

EU Settlement Scheme

Citizens Advice Redbridge



Helping EEA nationals
to secure their
immigration status

Overview of the EUSS

- EU, EEA or Swiss nationals and their family members resident in the UK by the 31st of Dec 2020 must apply for a status under the EUSS by the **30th of June 2021**
- Every eligible child must have a separate application submitted (even if a parent already holds a status)
- People currently abroad who qualify for a status can also apply from abroad (through EU Exit ID app or post)
- Close family members (e.g spouse, civil partner, unmarried partner, child under the age of 21, dependent child over the age of 21, dependent parent, grandparent) can apply to join the EU citizen at any time in future.
- Siblings, cousins, aunts etc. are not eligible

Project outline

Supporting residents to apply
to the scheme

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- Advice and information
- Telephone/email/video call and face to face support
- I.D Scanning/ technical support
- Partnership with Ramfel for complex cases
- Help with gathering documents and proof of residence
- Language support

Challenges and concerns

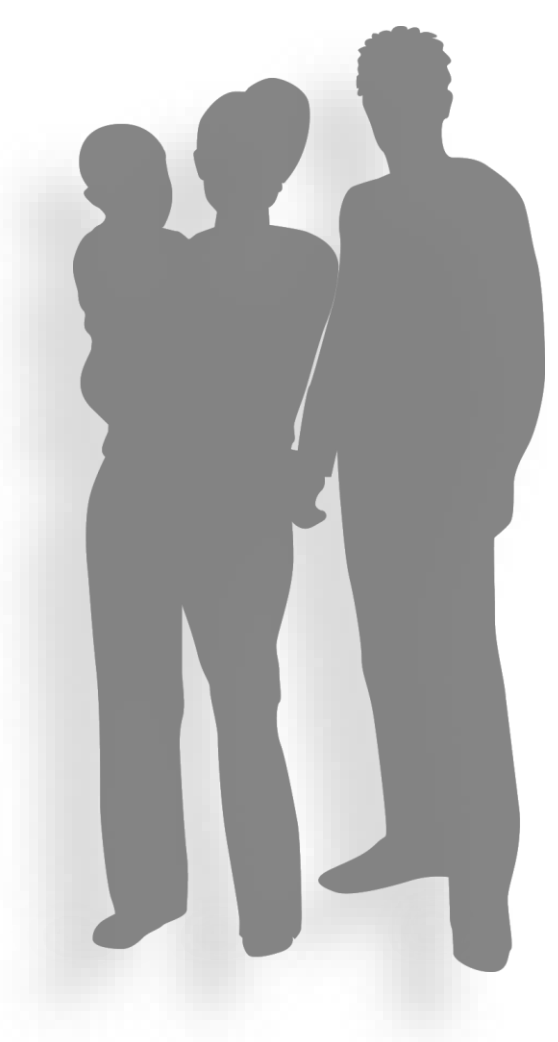
- Upgrading from pre-settled to settled status
- Continuity of residence (5 years) a requirement to obtain settled status. Possible confusion of right to remain outside of the UK for up to 2 years with pre-settled status and still qualify.

Exception: one absence of 6-12 months in any 12- month period may not break the continuity of residence if it was for an important reason
Absences relating to Coronavirus- guidance to be published on 11 June.

Example: Anna arrived in the UK on the 1st of July 2020 and applied for pre-settled status. Anna was granted status in August 2020. The pre-settled status will be valid for 5 years- until August 2025. If Anna remains outside of the UK for 8 months from Mar 2022- Oct 2022, she will not qualify for settled status in future unless this absence was for an important reason such as childbirth, pregnancy, serious illness, study, vocational training or an overseas posting and would be unlawfully resident in the UK once her pre-settled status expires. She would have to consider applying for a visa or leave the country.

If a person intends to remain in the UK permanently, they must ensure they meet the continuous residence requirement before the expiry of pre-settled status!

- Lack of awareness of the scheme/need to apply
 - EEA nationals with permanent residence documents
 - Parents applying on behalf of children, care leavers
 - Elderly, long-term residents
- Lack of a valid ID document
- Concerns over how to prove status- support likely needed
- Proving status until 30 June



Late Applications to the EU Settlement Scheme

- ❑ Home Office Guidance on dealing with late applications to the EUSS
- ❑ Grounds for late application, examples and evidence to support a late application

-Children

- Physical or mental capacity and/or care or support needs

-Serious medical condition or significant medical treatment

-Victim of modern slavery

-Abusive or controlling relationship or situation

-Other compelling practical or compassionate reasons

-Ceasing to be exempt from immigration control:

-Existing limited or indefinite leave to enter or remain

-Document or status under the EEA Regulations



The Role of Immigration Enforcement

- Home Office will operate Enforcement Teams whose task will be to ensure that anyone who needs to comply with immigration laws does so.
- Enforcement Officers will be able to issue written notices to EU citizens and their non-EU family members who might have been eligible to apply to the Eu Settlement Scheme, but failed to do so before the deadline. Those who were issued a notice will then have 28 days to submit an application, no immigration enforcement will be taken during that period.
- If the EU citizen fail to submit their application within that time frame they may face enforcement action and may no longer be able to demonstrate a good reason for late application

Conclusion on Late Applications

Non-exhaustive list list of reasonable grounds , covering broad spectrum of situations

The decision makers are urged to take a flexible approach when assessing each application individually

Even if a late applicant proves they had reasonable grounds to miss the deadline , they still be residing unlawfully after 1st July until they are granted status.

Thank you

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