

EU Settlement Scheme

Webinar 28th June 2021

Gabi Monk – Director of European
Casework, Home Office

Ian Hall – Assistant Chief Officer/Senior Officer
Policy

Introduction & Welcome

Heather Booth, EUSS Project Officer

Ben Fitzpatrick, Vulnerability Team Lead, Home
Office

EU Settlement Scheme

Webinar Agenda

Welcome & Introductions 11.30 - Ian Hall, ADASS

Gabi Monk, Home Office

EU Settlement Scheme 11.35 – 11.45

Presentation - Heather Booth, ADASS 11.55 – 12.20

Ian Hall - Chair Questions 12.20 – 12.30

Close/Wrap up 12.30 – 12.45

What is the EU Settlement Scheme & who should apply

- Designed to enable EEA citizens to continue to live, work and study in the UK
- Open in full since 30 March 2019 – Free - Deadline for Applications is the 30 June 2021
- Individuals with settled or pre-settled status are eligible for the following (same basis as current but may change)
 - Access to benefits, public funds and pensions
 - Public services, such as healthcare and education
- Individuals with settled status may also be eligible for British Citizenship – if they want to apply and meet the criteria

EUSS continued...

- Irish Citizens do not need to apply but may do so if they wish
- EEA Citizens and family members with ILE/ILR can swap their existing status with EUSS which offers additional benefits such as family re-unification – should be encouraged to do so
- Non-EU family members also need to apply
- British Citizens cannot apply

EUSS continued...

- They need to apply even if -
- They were born in the UK but are not a British citizen
 - have a UK ‘permanent residence document’
 - are a family member of an EU, EEA or Swiss citizen who does not need to apply - including if they are from Ireland
 - are an EU, EEA or Swiss citizen with a British citizen family member

Application Process

- 3 Key Steps in the application process (online & paper)
- Proof of ID – identity & Nationality
- Residency – length of time (NiNo or documents)
- Criminality check

EU Settlement Scheme

Over 5.6 million applications

53% - Settled Status

44% - Pre-settled Status

Data is available – monthly and quarterly (next due August 2021)

Number of applications not the unique number of applicants

<https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-march-2020>

Statistics

- By Age Group –
 - Under 18 – 15%
 - 18 – 64yrs – 83%
 - 65+ yrs 2%
- Nationality
 - Polish
 - Romanian
 - Italian
 - Portuguese Spanish

58% of applicants

Statistics

- Croydon – 1.2%
- Liverpool – 2.5%
- Peterborough – 1.5%
- Southampton – 1.5%
- Cambridge – 1.9%
- Luton – 1.7%

Older citizens

- Number of over 65's continues to remain very low
- The total number of EUSS eligible people living in the UK is not known
- Not everyone is known - underestimated the number of vulnerable people (not connected to support services)
- Suggest that a large number of over 65 yr. olds still have to apply
- Impact of Covid-19 – significant reduction in family contact time

Where to access help

- 70 plus Grant Funded Organisations
- OISC Accreditation
- Level 1 and above

Immigration Law, relevant forms and processes

Knowledge of evidence needed

Awareness of Immigration Regulations

Draft letters and complete application forms

Provide evidence in support of applications

Maintain records and information

Issues

- Priority now is to continue to identify eligible citizens and submit applications
- Not having a lawful status under current immigration law (currently applicable to non-EEA citizens) means no right to work, rent, access benefits
- Will apply to EU citizens and families who miss the deadline and possibly for those who have made an application and waiting for an outcome

Consequences of Failing to Apply by deadline

- EEA nationals who do not apply by the deadline risk being:
 - In the UK unlawfully
 - Subject to removal proceedings, including indefinite immigration detention
 - Excluded from mainstream benefits (s. 115 Immigration & Asylum Act 1999)
 - Banned from working
 - Unable to have a bank account
 - Charged for many secondary NHS services
 - Prevented from renting private residential accommodation
 - May be excluded from community care – unless they have some other lawful basis for being in the UK/it would breach their human rights - *The Aire Centre*

EU Settlement Scheme

Late Application Guidance Policy for
caseworkers

No Recourse to Public Funds NRPF Forum

DWP/HMRC Communications

Revised CPA Guidance

Easy Read Materials

EU Settlement Scheme

- Non-exhaustive list of reasonable grounds
- Children (including children in care and care leavers)
- Physical or mental capacity and/or care or support needs
- Serious medical condition or significant medical treatment
- Victim of modern slavery – National Referral Mechanism
- 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

Who can make applications in respect of adults with care or support needs

- Person with a power of attorney for the applicant
- A deputy appointed by the Court of Protection in England and Wales
- A controller appointed by an order made by the High Court in Northern Ireland a legal guardian
- Another appropriate third party e.g. friend, family member, carer, social worker, support worker or legal representative – *Case worker guidance*
- *<https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>*

Applications in respect of adults with care or support needs

Anyone eligible to apply to EUSS must do so before the 30th June this year. This includes eligible adults who are lacking the mental capacity to make their own decisions, or with broader care or support needs such as those who may be residing in a residential care home or receiving care and support services in their own home, with long-term physical or mental health needs or a disability.

Late applications – People who Lack Mental Capacity

- Guidance says,
- *“Where a person lacks the physical or mental capacity to apply to the EU Settlement Scheme (or for example did so in the months before the deadline applicable to them), that will normally constitute reasonable grounds for the person to make a late application to the scheme or for an appropriate third party to apply to the scheme on their behalf.”*
- *“Where a person has care or support needs (or for example did so in the months before the deadline applicable to them), that will also normally constitute reasonable grounds for the person to make a late application to the scheme or for an appropriate third party to apply to the scheme on their behalf. This may include many adults with physical or mental capacity issues, but will also include adults with broader care or support needs, such as those who may be residing in a residential care home, or receiving care and support services in their own home, with long-term physical or mental health needs or a disability”*

Late applications – People who Lack Mental Capacity

- Guidance says that evidence that may satisfy the Home Office that a person lacks the physical or mental capacity to apply to the EU Settlement Scheme (or did so), or has relevant care or support needs, may include:
 - evidence that a formal arrangement, such as a Power of Attorney, is or was in place in respect of the person
 - a letter from a doctor, health professional, social services department or solicitor confirming the circumstances
 - a letter from the applicant themselves explaining the circumstances and authorising an appropriate third party to act on their behalf
 - evidence of a carer relationship where an appropriate third party is providing for the person's care needs, for example a Department for Work and Pensions letter confirming the eligibility of the third party for Carer's Allowance - *The Aire Centre*

Home Office Guidance

- Comment on guidance:
 - Caution - if the third party that makes the application is acting in a professional capacity (whether paid or not), they are likely to need to be regulated to provide immigration advice and services in order to make an application on the person's behalf.
 - Could be a criminal offence to make immigration representations on their behalf
 - Likely to apply to:
 - Social workers
 - Perhaps even professional deputies
 - CHECK WITH OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER BEFORE ACTING
 - Guidance suggests that “authority” and “best interests” are either/or:
 - However, arguably need **both** - *The Aire Centre*

Further Webinars

- **8 July 11.30-12.45** No Recourse to Public Funds (NRPF) Forum
- **21 July 12.30 – 14.00** No Recourse to Public Funds (NRPF) Forum
- To book: www.adass.org.uk/euss

ADASS Resources

- Webinar Slides
- CPA Guidance
- The Aire Centre
- Grant Funded Organisations
- Home Office Materials
- No Recourse to Public Funds (NRPF) Factsheet
- Liverpool CAB – Information for Employers

Key Contacts

- EU Resolution Centre
 - 0300 123 7379 (inside UK)
 - +44 (0) 203 080 0010 (outside UK)
- Organisations supporting applicants
 - 0300 790 0566
 - Grant Funded Organisations – link to Home Office webpage
<https://www.gov.uk/help-eu-settlement-scheme>

Website & Contact Details

ADASS Website

www.adass.org.uk/euss

*https://www.gov.uk/government/statistics/e
u-settlement-scheme-quarterly-statistics-*

Government Guidance *March-2020*

www.gov.uk/settled-status-eu-citizens-families

CPA Guidance

<https://careprovideralliance.org.uk/euss-and-adults-using-care-services>