

Q&A: EU Settlement Scheme: Family members of HM Forces personnel returning to the UK from the Sovereign Base Areas in Cyprus

The following information:

- Sets out how family members of HM Forces personnel returning to the UK from the Sovereign Base Areas (SBAs) in Cyprus can apply to the EU Settlement Scheme (EUSS). This includes where they are already in the UK or are yet to return
- Explains the circumstances in which EEA citizen family members can apply to the EUSS in their own right, and not as a family member
- Includes information on the process for refunding any fees paid for other UK immigration applications

Key points:

- Family members of HM Forces personnel serving in the SBAs in Akrotiri and Dhekelia on Cyprus were previously unable to return to the UK by applying for an EUSS family permit or to the EUSS. This is because the SBAs are not part of the European Economic Area (EEA) and therefore free movement rights were technically not exercised. However, as a matter of domestic policy, we announced a concession that enables these family members to apply to the EUSS on 10 August 2022. This was later included in rules changes to Appendix EU and Appendix EU Family Permit that came into force on 9 November 2022.
- This means, under Appendix EU and Appendix EU Family Permit, the SBAs will be treated as part of the EEA where an accompanying family member of HM Forces personnel, who was posted there before the end of the transition period (23:00 GMT on 31 December 2020), also meets the other requirements as a 'family member of a qualifying British citizen' (FMQBC). Where they do so, they will be able to use the FMQBC route to apply to the EUSS.
- The family relationship must have existed by the date the UK left the EU on 31 January 2020 (unless the child was born or adopted after this date) and must continue to exist when the family member seeks to come to the UK.
- Family members who have already returned to the UK must apply under the EUSS using the relevant paper application form. Where they have not yet returned to the UK, family members must apply for an EUSS family permit to join their family member in the UK, and then apply to the EUSS once here.
- The application must include 'reasonable grounds' for not returning to the UK by 29 March 2022 – the deadline applicable 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). Non-exhaustive guidance on

reasonable grounds in 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 \(publishing.service.gov.uk\)](#).

- FMQBCs and related guidance for those applying for [EUSS family permits](#) have been updated to reflect these changes¹.
- 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 British citizen on a posting on Crown service as their spouse, civil partner, durable partner or child.
- Family members of HM Forces personnel serving in the SBAs who are granted under the EUSS, either as an FMQBC, or in their own right, will be eligible for a refund where they have paid for another UK immigration application. 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 (see below).
- 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.

GENERAL Q&A

1. I was living in the SBAs with my British serving member of HM Forces. Can I apply to the EUSS as the family member of a British citizen?

- Yes, Appendix EU has been updated (following an initial concession introduced on 10 August 2022 and a later rules change that came into force on 9 November 2022) to allow the SBAs in Akrotiri and Dhekelia on Cyprus to be treated as part of the EEA in the case of a family member of HM Forces personnel, who was posted there by the end of the transition period and who otherwise meets the requirements as a 'family member of a qualifying British citizen'.
- Previously, the British citizen must have exercised their free movement rights under EU law for more than three months in an EEA member state or Switzerland or had a right of permanent residence in that country. As the SBAs are not part of the EEA, free movement rights would generally not have been exercised.
- However, for the purposes of the EUSS, the SBAs are now treated as if they were part of the EEA.

¹ Caseworker guidance was published on 9 November 2022 for Family members of qualifying British citizens. Updated caseworker guidance on EUSS family permits was published on 9 November 2022.

- Therefore, where a British citizen has returned to the UK with an eligible EEA or non-EEA citizen family member who resided with them in the SBAs (see questions 3 and 4), the family member can apply to the EUSS where they meet the criteria set out in Appendix EU.²
- If they are outside the UK, the family member will need to apply for an EUSS family permit (under Appendix EU (Family Permit)) to return to the UK with the British citizen. They can then apply to the EUSS once in the UK. More information is available at: www.gov.uk/family-permit/apply-living-outside-uk-with-british-citizen
- Please note, this route is completely separate from the 'joining family members' route, which has no deadline and is generally for family members who resided outside the UK at the end of the transition period and are seeking to join an EEA or Swiss citizen who was resident in the UK by 31 December 2020 and has status under the EUSS.

2. What are the criteria under Appendix EU?

- The British citizen HM Forces personnel was posted to one of the SBAs on Cyprus: Akrotiri or Dhekelia.
- That posting – and the accompaniment by the family members in question – began before 23:00 GMT on 31 December 2020.
- The family members must meet all the other requirements of the 'family member of a qualifying British citizen' route under the EUSS, including 'reasonable grounds' for not returning to the UK by 29 March 2022 (or by 31 December 2020, generally where the qualifying relationship was formed after EU exit on 31 January 2020).
- For further information on the requirements for applying as an FMQBC, see the published guidance on GOV.UK: [EU Settlement Scheme: Family member of a qualifying British citizen](https://www.gov.uk/eu-settlement-scheme/family-member-of-a-qualifying-british-citizen).

3. Which family members are eligible to apply to come to the UK under this route?

- Eligible FMQBCs can be either EEA or non-EEA citizens. For those subject to the 29 March 2022 deadline for returning to the UK, the family relationship with the qualifying British citizen must have started before 1 February 2020 (except for a child born or adopted after this date).
- 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

² They will generally be eligible initially for 'pre-settled status' under the EUSS (5 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.

- **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

4. Are other dependent relatives eligible?

- The deadline for other dependent relatives of the qualifying British citizen or of their spouse or civil partner to have returned to the UK with the British citizen was 31 December 2020.
- Those applying after that date will need to show evidence of reasonable grounds why they missed that deadline.
- The relationship and dependency must have existed before 31 December 2020 and must continue to exist at the date of application.

5. Can family members of qualifying British citizens who already hold immigration status under Appendix Armed Forces still apply to the EUSS?

- Yes, if they fit the criteria under Appendix EU, or are eligible to apply in their own right as an EEA citizen, they can still apply to the EUSS, even if they hold immigration status under Appendix Armed Forces or under another UK immigration route.
- If their EUSS application is granted, they will be notified of this in writing. At which point, they will no longer have leave under Appendix Armed Forces and a refund will be processed for the Appendix Armed Forces application (see below).

6. I've already got an outstanding application under Appendix Armed Forces, what will happen to it if I apply for leave under the EUSS?

- If you have two open applications, they will both be considered and, if they both fail to be granted, you will be asked which application you would like us to grant. You must respond within 14 calendar days of the date of the letter. If you don't confirm within 14 days, the latest application will be granted and the other treated as withdrawn.
- If you are granted status under the EU Settlement Scheme, you will be refunded the fee you paid for your previous Appendix Armed Forces application.

7. How do family members of qualifying British citizens apply for an EUSS family permit?

- Applications for an EUSS family permit can be made on GOV.UK at: www.gov.uk/family-permit/apply-living-outside-uk-with-british-citizen
- Family members must apply for an EUSS family permit before they can accompany the qualifying British citizen to the UK or join them here.

- Family members should not make arrangements to travel to the UK until they have been issued with an EUSS family permit. Family members will also need a valid passport (or valid national identity card, if they are an EEA or Swiss citizen) to enter the UK.
- Once successful applicants have been issued with an EUSS family permit and arrive in the UK, they should apply to the EUSS at www.gov.uk/settled-status-eu-citizens-families as soon as they reasonably can, and generally within three months of their arrival in the UK.
- Further information about travel document requirements to enter the UK can be found here:
[Entering the UK under the EU Settlement Scheme and EU Settlement Scheme family permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/entering-the-uk-under-the-eu-settlement-scheme-and-eu-settlement-scheme-family-permit)

8. I am already in the UK. How do I apply to the EUSS?

- An EUSS application by an FMQBC has to be made on the relevant paper application form. More information about the process is available at: www.gov.uk/eusettlementscheme. Alternatively, you can contact the UKVI 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
 - You can find out about the call charges at www.gov.uk/call-charges.

DEADLINE FOR EUSS FAMILY PERMIT APPLICATIONS

9. What if the family member misses the deadline of 29 March 2022 to apply?

- It is possible for an FMQBC to apply after 29 March 2022 if they can show reasonable grounds for not returning to the UK by then.
- Where there are no reasonable grounds for missing the deadline, family members will not be eligible under the EUSS. Therefore, they will need to apply under another route, such as Appendix Armed Forces to the Immigration Rules.

10. What if the relationship between the family member and the qualifying British citizen started on or after 1 February 2020? Can they still apply for an EUSS family permit after the deadline?

- Except for a child born or adopted after 1 February 2020, if the relationship started on or after that date but before 31 December 2020, the deadline for

the family member to have returned to the UK with the British citizen was 23:00 GMT on 31 December 2020.

- Those applying after that date will need to show evidence of reasonable grounds why they missed that deadline.
- Where there are no reasonable grounds for missing that deadline (or the relationship did not exist before 31 December 2020), the family member will not be eligible under the EUSS and will need to apply under another route, such as Appendix Armed Forces to the Immigration Rules.

11. When will an applicant get a decision on their EUSS family permit application?

- Applications for EUSS family permits 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. As a result, customers may experience a longer wait than usual for the decision on their EUSS family permit application.
- An application can also be delayed if it is incomplete and information has to be requested, so it is important that all required information is provided with the application.
- Family members should not make arrangements to travel to the UK until they have been issued with an EUSS family permit.

12. Alongside the family permit, what do family members of British citizens need to enter the UK?

- Successful applicants are issued with an EUSS family permit which has a validity period of six months.
- An EUSS family permit can be used to travel to and from the UK multiple times before its expiry. The person will also need a valid passport (or valid national identity card, if they are an EEA or Swiss citizen) in order to enter the UK.
- FMQBCs arriving in the UK using their EUSS family permit should apply to the EUSS as soon as they reasonably can (and generally within three months) following their arrival in the UK.

13. Are the routes to come to the UK as a family member of a qualifying British citizen and a joining family member of an EU, EEA or Swiss citizen the same?

- No. The arrangements for FMQBCs are completely separate from the 'joining family members' route, which has no deadline, and is generally for family members residing outside the UK at the end of the transition period who are eligible to apply to join an EEA or Swiss citizen who was resident in the UK by 31 December 2020 and has status under the EUSS.
- Details of the joining family member route can be found at:
www.gov.uk/settled-status-eu-citizens-families/join-EU-EEA-Swiss-family-member

14. I have already applied for an EUSS family permit and it was refused, do I have to apply again?

- If you have already applied for an EUSS family permit and this was refused before the concession was published or the Rules change came into effect, you can sign a consent form to give the Home Office consent to reconsider your application in light of the updates to Appendix EU. Please contact Alistair.Boon100@mod.gov.uk (tel: 0300 153 0539) if you need this consent form.
- Once your application has been reconsidered, we will inform you of the outcome in writing. Applications for the EUSS 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.
- If you do not complete the consent form, we will not be able to reconsider your application.
- You can otherwise complete and submit a new EUSS family permit application if you prefer.

APPLYING FOR THE EUSS AFTER ARRIVAL IN THE UK

15. What does a family member of a qualifying British citizen need to do when they get to the UK?

- Once successful applicants are issued their EUSS family permit, they can then come to the UK. Following their arrival in the UK, they should apply to the EUSS as soon as they reasonably can (and generally within three months).
- Where the EUSS application is made more than three months after their arrival in the UK, the applicant will need to demonstrate reasonable grounds for their delay in applying to the scheme. Non-exhaustive guidance on reasonable grounds is set out in [EU Settlement Scheme EU, other EEA, Swiss citizens and family members](#).
- An EUSS application by an FMQBC has to be made on the relevant paper application form. More information about the process is available at: www.gov.uk/eusettlementscheme. An application form needs to be requested by contacting the UKVI Resolution Centre (contact details above).

16. What rights does an EUSS family permit give a family member of a qualifying British citizen?

- The EUSS family permit is an entry clearance, which, following arrival in the UK, provides leave to enter for the remainder of its six-month validity period. During that time the EUSS family permit serves as evidence that the family member comes within the cohort eligible to apply to the EUSS (as long as they remain the family member of that qualifying British citizen or have a retained right of residence following the end of that relationship).

- As such, the EUSS family permit confirms the family member's right of residence in the UK whilst the family permit remains valid, which in turn provides the family member with a right to work or study during that period.
- These rights will continue if they make a valid EUSS application (including where they have reasonable grounds for missing the 29 March 2022 deadline) until the application and any appeal are decided. They will receive a certificate of application evidencing their rights during that period.

17. What status will a family member of a qualifying British citizen get under the EUSS?

- Under the EUSS, applicants are granted either:
 - pre-settled status (limited leave to enter or remain in the UK), which allows them to live in the UK for five years, or
 - settled status (indefinite leave to enter or remain in the UK), usually after they have been continuously resident in the UK for five years.
- Those granted pre-settled status will need to apply for settled status before their pre-settled status expires and can do so as soon as they are eligible for it, at www.gov.uk/eusettlementscheme.
- Non-EEA nationals who are granted EUSS status will be issued with a biometric residence card (BRC) if they do not already possess one. It is vital that any EUSS status holder who also holds a BRC travels with the valid BRC when going abroad to ensure they can return to the UK because carriers will require it to be shown. If the card expires or is lost/stolen or damaged while they are in the UK, they need to apply for a replacement before travelling. If they are overseas when this happens, they must apply for an EUSS travel permit to return to the UK and can apply for a replacement BRC once they have returned here.
- For further information see: [Apply to the EU Settlement Scheme \(settled and pre-settled status\): What you'll get - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-to-the-eu-settlement-scheme-settled-and-pre-settled-status)

18. What is continuous residence?

- Completing a continuous qualifying period of residence generally means that someone has not been absent from the UK and Islands for more than 6 months in total (in a single period of absence or more than one) in any given 12-month period, throughout the period of residence relied upon by the applicant. There are exceptions to this, such as one period of up to 12 months for an important reason or accompanying someone on a posting on Crown service. For further information, please see the 'Qualifying residence' section in the guidance [EU Settlement Scheme EU, other EEA, Swiss citizens and family members \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/eu-settlement-scheme-eu-other-eea-swiss-citizens-and-family-members)

19. I have indefinite leave under Appendix Armed Forces, will I be granted indefinite leave under the EUSS?

- If you have indefinite leave to enter or remain, and you successfully apply to the EUSS, you will be granted indefinite leave under the EUSS - also known

as settled status. You will not have to prove you have 5 years' continuous residence in the UK.

- With settled status, you can spend up to 5 years in a row outside the UK, the Channel Islands or the Isle of Man without losing your settled status.

20. [I have limited leave under Appendix Armed Forces, will this time count towards my five years' residence for settled status under the EUSS?](#)

- Under the EUSS, your continuous residence as an FMQBC can only start once you and your British citizen family member have started living in the UK on return from the SBA.
- Any period in which you have been continuously resident in the UK together following your return from the SBA will count towards your EUSS settled status.
- 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.

21. [If I am granted status under the EUSS, can I accompany my family member on another posting in the future?](#)

- Yes. Where, before an overseas posting, you were resident in the UK and Islands, your continuous qualifying period of residence can include any period of absence from the UK and Islands either on a posting on Crown service or accompanying an EEA citizen or a British citizen on a posting on Crown service, as a spouse, civil partner, durable partner or child.

[ELIGIBLE FOR THE EUSS BASED ON RESIDENCE IN THE UK BEFORE THE END OF THE TRANSITION PERIOD](#)

22. [Am I eligible to apply to the EUSS as an EEA citizen based on my residence in the UK \(and not as a family member\)?](#)

- Where the applicant is an EEA citizen who was resident in the UK before the end of the transition period at 23:00 GMT on 31 December 2020, and their period of absence from the UK has been spent accompanying a British citizen on a posting on Crown service (as their spouse, civil partner, durable partner or child), the applicant will be able to rely on their own residence as a relevant EEA citizen to apply for status under the scheme. Alternatively, they can apply as an FMQBC if they prefer.
- The deadline for applying for most people was 30 June 2021. However, applicants can still apply if they have reasonable grounds for not applying by that deadline. Accompanying an EEA citizen or a British citizen on a posting on Crown service may count as reasonable grounds for not making an application by the required date.

REFUNDS FOR ANY IMMIGRATION APPLICATION FEES OR IMMIGRATION HEALTH SURCHARGE

23. I have already paid for an Appendix Armed Forces application – will I get a refund if I apply to the EUSS?

- You will be refunded any application fee paid for your most recent application only, where you have applied and are granted status under the EUSS.

24. Do I have to do anything to get my refund?

- If you have two open applications, you may wish to withdraw your Appendix Armed Forces application.
- Once your EUSS application is granted, your refund will be processed.

25. How long do refunds take to be processed?

- Refunds take around 28 days to process from the date you are granted your EUSS status.

26. What shall I do if I don't receive my refund?

- If you don't receive your refund within 28 days from being granted status under the EUSS, you should contact the UKVI helpline. Please be aware that there are charges for contacting the helpline from overseas (69p per minute or £2.74 per email enquiry). Details can be found here [Contact UK Visas and Immigration for help - GOV.UK \(www.gov.uk\)](https://www.gov.uk/contact-uk-visas-and-immigration-for-help)