

## **EU Settlement Scheme Immigration Amendment**

Until now, European Economic Area (EEA) and non-EEA family members of British citizens in the UK Armed Forces serving in the Sovereign Base Areas (SBA) of Akrotiri and Dhekelia in Cyprus were unable to enter or return to the UK by applying for an EU Settlement Scheme (EUSS) family permit, or to the EUSS. This is because the SBAs, as British Overseas Territories, are not part of the EEA meaning free movement rights could not be exercised.

The Home Office has now amended the immigration rules. For the purposes of qualifying British citizens serving in UK Armed Forces assigned back to the UK from Cyprus, the SBAs will be treated as part of the EEA.

This means that where an EEA or non-EEA family member is accompanying a qualifying British citizen in the Armed Forces who was posted in the SBAs before the end of the EU transition period (23:00 GMT on 31 December 2020), and providing they meet all other requirements as a 'family member of a qualifying British citizen' (FMQBC), they will now be able to use this temporary FMQBC route to apply to the EUSS.

### **Who is eligible?**

The family relationship (see below) must have existed before 1 February 2020 (unless the child was born or adopted after this date) and must continue to exist when the family member applies to come to the UK.

Any applications made under this amendment must include 'reasonable grounds' for not returning to the UK by 29 March 2022 – the deadline for the FMQBC route (or by 31 December 2020 where the marriage was formed after 31 December 2020 and the couple were not durable partners by then). Where the SBA posting began by 23:00 GMT on 31 December 2020 and ran until Autumn 2022, then this will generally constitute reasonable grounds if the individual has already returned to the UK or will return reasonably soon thereafter. Further guidance on reasonable grounds is set out in the section 'Reasonable grounds for failing to meet the deadline for returning to the UK' in [EU Settlement Scheme family member of a qualifying British citizen.docx](#) ([publishing.service.gov.uk](https://publishing.service.gov.uk))

Updated Home Office guidance for FMQBCs and related guidance for those applying for [EUSS family permits](#) has been published to include this amendment.

The eligible family members are:

- **Spouses/civil partners** (including where the marriage/civil partnership took place after 31 January 2020 if they can demonstrate they were in a durable partnership by that date)
- **Durable partners** (unmarried partners who have lived together in a relationship akin to a marriage or civil partnership for at least two years or where there is other significant evidence of the durable relationship)

- **Children under the age of 21** (including grandchildren or great-grandchildren) of a qualifying British citizen, or of their spouse or civil partner, including those born or adopted after 31 January 2020.
- **Children over the age of 21** can also qualify if they can demonstrate dependency
- **Dependent parents** (including grandparents or great-grandparents) of a qualifying British citizen or of their spouse or civil partner

EEA and non-EEA citizens may be eligible to apply to the EUSS in their own right, rather than as an FMQBC, where they were resident in the UK by 23:00 GMT on 31 December 2020 and any period of absence from the UK was spent accompanying an EEA citizen or a qualifying British citizen on a posting as their spouse, civil partner, durable partner or child.

For further information on the requirements for applying as an FMQBC, see the enclosed Q&A or the published guidance at:

[EU Settlement Scheme family member of a qualifying British citizen.pdf](#)

## Cost

Applications to the EUSS, including family permits, are free of charge.

## What if I am already in the UK?

Under this immigration amendment, family members who have already entered/returned to the UK can now apply directly to the EUSS using the relevant paper application form. More information about the process is available in the Q&A and at: [www.gov.uk/eusettlementscheme](http://www.gov.uk/eusettlementscheme). Alternatively, you can contact the UKVI Settlement Resolution centre:

- **If you're inside the UK**  
Telephone: 0300 123 7379  
Monday to Friday (excluding bank holidays), 8am to 8pm  
Saturday and Sunday, 9:30am to 4:30pm
- **If you're outside the UK**  
Telephone: +44 (0)203 080 0010  
Monday to Friday (excluding bank holidays), 8am to 8pm  
Saturday and Sunday, 9:30am to 4:30pm
- Further details on contacting us can be found on our website:  
[www.gov.uk/contact-ukvi-inside-outside-uk](http://www.gov.uk/contact-ukvi-inside-outside-uk)

You can find out about the call charges at [www.gov.uk/call-charges](http://www.gov.uk/call-charges)

If the application is successful, you will normally be granted pre-settled status which is five years' limited leave to remain, with the scope to apply again for 'settled status' (indefinite leave to remain) as soon as you are eligible for it, generally after 5 years' continuous residence in the UK. Please note that should an applicant be unsuccessful (including after an admin review or appeal on the decision to refuse) they will need to apply through another visa route available to them e.g. Appendix Armed Forces, and meet the eligibility requirements of that route.

## **What if I am still living in the SBA?**

Where family members have not yet entered/returned to the UK, they must first apply for an EUSS family permit to enter (under Appendix EU Family Permit). Once in the UK they will then need to apply to the EUSS using the relevant paper application form (details can be found in the '*What if I am already in the UK*' section of the Q&A). If the application is successful, they will normally be granted pre-settled status which is five years' limited leave to remain, with the scope to apply again for settled status (indefinite leave to remain) as soon as they are eligible for it, generally after 5 years' continuous residence in the UK.

More information is available at: [www.gov.uk/family-permit/apply-living-outside-uk-with-british-citizen](https://www.gov.uk/family-permit/apply-living-outside-uk-with-british-citizen)

## **What if I have already applied for an EUSS family permit and it was refused?**

If you have already applied for an EUSS family permit, and this was refused before the amendment was published, you can request that the Home Office reconsiders the application. To do so, you will need to obtain and sign a consent form to give the Home Office permission to reconsider your application in light of the amendment. Please contact [Alistair.Boon100@mod.gov.uk](mailto:Alistair.Boon100@mod.gov.uk) (tel: 0300 153 0539) for more details and to obtain this consent form.

Once your application has been reconsidered the Home Office will inform you of the outcome in writing. Applications for EUSS Family Permits and to the EUSS itself are decided as soon as possible but waiting times can vary depending on the volume of applications received and the complexity of the case being considered.

You also have the option to complete and submit a new EUSS family permit application, rather than having your previous application re-considered.

## **What if the posting to the SBA is until 2023?**

It is important to recognise that, regardless of when the posting to the SBA finishes, if the posting began after 23.00 GMT on 31 December 2020, then personnel will not be classed as qualifying British citizens, meaning EEA and non-EEA family members will need to apply to enter/return to the UK under the Appendix AF route:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces>

Please contact [Alistair.Boon100@mod.gov.uk](mailto:Alistair.Boon100@mod.gov.uk) (tel: 0300 153 0539) if you have any queries.

## **Refunds**

Family members of Armed Forces personnel serving in the SBAs who are granted pre-settled or settled status under the EUSS, either as an FMQBC, or in their own

right, will be eligible for a refund where they have already paid for another UK immigration application, such as under the Appendix AF route. In such circumstances, they will receive one refund for their most recent application only. This refund will be processed once they have been granted settled status (indefinite leave to enter/remain) or pre-settled status (limited leave to enter/remain for 5 years) under the EUSS.

Please note that it is not intended that the FMQBC route under the EUSS shall remain open indefinitely. Therefore, if you wish to apply to the EUSS, it is recommended that you make an application as soon as possible.

More detailed information is included in the Q&A brief at Annex A.