

EU Settlement Scheme and at risk groups

A guide for carers and local authorities

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Objectives of the session

1. Identifying vulnerable groups/individuals that are at risk of missing the deadline to apply to the EUSS
2. Identifying the challenges for at risk individuals
3. Identifying some possible solutions and the application process

This presentation is not designed to replace official OISC training

Who should apply?

- EU, EEA, Swiss citizens, who started to reside in the UK before 31 December 2020, and their family members of any nationality;
- Including individuals who have been granted Permanent Residence (PR) under the EEA Regulations.

Exceptions:

- Irish citizens;
- Individuals who have already been issued Indefinite Leave to Enter/
Remain in the UK under domestic law;
- British citizens (including 'dual citizenship')

Pre-settled vs Settled Status

Settled status or Indefinite Leave to Remain

Those who started to reside in the UK before 31 December 2020, and lived in the UK for more than 5 years. EU citizens with settled status have the same rights as they did before Brexit.

Pre-settled status or Limited Leave to Remain

Those who started to reside in the UK before 31 December 2020, and lived in the UK for less than 5 years. They should apply for settled status once you have lived in the UK for up to 5 years continuously.

Particularly at risk groups

Older people, people lacking capacity, people looked after and people in the care of local authorities, are at risk of not meeting the deadline, therefore they risk becoming “undocumented” as they may:

- Not realise the need to apply;
- Not have mental capacity;
- Be physically and/or socially excluded (e.g. in care home) and difficult to reach;
- Unreachable during Covid-19 pandemic;
- Have expired documents and difficulties proving their residence;
- Not have access to their documents.



How to identify a person that needs to apply

Nationals of a country of the EU, EEA or Switzerland arrived before 31 December 2020	✓
Non-EEA family members (with biometric residence card) of an EEA citizen	✓
Permanent Residence document (issued under EEA regs) holders	✓
Dual British citizens	✗
Indefinite Leave to Remain holders (EEA citizens)	<p>✗ They can if they wish;</p> <p>✓ They need to apply, if they have lost the physical proof of their ILR</p>
<p>Windrush Generation Scheme*</p> <p>*Document showing your right to be in the UK, if if you came to live in the UK before 31 December 1988</p>	✗

Applications made on behalf of an adult with mental capacity issues and/or care or support needs

An application for someone who lacks mental capacity:

- Can be made by an appropriate third party → if someone's mental capacity fluctuates, their consent should be sought (when they are able to give it)
- Can be made on behalf of an applicant by their legal guardian;
- Should be made by the legal representative with Lasting Power of Attorney, or by deputy appointed by the Court of Protection;

Another appropriate third party is: a friend, relative, carer, social worker, support worker or legal representative.

Those signing the declaration on behalf of someone without mental capacity should:

1. Upload a letter in the evidence section to inform caseworkers of the individual's circumstances;
2. Show that they are acting in the best interests of the individual by uploading:
 - letter from a doctor, health professional, social services department or solicitor confirming the circumstances
 - a letter from the applicant themselves, authorising someone to act on their behalf
 - evidence of a carer relationship

In each case, the person acting on behalf of the individual will need to:

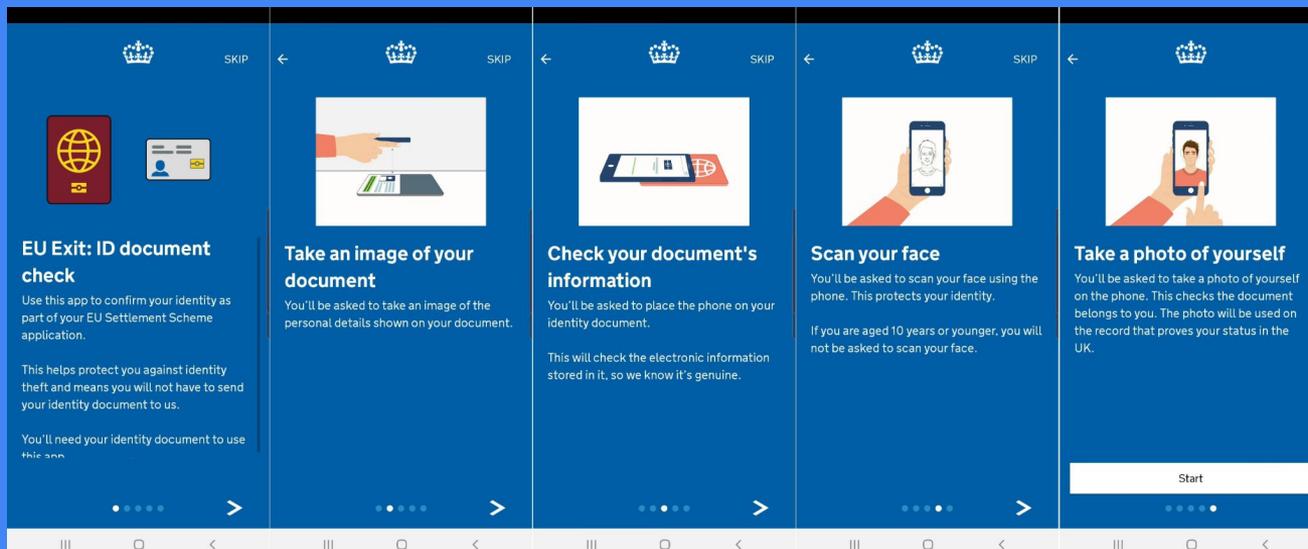
- have the authority (in the general sense of permission or consent) to do so;
- are acting in the best interests of the individual in accordance with the Mental Capacity Act 2005

OISC and legal advice

The third party must ensure they are acting appropriately according to the requirements of the Office of the Immigration Services Commissioner (OISC).

- ✗ You cannot give immigration advice, based on the individual's circumstances
- ✓ Friends or relatives, not acting in a professional capacity, can provide advice and assistance
- ✓ Professionals such as carers, social workers or support workers can help locate a document for the client (e.g. pick it up, scan it, etc.) and can, with the client's permission, forward documents to the client or to a legal adviser or another person without needing to be registered with the OISC
- ✓ They can ask relevant questions, especially if they are trying to refer a client to immigration advice (only share information about their case with the clients' consent).

- ✓ You can assist a client with the technology required, e.g. providing a phone which is compatible with the Home Office App “EU Exit: ID Document Check”; helping the client scanning the document/taking a picture; helping with setting up email address, etc.



Grant funded organisations (GFOs)

Some adult applicants with care or support needs may have to be signposted to other sources of support to assist them to make their application.

- OISC level 1 Immigration or EUSS - simple cases, straightforward presentation of facts;
- OISC level 2 or 3 - complex cases, people with no IDs, with criminal convictions, with lack of evidence of residence etc.



Application process - online or paper

Three steps in applying:

1. ID Check (App on smartphone, scanner locations or via post)
2. Residency Check (National Insurance Number)
3. Criminality Check (Police National Computer)



EU Exit: ID Document Check



Identity check - National Identity card or Passport

If the passport/ID Card is **valid and biometric** → 1. App EU Exit: ID Document Check or scanner locations;

2. Application online via the Gov.uk website

If **valid but not biometric** → 1. Application must be done online;

2. Document must be sent via post, with recorded delivery and prepaid addressed envelope.

If the passport has expired (or lost) → you need to request a paper application;

Because of Covid-19, in some cases expired IDs are still valid, depending on the decision of each country. (See Appendix 1)



Paper application

In order to request a paper application, you can access the Govk.uk website and download the application online and submit it via email.

Documents such as expired passports should be posted to the Home Office.

EU Settlement Resolution Centre

Telephone: 0300 123 7379

Monday to Friday (excluding bank holidays), 8am to 8pm

Saturday and Sunday, 9:30am to 4:30pm

If you are calling from organisations helping others to apply Telephone: 0300 790 0566

Monday to Friday (excluding bank holidays), 8am to 8pm

Saturday and Sunday, 9:30am to 4:30pm

Alternative evidence of identity

Impossible or unreasonable for the applicant to obtain or produce the required document:

- due to a serious medical condition;
- because they lack mental capacity, and there is no one to do so on their behalf;
- because of the applicant's age, when this is a barrier.

In this case, you should:

- 1) Provide confirmation of their condition or capacity, and why it prevents them from obtaining or producing the required document, from a doctor
- 2) Provide letter from a doctor confirming the barrier(s) to travel



continued

The Home Office's guidance provides a non-exhaustive list of alternative evidence.

This includes documents such as:

- Documents previously issued by the Home Office
- An expired passport
- An official document issued by the Embassy or the Consulate of the applicant's country of origin which confirms their identity and nationality
- A UK driving licence, NI number card, or tax or pension statement;
- An official document issued by the authorities of another EU Member State

Evidence of residence

Automatic checks using the NINo may not work for some people as the automatic check only go back 7 years;

- Indefinite Leave to Remain;
- Permanent residence document;
- Letter from supporting organisations (e.g. residential care home, local authorities);
- Bank statements;
- GP/medical records;
- HMRC/DWP records;
- When the applicant has worked/received benefits but not in the past 7 years.



UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND



Home Office
BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

**UK RESIDENCE DOCUMENTATION
FOR A NATIONAL OF AN EEA STATE**

This document is issued pursuant to Directive
2004/38/EC

**YOU ARE ADVISED TO PRODUCE THIS
DOCUMENT TO THE IMMIGRATION
OFFICER WHENEVER YOU LEAVE
OR ENTER THE UNITED KINGDOM**

This document contains 6 pages

RESIDENCE DOCUMENTATION

Name: _____

Document Number: _____

Place of Issue: _____

Type of Residence: _____

Expiry Date: _____

Remarks: _____

**NOTICE TO THE HOLDER OF
THIS CERTIFICATE**

C [REDACTED]

- If you change your normal place of residence from the one last recorded on this certificate you must report this change to the Police within 72 hours of your return to your home.
- A TEMPORARY absence of less than 2 months from your registered address need not be reported, but if you are away for more than two months and are still in the United Kingdom you must report to the Police if the holder in which you are registered your details at that time. Failure of the holder to report any change of address and your return home. This may be done by letter.
- You need not report to the Police on your return from a temporary absence abroad if both conditions have been imposed on your stay by the Immigration Officer. If you have been away for more than 2 months you must report your return but this may be done by letter.
- You must report within 72 hours to the Police of the district in which you are registered ANY CHANGE in the particulars recorded in the certificate other than those mentioned in the preceding notice. This includes any change in your status of business or employment, or in the conditions attached to your stay.
- If you ever go on board, lodging house, boarding house or any other place where lodging is provided for payment, you must write your name and nationality in the register on arrival and complete a statement in the form provided.
- If your children are living with you in this country and they are not British, they must have separate Certificates when they reach the age of 16.

Failure to comply with any of the above requirements, making any false statement to a person charged with registration duties, altering this certificate in any way, failure to produce the certificate when required to do so by an Immigration or Police Officer, having in possession or using without lawful authority for the purposes of the Aliens Order any forged, altered, or irregular certificate, passport, or other document, will render the offender liable to be detained in custody, and to a fine of £100 or six months imprisonment.

(S.118(7)) W.128(6)(1)(1) 300,000 6/83 H.c.

ALIENS ORDER 1953

**CERTIFICATE OF
REGISTRATION**

You must produce this certificate
if required to do so by any Police
Officer or Immigration Officer

SEE ALSO THE NOTICE ON THE BACK
OF THIS CERTIFICATE

8

ENDORSEMENTS AND REMARKS

PERMISSION GRANTED FOR EMPLOYMENT AS

Resident Domestic WITH
[REDACTED]

SUBJECT TO REVIEW, AS NECESSARY.

THIS DOCUMENT AND YOUR PASSPORT
SHOULD ACCOMPANY ANY APPLICATION
TO THE HOME OFFICE FOR EXTENSION OF
OR VARIATION OF YOUR CONDITIONS OF
STAY.

WESTMINSTER
1 AUG 1961
EMPLOYMENT EXCHANGES

LONDON
1 AUG 1961
METROPOLITAN POLICE

110 - see also - grades

The condition attached to
the grant of leave to land
is hereby cancelled.
for Under Secretary of State
Home Office.
Date **24 JUN 1963**

ALIENS ORDER, 1963

The holder of this Certificate
is exempt from registration with
the police, but should retain
this Certificate.
for Under Secretary of State
Home Office.
Date **24 JUN 1963**

Lack of evidence of residence

If it is not possible to obtain evidence for full period, submit application for settled status with detailed legal representations.

- Reasons applicant is eligible and should be granted settled status
- Compelling circumstances/reasons they are unable to obtain evidence of residence for a certain period

- + Supporting evidence

Late applications - Reasonable grounds

Adults with physical or mental capacity issues;

Adults with broader care or support needs (those who may be residing in a residential care home, or receiving care and support services in their own home);

Adults with long-term physical or mental health needs or a disability.

Proof of digital-only status

The status is entirely digital - will not receive a physical document;

You may need to access the digital status the Gov.uk website to:

- access a share-code to prove your status to others, for example DWP, NHS, and in general applying for welfare benefits and/or social assistance;
- update your personal details.



Thank you for listening!



How to contact us:

help@neweuropeans.uk

Whatsapp +44 7367 095 176

Annexes and useful links

Appendix 1. List of countries accepting expired documents

Bulgaria	Any document which has expired (or is due to expire) between 13 March 2020 - 31 July 2021 is to be accepted as valid until 31 July 2021
Croatia	Any document expiring on or after 13 March 2020 is to be treated as having no expiry date. This rule will apply until 30 days after the official proclamation of the end of the COVID-19 pandemic in Croatia
Hungary	Any document expiring between 11 March 2020 - 3 July 2020 is to be treated as valid indefinitely Any document expiring on or after 4 November 2020 is to be treated as valid indefinitely
Italy	Any document expiring from 31 January 2020 is to be treated as valid for proving the holder's identity until 30 April 2021. However, it cannot be used as a travel document.

*Any document = passport and ID card

*Any card = ID card only

<p>Portugal</p>	<p>Any document expiring after 26 February 2020 is to be accepted as valid until 31 December 2021. Any expired document is to be accepted as valid after 31 December 2021 where the holder can prove that they have an appointment to renew the document</p>
<p>Romania</p>	<p>Any document expiring on or after 1 March 2020 is to be accepted as valid until 90 days following the end of the state of alert in Romania</p>
<p>Slovakia</p>	<p>Any identity card expiring between 9 April 2020 - 30 April 2020 is to be accepted as valid until one month following the official termination of the state of crisis situation by the Government of the Slovak Republic</p> <p>Any identity card expiring between 1 May 2020 - 31 May 2020 is to be accepted as valid until 2 months following the official termination of the state of crisis situation by the Government of the Slovak Republic</p> <p>Any identity card expiring between 1 June 2020 - 30 June 2020 is to be accepted as valid until 3 months following the official termination of the state of crisis situation by the Government of the Slovak Republic</p> <p>Any card expiring on or after 1 July 2020 until the official termination of the state of crisis situation by the Government of the Slovak Republic is to be accepted as valid until 4 months following the official termination of the state of crisis situation by the Government of the Slovak Republic</p>
<p>Spain</p>	<p>Any card expiring between 14 March 2020 - 13 March 2021 is to be accepted as valid until 13 March 2021</p>

Resources Hub

New Europeans UK has set up a Resources Hub with guidance on how to access your status, in different languages:

<https://new europeans.uk/making-an-application/>

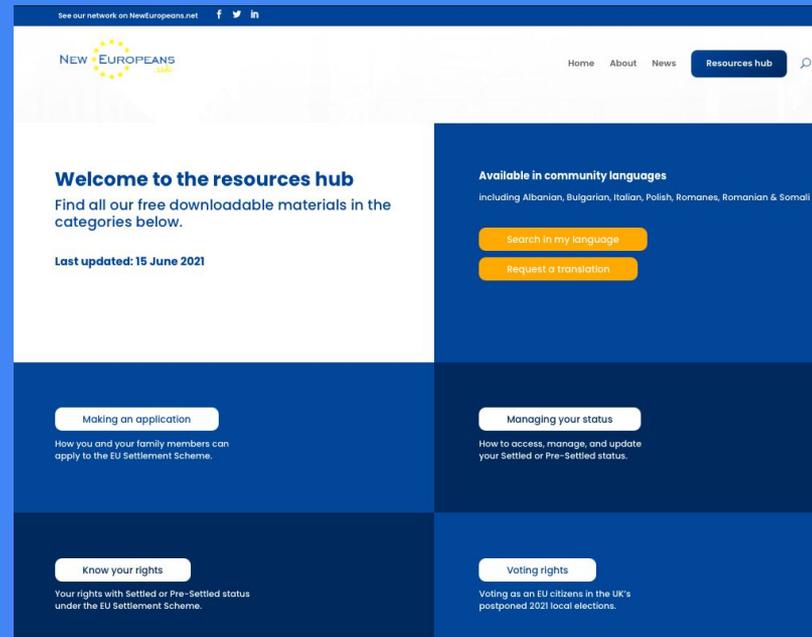
<https://new europeans.uk/managing-your-status/>

<https://new europeans.uk/your-rights-card/>

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EU Londoners HUB

<https://www.london.gov.uk/what-we-do/european-londoners-hub/eu-citizens-and-new-immigration-system>



Useful links

Locations offering ID document scanning:

<https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations/locations-offering-chip-checker-services>

Download of the 'EU Exit: ID Document Check' application:

Android <https://play.google.com/store/apps/details?id=uk.gov.HomeOffice.ho1&hl=it> or iOS

<https://apps.apple.com/it/app/eu-exit-id-document-check/id1478914184>

List of Grant funded organisations:

<https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations>

EU Londoners Hub (Mayor of London), List of organisations:

<https://www.london.gov.uk/what-we-do/european-londoners-hub/advice-and-support-services>

Access your status

www.gov.uk/view-prove-immigration-status

Download paper applications:

<https://www.gov.uk/government/publications/apply-to-the-eu-settlement-scheme-by-post-or-email>

Support with online applications:

We Are Digital

visa@we-are-digital.co.uk

Telephone: 03333 445 675

Monday to Friday, 9am to 6pm