



Lord Morris of Aberavon
Chairman of EU Justice Sub-Committee
House of Lords
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Dear Lord Morris

EU Settlement Scheme

Thank you for your letter of 25 February about the EU Settlement Scheme (EUSS). I am sorry for the delay in responding to your letter.

I am pleased to receive your positive feedback regarding the EUSS, recognising it is performing well. We have established the EUSS to make it easy for EU, other EEA and Swiss citizens and their family members to obtain the UK immigration status they need in order to remain here permanently, with the same rights to work, study and access benefits and services as they had before the UK left the EU. The scheme is simple, streamlined and free of charge. Applicants only need to complete three key steps: prove their identity, show they live in the UK and declare any criminal convictions. More than 3 million grants of status under the EUSS have already been made, and there is still well over a year to go before the deadline of 30 June 2021 to apply. The latest published statistics for the EUSS are available at: www.gov.uk/government/collections/eu-settlement-scheme-statistics.

In line with the latest Public Health England advice on the Coronavirus, some of the support services and application routes for the EUSS have temporarily changed. However, individuals can continue to apply using any laptop or mobile device and they can still use the EU Exit ID Document check app to complete the identity stage of their application. While applications continue to be processed, during this challenging time they will take longer than usual. A range of support continues to be available online, by email and telephone for those who have questions or need help applying. The Home Office is keeping this situation under constant review and will endeavour to reinstate support services and application routes to their original capacity in line with public health guidance.

The Settlement Resolution Centre will continue to respond to email enquiries and provide a call back function when required. However, it is following all the latest Public Health England advice to work from home where possible and will no longer be answering inbound telephone calls. Emails from support organisations will be prioritised where possible.

There are 57 voluntary and community sector organisations across the UK which can offer assistance online, over the telephone or by email to help more vulnerable or at-risk people to apply. Further details can be found at: <https://www.gov.uk/help-eu-settlement-scheme>. Additional support is available for those who do not have the appropriate access, skills or confidence to apply online through Assisted Digital, which can offer assistance over the telephone. More information can be found at: www.gov.uk/assisted-digital-help-online-applications. Communications materials have been translated into 26 languages and are

available at: www.gov.uk/eu-settlement-scheme-translated-information-materials.
Alternative formats can also be requested.

The postal route for submitting identity evidence is currently suspended. All documents already posted will be processed and returned as quickly as possible. The identity document scanner locations are also suspended at this time following the latest public health guidance to protect staff. Individuals can still use the EU Exit ID Document check app to complete the identity stage of their application.

The Home Office and our delivery partners are keeping this situation under constant review and will endeavour to reinstate both the postal route for submitting identity evidence and the identity document scanner locations to their original capacity in line with public health guidance. We will continue to keep applicants and stakeholders updated, including through the EUSS guidance available on gov.uk.

Your letter raised a number of questions, which I will now address in turn.

1) What steps have you taken to inform potential applicants that alternative arrangements can be made where they do not have access to documentation and what further action, if any, do you intend to take?

The Home Office has produced a wide range of materials designed to provide information and support directly to applicants. The main EUSS guide advises citizens to contact the Settlement Resolution Centre (which they can currently do by email) in the first instance if they do not think they have the documents required to make an application. More information can be found at: <https://www.gov.uk/settled-status-eu-citizens-families/what-youll-need-to-apply>.

The Home Office has also produced a suite of materials aimed at supporting third parties who may be assisting or caring for others and who need information in order to help those people apply. These toolkits address concerns about lack of proof of identity or evidence of residence and provide clear information and advice to citizens and those assisting them. The toolkits also signpost the available support services and provide reassurance the Home Office will work with individuals to help them to make an application to the scheme. These documents have been circulated widely to all local authorities, the devolved administrations and via the grant funded network of voluntary and community organisations. Further information and access to the toolkits can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862420/EU_Settlement_Scheme_introduction_for_community_groups.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799889/EU_Settlement_Scheme_Local_authority_introduction.pdf

<https://www.gov.uk/government/publications/eu-settlement-scheme-introduction-for-community-groups/eu-settlement-scheme-introduction-for-community-groups#materials-for-you-to-use>

2) What assessment have you made of the number of children who have yet to apply for the scheme and what action do you intend to take as a result?

The Home Office has not made an estimate of the number of children eligible to apply to the scheme. The quarterly EUSS statistics publication provides a more detailed breakdown of the applications received and concluded. This includes applications received

and concluded by age group (under 18, 18 to 64, 65 and over). More information can be found at: <https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>.

3) What steps are you taking to ensure parents know what they need to do in order for their children to remain in the UK?

The Home Office ran a £4 million marketing campaign in 2019 to encourage EU citizens and their family members to apply to the EUSS. In February and March 2020, we ran a new wave of advertising to encourage those who have not yet applied to do so. The Home Office is also working closely with employers, local authorities and charities to raise awareness about the EUSS. A range of communication products is being developed in association with the University of Liverpool, designed specifically for young people and their parents. A bespoke toolkit for schools is also in development.

4) Please provide us with the results of the local authority benchmarking survey.

The Home Office has no plans to publish the insight gathered from the survey of local authorities in respect of looked after children. The data is incomplete and cannot be verified, by the Home Office, for accuracy. It therefore serves no purpose as a statistical measure. The Home Office is using the insight gathered from the survey to influence targeted engagement with local authorities rather than for statistical reporting.

5) Do local authorities have a statutory duty to ensure all children in their care secure appropriate immigration/ nationality status? What guidance have you given to local authorities about what action you expect them to take? How are you ensuring that children in care have access to the specialist support they are likely to need in order to make an application?

There is nothing in legislation about local authority responsibilities concerning the immigration status of children in their care, other than when the child is an unaccompanied asylum-seeking child. However, we expect local authorities will see a child's immigration status as part of their responsibilities to safeguard and promote the child's welfare under s.22 of the Children Act 1989 in England, and under similar legislation in other parts of the UK.

The Home Office has engaged extensively with relevant stakeholders, such as the Department for Education, the Local Government Association, the Ministry of Justice, the Association of Directors of Children's Services and equivalents in the devolved administrations, to understand and address the needs of looked after children and care leavers and to ensure they are supported. As has been agreed nationwide, local authorities and (in Northern Ireland) health and social care trusts are responsible for making an EUSS application on behalf of an eligible looked after child for whom they have parental responsibility by way of a court order. Responsibilities to signpost and support have also been agreed in relation to those children for whom there is no court order, but for whom the local authority has a clear interest in supporting the best interests of the child, for example children accommodated by the local authority, care leavers and children in need.

Guidance has been issued to local authorities regarding their role and responsibilities for making or supporting applications for looked after children. This includes information about where they can seek additional support, such as through a designated telephone number for local authorities in the Settlement Resolution Centre. Guidance is regularly reviewed to ensure its effectiveness for front line local authority staff. A refreshed version of the

guidance for local authorities in relation to looked after children will be published on gov.uk shortly.

6) Given the critical importance of access to specialist support and advice, can you confirm that you intend to continue to provide funding to organisations to support vulnerable applicants (to at least the current level) and, if so, when do you expect to announce the next tranche of funding?

On 6 March 2020, we announced a further £8 million of funding for 2020-21 to help vulnerable and at-risk EU citizens apply to the EUSS, on top of the £9 million of funding awarded in 2019-20 to 57 voluntary and community organisations across the UK. Local authorities as well as voluntary and community organisations will be able to bid for this further funding to provide support to vulnerable and at-risk people across the UK and to help ensure no one is left behind.

Funding to the existing service providers will be maintained while the bidding process proceeds for the further funding.

7) What consideration have you given to allowing this funding to be used to cover the costs that applicants face in obtaining the necessary documentation? If this grant is not to be used for these purposes, what other mechanisms are in place to support applicants who cannot meet these costs?

The grant funded network supports vulnerable and at-risk EU citizens in the UK in applying to the EUSS. They will have travelled to the UK with a valid identity document. The Home Office has been clear in acknowledging there may be challenges faced by some vulnerable and at-risk citizens who no longer have a valid identity document because it has been lost or stolen or has expired. There is provision under the EUSS for the Home Office to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document (such as a valid passport or national identity card) due to circumstances beyond their control or to compelling practical or compassionate reasons.

The published guidance makes this clear to applicants and those supporting them. Those who do not hold a valid identity document and are unable to obtain one are encouraged to contact the Settlement Resolution Centre (which they can currently do by email) in the first instance.

8) What consideration has been given to extending legal aid for other groups in need of specialist advice to apply to the EUSS or to appeal EUSS decisions?

As the Office of the Immigration Services Commissioner has confirmed, where parental responsibility lies with a local authority, the authority can advise and act for the child in relation to making an application under the EUSS. If there are more complex cases, then independent legal advice may be sought in line with the organisation's own processes and policies.

Publicly-funded immigration legal advice is available for separated migrant children and individuals identified as potential victims of human trafficking or modern slavery. Alternatively, legal aid to support applications may be available through the Exceptional Case Funding Scheme, where the relevant criteria are met. This will mean separated children who are EU or other EEA citizens will get support in securing their immigration rights. Further information about how to apply for legal aid to fund independent legal advice for a child or care leaver making an application to the EUSS is available on gov.uk.

The Settlement Resolution Centre can also be contacted for support. Currently this service is by email only.

9) What consideration have you given to allowing those granted pre-settled status the same access to services and benefits that they had before Brexit?

Those granted pre-settled status under the EUSS already maintain the same access to benefits and services they had prior to their application – they remain eligible if they meet the relevant qualifying criteria. Nobody's access to benefits or services is reduced by virtue of an EUSS application.

10) What guidance will be issued, if any, on what constitutes “reasonable grounds” for a late application?

Our focus remains on ensuring all those eligible to apply to the EUSS do so in good time, ahead of the deadline of 30 June 2021. However, to help ensure consistency of approach, we intend to publish guidance for caseworkers in due course on what constitutes reasonable grounds for missing the deadline. As with all aspects of the scheme, we will take a flexible and pragmatic approach. Examples of reasonable grounds will include children whose parent or guardian does not apply on their behalf; those in abusive or controlling relationships who are prevented from applying or accessing the documents they need to do so; and those who lack the physical or mental capacity to apply.

11) How many people do you estimate will find themselves without a legal right to remain in the UK on 1 July 2021 and how does the Government intend to treat those people from 1 July?

The Home Office has not made an estimate of the number of eligible people who will not have applied to the EUSS by the deadline of 30 June 2021. We have been clear, in line with the citizens' rights agreements, anyone with reasonable grounds for missing the deadline will be given a further opportunity to apply. We will take a flexible and pragmatic approach to ensuring individuals who miss the deadline through no fault of their own can still obtain a lawful status in the UK.

12) Where people have made an application by the deadline but have yet to receive a decision, or where people are allowed to make an application after the deadline, will they be able to continue to reside (with the same rights, access to services and benefits etc) until a decision is made on their application?

In line with the citizens' rights agreements, those who make an application before the deadline, but which remains outstanding after the deadline, will have their legal status and rights protected until their application is concluded, including until the outcome of any appeal. Also in line with those agreements, those who have not applied by the deadline will not have legal status here until they have made a successful application under the EUSS.

Thank you for raising these important issues, and I look forward to further engagement with your Committee.

Yours sincerely,



Kevin Foster MP
Minister for Future Borders and Immigration