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New fast track system for EU nationals: Will it work?

Kathryn Bradbury, SEPTEMBER 19, 2016



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The system is being tested by 20 corporate partners, with intentions to roll out to all later this year. But how will it work?

As the dust begins to settle after the referendum result the government is beginning to work on the gargantuan task of defining **what Brexit will actually mean**. One of the biggest questions is what to do about the estimated 3.5 million EU nationals currently living in the UK. Will there be an amnesty and permanent residency granted to all, or will they all need to apply for registration documents? Whatever the outcome, registering 3.5 million people when the Home Office currently has capacity to process 25,000 applications per year will be a huge challenge.

The strong likelihood is that EU nationals will need to apply for some form of residence document to prove their entitlement to live in the UK. Many are already doing so to secure their status and have peace of mind that they will not suddenly be subject to long delays and bureaucratic procedures.

Attempting to address these delays, the Home Office has taken the unusually proactive step of trialling a new fast track system for permanent residence applications for **EU nationals**. To make the process "faster, easier and more intuitive" it is allowing the submission of electronic applications.

This is welcome news as the current process involves completing an 85-page paper form, and applications can take up to six months to be processed. It is not yet known whether the cumbersome evidential requirements will also be relaxed.

The new system is being tested by 20 hand-picked corporate partners and the intention is to roll it out to all applicants and their legal representatives later this year.

Whether the final version will be restricted to permanent residence applications by EU nationals is unknown. We do not know whether it will also be extended to family members from outside the EU who qualify for permanent residence or for residence cards if they have not been in the UK for five years.

Although a simpler and quicker application process is certainly a step in the right direction, difficulties remain for EU nationals in evidencing their **economic activity** (a pre-requisite to qualifying for permanent residence), particularly those who are not working, or are self-employed.

Students and the independently self-funded who are not working must have private medical insurance for the duration of their time in the UK (five years to qualify for permanent residence)

and many are unaware of this requirement. This has been the subject of extensive litigation and is complex. The relaxation of this requirement would allow the self-sufficient to obtain permanent residence and it is hard to see what possible rationale there could be for retaining the requirement.

The self-employed also find it difficult to satisfy the evidential requirements. The current application form contains a long list of required documents including invoices, bank statements and tax documents. Simplifying this requirement to only the tax documents and a certification from an accountant would make the process simpler for applicants and caseworkers and help to speed up decision-making.

Much remains unknown about the long-term effects of leaving the EU, however in the short- to medium-term EU nationals can take steps to secure their status in the UK by applying for permanent residence. Hopefully the new process will make this simpler and quicker.

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