



# What you need to know: new immigration rules after Brexit

## Background

The UK left the European Union on 31 January 2020 and the transition period during which existing rules still applied came to an end on 31 December 2020. From 1 January 2021, new rules now apply to things like travel, doing business with the EU, and access to housing and benefits for those arriving in the UK.

This 'what you need to know' briefing focuses on some of the implications of these new rules for the housing sector in Scotland, namely:

- **eligibility and access to benefits** for EU citizens; and
- the need for EU nationals who wish to remain in the UK to **make an application under the EU Settlement Scheme (EUSS)** by 30 June 2021.

## Eligibility and access to benefits

From 1 January 2021, anyone from an EU country who was living in the UK before the Brexit transition period ended on 31 December 2020 keeps the same entitlements to benefits, social housing and homelessness assistance that they had beforehand.

These entitlements cover:

- those who **already have settled status** under the EUSS (in order to be granted 'settled status', EU nationals must show that they have lived in the UK for five years); and
- **frontier workers** – a frontier worker is an EU citizen who is economically active in, but not predominantly resident in the UK, by the end of the transition period.

There are two other categories of EU national who *temporarily* have such rights:

- people who have **applied under the EUSS** but have pre-settled status ('pre settled status' is usually granted to those who have less than five years continuous residence): they retain

their rights until they obtain full settled status; and

- anyone who was **lawfully resident at the end of the transition period** but who has not yet applied to the EUSS, providing they **apply by 30 June 2021**. Their entitlements remain until their application is decided, including the period during which they can appeal against a refusal.

Over two million European nationals have now been granted 'settled status' in the UK under the EUSS and are fully entitled to benefits and housing help.

In Scotland, those who have 'pre settled status' do still qualify for housing or homelessness support, although not Universal Credit or Housing Benefit. This is different to England where those with less than five years residence are not entitled to housing, benefits or homelessness support.

Those who have applied and been granted status under the EUSS will be given [digital documentation](#) to demonstrate their entitlement to access benefits, social housing or homelessness assistance.

## Applying for settled status

EU nationals who wish to remain in the UK and who have not already applied for settled status must **submit an application to the EU Settlement Scheme** by 30 June 2021 (this is referred to as the 'grace period').

Those who fail to submit an application within this timeframe risk losing all of their rights to be in the UK from 1 July 2021, even if they are long standing residents.

**Late applications** to the EUSS will be accepted where there are reasonable grounds for missing the 30 June 2021 deadline, but those who do so will not be eligible for housing or benefits while waiting for their application to be resolved.



## Assisting tenants and staff

In the lead up to Brexit, many housing providers will already have been working to identify and assist those tenants and staff who may be eligible to apply for settled status under the EUSS.

As the Transition Period has now ended, it is important that housing providers **continue to raise awareness of the EUSS** and to remind those who have yet to do so that they must apply before the 30 June 2021 deadline if they wish to stay in the UK and remain eligible for housing assistance and benefits.

Housing providers should also continue to **refer and signpost** eligible people who need support with their applications to appropriate organisations and advice agencies.

The National Housing Federation (NHF) has produced [detailed guidance](#) on the EU settled status application process with recommendations on how housing organisations can support their staff and tenants. Please note that **the Right to Rent checks referred to in the guidance do not apply in Scotland.**

## CIH information and resources

Further information and advice can be found on the [CIH Housing Rights website](#). Information specific to Scotland can be found [here](#).

You can access CIH Housing Rights free quarterly newsletters and sign up to the mailing list [here](#).