

Statement on the proposed settled status scheme and European temporary leave to remain for higher education and research
February 2019

The freedom of movement of students and staff associated with EU membership has generated important contributions to UK higher education and research. As the UK leaves the EU, these contributions should be safeguarded. The proposed direction of policy, as set out by the Home Office in its [‘EU Settlement Scheme: Statement of Intent’](#), risks removing acquired legal rights from a section of the population, many of whom have lived in the UK for a considerable time. **Our continued preference is for EEA nationals in higher education and research, employed in the UK at the time of the UK’s withdrawal from the EU and during any transition period, and for their dependants, to be granted an indefinite leave to remain and the continuation of their acquired rights.**

How the settled status scheme turns out in practice will depend on operational implementation by the Home Office and we welcome the Government’s decision not to require a fee to be paid for settled status. **We are particularly concerned, however, at the requirement of the scheme for EU citizens “to have lived continuously in the UK for five years” and the references to and definition of “continuous residence” in the Statement of Intent.** This envisages that an applicant can be counted as continuously resident provided that s/he has not been absent from the UK for more than six months in a 12-month period. One exception is for a single absence of more than six months but not more than 12 months for certain purposes including study or an overseas posting. In our judgement, this may be inadequate for the purposes of the humanities and social sciences. A fundamental part of a researcher’s career often includes significant fieldwork overseas, vital not only to building the career development of the individuals concerned but also the very expertise that then benefits the UK’s higher education and research community.

On 28 January 2019 the Government announced a new European temporary leave to remain in the case of a no deal scenario. The Statement of Intent published in June 2018 had stated that anyone arriving in the UK before January 2021 would be able to gain settled or pre-settled status. European temporary leave to remain would bring that window forward to the UK’s planned withdrawal date (i.e. 29 March 2019). After that date, in less than two months’ time, in a no deal scenario, EU nationals coming to the UK would be able to stay for three months in the UK and then have to apply for a 36-month non-extendable European temporary leave to remain. This will require a fee to be paid. After the 36-month period is over, it would be possible to apply (and pay a second time) through the future immigration system. There are a number of problems with the proposal for higher education and research. **It creates a new category with an additional unknown cost to be paid with less than 2 months to go before the withdrawal date and with no concrete destination known for those applying or their employing institutions.** Any researchers planning to move to the UK in this period, and their families, would not have any certainty as to whether they could stay after the three-year period. In Scotland, undergraduate study is 4 years; any substantial placement element would likely push a degree over 3 years too; and those studying for a PhD often take more than 3 years. It is unclear also how this would affect those who are not in the UK on/by the withdrawal date for reasons such as secondments and how that would affect the build-up of continuous residence required under the settled status scheme. **In our view, it is not clear why the settled status scheme could not be implemented until December 2020 as it has been previously announced. Our preference continues to be for granting an indefinite right to remain to EU nationals and for the continuation of acquired rights. This is essential for providing certainty to EU nationals.**