‘Relevant Persons of Northern Ireland’ and the EU Settlement Scheme
Statement of changes in Immigration Rules CP232
14/05/20

EU.5 In Annex 1, after sub-paragraph (c) of the definition of ‘EEA citizen’ in the table, insert:

“; or
(d) a relevant person of Northern Ireland”.

<table>
<thead>
<tr>
<th>relevant person of Northern Ireland</th>
<th>a person who:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(a) is:</td>
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<tr>
<td></td>
<td>(i) a British citizen; or</td>
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<tr>
<td></td>
<td>(ii) an Irish citizen; or</td>
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<tr>
<td></td>
<td>(iii) a British citizen and an Irish citizen; and</td>
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<td></td>
<td>(b) was born in Northern Ireland and, at the time of the person’s birth, at least one of their parents was:</td>
</tr>
<tr>
<td></td>
<td>(i) a British citizen; or</td>
</tr>
<tr>
<td></td>
<td>(ii) an Irish citizen; or</td>
</tr>
<tr>
<td></td>
<td>(iii) a British citizen and an Irish citizen; or</td>
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<tr>
<td></td>
<td>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</td>
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</tbody>
</table>
• On the 24th August 2020, Appendix EU of the immigration rules will change to allow a “relevant person of Northern Ireland” and their family members to apply to the EU Settlement Scheme.

• A relevant person of Northern Ireland is; “a British citizen, an Irish citizen or a dual British and Irish citizen who was born in Northern Ireland (and at the time of their birth had at least one parent who was a British citizen; or an Irish citizen; or a dual British and Irish citizen; or who was otherwise entitled to reside in Northern Ireland without any restriction on their period of residence).

• This includes relevant persons of Northern Ireland who are currently living in England, Scotland or Wales.

• Non EU family members can apply, even if the ‘relevant person of NI’ has not

• EU family members can apply to the EU Settlement Scheme in their own right

• Applications for relevant persons of Northern Ireland and their family members will only be accepted from the **24th August 2020** until the deadline of **30th June 2021**.
• Applications are made through the standard EUSS process, which is free.

• Applicants will be required to meet the same eligibility as other applicants to the EU Settlement Scheme, for example the ‘relevant person of Northern Ireland’ family member must be resident in the UK before 31st December 2020.

• Family members of ‘relevant persons of Northern Ireland’ will be defined in the same way as other EU nationals and can include children under 21 years old and dependant parents and grandparents.

• To provide evidence of being a family member of a relevant person of Northern Ireland, applicants must provide the birth certificate showing that they were born in Northern Ireland, or their passport showing they were born in Northern Ireland; and evidence which shows that, at the time of their birth, at least one of their parents was: British, Irish, a dual British/Irish citizen or otherwise entitled to reside in Northern Ireland without any restriction on their period of residence. Alternative evidence may be accepted where the applicant is unable to produce these due to circumstances beyond their control or to compelling practical or compassionate reasons.
Emerging issues & changes to retained right to reside under EUSS
Relevant NI Citizens: emerging issues

- Delay in implementation of scheme
- Gap between visa expiry and 24 August 2020:
  - No equivalent amendments to EEA Regs
  - Overstaying vs saving on application fees
- NI citizens falling outside definition of 'relevant'
Changes to retained right to reside under EUSS

• ‘retained right of residence’- relevant family member has retained a right of residence under the 2016 EEA regulations due to the death of or divorce from the EEA Sponsor.

• Currently, ‘relevant’ family members only include former spouses or parents of children with a retain right to reside.

• Provision for domestic abuse, but only in context of a marriage
Changes to retained right to reside under EUSS

EU.6 In Annex 1, for the entry for ‘family member who has retained the right of residence’ in the table, substitute:

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| family member who has retained the right of residence | a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (e) below are met: |
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Changes to retained right to reside under EUSS

(e) the applicant ("A") is an EEA citizen or non-EEA citizen who:
(i) provides evidence that a relevant family relationship with a relevant EEA citizen (or with a qualifying British citizen) has broken down permanently as a result of domestic violence or abuse; and
(ii) was resident in the UK when the relevant family relationship broke down permanently as a result of domestic violence or abuse, and the continued right of residence in the UK of A is warranted where A or another family member has been a victim of domestic violence or abuse before the relevant family relationship broke down permanently

in addition:
(a) 'relevant family relationship' in sub-paragraph (e) above means a family relationship with a relevant EEA citizen (or with a qualifying British citizen) such that the applicant is, or (immediately before the relevant family relationship broke down permanently as a result of domestic violence or abuse) was, a family member of a relevant EEA citizen (or of a qualifying British citizen); and
(b) where sub-paragraph (e) above applies, then, where, following the permanent breakdown of the relevant family relationship as a result of domestic violence or abuse, the applicant remains a family member of a relevant EEA citizen (or of a qualifying British citizen), they will be deemed to have ceased to be such a family member for the purposes of this Appendix once the permanent breakdown occurred
Changes to retained right to reside under EUSS

| family member of a relevant EEA citizen | a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:
  (a) the spouse or civil partner of a relevant EEA citizen, and:
    (i) the marriage was contracted or the civil partnership was formed before the specified date; or
    (ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of ‘durable partner’ in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; or
  (b) the durable partner of a relevant EEA citizen, and:
    (i) the partnership was formed and was durable before the specified date; and
    (ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or
  (c) the child or dependent parent of a relevant EEA citizen; or
  (d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above; or
  (e) the dependent relative, before 1 January 2021, of a relevant EEA citizen (or of their spouse or civil partner, as described in sub-paragraph (a) above) and the family relationship continues to exist at the date of application |
028 9024 4401

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(closed 1pm – 2pm for lunch)