



The Rt Hon Amber Rudd MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London
SW1P 4DF

2nd December 2017

Settled Status/ILR for EU citizens

Dear Home Secretary,

We are a volunteer-led organisation which, since August 2016, has provided support and information to more than 17,000 EU/EEA citizens and their families seeking to obtain UK citizenship and PR certification. Our volunteers legal team is composed of eight members amongst them: certified immigration barrister, solicitors and advisers, all very experienced in EU law and UK immigration law.

The UKCEN legal team has analyzed the 'Settled Status/ILR' proposal <https://www.gov.uk/government/publications/safeguarding-the-position-of-eu-citizens-in-the-uk-and-uk-nationals-in-the-eu/the-united-kingdoms-exit-from-the-european-union-safeguarding-the-position-of-eu-citizens-living-in-the-uk-and-uk-nationals-living-in-the-eu> and the Joint Technical Notes <https://www.gov.uk/government/publications/joint-technical-note-on-the-comparison-of-eu-uk-positions-on-citizens-rights> .

The results of their analysis have identified eligibility issues for certain categories of EU/EEA citizens and for non-EEA family members who are particularly vulnerable as they might not have resources or support network to 'return' to in the country whose nationality they currently hold.

The following categories of EU citizens, unless a special provision is made, will be unable to obtain 'settled status/ILR' because they will be unable to provide the evidence required under current agreement with the EU: 'EU citizens resident in accordance with Article 6(1), 7(1)(a) – (c) or (3), 12(3), 14, 16(1) and/or 17 of Directive 2004/38', as stated in the Joint Technical Notes (28/09/2017).

- Carers, whose sole activity in the UK was and is caring for a family member and who are in receipt of 'carer's allowance and/or other public funds
- People who exercised treaty rights for less than 5 years before retiring or becoming incapacitated
- Single parents who have never been economically active or have been for less than 5 years and are in receipt of public funds
- Spouses of British nationals who rely on public funds to support their families, whose EEA spouses would not fall under the self-sufficient category
- Disabled people who were never able to work or be self-employed and are in receipt of public funds
- Victims of domestic violence who are dependent on their spouse

