



Home Office

Kevin Foster MP
Minister for Future Borders and
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28 June 2021

Dear Andrew,

Thank you for your email of 11 June to the Home Secretary about the EU Settlement Scheme (EUSS). I am replying as the Minister for Future Borders and Immigration.

The Government has repeatedly emphasised EU citizens are our friends, family and neighbours and we want them to stay. The EUSS makes it easy for EU citizens resident in the UK by the end of the transition period and their family members to obtain the UK immigration status they need in order to remain here permanently, with the same rights to work, study and access benefits and services as they had before we left the EU. This status is underpinned in UK law by the European Union (Withdrawal Agreement) Act 2020, which protects the rights here of EU citizens in line with the Withdrawal Agreement.

We have continued to receive and process thousands of applications a day throughout the COVID-19 pandemic. The latest published statistics to 31 May 2021 show there have been more than 5.6 million applications received, more than 5.2 million applications concluded and more than 5 million grants of status. Given this the Government will not be altering the 30 June 2021 deadline for applications to the EUSS by those resident in the UK by the end of the transition period.

The EUSS is the best approach to protecting citizens' rights under the Withdrawal Agreement. It provides EU citizens, and their family members, with clarity about what they need to apply for and by when, and with the secure evidence of their status they need for decades to come. Under the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020, those who apply before the 30 June 2021 deadline, but whose application is not decided until after it, will have their existing EU law rights protected pending the outcome of their application, including any appeal.

Those with an outstanding application under the EUSS, submitted by 30 June 2021, will be able to use their Certificate of Application, which is issued automatically once a valid application has been made, as proof of those rights, pending the outcome of the application. The Home Office employer/landlord checking service can also confirm where an in-time application was made.

Updated guidance for employers and landlords is available here:

[Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations)

[Landlord's guide to right to rent checks - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations)

By contrast, a declaratory system, under which people automatically acquired an immigration status and right to stay by Act of Parliament, would cause confusion. Employers and service providers would struggle to identify those EU citizens who benefit from residence rights under the Withdrawal Agreement from those moving here after the transition period who do not.

This could lead to EU citizens who have made the UK their home struggling to prove their rights and entitlements here in decades to come or the status their parents held at the time of their birth in the UK. This is exactly what happened to the Windrush generation, and this is not something the Government can allow to happen, hence creating the EUSS.

We have worked extensively to promote awareness of the EUSS. The Home Office has invested nearly £8 million in marketing campaigns to encourage EU citizens and their family members to apply to the scheme. We recently launched a new wave of UK-wide advertising to ensure EU citizens and their family members are aware of the 30 June 2021 deadline and know they need to apply. We are also working closely with employers, local authorities and charities to raise awareness.

The Home Office has awarded £22 million of funding, through to 30 September 2021, to a network of now 72 organisations across the UK. This has been used to ensure important information and assistance gets through to those who are hardest to reach and no one is left behind. These organisations have helped more than 310,000 vulnerable people to apply to the EUSS already. A list of the organisations is available to view at:

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

The Home Office is also working with HM Revenue & Customs and the Department for Work and Pensions to contact EU citizens in receipt of benefits, but who it appears are yet to apply to the EUSS, to encourage them to do so before the deadline of 30 June 2021. These letters make clear no action is needed where the person has now applied to the EUSS or has naturalised as a British citizen.

Guidance on how to apply and the types of evidence applicants can provide, and details of the support available to them (as it has been throughout the pandemic), including from the EU Settlement Resolution Centre which is open seven days a week to provide assistance over the telephone and by email, can be found here:

www.gov.uk/government/collections/eu-settlement-scheme-applicant-information

Additional support is also available through Assisted Digital for those who do not have the appropriate access, skills or confidence to apply online. This support is offered over the telephone. More information can be found at:

www.gov.uk/assisted-digital-help-online-applications

The EUSS has been open since March 2019. We encourage all those eligible to apply now to secure their rights. We have also been clear EU citizens and their family members may apply after the 30 June 2021 deadline where there are reasonable grounds for having missed it. We have published guidance for caseworkers on reasonable grounds for

making a late EUSS application, but the guidance is not exhaustive and all cases will be considered on a flexible and pragmatic basis in light of their particular circumstances. For the guidance, see 'Making an application: deadline' in 'EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members' at:

www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance

We acknowledge the use of online status information for those granted status under the EUSS and the move away from physical documents represents a change which individuals, employers and others may take time to get used to. The Home Office is developing a border and immigration system which is digital by default for all migrants, which over time means we will increasingly replace physical and paper-based products and services for all routes with accessible, easy to use online and digital services. Comparable nations, such as Australia, moved successfully to wholly digital status some years ago. Our system is being rolled out incrementally and with plenty of support available to help holders use their new status.

All successful applicants to the EUSS are provided with a written notification setting out their immigration status. They can retain this written notification for their own records, but their status is granted in a secure digital form. This means it cannot be lost, stolen or tampered with and EU citizens can allow third parties, such as an employer or a landlord, to have secure, time-limited access to their digital status to confirm relevant information about their entitlements.

A new guide for EU citizens on how to view and prove their immigration status (e-Visa) was published earlier this month and can be found here:

www.gov.uk/government/publications/view-and-prove-your-immigration-status-evisa

We look forward to seeing remaining EU citizens and their family members eligible for the EUSS apply and secure their rights in the UK.

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Foster', with a flourish at the end.

Kevin Foster MP
Minister for Future Borders and Immigration