

EXTREMELY IMPORTANT for EU citizens with children born in the UK

Permanent Residence v Settled Status

One important difference between the current system of EEA Permanent Residence certification and the new Settled Status relates to children born in the UK to an EU citizen parent.

The current system of EEA Permanent Residence allows an applicant to be issued with a Permanent Residence certificate based on a PR status acquired date as far back as 30 April 2006. This then means that any child born in the UK to an EU citizen could automatically apply for a British passport – if born AFTER the “acquired date”.

The new Settled Status (as it stands now) will not allow applicants to have an earlier acquired date, as this is only to become effective in March 2019 (earlier for the pilot group). This means it is unlikely that an applicant could have an earlier acquired date for a status that did not previously exist.

While it may be possible to apply directly for a British passport on the basis that one parent has exercised EU Treaty Rights for 5 years before the child was born, this can often be problematic. Therefore, applying for PR certification for the parent(s) is often better.

Example

Tom is born in the UK on 1 July 2008 to French citizen parents. Tom’s mother, Louise, has worked in the UK from 2000 to 2008 and applies successfully for Permanent Residence in 2018. She is issued Permanent Residence with an acquired date of 30 April 2006. Tom is now deemed to be a British citizen from birth and easily applies for a UK passport.

However, the situation is potentially very different if Louise declines to apply for Permanent Residence and instead waits until 2019 to apply for Settled Status. She is granted Settled Status on 1 May 2019 and there is no prior “acquired date”. Tom now might have to apply for registration as a British citizen before he can apply for a passport. **The registration fee is currently £1,012 – (2018 fees).**

If one of the parents is British, then the above doesn't apply. It then depends on who is British (mother or father), whether they were married at the time of child's birth or subsequently.

If you want your circumstances to be assessed by our team of lawyers – please join our group <https://www.facebook.com/groups/UKCEN/> and ask your questions on our forum.