



Frequently Asked Questions – the EU Settlement Scheme (EUSS) for looked after children and care leavers

We've talked to social workers and PAs from a number of different local authorities about supporting children and care leavers through the EUSS process. From these conversations we've compiled this FAQ document which answers many of the common questions people raised.

If your question is not answered here, or you need help with a complex application, please get in touch with maria@gmiau.org

APPLICATION PROCESS AND ELIGIBILITY	
Q1. Is there a step by step guide to making the application?	A. There are a number of online resources. Essential reading is the guidance for local authorities (take note of what needs to be recorded in the child or care leaver's notes). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918663/looked-after-children-EUSS.pdf A step by step guide (to using the app and online form) can be watched here https://www.youtube.com/watch?v=syMa0E3cGHk
Q2. Where can I get more help with a complex case?	A. There are 72 organisations providing support. Many of them are working nationally. These can be found here – https://www.gov.uk/help-eu-settlement-scheme You can also contact maria@gmiau.org if your question is not answered here and you need more help with an application.
Q3. How do I request a paper application?	A. Call the EU Resolution Centre on 0300 790 0566 . They will take the applicant's details and also ask why the paper application is needed. The form will be sent out with the applicant's details pre-populated.
Q4. The family we support have permanent residency. Do they need to apply?	A. Yes. Even those with permanent residency need to apply.
Q5. The person we support has indefinite leave to remain. Do they have to apply?	A. There is no requirement to apply for those with indefinite leave to remain but it could be more advantageous. With settled status the person can leave the UK for up to 5 years without losing their status (instead of 2 years as with indefinite leave to remain).
Q6. Do the children of a family group have to apply?	A. Yes, all children need to apply. Children continue to be treated as children for the purposes of the application until they are aged 21.
Q7. Do people from the Republic of Ireland need to apply?	A. No
Q8. Which nationalities are covered by the EUSS?	A. The EUSS is open to nationals from EU, EEA countries and Switzerland. It is also open to their family members (who may not be a citizen of one of these countries themselves). In some circumstances family members of British Citizens can also apply. Working out who can apply is complicated and we urge you to get immigration advice for any child / young person without British citizenship.



<p>Q9. How do we identify all those who could be eligible to apply?</p>	<p>A. Start by checking who has a British passport. For all those without one, make sure they have received good quality immigration advice. It is not easy to identify everyone who can apply to the EUSS but it is a relatively straight forward (and free) application to make, so often the best route to get secure status.</p>
<p>Q10. We think a family / care leaver needs to apply but they won't engage with us.</p>	<p>A. It's important to highlight to the family / person that you can help them make an application and what this means in terms of accessing work, benefits, housing etc in the future. Suggest the family access advice from a community organisation if they no longer want to take your advice. Send information in the person's own language – some resources can be found online here - https://europia.org.uk/what-we-do/euss-support/</p>
<p>Q11. Someone we support thinks they have applied successfully to the EU Settlement Scheme but doesn't have any documentation to prove their status. How do we find out?</p>	<p>A. You can check immigration status here https://www.gov.uk/view-prove-immigration-status or also by calling the Resolution Centre (0300 790 0566)</p>
<p>Q12. What about British Citizenship? Can we just do this instead?</p>	<p>A. It's often in the best interest of the child / young person to explore British Citizenship if they're eligible. Lots of children are eligible but they don't know it or can't afford to apply. More information on who can apply can be found here – https://prcbc.files.wordpress.com/2019/04/leaflet-british-citizens-rights-of-children-born-to-eaaswiss-nationals-.pdf Speak with an immigration advisor about starting the process for citizenship and if this is in the young person's best interests. Do not delay an application to the EUSS however. The application for citizenship is a lengthy one and very unlikely to be completed prior to the June 30th deadline. Someone can apply to the EUSS without it affecting an application for British Citizenship.</p>

PROVING IDENTITY AND NATIONALITY

<p>Q13. The passport only recently expired, might it still be accepted?</p>	<p>A. Some countries have extended the validity of their passports and national ID documents because of the Covid pandemic. You can check which ones on page 27 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953873/main-euss-guidance-v9.0ext.pdf)</p>
<p>Q14. The person we're supporting needs to get a new passport issued by the Embassy but is not able to because of Covid.</p>	<p>A. The guidance states that alternative evidence of identity and nationality may be accepted if <i>"the applicant cannot obtain or produce the required document due to circumstances beyond their control or due to compelling practical or compassionate reasons"</i>. You should contact the Resolution Centre to discuss the situation and request a paper application if there is no possible way of renewing the document.</p>



	You must continue to try and renew the passport / ID document when restrictions lift (it is best practice for all looked after children and care leavers to have a passport and the Home Office may check what has been done to progress the application for ID after the EUSS application has been made).
Q15. We're supporting a family who are on a very low income. They cannot afford to renew their passports. What can we do?	A. It is essential that an application is made to protect the family's right to remain in the UK and right to work or access benefits if needed. In some cases it might be necessary for the local authority to financially support a family to renew their documents in order to ensure an application is submitted.
Q16. There is a very long waiting time for a passport appointment at the Embassy. What do we do?	A. The important thing is the application is made on time. As the deadline to apply is now very close we would advise that you request a paper application from the Resolution Centre. While this is being processed, continue to support the individual to get a new passport. If the passport arrives before a decision is reached on the paper application then an online application could be submitted as well. Make sure you get something from the Embassy in writing to send with the paper application as evidence that you cannot get ID for the individual prior to the 30 th June deadline.
Q17. How do we get a passport for a child with very little ID / no parent cooperation?	A. The first thing to do is to approach the child's Embassy and discuss the case. Try and get something in writing from the Embassy to say if they can help or not and what documents they need. This can then be used as evidence when applying to the EUSS to show that it has not been possible to make a straight forward application. NB in these cases you will need to request a paper application from the Resolution Centre.
Q18. We've approached the Embassy for a new passport but they require the parent's / one parent's signature. What do we do if we can't get this?	A. You will need to request a paper application from the Resolution Centre and provide as much alternative evidence of identity and nationality as possible. See page 39 of this guidance for examples of what you can provide - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953873/main-euss-guidance-v9.0ext.pdf . You will also need to write a supporting letter with the application to evidence what work you've done to try and obtain replacement documents and why it's not possible to obtain them.

PROVING RESIDENCY

Q19. What proof can we provide to show the child has been in the UK for more than 5 years?	A. Some examples of evidence that you can provide includes; a letter from social services, school letter, GP records, copy of bills, bank statements, travel tickets.
Q20. The person I'm supporting has been out of the UK on a number of occasions. What counts as continuous residence?	A. For settled status, the person needs to prove 5 consecutive years' residence (with no more than a 6 month absence in every 12 month period). The residence can be historic. Speak to an immigration advisor or one of the support organisations to talk through periods of absence and what this means for the application.



CRIMINALITY	
Q21. The person we support has a criminal record. Will an application to the EUSS be automatically be refused?	A. No – applications may only be refused for serious or persistent offending. Always support the young person to seek legal advice in these cases. It may be better to submit representations from an immigration advisor alongside the application to the EUSS.
Q22. The application has been refused on criminality grounds. What should we do?	A. Seek legal advice as soon as possible. There is an appeal process for these cases and applications should only be refused for the most serious of offences, especially if the applicant is a child or was at the time of the offence. NB There is appeal process only for those applications made after 31/1/20. It may be wise for those who applied before this date who have criminality issues and have not had a decision yet to reapply, in order to be afforded the right of appeal should the application be refused.
Q23. We're worried about future offending of this young person. Can it affect their status outcome?	Yes – both settled and pre-settled status can be withdrawn for future offending. The most secure status is citizenship – explore with an immigration advisor if this is possible for the young person.

APPLICATION OUTCOME AND FUTURE STATUS	
Q24. When should pre-settled status be converted to settled status?	A. The application for settled status must be done at the point the application has been resident in the UK for 5 years. Do not wait until the pre-settled status expires.
Q25. How do we convert pre-settled to settled status at the point someone has done 5 years?	A. You will need to make a new application and provide the evidence of continued residence for the full five years. This can be done using the app and online form or post if needed.
Q26. Once someone has received their status, how long can they be out of the UK for without it affecting their status?	For settled status a maximum of 5 years can be spent outside of the UK without losing the status. For pre-settled status this is 2 years (but note that this breaks continuous residence so will affect the time at which settled status can be applied for).