



House of Commons  
Home Affairs Committee

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**Home Office  
preparedness for  
COVID-19 (coronavirus):  
immigration and visas:  
Government Response  
to the Committee's  
Third Report**

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**Fourth Special Report of  
Session 2019–21**

*Ordered by the House of Commons  
to be printed 11 November 2020*

## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

### Current membership

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The following Members were also Members of the Committee:

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### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

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### Committee staff

The current staff of the Committee are Simon Armitage (Committee Specialist), Melissa Bailey (Committee Operations Officer), Chris Battersby (Committee Specialist), Chloe Cockett (Senior Specialist), Elizabeth Hunt (Clerk), Penny McLean (Committee Specialist), George Perry (Senior Media and Communications Officer), Paul Simpkin (Committee Operations Manager) and Dominic Stockbridge (Second Clerk).

### Contacts

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## Fourth Special Report

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On 15 June 2020 the Home Affairs Committee published its Third Report of Session 2019–21, *Home Office preparedness for COVID-19 (coronavirus): immigration and visas* (HC 362). The Government's response was received on 3 November 2020 and is appended to this report.

In the Government's Response the Committee's recommendations are shown in plain and ***bold italic*** type, and the Government's responses are shown in **bold** type.

## Appendix: Government Response to the Report on Home Office preparedness for COVID-19 (coronavirus): Immigration and Visas

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The recommendations in the report are embedded amongst the conclusions, so the numbers below refer to the index numbers in the [conclusions and recommendations section](#) of the report.

### Recommendations

3. Waiting until the middle of May to extend visas beyond 31 May to 31 July will have caused some people difficulties, however. ***If it is likely that travel continues to be difficult beyond 31 July because of COVID-19, the Home Office should continue with appropriate targeted or general extensions and must notify people affected in good time.*** (Paragraph 12)

The Government is grateful for the Committee's report. The impact of COVID-19 has been unprecedented. The Border, Immigration and Citizenship system, within the Home Office, has responded and adapted swiftly and exceptionally to significant changes in the United Kingdom and the rest of the world.

It is right that we monitor the progression of COVID-19 and continue to take the necessary steps to manage this pandemic in order to best serve our customers and the public. Given the nature of COVID-19, it will not always be possible to provide long periods of notice for changes involving extensions to visas. However, these extensions were a generous, flexible offer and we endeavoured to make changes at the earliest opportunity.

4. ***The Home Office must clarify the legal basis for the offers of visa extensions. Relying on the Home Secretary's discretion is not sufficient legal assurance for people whose lives in the UK depend on evidential clarity. We recommend that the department introduce a statutory instrument clarifying the legal basis for both the extension of leave for all individuals who are unable to leave the country before the expiry of their current visa, and for the automatic extensions of leave offered to NHS staff.*** (Paragraph 21)

### ***Replied together with***

5. *The Home Office must also clarify the circumstances in which an individual who applies for a visa extension would not be successful in their application.* (Paragraph 22)

The Home Office has responded quickly in unprecedented circumstances to ensure that no-one is unfairly penalised for events outside of their control. We have set out a generous, flexible offer to people who were lawfully in the UK and unable to return home when their leave expired, due to COVID-19.

The Immigration Act 1971 enables the Home Secretary to exercise her discretion to extend leave outside of the immigration rules in exceptional circumstances such as these. Accordingly, all those who have been granted a free extension under the coronavirus extension concession have had their leave lawfully extended. Their individual immigration records have been updated on the Home Office immigration databases to reflect the extension and therefore protect the individual's record permanently.

To date, those who applied and qualified for an extension have been granted. An individual would not be successful in their application if their visa or leave expired prior to the 24 January 2020 and they had therefore taken the decision to overstay their leave before the pandemic.

The free, automatic visa extension offer for key health workers in the NHS and independent health and care sector recognised the leading role they are playing in the UK's efforts to tackle COVID-19 and save lives.

Existing immigration legislation enables the Home Secretary to act in exceptional circumstances, such as these. Guidance on gov.uk outlines the health occupations eligible for this offer and makes clear anyone subject to immigration control, in one of these occupations, whose visa expired between 31 March and 1 October, will be granted the extension.

UK Visas and Immigration worked closely with NHS Trusts and independent Health and Care providers across the UK to facilitate this offer. Anyone who benefits will be provided, via their employer, with an updated Biometric Residence Permit (BRP) card reflecting the 12 month extension. We are encouraging employers to take the necessary copies of these BRPs to ensure they fulfil their obligations around rights to work.

6. *The department must improve communication about the availability of visa extensions. This arrangement has not been well publicised, and we are concerned that there may be people who risk overstaying (or who have already overstayed) their visa because they are unaware that they may be entitled to an extension. We request that the Home Office is transparent about the scale of the issue by providing us with its estimate of the number of people whose visas have expired or will expire during the time period which would make them eligible for an extension, the numbers who have so far applied for an extension, and the numbers who are thought still to be in the country as unwitting overstayers. We call on the Home Office to contact all individuals whose visas are due to expire before 31 July 2020 directly, to inform them about what they have to do to extend their visa.* (Paragraph 23)

We agree that communication on the detail of the extension concession is important; that is why it was:

- published immediately on the gov.uk page (Coronavirus (COVID-19): advice for UK visa applicants and temporary UK residents) where all COVID-19 concession guidance is publicised. Between 24 March and 27 October there had been over 1.9 million unique page views of the guidance;
- included in factsheets circulated to multiple sectoral stakeholders to advise their members / customers and clients, and to key Government Departments to use with their stakeholders and customers including the FCO, DCMS, DIT and DfE;
- included in emails to over 32,000 employers and educational institutions who hold sponsor licences;
- communicated via email / factsheet to foreign missions in the UK so they can advise their nationals stranded in the UK of the support available;
- supported by calls with diplomatic missions; and
- included in a press release and tweeted by the Home Office account which was amplified by other government accounts.

All of the above was supplemented by a freephone helpline which we set up to assist with immigration queries relating to COVID-19.

Given the nature of events, it was a priority for the department to focus on communicating the offer externally and for officials to work on COVID-19 related policy changes. It would have proved a costly and protracted exercise to contact all those whose visas or leave expired by the end of July 2020, especially non-visa national visitors for whom we would have limited contact details, including the many who would have used e-gates to enter the UK. In any case, the extension policy is not mandatory.

Whilst it is not possible to say with any certainty how many individuals have been affected, considerable numbers of individuals have contacted the helpline to benefit from the extension. To close on 31 July 2020 40,771 people had been granted extensions under this concession.

*7. We also request that the Home Office clarify whether an individual who does not apply for a visa extension, and therefore overstays their existing visa because of COVID-19, may retrospectively gain the extension to which they would have been entitled had they known about the department's offer at an earlier point. We also ask the Home Office to explain what the implications are for individuals who have inadvertently overstayed but who do not apply for the extension, including in particular the impact this might have on future applications to return to the UK. (Paragraph 24)*

As part of our generous, flexible offer, we will ensure a short period of overstaying during the Coronavirus pandemic does not lead to a refusal of any future application for a visa/leave in the UK for people whose visas expired on or after 24 January 2020.

An individual can apply to extend their leave during the short period of overstaying

allowed. However, we will not allow individuals to apply retrospectively for an extension offer, given that they have the option to apply for additional leave.

Any decision taken by an individual to overstay before 24 January 2020 was made prior to the impact of Coronavirus, and they will continue to be treated as having overstayed their leave given this could not have been a factor in their decision to do so.

8. *As indicated in our letter to the Home Secretary of 22 May, we recommend that the Home Office explores the possibility of blanket visa extensions or an alternative automatic process, appropriately underpinned by statute and without any need for an application. This would prevent any unintentional overstaying due to travel restrictions and ease the burden on the Home Office. If the Home Office does not believe this is possible, it should explain why not.* (Paragraph 25)

We have undertaken targeted automatic extensions for specific cohorts, where extensions were required prior to the development of the application form. However, a blanket extension of every individual's leave/visa that was due to expire in any date range is not possible. This is because it would encompass every nationality and include non-visa national visitors whose leave is not recorded on our databases in the same way as for visa nationals. Additionally, not every individual requires an extension. The process for requesting an extension is straightforward for any individual to follow and was therefore the best mechanism to employ.

We further extended our offer to allow migrants the time to make all necessary arrangements to leave the UK, if they had a visa or leave that was due to expire between the 24 January 2020 and 31 July 2020. Those individuals were given an extra month's grace period within the UK to 31 August 2020.

As part of our generous approach, during the grace period, the conditions of their stay in the UK were the same as the conditions of their visa allowing individuals to continue to work and study as applicable. We have also provided for additional time for those in exceptional circumstances; for example, those who have been contracted COVID-19.

We expect all those with visas expiring to take all reasonable steps to leave the UK or apply to regularise their stay in the UK. However, if an individual is intending to leave the UK but is unable to they may request additional time to stay, also known as 'exceptional assurance', by contacting the coronavirus immigration team. This is set out in our latest update on visas at <https://www.gov.uk/guidance/coronavirus-COVID-19-advice-for-uk-visa-applicants-and-temporary-uk-residents>.

10. *The Government is right to recognise the huge debt we owe to all NHS and social care workers for the work they are doing during the COVID-19 pandemic. Given that they have already contributed so much to the NHS through their valiant and life-saving work, the Government's announcement that NHS staff and social care employees will be removed from the Immigration Health Surcharge is very welcome. We encourage the Home Secretary and Health and Social Care Secretary to make fulfilment of this commitment an urgent priority. We also believe there is a need to review the appropriateness of the NHS charge, and the rate it is set at more generally.* (Paragraph 55)

The Government continues to recognise the tireless dedication and selflessness of those working in the health and care sector on the frontline, and we owe them a great deal of gratitude. This is why the Home Office is proactively supporting them with a number of unprecedented initiatives. These include offering immediate indefinite leave to remain, without a requirement to pay a fee, to families and dependants of all NHS workers, independent health workers and social care workers, who sadly pass away due to contracting the COVID-19 virus. In addition, as the Committee rightly mentions, all NHS workers, health and social care staff will be exempted from the Immigration Health Surcharge when applying from 31 March this year.

However, as a general principle, it is right that those who receive care from the NHS contribute towards it, and so the Government has set out a commitment to increase the Immigration Health Surcharge to broadly reflect the actual cost of use. This was reviewed and as a result the Surcharge has increased to £624, with a discounted rate of £470 for students, those on the Youth Mobility Scheme and children under the age of 18. We will continue to review the cost of the Surcharge at regular points.

By reflecting the cost of use, the Surcharge provides the best means of ensuring migrants make a contribution to the comprehensive range of NHS services available to them during their stay. Even with private medical insurance in the UK, it is the NHS which provides emergency medical treatment to those that need it.

12. *We recommend that all NHS staff—regardless of job role, pay grade or visa route—and social care workers are offered the same fee-free one-year visa extension. It cannot be right that, at a time when they are providing a vital and life-saving service for the country, non-UK health and care staff have to worry about their status and residency in the country.* (Paragraph 57)

### **Replied together with**

16. *The Government should also ensure that foreign national family members of British health and care staff are included in its offers of fee-free visa extensions. There appears to be no good reason for excluding this group of frontline health workers. They should be able to receive free one-year visa extensions on the same basis as the family members of non-British health and care workers.* (Paragraph 61)

The one-year automatic visa extension offer is another part of the Government's response to the COVID-19 pandemic, and we are continuing to work at pace to consider how best we can support all frontline workers in the health and social care sector.

Estimates show the extension will benefit approximately 3,000 doctors, nurses, paramedics and other healthcare workers employed by the NHS, including midwives, social workers and medical radiographers, and that there are between 200 and 1,000 additional staff working in the independent health and care sector who will also benefit from this extension.

The social care sector is disparate in nature, making specific immigration offers a unique challenge. Overseas migrant social care workers may have come to the UK on a variety of visas that give a general right to work. Where they have a general right to work, migrants do not have to inform the Home Office about the nature of their employment.

We want to avoid overcomplicated arrangements to try to identify who might be affected, which is why the Government is showing its support and gratitude to this sector in several ways.

The Department for Health and Social Care is working alongside employers to ensure the workforce has the right number of people to meet increasing demands and has recently launched a national recruitment campaign. It is also providing councils with access to an additional £1.5 billion for adults and children's social care in 2020–21. We continue to work closely with Public Health England to monitor the impact on care homes and have published extensive guidance for care homes on admitting and caring for people during the outbreak.

Guidance on gov.uk makes clear the automatic visa extension offer will benefit any eligible health professionals subject to immigration control working in the NHS or the Independent Health and Care Sector, whose visa expired between 31 March and 1 October. The Home Office was guided on which occupations should be included by the Department of Health and Social Care. Whilst the offer will also benefit immediate family members of these key frontline health workers, we need to draw a line and ensure this temporary offer is clearly defined. Foreign national family members of British health and care staff are not included, but they are able to extend their leave in the normal way, and the general visa extension was made available to the end of July due to the reduced travel capacity across the globe. Social care workers have also been exempted from the Immigration Health Surcharge.

*17. We also call on the Government to take further measures in respect of those working in health and social care during the pandemic. Many frontline and support staff do not have British citizenship or long-term security in the UK as they will be on short-term visas. Some will ultimately hope to attain indefinite leave to remain and settlement in the UK. For those who have worked tirelessly to combat COVID-19, and who wish for it, the Government should set out new arrangements to offer them British citizenship or permanent residency in recognition of the huge contribution they have made to the UK health and social care system during the COVID-19 crisis. We believe that people who have given so much, and in many cases risked their own health for the nations and people of the UK, should be assisted to become permanent members of the society to which they have dedicated themselves. (Paragraph 62)*

The Government recognises the patience, hard work, and sacrifices of people in the UK during the current pandemic, including many from across the world.

Any migrant working in the NHS on a route which leads to settlement can apply to become a permanent resident in the UK after 5 years. Doctors and nurses, and those in other allied health professions which are on the UK Shortage Occupation List, have been exempt from having to meet the normal earnings thresholds for becoming a permanent resident in this way, although changes to salary thresholds for settlement purposes will be changing more widely under the new points-based system in December.

However, to become a British citizen, a person must meet several statutory criteria. These are set out in the British Nationality Act (1981). They must have lived here for a minimum number of years and become a permanent resident. These criteria are



designed to ensure an applicant for citizenship has a strong connection to the UK and intends to remain here. Applicants must also satisfy a good character requirement and show they have sufficient knowledge of the English language and of life in the UK. Citizenship cannot be granted on a discretionary basis.

It is fair and right that all those who want to become British citizens should meet the same core requirements, and for citizenship to be awarded on a consistent basis.

18. We welcome the Home Secretary's promise that "nobody will be punished for circumstances outside of their control". To ensure this the Home Office must recognise that the exceptional circumstances of the COVID-19 crisis will have had unexpected impacts on the ability of individuals and families to meet visa conditions. *We call on the department to issue guidance to caseworkers stating that they should exercise flexibility when considering applications which, on the balance of probabilities, would have met all relevant criteria had it not been for the COVID-19 crisis.* (Paragraph 72)

### **Replied together with**

19. *We consider that there are several steps the Government could take to mitigate the negative impacts of the pandemic on the ability of visa holders and applicants to meet requirements. These could include:* (Paragraph 73)

- *Enabling individuals whose employment or income has been negatively impacted by the pandemic to prove financial sustainability by demonstrating 'adequate maintenance' rather than having to meet the Minimum Income Requirement, as is currently done for some people in receipt of welfare benefits and which was the requirement on all applicants prior to 2012;*
- *Allowing a wider range of income sources to contribute towards meeting financial requirements;*
- *Giving similar flexibility over sources for satisfying the Minimum Income Requirement to people on the Coronavirus Job Retention Scheme or the Self-Employment Income Support Scheme as is already offered to individuals facing exceptional circumstances;*
- *Taking furlough, illness, or other COVID-19 related job absences or income losses into account by allowing people to provide six months' worth of evidence over the previous year instead of just the last six months, or allowing for a letter from an employer to count as proof of continuing employment instead of income proof;*
- *Suspending the Minimum Income Requirement for those individuals applying for indefinite leave to remain after five years of residence in the UK, as they will have satisfied the requirement for the previous five years.*

20. *We call on the Home Office to consider and implement a combination of these measures to provide the appropriate flexibility required as a result of the pandemic and write to us with its conclusions. It should also ensure that where people are benefiting from this additional flexibility, they are still able to remain on their current route to residency and should not be moved onto a longer route.* (Paragraph 73)

Being financially independent is a long-standing requirement of the family Immigration Rules, implemented to ensure families can support themselves without reliance on public funds.

Since they were substantially revised in July 2012, the family Immigration Rules have included a minimum income requirement (MIR) to ensure financial independence and encourage integration.

Following advice from the independent Migration Advisory Committee, the MIR was set at £18,600 for sponsoring a partner, rising to £22,400 for also sponsoring a migrant child and an additional £2,400 for each further such child. This reflects the level of income at which a British family or a family settled in the UK generally ceases to be able to access income-related benefits. In turn, this prevents burdens on the taxpayer arising once family migrants settle and gain full access to the welfare system.

The maintenance requirement in place before July 2012 in practice meant any sponsor earning, after tax and housing costs had been deducted, more than the equivalent of Income Support for a couple (around £5,800 a year) was deemed to have sufficient funds to sponsor a spouse or partner. This was not an adequate basis for sustainable family migration and integration. British citizens and those settled in the UK are free to enter into a genuine relationship with whomever they choose, but if they wish to establish their family life in the UK, it is appropriate they should do so on a basis which prevents burdens on the taxpayer and promotes integration.

The MIR can be met in a number of ways in addition to, or instead of, income from employment or self-employment. For example, income from investments, property rentals or pensions may also be taken into account, together with cash savings. We will also consider other sources of income, which can be taken into account where there are exceptional circumstances.

As part of our generous and flexible offer, the Home Office has established a range of measures to support those affected by the COVID-19 outbreak. We continue to monitor the situation closely and take these exceptional circumstances into account. To ensure spouses or partners applying for entry clearance, leave to remain or indefinite leave are not unduly affected by circumstances beyond their control, for the purpose of the MIR:

- a temporary loss of employment income between 1 March 2020 and 1 January 2021 due to COVID-19 will be disregarded, provided the requirement was met for at least six months before the date the income was lost;
- an applicant or sponsor furloughed under the Government's Coronavirus Job Retention Scheme will be deemed as earning 100% of their salary;
- a temporary loss of annual income due to COVID-19 between 1 March 2020 and 1 January 2021 will generally be disregarded for self-employment income, along with the impact on employment income from the same period for future applications. Income received via the Coronavirus Self-Employment Income Support Scheme will also be taken into account;

- evidential flexibility may be applied where an applicant or sponsor experiences difficulty accessing specified evidence due to COVID-19 restrictions.

Applicants for entry clearance or leave to remain can also apply to be exempted from the English language requirement if they are restricted from meeting the requirement because a test centre is closed or inaccessible due to COVID-19. We have issued appropriate guidance to caseworkers to these effects.

A fiancé, fiancée or proposed civil partner whose wedding or civil partnership is delayed due to COVID-19, can request an extension by contacting the Coronavirus Immigration Team at: <https://hsforms.smartcdn.co.uk/webform.html>

The current family Immigration Rules also allow a fiancé(e) or proposed civil partner to apply for an extension of leave if there is good reason for their wedding or civil partnership not taking place during the initial six-month period of leave to enter. Cancellation of a wedding due to COVID-19 will be considered a good reason under this policy.

Guidance for our customers is available on gov.uk here: <https://www.gov.uk/government/publications/chapter-8-appendix-fm-family-members>

We believe it is right to make necessary adjustments to the requirements to ensure people are not unduly affected by the impacts of COVID-19 beyond their control. However, the Rules strike a fair balance between the interests of those wishing to sponsor a partner to settle in the UK and of the community in general, helping to ensure public confidence in the immigration system.

*22. The Home Office must ensure that clear, unambiguous and up-to-date guidance is made publicly accessible on the Government's website, and that previous versions of guidance are also available for reference. Informal lines of communication between the Home Office and immigration law practitioners are welcome, but they cannot be a substitute for making policy statements available and accessible to the public at large. (Paragraph 81)*

As set out above, throughout the COVID-19 response, we have ensured that gov.uk is the single source for policy and operational changes. We have created new gov.uk content for key policy and operational changes delivered, updated these immediately following changes and have linked to this from a central collections page so users can easily navigate to the content they need. Where relevant we have updated existing content rather than created new content.

We do also proactively communicate policy and operational changes to key stakeholders such as immigration law practitioners, to raise awareness of the changes. This does not replace official guidance, but signposts to gov.uk content.

In order to ensure the guidance is as clear as possible for users, we do not routinely link to old guidance. However, all gov.uk content is available on the National Archives for reference.

*23. It is to the Home Office's credit that more than three million grants of status under the EU Settlement Scheme have been made with more than a year to go to the deadline. However, our concern has always been for vulnerable people and others who will find*

*it difficult to apply, and in many cases it will be people in these groups who will be particularly affected by impacts of COVID-19. Once the crisis abates, we call on the Home Office to step up its efforts to support those who have not yet applied to the EU Settlement Scheme to do so. We call on the Home Office to provide us with details—updated as a result of the pandemic—of the measures it is taking to identify and provide support to individuals who are yet to apply for status. We also call on the Home Office to explain clearly the approach it will take to late applications from those who may not have known they were required to apply to the scheme, and what work it will undertake, if any, to assess the numbers of eligible citizens who have not yet applied.* (Paragraph 89)

We are pleased the Committee has recognised the success of the EU Settlement Scheme (EUSS), which to 30 September 2020 had received more than 4.2 million applications, resulting in over 3.8 million grants of status.

We have always been conscious of the need to raise awareness of the scheme amongst, and support applications from, vulnerable groups, which is why we awarded up to £17 million to 72 voluntary and community sector organisations across the UK. This has enabled us to reach an estimated 200,000 vulnerable or at-risk EEA citizens and their family members and help them secure their status.

£8 million of this funding was announced in March 2020 with the other £9 million in the 19/20 financial year. The bidding process for this further funding was launched on 4 May 2020; in light of COVID-19, we have extended the competitive bidding process to allow a longer period of time for bids to be submitted.

To further promote the scheme and identify those who are yet to apply, we have run several nationwide marketing campaigns with adverts appearing on catch-up TV, radio, online and social media, with some also in Polish, Romanian, Italian, Lithuanian and Portuguese newspapers. We have translated communications materials into 26 languages and are hosting innovative pop-up events around the country designed to raise awareness at a local level.

We are also working closely with employers, local authorities and charities to raise awareness, and are working with experts at the University of Liverpool to produce a range of marketing material aimed specifically at children and young people.

The withdrawal agreements oblige us to accept late applications indefinitely where there are reasonable grounds for missing the deadline of 30 June 2021. We have been clear that, where a person eligible for status under the scheme has reasonable grounds for missing the deadline, they will be given a further opportunity to apply. As with all aspects of the scheme, we will take a flexible and pragmatic approach, which will ensure individuals who miss the deadline through no fault of their own can still obtain lawful status in the UK.

We will publish clear guidance for caseworkers in due course on what constitutes reasonable grounds for missing the deadline. Examples will include children, including those in care, whose parent, guardian or local authority does not apply on their behalf. For now, the Home Office focus remains on identifying those yet to apply and encouraging them to do so.

To note, the Migration Observatory has reported the absence of robust data on the number and location of resident EEA nationals will make properly assessing the number who have not applied difficult. The Home Office continues to refine the estimated number of prospective EUSS applicants, but there will be large uncertainty due to the accuracy of the underlying data sources available.

24. *We are particularly concerned about the reports of low rates of applications on behalf of children and young people in care. We recommend that local authorities increase efforts to identify young people in their care who are required to apply under the EU Settlement Scheme. We hope that the new guidance recently published by the Home Office, which we welcome, assists with this process.* (Paragraph 90)

### **Taken with**

25. *We recommend that, once they are identified by local authorities and health and social care trusts, the Government make automatic grants of settled status for all children in care and care leavers.* (Paragraph 91)

With regard to children in care and care leavers, we have taken a range of measures to help local authorities make and support applications under the scheme. As well as the updated guidance the Committee rightly highlights, the Settlement Resolution Centre (SRC), open seven days a week, has a designated telephone number for local authorities to contact to receive support and assistance over the phone about any aspect of the scheme. Emails to the SRC from local authorities and support organisations are being prioritised where possible to ensure those who are most vulnerable receive the attention they need in a timely fashion.

Along with the Minister for Children and Families at the Department for Education, the Minister for Future Borders and Immigration has written to lead council members to underline the importance of the work their local authorities are undertaking to ensure eligible looked after children and care leavers make an application to the scheme, and to highlight the support available. The Home Office is holding regular teleconferences specifically for local authority staff, in order to support them and provide a direct point of contact for them within the Home Office. Caseworkers are working closely with local authority staff responsible for making applications for looked after children, as well as with organisations which specialise in working with children, such as the Children's Society and Coram.

The Home Office will be conducting a further survey of local authorities across the UK as part of the support we are offering to them with this important work. This survey will ask local authorities to provide assurance they have so far identified all relevant cases. We will share relevant data from the survey with the EU Settlement Scheme vulnerability user group, comprising experts from the local authority and voluntary sectors, to help them discuss progress in this important area and help focus our efforts in supporting local authorities with this work. A new burdens assessment has been conducted and funding issued to local authorities which have responsibilities for carrying out specific duties in relation to looked after children and care leavers to ensure they are adequately funded to do this work.

We do not agree with the Committee's recommendation that children in care and care leavers should be automatically granted settled status without having made an application to the scheme. This would cause confusion and potential difficulties for these vulnerable young people in future years, with them having no evidence of their lawful status here, which could leave them disadvantaged when compared to those who do. In addition to this, Parliament agreed with this Government's proposals with the passing of the Immigration Bill thus far.

They will need evidence of their status when they come to seek employment or access the benefits and services to which they are entitled. A declaratory system would leave them without it and struggling to prove their rights and entitlements over decades to come. This is not something we can allow to happen.

*26. We call on the Home Office to set out its position on the legal position of those with pre-settled status.* (Paragraph 92)

All those granted pre-settled status have a secure residence status in the UK, granted under the Immigration Act 1971, which enables them to live, work, study and access benefits and services on at least the same basis as before they applied to the scheme. Their rights are protected under the citizens' rights agreements which have direct effect in UK law via the European Union (Withdrawal Agreement) Act 2020.

EEA nationals granted pre-settled status are eligible to claim income-related benefits such as universal credit if they are exercising a qualifying EU Treaty right. This includes those with worker or self-employed status and those with retained worker status who have lost their jobs through no fault of their own. The longstanding requirement to be exercising a qualifying Treaty right to access income-related benefits is in line with EU law.

*28. We welcome the revised guidance issued by the Home Office, clarifying the situation for caseworkers and confirming that under the family and private life rules the NRPF condition must be lifted or not imposed if an applicant is destitute or is at risk of imminent destitution. There is scope, however, for further measures to provide reassurance and support to NRPF condition holders affected by the pandemic. There needs to be clarity that all who are prohibited from having recourse to public funds must have access to the support they need during this crisis, and funding provided to ensure that happens. The Government should immediately make arrangements for the temporary lifting of NRPF conditions during the COVID-19 pandemic. The Government should also direct local authorities to provide support where required by others who are destitute (or at risk of destitution) and who would otherwise be prohibited from accessing public funds, and it should provide funding to allow this to happen.* (Paragraph 116)

The public interest for migrants to be financially independent, and so not to be a burden on the taxpayer, is long established. However, this Government has acted decisively to ensure we support individuals through this pandemic. For example, the assistance being given under the Coronavirus Job Retention Scheme and the Self-Employed Income Support Scheme is not classed as a public fund and is available to all those in work or self-employment respectively, including those with no recourse to public fund (NRPF) status. This also includes mortgage holidays, changes to statutory sick pay,

and the measures we have introduced to protect renters from eviction.

During the COVID-19 pandemic, the Government has extended free school meals eligibility in England to include some groups who have no recourse to public funds in recognition of the difficulties they may be facing during these unique circumstances.

The Government has also announced additional funding for local authorities in England and additional funding for the devolved administration. This additional funding to councils in England means we have now provided them with over £3.2 billion during this pandemic. This funding means councils can continue to provide vital services to support vulnerable groups, including in adult social care and children's services. The Chancellor also announced the provision of an additional £750 million in support for the charitable sector.

The Home Office has published information and advice on support available to migrants, including those subject to NRPF conditions. This can be found here: <https://www.gov.uk/guidance/coronavirus-COVID-19-get-support-if-youre-a-migrant-living-in-the-uk>.

Migrants with leave to remain under the Family and Human Rights routes are able to apply to have the NRPF condition lifted by making a 'change of conditions' application, if there has been a change in their financial circumstances. The recent digitisation of the application form makes it more accessible and applications are being prioritised and dealt with compassionately. Migrants can also get help with completing the online form if they do not feel confident using a computer or mobile device or do not have internet access.

The Home Office continues to keep the situation under review and will make further changes should these be necessary and appropriate.