

UK Visas and Immigration advise that, in the course of five years' qualification, they also have discretion to allow for one absence of between six and twelve months if it was for an "important reason". Study, vocational training or overseas posting are stated as being examples of such important reasons, although their guidance does not comment on this further.

It would appear that activity such as a sabbatical or overseas work might potentially qualify within this category

26. I was away from the UK on sabbatical leave for seven months so will my PR application be rejected?

You are allowed to be out of the UK for a maximum of 180 days in any of the five years you are using for your application.

If you have been absent for between 180 days and one year for a "good" reason during one of the five years in question, you may still be able to make a successful application. Absences related to your work such as sabbatical leave and research projects are normally accepted as "good" reasons.

27. If I have been on sabbatical out of the UK for over 2 years, how do I demonstrate this was absence from the UK for a "good reason"?

No more than one year out of the UK on one occasion is possible within the five year period. You would not qualify for permanent residence if you have been continuously outside the UK for longer than this.

28. There are questions on the PR application form about comprehensive sickness insurance, are these applicable to me?

Only if you were either a student or self-sufficient at any point in the five year qualifying period.

29. I was a student for part of the last five years and did not hold a European Health Insurance Card, which is a requirement of the PR application. Is there any way to rectify this?

It definitely is necessary for an EEA citizen to hold comprehensive sickness insurance in this situation. The University understands that an EHIC card issued within the United Kingdom is deemed not suitable for this purpose; the card must have been issued overseas.

One effective way to do so, if an EHIC was not held, is to seek confirmation from the home country [via forms S1, S2 or S3](#) that this entitlement was in fact held at the relevant time. That may not be practical for some applicants who may have difficulty in showing the requirements as having been met (we heard in the course of these events, for example, that the government of Romania is reluctant to issue such documents) we would suggest the best evidence of suitable coverage would be the information to submit in such a case.

30. If I hold private insurance to comply with the comprehensive medical insurance requirement, does the provider have to be a UK company?

No, any policy which confirms the level of comprehensive cover required in the UK is sufficient.

The UK Visas and Immigration guidance does specify that travel insurance or cash-back health schemes are not appropriate for this purpose and we would suggest a scheme which offers limited access to private healthcare would not be suitable either.

Receipt of state benefits

31. I have received a council tax reduction, is this considered as a state benefit?

Yes, you will find it listed in Section 16 Public Funds of the PR form so you will need to provide details of the amount.

32. What is the impact of receipt of benefits on an application?

Receipt of benefits should not in itself invalidate an application for confirmation of the right to stay. Citizens of EEA countries do have access to a range of benefits which are also available to British residents and the fact that these are being claimed does not interfere with the fact that one of the four qualifying rights is being exercised too.

It is only if there is inconsistency between the benefit being claimed and the qualifying right being exercised that we would suggest this may cause difficulty. Should an applicant claim to be self-sufficient, for example, receipt of some benefits during the relevant period may contradict this.

Employment history

33. While I was studying for my PhD, I was also working. Will I be considered as a student or a worker when I make my PR application?

The advantage to be considered a worker rather than a student is you don't need to provide evidence of you comprehensive sickness insurance. The work itself needs to be "genuine and effective" for qualifying status as a worker to be established. The interpretation of that phrase is not consistent by the Court of Justice of the European Union, but there is no specific minimum hourly requirement defined in the directive if the work is genuinely undertaken. The University understands that UK Visas and Immigration generally do accept that work is genuine and effective if the payment is such that national insurance contributions are due (currently £155 per week); if less than that, it will be necessary to explain to UKVI that the relevant income in fact does meet the requirements.

We would suggest further advice is sought if your work has been part-time and you are not able to show coverage through comprehensive sickness insurance during this period.

34. What evidence should I provide from my time as a student?

Any of the documents listed below, as well as letters from the University and evidence of your comprehensive sickness insurance.

35. What evidence should I provide for my PR application if I have been self-employed in the five year period?

This is extensive and listed in Annex B of [EEA \(PR\): guidance notes](#) (from page 15 to 18) from UK Visas and Immigration. You should send:

- a self-assessment tax return, statement of account, tax calculation, P60 or HM Revenue and Customs receipts;
- evidence of registration with HM Revenue and Customs;
- the documentation specified concerning National Insurance contributions;
- similar information in respect of VAT registration;
- two of the specified pieces of evidence to show earnings;
- evidence as outlined to show that the business is trading;
- documentation to establish the business is a partnership, limited company or franchise if applicable;
- evidence of your qualification, if needed, to undertake this work.

A significant amount of evidence may be needed to show your self-employment. We would suggest this may be an application which it would be helpful to obtain legal advice if the information is not readily available.

36. How do I demonstrate my employment history if a previous employer has gone insolvent?

You can request P60 from HMRC, or do your best with what you have e.g. bank statements showing salary payments, payslips, etc.

37. How should I address periods over the last five years in which I was in the UK but not actively job seeking?

This would need to be assessed in relation to each individual application and it may be appropriate to obtain advice and review of the application before it is submitted. It is not possible to qualify for permanent residence with gaps in the basis of qualifying during the five years' of residence necessary (although absences from the UK are permitted). Any periods in which the qualification is not clear should be explained within the application.

The evidential standard to establish residence in the UK as either a jobseeker or a self-sufficient person is a relatively high one and we would suggest applicants should not presume it would be considered the criteria to be obviously met from a small number of documents.

Document submission

38. How many documents do I need to submit for my PR application?

UK Visas and Immigration advises that documentation from at least five different sources should be obtained to show your residential address during the five year period and that it would be appropriate to include at least two documents for each year of residence being stated, so a minimum of ten documents should be submitted.

A letter from the University confirming your employment will not be sufficient on its own. Original documents are needed, so those are printed off the internet such as bank statements, will need to be certified by the provider.

39. What sort of documents can be submitted as proof of residence with a PR application?

Documents must be originals, or if an online document (e.g. payslip) it must be signed/stamped by the issuer. Examples include:

- Correspondence from employers e.g. job offer
- Bank statements
- Pension statements
- Utility bills
- Mortgage statements or tenancy agreements
- Correspondence from council
- Correspondence from Trade Union
- Correspondence from Academic Associations
- Insurance documents
- Credit card and bank statements
- Letters from children's schools
- Correspondence from GP or hospital
- If necessary you could use junk mail

The full document need not be supplied, just the first page which includes the address. Should you wish you can black out information such as bank transactions or balances, or other confidential information.

40. Producing this amount of documentation looks difficult; could you give me a more specific example?

It can be challenging to find the documentation, but should be possible in most circumstances. As an example, if seeking to show you have lived in the UK between 1st January 2010 and 31st December 2015, documentation which would help to show this could include:

- One monthly bank statement addressed to you in each of the years 2010 to 2015 inclusive;
- One payslip containing your home address for each of those years;
- Five domestic bills (such as gas, electricity, telephone or council tax) sent to you in each of the years;
- A document concerning occupation of your home (tenancy agreement, mortgage statement) or regarding finances (such as pensions or insurance) for each year;
- Other correspondence from "official" sources (the NHS, schools, library, professional body, trade union, for example) for each year.

41. If I rely on payslips or bank statements, do they have to be originals?

Yes, you should submit only original documentation in respect of these applications. There are very limited circumstances in which anything other than this can be accepted. You should note in particular that bank statements and bills received on-line need to be certified as genuine documents by the organisation issuing them. In respect of bank statements, it may prove more straightforward to obtain original copies of this. With reference to payslips and P60 documents, these can be certified as accurate by the HR team.

42. What if my bank statements are addressed to work, outside the UK or elsewhere?

The permanent residence application requires you to demonstrate that you have lived in the UK for a five year period so this seems counter-productive. Whilst the transactions themselves may

demonstrate payments taking place in the UK, but it doesn't demonstrate that you have been physically residing at a UK address.

We would suggest the reason for the different address should be explained in a covering letter to the application and that you are able to submit alternative documentation to show your residence in the UK.

43. Will your documents be returned after your application has been considered?

Yes they will be returned.

Issues with names

44. I have multiple names that are not all stated on my bank account – how can I deal with this when I need to provide evidence?

We would suggest you should make it clear within the application what the differences in names are and that they do relate to you. It should usually be apparent from the evidence that the relevant documents relate to the same person but, if not, you should consider whether any additional evidence of using multiple names is necessary.

45. I have documentation, but my name has often been misspelled, will this be a problem?

If there are small typos or minor errors such as a missing umlaut or letter, but where it is obvious that this is the same name, this shouldn't be a problem.

Passport Return Service

46. I don't want to send off my passport and be without it for months, is there an alternative?

You can use the European Passport Return Service (fee of £10.00) where your documents will be checked, copied and certified so you can keep the originals. This is available at Manchester Register Office, Heron House, Lloyd Street (opposite the Town Hall) but is by appointment only. The telephone no. is 0161 234 5005. If you have difficulty getting through to them, you can e-mail them at registeroffice@manchester.gov.uk, giving a contact telephone number for them to phone you back as soon as possible.

The service is currently requires the on-line application form to be used and is available only for EEA citizens. The appointment must be made within five days of applying on-line. The University understands that a small charge only will be applied to using this service. It is anticipated this will prove very popular.

47. Can the Passport Return Service be used for National ID cards as well as passports?

Yes.

48. Can I use the Passport Return Service for a dependant that is not from the EU?

Not at present. The service is limited to those applying who use the EEA (QP) and EEA (PR) forms who are citizens of EEA countries. For dependants who are not, it will remain necessary to submit the original passport.

A pilot scheme testing is currently testing whether it will be possible to use this process for non-EEA dependants in future.

Premium Service for PR applications

49. What is the Premium Service?

If you require a decision quickly regarding your application, you may be eligible to apply through [a Premium Service Centre](#) for a fee of £500. The link provides more information and it is possible to check eligibility for the service. Physical attendance at a UK Visas and Immigration office is necessary for this service. Our understanding is that there has been a long delay in getting such appointments since the referendum outcome, but this may be eased by the passport return service.

Dependants

50. On which date does an EEA Family Member holder qualify for PR? Do they need 5 years with this status? What happens if they acquired it on a different date?

A family member needs to complete five years' residence in the UK in the same way a qualified person does. Should the date on which a family member acquires the right to stay be later than that on which the qualified person first established this (for example, if the couple married whilst in the UK), the earliest date on which an EEA FM application to request permanent residence may be made will be later than that of the qualified person.

51. How does this impact spouses who are not EEA citizens and have residence cards?

We don't know this at the moment; it's one of the things which will be negotiated as part of the UK's exit from the EU.

Without an alternative agreement, anyone who is in the UK as the dependant of a qualifying person would not be allowed to stay after the person ceases to be qualified (i.e. because the UK has left the EU). The likelihood of this happening is yet to be seen.

52. Could parents in law be included as a dependant visa?

Potentially if you can demonstrate a "durable relationship" and they will live with you in the UK.

Qualified Person (QP)

53. I have lived in the UK for less than five years; do I need to get a Qualified Person's (QP) Card?

No, this is not a requirement of remaining in the UK. Our view, however, is that making this application may well be good evidence of the right to live and work in the UK at a future date after Brexit takes effect for the reasons above. Whilst the terms on which EEA citizens may stay in the UK after this are to be negotiated, we feel this may well help in, for example, showing a future employer the right to work.

Once you have your five years residency you should similarly consider applying for your PR Card.

54. Is classification as a QP attached to your status at the time of your application? E.g. if I was granted QP status as a student, will this expire when I am no longer a student?

Yes, if you cease to be in the UK undertaking one of the four qualifying activities. QP status is a snapshot of your status at the time of application.

55. Can QP status be backdated to when I arrived in the UK?

This is possible, if you can supply documentation which demonstrates you would qualify as a QP from that time.

56. Does my QP status have an expiry date?

No, the status of being a qualified person is an ongoing one. Whilst the card itself has an expiry date, the status is acquired automatically rather than by application to UK Visas and Immigration. When making this application, you are seeking confirmation that the right is being exercised, not actual acquisition of the right.

This also means that, should you cease to be a qualified person in the UK, the right to remain in the UK in this capacity could cease also.

57. Which form do I use?

The [EEA \(QP\) form](#) is the only available option if you want to use the Passport Return Service (see later questions) and be able to retain your passport. The University understands that the on-line process results in a dynamic application form being generated which should therefore be easier to use than its paper counterpart.

58. What is the cost of a QP application?

It costs £65.00 to apply for QP.

Naturalisation and Citizenship

59. What are the benefits of naturalisation over PR?

It's a personal choice and you should consider carefully any implications for your original nationality. As a British Citizen you have the right to vote. A limited number of jobs relating to national security are only open to British Citizens.

60. Do I need to have my PR before I apply for naturalisation? The application says I "should" have it which suggests that this is not obligatory.

Yes, this has been a requirement since November 2015.

There are two potential exceptions to this. Those who held indefinite leave to remain in the UK before their home country joined the EEA (such as, for example, a Lithuanian citizen who acquired indefinite leave to remain in the UK in 2002) or who had permanent residence

endorsed in an EEA passport before the present rules came into effect in 2006 need not obtain a permanent residence card unless the right to remain permanently was subsequently lost by long-term residence outside the UK.

61. Should I apply for dual nationality?

The benefit of having dual citizenship is that British citizenship is only withdrawn in very unusual circumstances and, whatever the outcome of the negotiations, British citizens will certainly be allowed to remain in the UK! If you're able to obtain this and keep your citizenship of origin, that seems a good solution to maintaining the right to live in the UK and your home country.

Whether the benefits of holding British citizenship are justified will be a question for each individual applicant to consider.

Things which we would suggest should be borne in mind are:

- the rights of those with permanent residence in the UK, who have not acquired British citizenship, are likely to be protected but may be lost by residing outside the UK for two years or more;
- the UK allows multiple citizenship although most countries in the world do not, so acquiring this may possibly have an impact upon your existing citizenship;
- there may be other legal consequences upon your right to live and work elsewhere in the EEA if acquiring British citizenship and giving up an existing one;
- this is an expensive and relatively slow process.

You should note in particular that only a small fee refund is provided in the event that an application is refused. Whilst that is relatively uncommon, we would suggest you ensure you meet all criteria before making such an application.

62. I am a citizen of Germany and am concerned about the prospect of losing this nationality if I become British; is this likely to happen?

Normally a German citizen loses this citizenship if applying for a new citizenship unless it is a citizenship from a country within the EU, the EEA or Switzerland. In exceptional cases the individual can obtain a special permit (*Beibehaltegenehmigung*) upfront, i.e. before receiving the new citizenship that allows him to keep the German citizenship.

[This information from the German Embassy in the UK](#) sets out their current policy in respect of dual nationality. This is permitted only if one acquires citizenship of another EEA country; otherwise, German citizenship may be lost unless advance permission is obtained. The query which has arisen is whether, when the UK leaves the EEA, there is any risk of German citizens losing their original nationality. Other countries within the EEA who have some form of restriction upon dual nationality include Austria, Estonia, Latvia, Lithuania, the Netherlands and Slovakia.

Eversheds in Germany advise they consider the risk of losing German citizenship if acquiring British citizenship prior to Brexit as being remote, and that the development of Brexit will not retroactively change this. For those who seek British citizenship after Brexit, however, there could be such an issue. It is understood that those who have emailed the German Embassy have received similar advice.

63. I have a child born in the UK – do they automatically get UK citizenship?

No, children do not automatically become British by virtue of birth in the UK. Whilst this might be relevant to the immigration status of their parents in some circumstances, it will generally still be appropriate to seek confirmation of the right to residence on the basis of being a qualified person, permanent resident or dependant.

Most children born in the UK are very likely to have the same immigration status as their parents. Those whose parents have lived in the UK for at least five years at the time of their birth may qualify for British citizenship automatically. The rules regarding this are slightly complex and depend on the date on which a child has been born in the UK:

- children born in the UK before 2nd October 2000 are automatically British if either of their parents was exercising a Qualified Person right at the time of their birth;
- those born after that date but before 29th April 2006 are automatically British if one of their parents obtained formal confirmation of the right to live permanently in the UK before they were born;
- if born later than this, it is necessary to show a parent has a right to permanent residence acquired before birth, not necessarily a document showing this.

There are detailed rules in place about children obtaining of British citizenship by application if born outside the UK or otherwise not matching a category above. It is unusual for a child to be registered as a British citizen if at least one of their parents is not currently British or applying at the same time, but there is discretion for caseworkers to allow this.

64. If my spouse holds a 5 year residence card based on my status as an EEA PR, does he still qualify for permanent residence if I become British within those five years?

The University understands this impacts a spouse's right to stay in the UK adversely. UK Visas and Immigration takes the position that, following a case called McCarthy v United Kingdom (C-434/09), British citizens who have dual nationality may not seek the benefit of rights deriving from EU law unless moving to a different member state.

In reply to a Freedom of Information Act request we have seen about the interpretation of this set of facts, it was suggested that a spouse with a current Residence Card who relies on their status through an EEA national would need to leave the UK on that person becoming British (even if dual nationality is allowed) and re-qualify for entry under the more restrictive terms of the UK's Immigration Rules. These require, amongst other things, a minimum income to have been earned within the UK in the past 12 months. It leaves applicants in the strange situation that their immigration status is jeopardised by their partner becoming a British citizen.

65. What is the cost of naturalisation?

This currently costs £1,236.

Republic of Ireland

66. I am a citizen of the Republic of Ireland; do I need to do anything?

This seems unlikely to be necessary, although there certainly is some opinion that the common travel area provisions highlighted by the governments concerned as having existed before either country joined the EU may no longer be an effective guarantee of the right to remain in the UK following Brexit.

We met several Irish citizens attending these sessions who advised they were going to make such applications whilst others preferred to wait until the negotiations have commenced. Neither approach is incorrect, although it should be noted that there seems no political will to re-impose immigration controls by either government.

67. I have a new Irish Passport Card and a ROI Passport. Can I send off my card with my PR application so I can hold on to my passport?

Yes, this is recognised by UKVI as a national identity card so would be an acceptable.

68. I lived close to the Northern Ireland/Republic of Ireland border and crossed frequently in my daily business, do I need to list each time on a PR application?

No, we would recommend including a more generic statement on the application form (such as that suggested within question 24).

Property Rights

69. I have only just moved to the UK, so only have Qualified Person status at the moment. I've just bought a house and I am concerned that if I have to leave the UK would I lose it?

In the unlikely event you had to leave this would not affect your house ownership. The UK has no residency restriction on the right to own property.

British Citizens working in the EEA

70. What if I am British and working in an EU country?

Each of the EEA countries has domestic immigration law which is applied to all non-citizens seeking to live and work there. Whilst citizens of other EEA countries, such as the UK, retain a right to do so at the moment without prior permission, that is likely to change in the event of Brexit. A form of work permit arrangement exists in each EEA country which is intended to protect access to the labour market for its own citizens and those of other EEA countries.

It is likely that some form of transitional arrangements will be in place for British citizens who have exercised these rights in an EEA country before Brexit. What the arrangements will be is one of the many items yet to be agreed in the course of Brexit negotiations.

A development which is likely to help British workers in EEA countries seeking the right to remain after the date of Brexit is the implementation of what is known as the "Blue Card Directive". These laws are intended to help highly educated individuals to work in the relevant countries if they possess suitable qualifications and a job offer with a relatively high salary and means there is no need to advertise such roles to local workers. In Germany, for example, this process applies to those who hold degrees and have a job offer with a salary above) EUR 49,600, in France the salary required is higher (EUR 54,000) whilst, in Italy and Spain, this is significantly

less (salaries of EUR 25,000 and EUR 26,000 respectively are necessary). Possession of such a Blue Card allows employees to live in this country and, ultimately, to settle there permanently.

71. Can I give up my British citizenship?

Yes. Conditions of this include that you already hold a different nationality (or are about to acquire one) are over 18 and “of sound mind”! Assuming neither requirement to be insurmountable, there is [an application form to complete](#) and a fee to pay. You will need to submit evidence of your new citizenship.

It is possible to apply to resume British citizenship, having previously renounced it, in some circumstances.

We would suggest that you ensure you can resolve any outstanding rights you or your family require to live in the UK before considering renunciation of British citizenship. As the holder of a different citizenship, you will be subject to immigration control once again and should be clear that you qualify for the right to remain if that is necessary.

Future decisions

72. When are we likely to know more about what our rights will be after Brexit?

The position regarding immigration is likely to become clearer once the UK gives notification that it intends to leave the European Union. That is unlikely to happen in 2016, but may well proceed during the following year.

Whilst there has been discussion about achieving a “generous settlement” for those EEA citizens already exercising qualifying rights in the UK, the Government’s current view is that it would not be appropriate to clarify this further until negotiations in respect of free movement have commenced. It is anticipated that the Government will seek reassurances about the rights of British citizens living elsewhere in the EEA as part of this negotiation.

Useful Links

[EEA \(Qualified Person\) application form and Guidance Notes](#)
[EEA \(Permanent Resident\) application form and Guidance Notes](#)
[Form EEA3](#)
[EEA \(Family Member\) application form and Guidance Notes](#)
[Online application forms](#)
[British Citizenship application forms](#)
[British Citizen Passport application process](#)
[EEA Passport Return Service](#)
[German Embassy statement on dual citizenship](#)