



# Myerson Preparing for Brexit

Guidance notes for employers  
on settled status

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# Welcome

We understand the complexities of modern life and the importance of taking care of your business interests. So it's a deep source of satisfaction that so many businesses choose Myerson as their trusted adviser.

## Why Myerson?

We are proud to be ranked as 'Top Tier' in the prestigious international directory **The Legal 500**, and commended by The Times 'Best Law Firms 2019'. Therefore, you can rest assured you will receive a high quality and truly personal service.

With change comes opportunity. Remaining informed of the impact of Brexit and how it affects the economy may give rise to opportunities - we can advise you and your business on how you may take advantage of such opportunities to your commercial and personal benefit.

## How we work.

Every client is different, and we are here to support you every step of the way.

**Personal, partner-led service.** Our most experienced solicitors get to know you and your business inside out. We strive to become your trusted advisers, providing added value and most of all, a genuinely personal service.

**The highest level of expertise.** Combining commerciality, practicality and legal expertise enables us to deliver every time. Our solicitors have a wealth of knowledge gained from advising clients of all shapes and sizes.

**A team you can trust.** You're in safe hands. We have a team of specialist lawyers from across our employment, litigation, corporate & commercial departments who have in-depth knowledge of the economic changes following the impact of Brexit. Our departments work together to ensure that the best outcome for our clients - our expert team knows its stuff!



# Guidance notes for Employers on Settled Status

This guidance note is aimed at employers to enable them to understand the EU Settlement Scheme (the Scheme) and to assist with communication with their EU, EEA or Swiss employees about the Scheme.

## What is the purpose of the Scheme?

The UK left the EU on 31 January 2020. There is a transition period until 31 December 2020 allowing EU citizens to enter and remain in the UK under the principle of free movement until that time.

However, EU, EEA and Swiss individuals, and their families, who are currently living and working in the UK and who wish to remain, will need to ensure that they have permission to continue living and working in the UK after 31 December 2020.

There is no obligation to apply but, provided EU citizens reside in the UK by 31 December 2020, they and their family members could be eligible to obtain settled status under the Scheme, granting them leave to maintain their residence and employment in the UK.

Individuals do not need to apply to the Scheme if they are a British or Irish citizen or if they have already been given indefinite leave to remain in/or enter the UK.

A new immigration system will apply from 1 January 2021.

EU citizens entering the UK after 31 December 2020 will no longer enjoy freedom of movement rights and they will also have missed the cut-off point for the Scheme so, instead, they will need to meet the criteria of the new immigration rules in place at that time.



# What should employers be doing right now?

- Employers are under no legal obligation to consult with employees about the Scheme. However, employers that rely on EU workers will want to engage with them to try and prevent unexpected gaps in the workforce after 31 December 2020.
- Employers should raise awareness of the Scheme amongst their EU employees or new starters. The deadline for applications is 30 June 2021. Further, EU citizens will need to be residing in the UK by no later than 31 December 2020 in order to be eligible for the Scheme.
- An employer has a duty not to discriminate against EU citizens on the basis of their race or ethnicity. However, employers can make offers of employment and contracts of employment subject to a new employee holding the necessary permissions to live and work in the UK.

## How should an employee apply?

A short online application needs to be completed. The application requires:

- Personal details;
- Proof that the individual lives in the UK; and
- A declaration of any criminal convictions.

An individual will usually be granted settled status if the individual has lived in the UK for a continuous five-year period (known as 'continuous residence'). Once granted, the individual will be able to continue living and working in the UK after 30 June 2021.

If an individual does not have five years' continuous residence but has lived in the UK since 31 December 2020 when they apply, they will usually be granted pre-settled status. An individual can then stay in the UK for a further five years before re-applying for permanent leave to remain.

Successful applications will result in a grant of settled status or pre-settled status, depending on how long an individual has lived in the UK. They will receive digital confirmation of their immigration status through the government's online service.

A letter will also be emailed to the individual confirming their settled or pre-settled status. However, the letter itself does not prove status and employers should request sight of the digital confirmation receipt.

The link to apply for settled status can be found by [clicking here](#).

## Available support.

Support is available for those who require further assistance with an application to the EU settlement scheme:

- Call the EU Settlement Resolution Centre if there are questions about an application on 0300 123 7379 or send a message using the online form: <https://www.gov.uk/contact>
- Read translated guidance on the EU Settlement Scheme: <https://www.gov.uk/guidance>



# You're in safe hands!

If you would like further information about how we can help you, or if you have any questions, please don't hesitate to contact a member of our Employment Team today.

**Call: 0161 941 4000**

**Click: [myerson.co.uk](http://myerson.co.uk)**

**Email: [lawyers@myerson.co.uk](mailto:lawyers@myerson.co.uk)**



 SCAN ME

Because  
life is rarely  
**black** and  
**white.**



myerson



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