

EU SETTLEMENT SCHEME

Presentation for Here for Good volunteers

Unkha Banda, Immigration Lawyer at Here for Good/Bindmans LLP

Mala Savjani, Immigration Lawyer at Here for Good/Wilson Solicitors

29 April 2021

HERE FOR GOOD

Introduction – Here for Good

- Here for Good is a legal charity which exists to provide free immigration advice to EU, EEA and Swiss citizens and their family members living in the UK.
- We primarily assist with complex applications under the EUSS.
- Services:
 - Email & phone advice service
 - Casework
 - Network of volunteer lawyers who are taking on cases pro bono around the UK.

HERE FOR GOOD

Brief Overview of the EUSS

HERE FOR GOOD

The EUSS and Appendix EU

- The **UK left the EU on 31 January 2020** under a negotiated deal called the EU-UK Withdrawal Agreement (WA).
 - The WA provided for an extension of all EU law until 31 December 2020 in order to give the UK time to negotiate itself properly out of the EU. On 31 December 2020 EU free movement law ended and **we are now in the ‘grace period’, which will end on 30 June 2021.**
 - As part of the WA, **the UK government introduced the EU Settlement Scheme (‘EUSS’) through Appendix EU of the domestic Immigration Rules.**
- The EUSS is the mechanism through which EU, EEA and Swiss citizens and their family members resident in the UK prior to 31 December 2020 can apply to secure their status and rights in the UK.
- During the grace period, those who have not yet applied to the EUSS may have their existing EU law right to reside carried over to 30 June 2021, to ensure they still have a legal basis for living in the UK until they complete their pre-settled or settled status application.
- **The deadline to the apply under the EUSS is 30 June 2021.**

HERE FOR GOOD

The EUSS and Appendix EU

There are two types of status that can be granted under the EUSS:

- **Indefinite Leave to Remain** (also known as ‘settled status’) for applicants who have lived in the UK continuously* for 5 years or more; or

*“continuously” means that the person has not been out of the UK for more than 180 days in any 12 month period.

- **Limited Leave to Remain** (also known as ‘pre-settled status’) for applicants who have lived in the UK for less than 5 years.

The “Old” vs. The “New”

Main differences between the EEA Regulations and Appendix EU:

- Under the EUSS there is **no need to demonstrate that the applicant has been exercising Treaty Rights** under EU law. The applicant just has to show that they have been resident in the UK.
- Rights under the EEA Regulations 2016 are acquired automatically but to get status under the EUSS an application must be made.

Who must apply under the EUSSS?

- EU, EEA, Swiss citizens and their **family members**.
 - *Including individuals who have been granted Permanent Residence (PR) under the 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’)
- Those who already have ILR/ILE are not obliged to apply

Other applicants

There are other categories of non-EEA citizens who may also be able to apply under the EU Settlement Scheme including:

- Those with derivative rights of residence
- Those who have retained rights of residence
- Surinder Singh applicants

Deadline

- **30th June 2021** (end of the grace period).
- This applies to applicants who were resident in the UK by 31st December 2020 (end of the transition period).
- Late application made in accordance with new Home Office guidance will be considered.
- Some applications can be made after 30th June 2021 (e.g. joining family members, some Surinder Singh applicants, those with PSS who will be applying for SS etc.)

HERE FOR GOOD

Key Requirements for Settled Status



HERE FOR GOOD

Key Requirements for Settled Status

- 5 years' **continuous residence** in the UK
 - Permitted absences from the UK: no more than 6 months in any 12-month period
 - Broken by prison sentences
 - Exceptions = 12 months < x > 6 months for a specified important reason
- No '**supervening event**' has occurred
 - Absence from the UK of 5+ years since acquisition of PR
 - Issued with an exclusion/deportation order (unless set aside/revoked)
- Meet the eligibility and **suitability requirements**
 - Mandatory
 - Discretionary

HERE FOR GOOD

Key Requirements for Pre-settled Status

- Less than 5 years' **continuous residence** in the UK
- Meet the eligibility and **suitability requirements**
 - Mandatory
 - Discretionary

Overview of Application Process



HERE FOR GOOD

How do you make the application?

1. “EU Exit: ID Document Check” app (android or iPhone)

- Only if the applicant is an EEA national with a valid biometric national ID or passport

2. Online application via <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

- You will have to send valid ID to the Home Office in the post after submitting

3. Paper application – Obtained via the EU Settlement Resolution Centre (0300 123 7379)

- When applicant has no valid ID
- Non-EEA family members applications for: Surinder Singh, derivative rights and family member of dual British and EEA national (Lounes).

Checks in the EUSS application process

1. Identity/nationality checking

- **EU nationals** = Valid passport or national identity card (through app or posting document).
- **Non-European family members** = valid passport, valid biometric residence permit or biometric residence card issued under the EEA Regulations (Sopra Steria appointment (biometrics)).

Checks in the EUSS application process

2. Residence checking

- **Automatic** – HMRC/DWP records for past 7 years (when you provide an NI number).
 - Confirmation of what is held is provided before application is submitted.
- **Manual** – Home Office can conduct historic checks for HMRC/DWP records using NI number
- **Additional** – You can upload documents with application.

HERE FOR GOOD

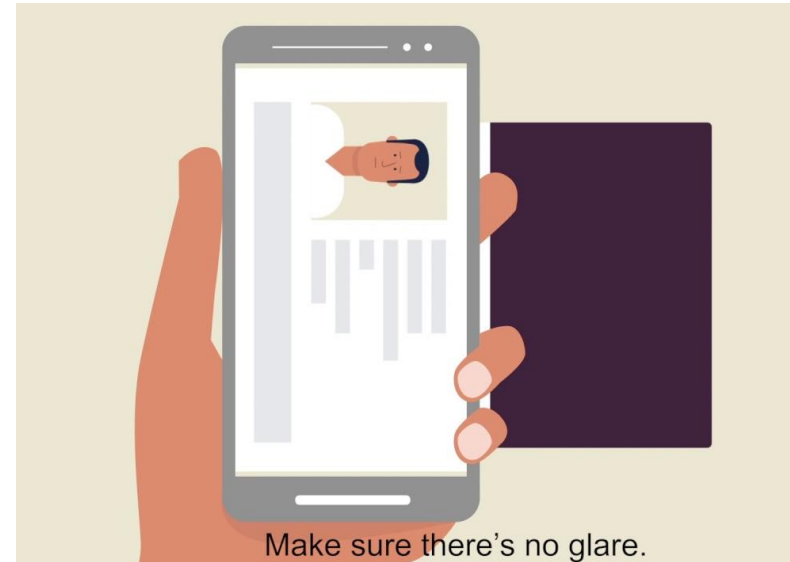
Checks in the EUSS application process

3. Criminality checking

- More lenient approach **but always consult** the EUSS Suitability Guide - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975969/euss-suitability-v6.0-ext.pdf
 - Convictions **do not** automatically lead to refusals
- Key matters:
 - Disclosure is mandatory for applicants aged 18+
 - All applicants over 10 years old are subject to a 'suitability' assessment as part of the application process (although children appear to be exempted).
 - All applications are subject to checks against the Police National Computer (PNC), the Warnings Index (WI) and overseas criminal records checks.
 - Can result in suitability issues and a refusal
- When in doubt, request necessary records
 - UK matters – ACRO records via <https://www.acro.police.uk/Subject-access>
 - Overseas – Try embassies or via <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

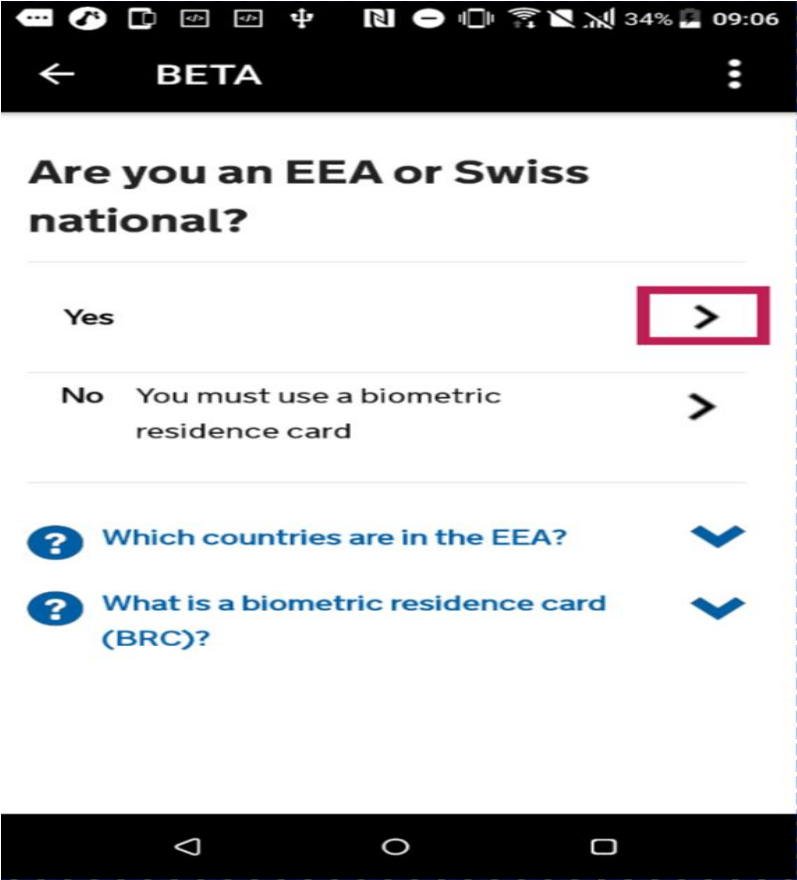
HERE FOR GOOD

EU Exit: ID Document Check” app



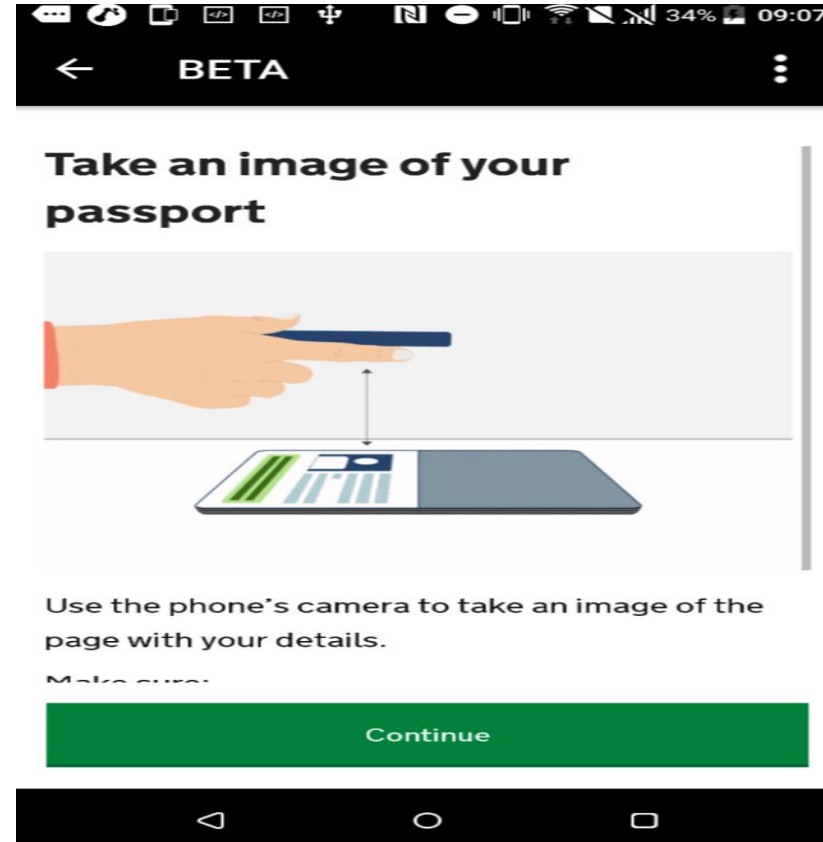
HERE FOR GOOD

Screenshots of the mobile app application process



HERE FOR GOOD

Screenshots of the mobile app application process



HERE FOR GOOD



Screenshots of the mobile app application process

EXT

Your contact information

Enter your mobile phone number and email address. We'll use these to send you updates about your application.

We'll send a validation PIN to your phone. You'll need this to continue with the process.

 GB +44 

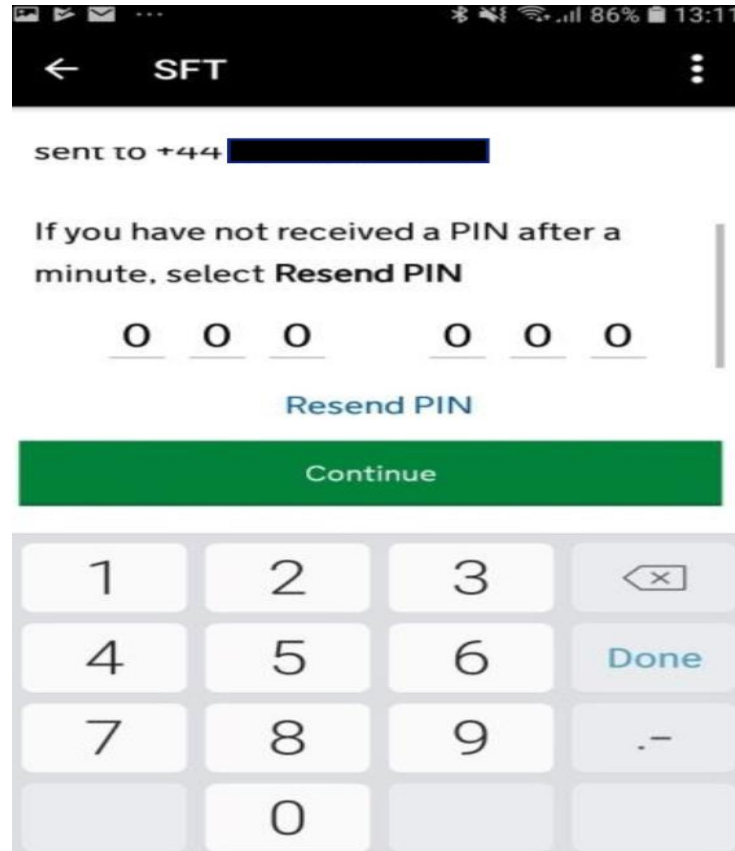
Mobile phone number

Email address

Confirm email address

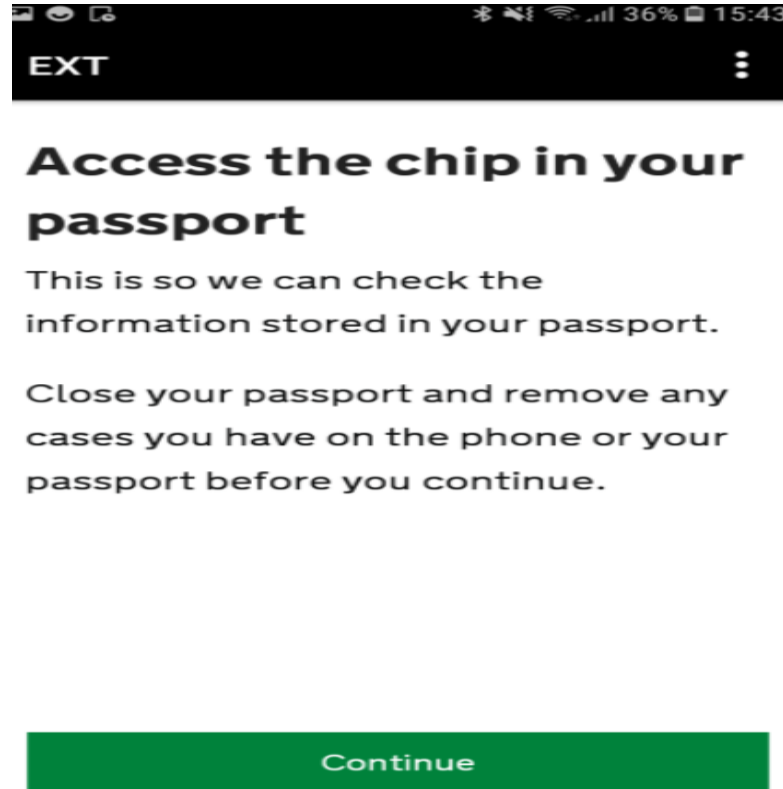
HERE FOR GOOD

Screenshots of the mobile app application process



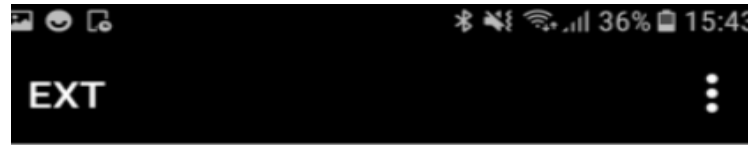
HERE FOR GOOD

Screenshots of the mobile app application process



HERE FOR GOOD

Screenshots of the mobile app application process

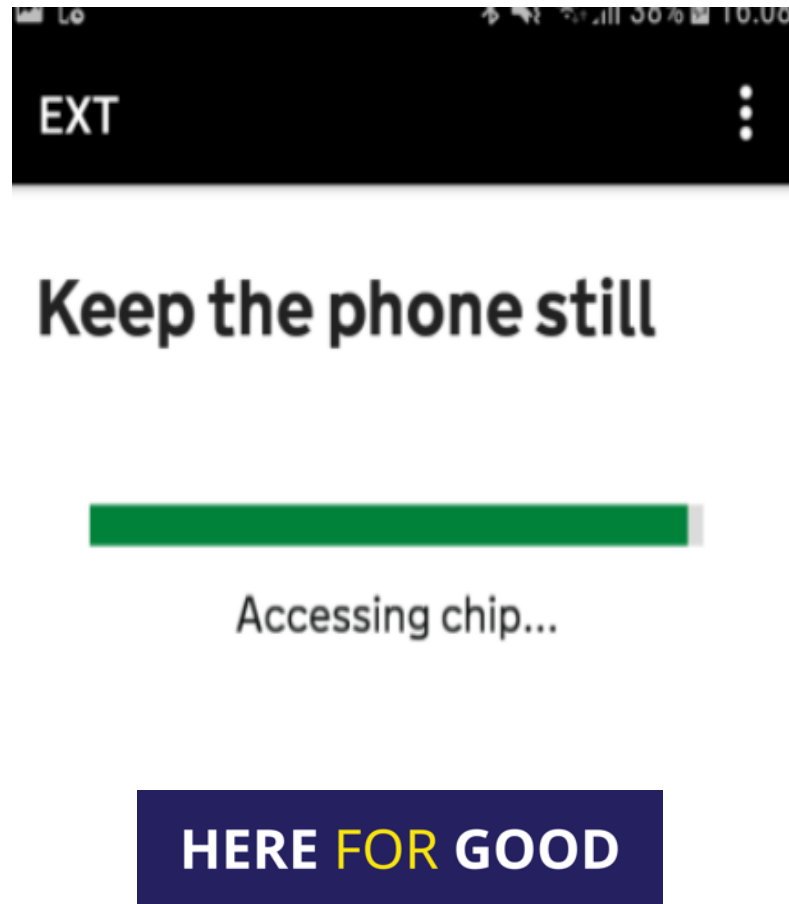


**Place the phone on
your passport**

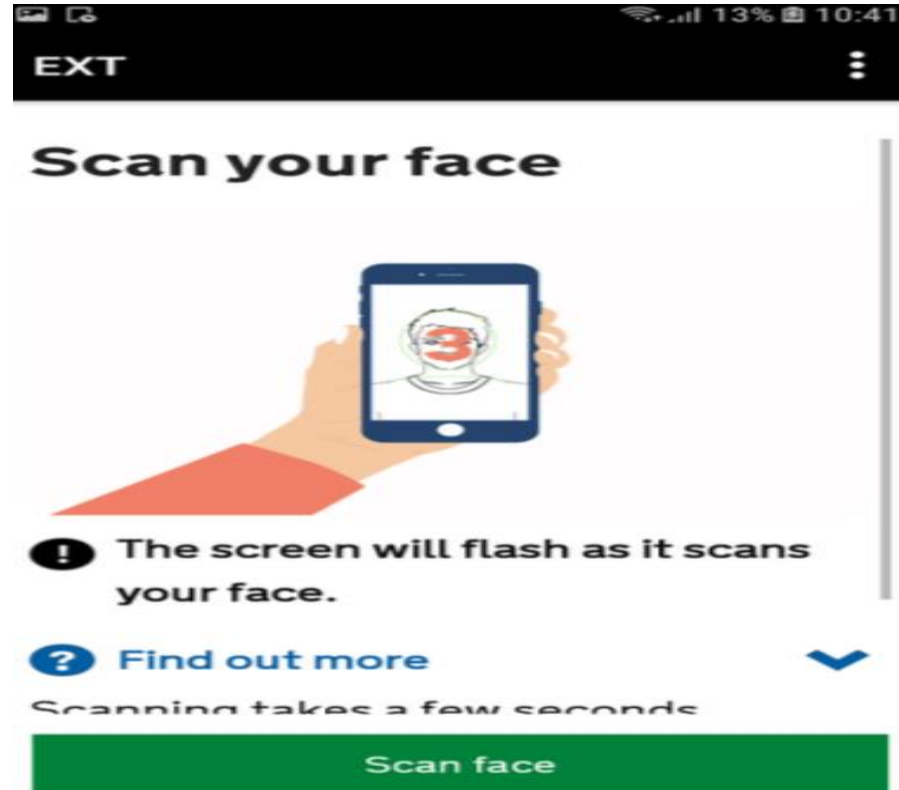


HERE FOR GOOD

Screenshots of the mobile app application process



Screenshots of the mobile app application process



HERE FOR GOOD

Screenshots of the mobile app application process



HERE FOR GOOD

Screenshots of the mobile app application process

HOExt

Send your information

This is the information that has been scanned from your document.

Number	XB7891817
Country	SVK
Surname	SPECIMEN
Given names	BIOMETRIA
Date of birth (YY-MM-DD)	11-11-11

Submit information

HERE FOR GOOD

Screenshots of the mobile app application process



Complete your application on the GOV.UK website

You will need to:

- answer questions about yourself
- upload photos of documents, if further evidence is needed

You can either complete your application:

- now, on this phone
- later, using the link we've sent to your email



You will need to:

- answer questions about yourself
- upload photos of documents, if further evidence is needed

You can either complete your application:

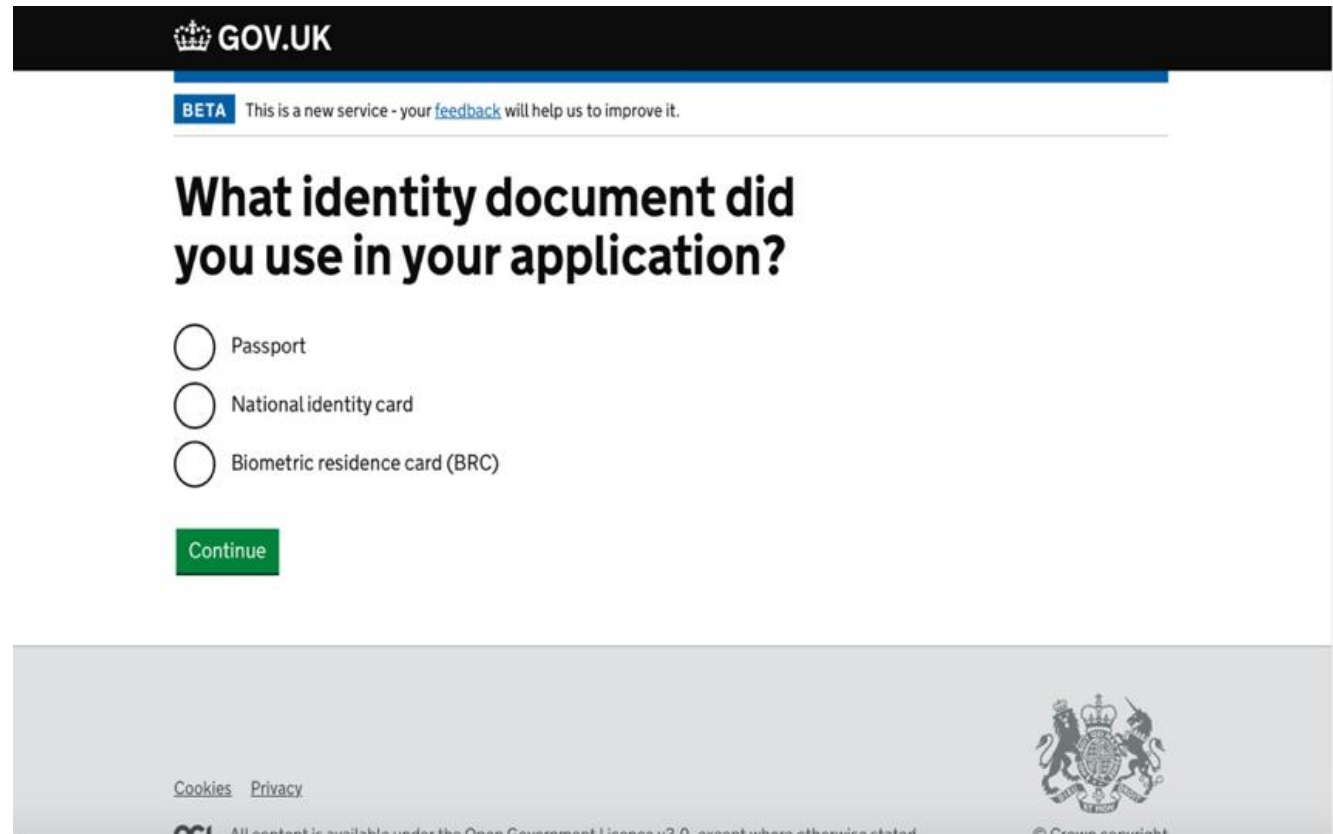
- now, on this phone
- later, using the link we've sent to your email

[Continue now on GOV.UK](#)

You can close the app. None of your data will be stored in the app or on your phone.

HERE FOR GOOD

Screenshots of the mobile app application process



The screenshot shows a mobile app interface for GOV.UK. At the top, there is a black header with the GOV.UK logo. Below the header, a blue bar contains the text "BETA This is a new service - your [feedback](#) will help us to improve it." The main content area has a large heading "What identity document did you use in your application?" followed by three radio button options: "Passport", "National identity card", and "Biometric residence card (BRC)". A green "Continue" button is positioned below the options. At the bottom of the screen, there is a grey footer containing links for "Cookies" and "Privacy", the Royal Coat of Arms, and copyright information.

GOV.UK

BETA This is a new service - your [feedback](#) will help us to improve it.

What identity document did you use in your application?


Passport

National identity card

Biometric residence card (BRC)

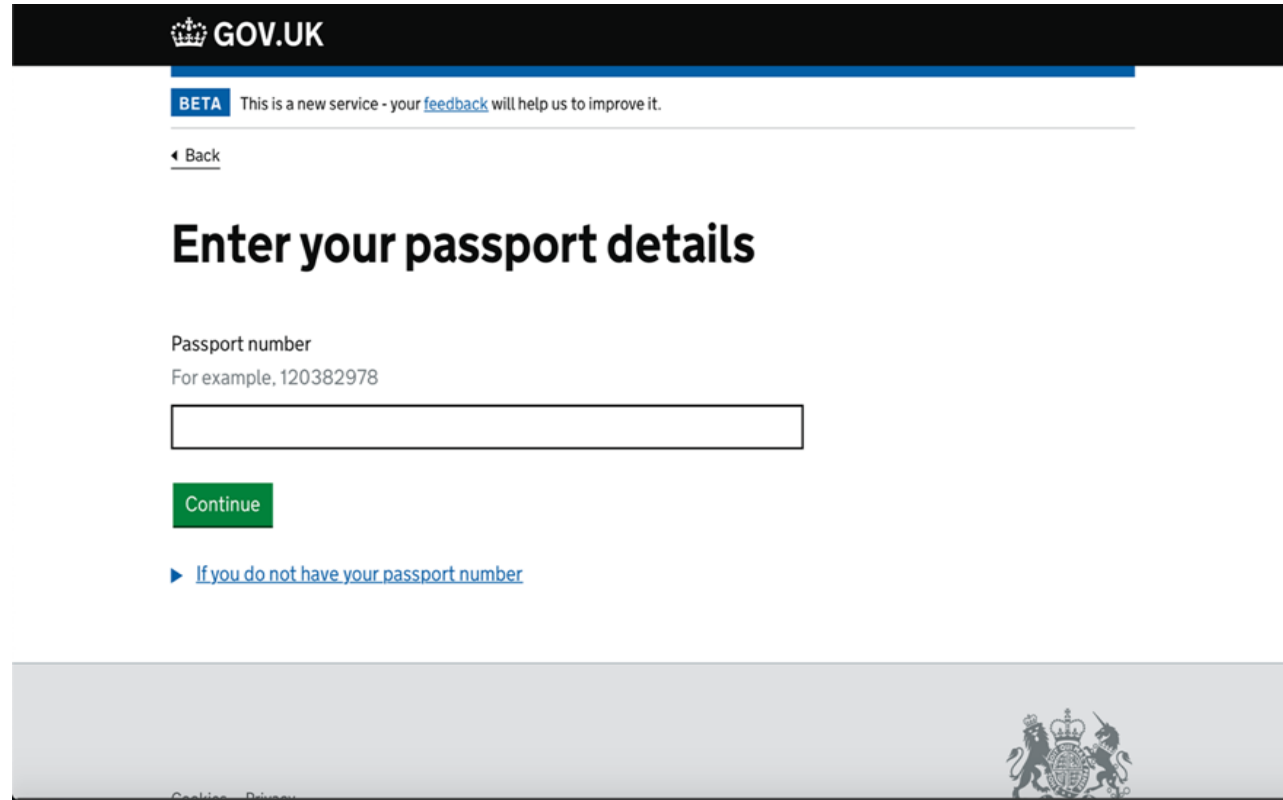
Continue

[Cookies](#) [Privacy](#)

 © Crown copyright

HERE FOR GOOD

Screenshots of the mobile app application process



The screenshot shows the GOV.UK mobile app interface. At the top, there is a black header with the GOV.UK logo. Below the header, a blue banner indicates that the service is in BETA and that user feedback is appreciated. A back arrow is visible. The main heading is "Enter your passport details". The form asks for the "Passport number" and provides an example "120382978". There is a text input field for the user to enter their number. A green "Continue" button is positioned below the input field. A link with a right-pointing arrow says "If you do not have your passport number". At the bottom right of the page, the Royal Coat of Arms is displayed.

GOV.UK

BETA This is a new service - your [feedback](#) will help us to improve it.


[← Back](#)

Enter your passport details

Passport number
For example, 120382978

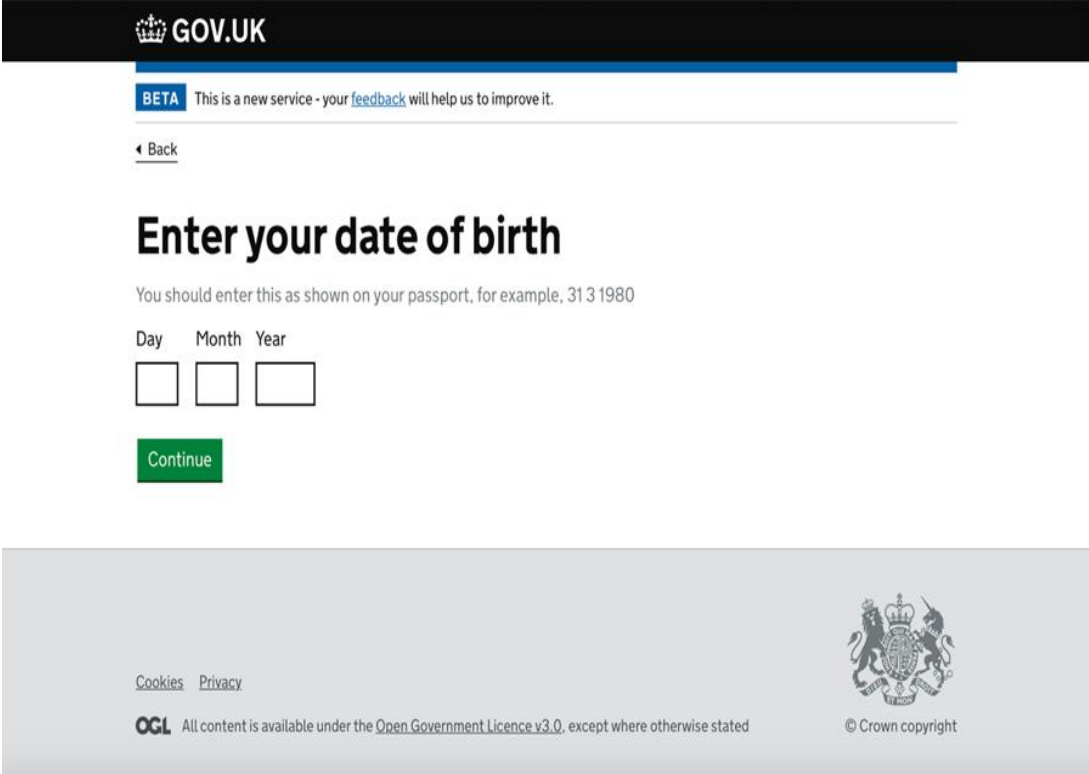
[Continue](#)

[▶ If you do not have your passport number](#)



HERE FOR GOOD

Screenshots of the mobile app application process



GOV.UK

BETA This is a new service - your [feedback](#) will help us to improve it.

[← Back](#)

Enter your date of birth


You should enter this as shown on your passport, for example, 31 3 1980

Day Month Year

[Continue](#)

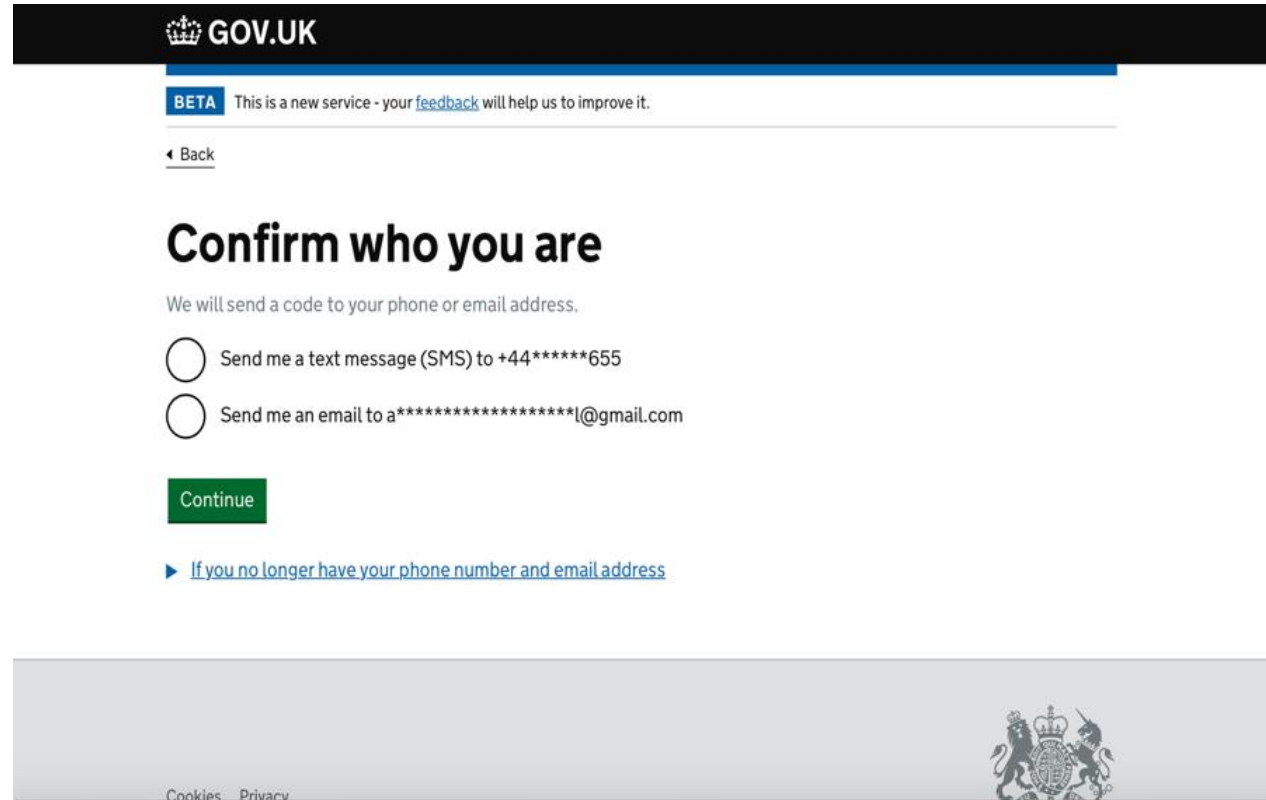
[Cookies](#) [Privacy](#)

OGL All content is available under the [Open Government Licence v3.0](#), except where otherwise stated

 © Crown copyright

HERE FOR GOOD

Screenshots of the mobile app application process



The screenshot shows the GOV.UK mobile app interface. At the top, there is a black header with the GOV.UK logo. Below the header, a blue banner indicates that the service is in BETA and that user feedback will help improve it. A 'Back' link is visible. The main heading is 'Confirm who you are', followed by the instruction 'We will send a code to your phone or email address.' There are two radio button options: 'Send me a text message (SMS) to +44*****655' and 'Send me an email to a*****@gmail.com'. A green 'Continue' button is positioned below the options. A link for users who no longer have their phone number or email address is also present. At the bottom of the screen, there is a grey footer containing the Royal Coat of Arms, the text 'Cookies Privacy', and the 'HERE FOR GOOD' logo.

GOV.UK

BETA This is a new service - your [feedback](#) will help us to improve it.

[Back](#)

Confirm who you are

We will send a code to your phone or email address.


Send me a text message (SMS) to +44*****655

Send me an email to a*****@gmail.com

[Continue](#)

[If you no longer have your phone number and email address](#)

[Cookies](#) [Privacy](#)



HERE FOR GOOD

Screenshots of the mobile app application process


Apply to stay in the UK after it leaves the EU

You need to complete every section.

Identity	COMPLETED
View answers	
Application type	
Residence in the UK	
Criminal convictions	
Digital photo	COMPLETED
Submit answers	



Screenshots of the mobile app application process

 **GOV.UK**

BETA This service is currently in development

[← Back](#)

Do you have dual nationality?

This means you have more than one current nationality.

Yes No

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

GOV.UK

BETA This service is currently in development

[← Back](#)

Do you have any previous nationalities?

Countries where you used to have citizenship but don't anymore.

Yes No

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

GOV.UK

BETA This service is currently in development

[← Back](#)

Do you have a valid UK permanent residence card?

We will use this to work out whether you have to pay for this application.

Check the 'Type of document' section on the card. If it says 'Registration certificate' answer 'No' to this question.

Type of Document
Permanent Residence Card ✓

Type of Document
Registration certificate ✗

Yes No

HERE FOR GOOD

Screenshots of the mobile app application process

 **GOV.UK**

BETA This service is currently in development

[← Back](#)

Have you ever been granted indefinite leave to remain (ILR)?

ILR is a type of immigration status you would have applied for. You'll usually have a stamp in your passport if you have it.


By answering yes to this question, you confirm that your ILR status is valid. This means you have not:

- been out of the UK for a continuous period of more than 2 years since getting ILR
- lost your ILR status for any other reason for example, you were deported

Yes No

HERE FOR GOOD

Screenshots of the mobile app application process

 **GOV.UK**

BETA This is a new service – your [feedback](#) will help us to improve it.

[← Back](#)

Are you in the UK now?

Yes, I am in the UK No, I am outside the UK

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

GOV.UK

BETA This service is currently in development

[← Back](#)

What is your address in the UK?

Postcode

[Change postcode](#)

Select an address

[Enter address manually](#)

[▶ I don't know what address to use](#)

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

 **GOV.UK**

BETA This service is currently in development

[← Back](#)

Have you ever been known by any other names?

For example, your name before you married or a different spelling on your payslip

Yes No

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

Do you have a National Insurance Number?

You'll usually have one if you're over 16 and have been an employee, self-employed or received state benefits.

Yes No

National Insurance Number

Your number will be on your P60 or letters about tax, pensions and benefits.

For example, JJ123456C

How we use your National Insurance number

We will use this to try and match you to UK government tax and certain benefits records. This will help us confirm when you have been resident in the UK.

If we find a match:

- your application will be processed faster
- you will not have to provide as much evidence of your residence in the UK

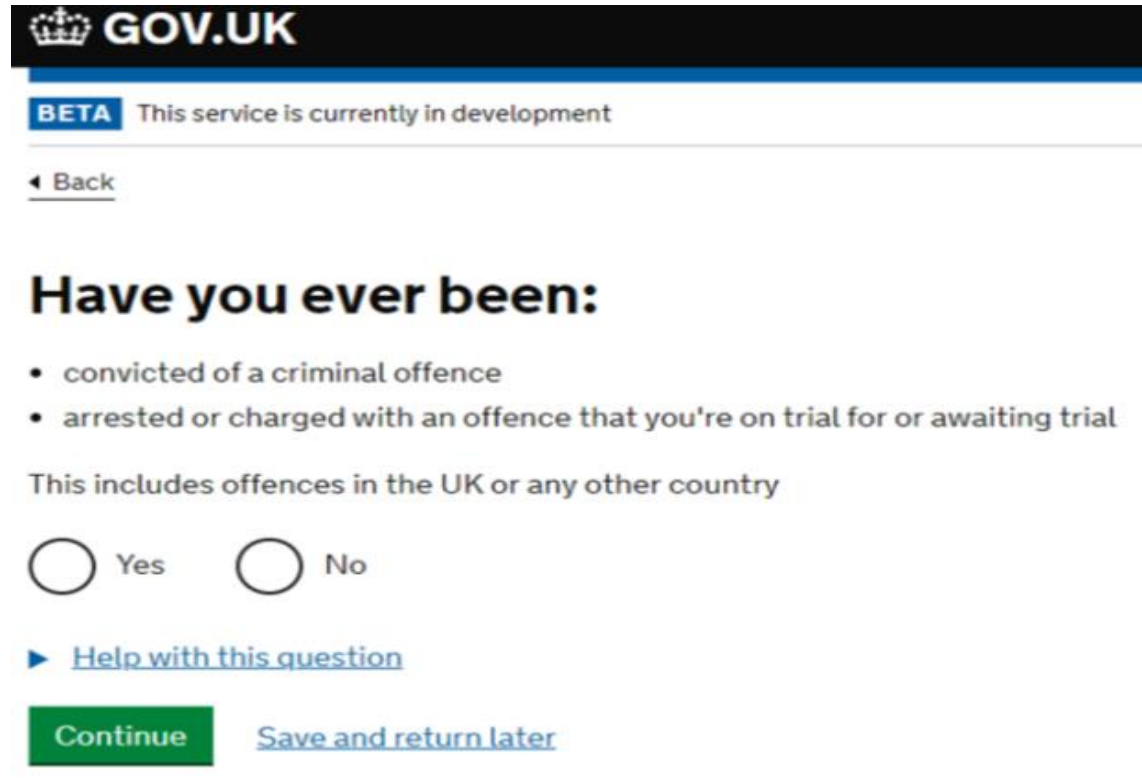
If you do not want us to run these checks, do not enter your National Insurance number and click Continue. We will not be able to run these checks later if you do not enter your National Insurance number.


[Continue](#)

[Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process



 **GOV.UK**

BETA This service is currently in development

[◀ Back](#)

Have you ever been:

- convicted of a criminal offence
- arrested or charged with an offence that you're on trial for or awaiting trial

This includes offences in the UK or any other country

Yes No

[▶ Help with this question](#)

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

Have you had a criminal conviction outside the UK that involved any of the following:

- a violent offence
- a drug-related offence
- a prison sentence of 12 months or longer

Yes No

Which country were you convicted in?

What crime were you convicted of?

Date you were sentenced?

For example, 28 4 2005.

Day Month Year

What was the length of your sentence, in months?

If you did not receive a prison sentence, enter 0.

[Add another criminal conviction](#)

Continue

[Save and return later](#)



Have you ever been arrested or charged for an offence for which you are currently on, or awaiting, trial or which is pending a decision to charge?

Yes No

Which country were you arrested and charged in?

What were you arrested and charged for?

When were you arrested or charged?

For example, 28 4 2005.

Day Month Year

Any other details?

For example, the date of your hearing or trial.

[Add another criminal conviction](#)

Continue

[Save and return later](#)

Have you been convicted of a criminal offence in the UK in the last 12 months?

Yes No

Your criminal offence in the UK

What crime were you convicted of?

What date you were sentenced?

For example, 28 4 2005.

Day Month Year

What was the length of your sentence, in months?

Give the length of sentence in months. For example, 12.

[Add another criminal offence](#)

Continue

HERE FOR GOOD

Screenshots of the mobile app application process

Have you ever supported, encouraged or been involved in:

- terrorist activities
- war crimes, crimes against humanity or genocide
- an extremist organisation

Yes No

Add details

Explain how you were involved and what happened.

Continue

HERE FOR GOOD

Screenshots of the mobile app application process

Talking to us about your application

Answer one question from each set of questions. If you need to talk to us about your application, we may ask you to answer these questions. This is to make sure we are talking to you.

Make sure that you make a note of your answers or give answers you will remember. If you contact us and cannot tell us the answers you have given, we may not be able to discuss your application with you.

First set of questions

Give an answer to one of the questions in this set.

- What is the name of the first school you went to?
- In what city or town did your wedding take place?
- What is the first job you ever had?
- What is the last name of your favourite teacher from when you were at school?
- In what city or town did your mother and father meet?

Second set of questions

Give an answer to one of the questions in this set.

- What is the name of the city or town you were born in?
- What was the street name of the first house or flat you lived in?
- When you were young, what did you want to be when you grew up?
- What is the name of your partner?
- What was the name of your first pet?

Third set of questions

Give an answer to one of the questions in this set.

- What is your favourite film?
- What is your partner's mother's name?
- Which city or town was your father born in?
- What make was your first car?
- What is your eldest sibling's middle name?

Continue

HERE FOR GOOD

Screenshots of the mobile app application process


Declaration

By submitting your application you are confirming that:

- the information you have given is correct to the best of your knowledge
- you are eligible and have been resident in the UK for either:
 - the period our data shows if you accept this
 - the period you apply for, if you disagree with our data
- your photograph is an accurate likeness of you

We will process your information in line with our [terms and conditions](#) and [privacy policy](#).

If we find a mistake in your application, we will contact you to help you correct this. If your application meets the criteria under the EU Settlement Scheme you will be granted status.

 **Your application might be refused and you could be prosecuted if you provide deliberately false or misleading information, representations or documents.**

Did you have any help completing your application?

- No, I completed it myself
- Yes, someone else helped me or is applying on my behalf 

Contacting you about your application

If we need more information from you, we'll email you. If you cannot get into your email account, we can phone you instead.

- I **can** get into my emails
- I **cannot** get into my emails

Submit

HERE FOR GOOD

Screenshots of the mobile app application process



 GOV.UK

BETA This is a new service - your [feedback](#) will help us to improve it.

[← Back](#)

How long have you lived in the UK?

5 years or more Less than 5 years

[Continue](#) [Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process

You will be considered for settled status

What this means

The tax and benefit history we could match to you indicate you've been continuously resident in the UK for at least 5 years.

[Submit application](#)

[Save and return later](#)

[I haven't been continuously resident for 5 years](#)

HERE FOR GOOD

Screenshots of the mobile app application process

Complete your application

You have chosen to provide evidence for settled status.

[Change](#)

How to provide evidence

1. Take a scan or photo of your evidence.
2. Save it somewhere you can easily find on your computer or device.
3. Upload your evidence. (Each document must be no more than 6MB in size.)
4. Enter the dates it covers.

How much evidence you can provide

You can upload a maximum of 10 documents. In most cases residence can be proved with far fewer than 10 documents.

► [How to use as few documents as possible](#)

Add your residence evidence

1. View the [years you need to provide evidence for](#).
2. Read the guidance about [what to use as evidence of your residence](#).

► [Applying for settled status with less than 5 years' continuous residence](#)

View or upload residence evidence

If you can not provide evidence

You can tell us if you can not provide evidence. A caseworker will contact you after you submit your application and help you find ways to prove you are eligible for status.

I can not provide evidence

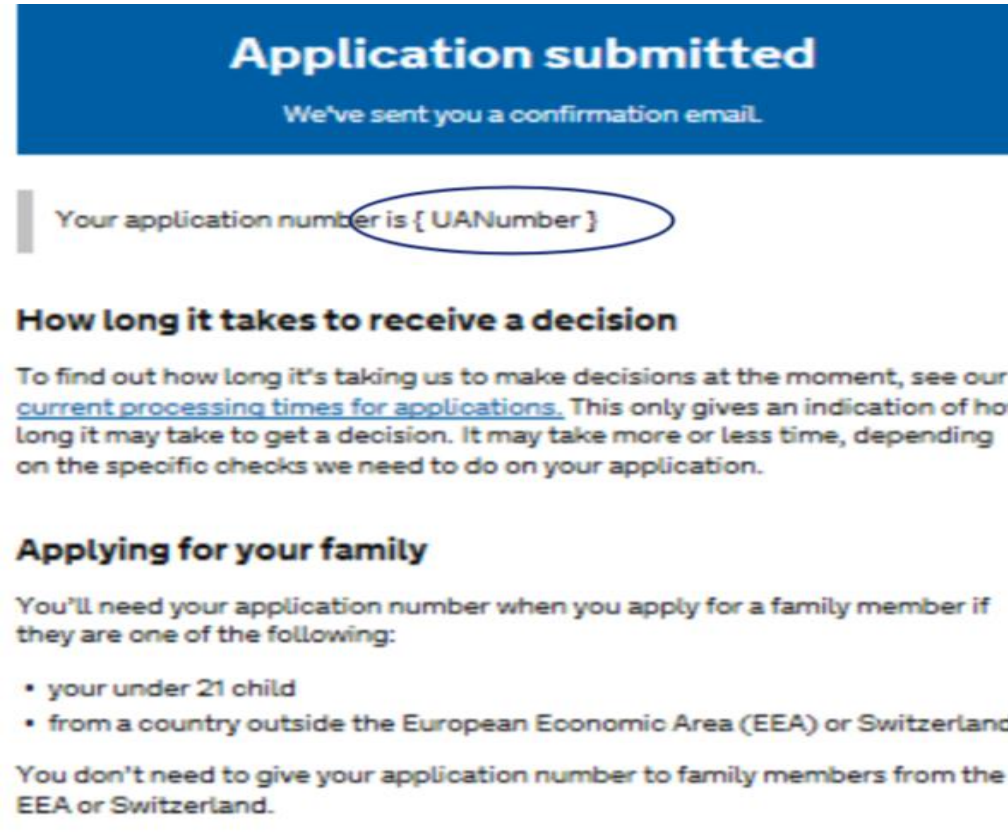
I confirm the documents uploaded are correct to the best of my knowledge

Finish and submit

[Save and return later](#)

HERE FOR GOOD

Screenshots of the mobile app application process



HERE FOR GOOD

Lack of Residence Evidence



HERE FOR GOOD

Lack of residence evidence

- **Settled status**

- Flexible approach on what is accepted (see Annex A of Appendix EU), but preference is for evidence from official sources e.g. bank statements, tenancy agreements, NHS records etc.
- Need evidence for at least 6 months of each year relied on. **So take all steps to gather documents.**
- If struggling e.g. applicant has been homeless, submit app and provide a detailed witness statement explaining circumstances and difficulties.

- **Pre-settled status**

- Need one document dated in last 6 months (and confirmation they moved here pre-30 December 2020).

Important things to consider

HERE FOR GOOD

Practical tips

- The application will be linked to an email address and a telephone number.
 - Needed to log into the app as you will be sent a unique code each time. You will also need the applicant's passport/national ID card number and date of birth.
- Insufficient evidence – submit the application anyway.
 - Flexible approach, and HO will contact you before deciding.
 - You can only upload 10 documents and there's a limit on size.
 - Worst case, you can email additional documents.
- Contact the EU Settlement Resolution Centre for updates - call 0300 790 0566. This phone line is for organisations only, but calls are often dealt with fairly quickly.

HERE FOR GOOD

Processing times

- Latest guidance - straightforward applications < 1 month.
- Processing can take longer than 1 month if:
 - Further information is requested;
 - Applicant is a minor and the application is not linked to an adult;
 - Paper application;
 - Criminal record; and/or
 - non-EEA family member is applying based on a relationship they have not relied on in a previous application to the Home Office.
- Contact the EU Resolution Centre (0300 123 7379) regularly for updates.
- Delays for vulnerable applicants or of 6 months+ = Can challenge the delay via Judicial Review – Pre-Action Protocol Letter.

HERE FOR GOOD

Getting a decision

- Home Office will contact via email provided if any issues including insufficient evidence for status applied for **before** decision is made.
- **Application approved**
 - Letter to email provided confirming this (not valid proof of status).
 - **EU nationals** = A digital status via <https://www.gov.uk/view-prove-immigration-status> (proof of status)
 - Important to update personal details when they change via <https://www.gov.uk/update-uk-visas-immigration-account-details>
 - **Non-EU nationals** = physical proof by way of a BRC (if they do not already have one under EEA Regs).
 - If they have an EEA Regs BRC, you must make another application to update this via https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service?_ga=2.107058881.291947879.1569584976-889404364.1568710527
- **Application refused**
 - Remedies:
 - Appeal (only for application made on or after 11pm on 31/01/2020).
 - Administrative review.
 - Submit a fresh application (this must be submitted before the deadline of 30 June 2021).

HERE FOR GOOD

Losing status

Settled Status:

- Absence > 5 consecutive years (4 consecutive years for Swiss citizens).
- Subsequent criminal offending.

Pre-Settled Status:

- Absence > 2 consecutive years
 - Be careful about the 6 months absence in each 12 month period. Can prevent qualification for settled status.
- If not converted into settled status before the expiry date (5 years from date of decision).

Any Questions?



HERE FOR GOOD

Thank you!



www.hereforgoodlaw.org



@HereForGoodLaw

HERE FOR GOOD