



The impact of COVID-19 on children in care and care leavers affected by Brexit immigration changes

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COVID-19 has brought into sharp relief the truth that we are all in this together; no one is safe until we are all safe. There must be no going back to the divisive policies of austerity and the hostile environment after COVID-19.

During the pandemic, essential measures to contain the virus (social distancing, changes to government policies, restricted access to services) are undoubtedly affecting people's circumstances differently. For people subject to immigration control this includes whether they are, or will be able to remain, in the UK lawfully.

A significant number of people affected by Brexit immigration changes still need to make an application to the EU Settlement Scheme (EUSS). The Scheme currently has a deadline of 30 June 2021. [According to government ministers](#), people who have not made a successful application by the deadline will be in the UK unlawfully. Every week lost to the virus means more people, particularly those in vulnerable situations, running the risk of this happening to them.

While the EUSS deadline is next year, this matters now because existing problems with the scheme mean applications from certain groups already take a very long time. COVID-19 risks this becoming a much larger problem and pushing delays past the deadline.

Based on our experience in Greater Manchester we have particular concerns for children in care and care leavers affected by Brexit immigration changes. In 2019 research from our casework showed that EUSS applications from this group of children and young people were [not simple and straightforward](#); none were able to make an EUSS application due to difficulties accessing nationality documents or evidence of their length of residence in the UK.

Many of the problems we identified with the EUSS (and the knock-on impact of COVID-19) will also apply to other groups of people without simple and straightforward life histories, including people experiencing homelessness and domestic violence survivors. As most of the difficulties relate to pre-application delays they are not picked up in government [EUSS statistics](#).

Our concerns for children in care and care leavers

Access to outreach services and legal advice: COVID-19 means most face-to-face EUSS outreach services and immigration legal advice services are no longer running and have switched to phone or online. Children in care and care leavers need legal advice to understand their options, including their eligibility for British citizenship, rights as EEA family members, or the impact of contact with the criminal justice system. It is inevitable that COVID-19 will mean delays to them being able to access advice and in turn this will lead to application delays, incomplete applications or even the wrong immigration applications being submitted.

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Ability to acquire nationality documents: COVID-19 is likely to cause significant delays for children and young people who need to re-document with embassies in order to apply to the EUSS. Sickness and self-isolation among embassy staff, reduced services and opening hours, travel restrictions and government advice on essential only travel will all make re-documenting more complicated, lengthier and, for some, impossible at this time.

Ability to acquire evidence of residence: half the children and young people in our research had been in the UK over five years (enough to apply for Settled Status, rather than Pre-Settled Status) but not all had documentary records to prove it, especially if they had been in care less than five years. Social workers and personal advisers have to contact GPs, schools, health visitors and other community services to provide necessary evidence. Many of those services will now be inundated and unable to process requests for evidence at all or in anything like a timely fashion because of COVID-19.

Access to the application process: most EUSS applications are made using the Home Office's EU Exit: ID Document Check app, but a paper route exists for those unable to gather the evidence needed to use the app. We have supported several young people to use the paper route who were never likely to be able to re-document. At the end of March 2020 the [paper route was amended](#) because of COVID-19 (ID documents are no longer accepted through the post), the EUSS [document scanning service](#) (for people unable to scan documents on a smart phone) was closed and the Settlement Resolution Centre stopped taking phone calls. With COVID-19 measures adding to difficulties acquiring documents/evidence, it is likely that the number of children in care and care leavers who cannot access the online app will only increase at the same time as access to alternative application routes is shrinking.

Application times: at the end of March 2020 the Home Office updated its website to say that because of COVID-19 there will be delays to EUSS processing times. The delay time has not been quantified and it is unclear what impact this will have on applications that have already been submitted or are yet to be submitted.

Our recommendations

In the light of COVID-19 and its impact on difficulties already experienced by children in care and care leavers (as well as other groups of vulnerable people), we renew our recommendation that the government implements a declaratory system. In the long term this is the only way to ensure people are not left behind by Brexit immigration changes.

At a minimum we believe the government should extend the EUSS deadline (COVID-19 makes June 2021 impractical) and confirm that late applications will be accepted (because of the impact of COVID-19 measures). In particular, given local authorities' corporate parenting duties, we believe children in care and care leavers (a) should all have out of time applications accepted whether they are under or over 18 at the point of the EUSS deadline; (b) that this should apply to those who have had contact with the criminal justice system; and (c) that their immigration status should be protected despite any out of time applications.

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