



EU Settlement Scheme

Tai Pawb webinar – March 2021

Webinar content

- What is the EU Settlement Scheme (EUSS)
- Who needs to apply and by when
- Overview of how to apply
- Support services available to EU/EEA/Swiss citizens and their family members living in Wales
- Future immigration policy

Context of the EUSS

- UK left the EU on 31st January 2020
- Transition period ended on 31st December 2020
- Until then, freedom of movement continues
- On deciding to leave the EU, UK needed an immigration system for EU citizens
- EU Settlement Scheme launched in March 2020
- On-line application process with an on-line status outcome



Overview of EUSS application process

- Who needs to apply?
- How do applicants apply?
- What happens after having applied?
- Keeping records up to date
- Deadlines for applications



Who needs to apply to the EUSS?

- All EU/EEA/Swiss citizens wishing to live and/or work in the UK after Brexit
- Non-EU family members of EU/EEA/Swiss citizens:
 - Close family members: spouse/civil partner, child under 21, dependent parent or grandparent
 - Some extended family members: durable (unmarried) partners, extended family members who are dependent on the EU sponsor. Must have family permit or residence card already
- Non-EU family members divorced or widowed
- Non-EU primary carers of British or EU nationals
- Irish nationals **do not** need to apply but their non-EU family members **do**



Care Givers

The following carers can apply under the EU Settlement Scheme.

Zambrano carers - the primary carer of a British citizen child/adult who lives in the UK, and the removal of the carer would require the British citizen to leave the EU entirely.

Chen carers – the primary carers of a self-sufficient (not claiming benefits) EU citizen child/adult

Ibrahim/Teixeira carers - the primary carers of a child of an EU citizen, the child is in education in the UK and requiring the primary carer to leave the UK would prevent the child from continuing their education in the UK.

How to apply to EUSS - online

- Electronic based application (except under certain circumstances)
- Applicant to provide:
 - Verify ID document (passport/national ID)
 - Email address and phone number
 - National insurance number (if available)
 - Evidence of UK residency where needed
 - Evidence of relationship where needed
 - Declaration of any criminal convictions

Verification of the ID document

- EU Exit: ID document checking App using suitable device; or
- Posting the document to the Home Office



Self-help materials to assist submitting an EUSS application

Walk-through video (credit: Free Movement)

<https://www.youtube.com/watch?v=5KxquWDt6yA>

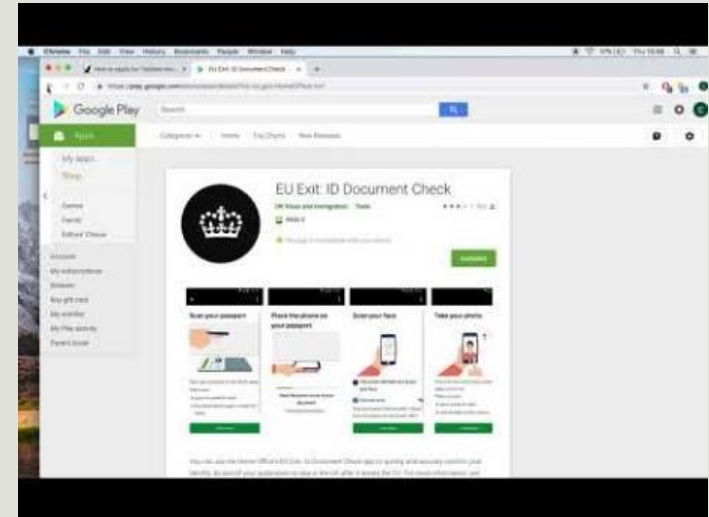
<https://www.youtube.com/watch?v=2CMEhJ4Ox5s> (child application)

EUSS Guidance document

<https://www.we-are-digital.co.uk/wp-content/uploads/2019/07/EUSS-Application-Handbook-.pdf>

Newfields Law website

<https://newfieldslaw.com/information/eu-settlement-scheme/>



How to apply to EUSS – paper form

- Paper based application open to:
 - Applicants without valid ID documents
 - Carers (derivative rights), Surinder Singh
- Applicant still provides:
 - Email address and phone number
 - Alternative evidence of ID (if applicable)
 - Evidence of UK residency (NINo or documents showing name and UK address)
 - Evidence of relationship where needed
 - Declaration of any criminal convictions

Settled or pre-settled status

Settled status (indefinite leave to remain)

- 5 years' continuous qualifying period of UK residence (can be historic 5yr period)
- Continuous residence = 6 months in any 12-month qualifying period (some exceptions)
- Work, study, NHS, social security/benefits, no restriction on length of stay
- Permitted to leave UK for up to 5 years without losing settled status

Pre-settled status (limited leave to remain)

- Less than 5 years' continuous qualifying period of UK residence
- Pre-settled status valid for 5 years only
- Work, study, NHS, some social security/benefits subject to eligibility criteria
- Re-apply to convert Pre-settled status to Settled status upon reaching 5 years continuous UK residence AND before expiry of Pre-settled status
- Permitted to leave UK for 2 years BUT will impact on ability to get Settled status in future

What happens after having applied?

- On-line status outcome – no physical document unless non-EEA family member
- Pre-settled (<5yrs in UK) or Settled status (≥ 5 yrs in UK)
- Pre-settled status valid for 5 years. Applicants **MUST** re-apply and meet eligibility for settled status once reached 5 years UK residency
- **BEWARE** absences from UK
 - Settled status = no more than 5 years
 - Pre-settled = no more than **6 months** / 2 years
- Refusal or incorrect status, seek advice

Keeping contact details up to date

- Keep safe all emails/letters from the Home Office
- View and share status via online portal
 - log in using ID document number (or unique reference number in the case of paper forms), date of birth and one time access code sent to email or phone
- Keep contact details up to date
 - Email, phone, address, ID document number
 - Help from a trusted person

Deadlines

- Needed to arrive in UK by 31st December 2020
- Apply to EUSS by 30th June 2021
- Late applications may be accepted in certain circumstances but awaiting Home Office guidance

Family reunion

- Some rights to join an EU family member who was already in the UK by 31st December 2020
- Apply overseas direct to the EUSS (subject to criteria) or for a family permit to enter UK and then EUSS on arrival



Challenges

- Lack of access to ID document scanning facilities
- Digital exclusion
- Technical issues
- Lack of ID and/or residency documents (see next slides)
- Gaps in NI records
- Acceptance of pre-settled when eligible for settled status
- Processing delays
- Contacting EU customer resolution centre
- Accessing on-line status once granted

Lack of ID documents

- Home Office accept there may be circumstance beyond the control of the applicant or compelling/compassionate reasons why a valid ID cannot be submitted
- Ensure that reasonable steps have been taken to obtain a new ID document
- If not possible, what are the reasons?
- Submit alternative evidence and cover letter explaining circumstances
- Submit a paper application form (call EU Resolution Centre to request one, Tel: 0300 123 7379)

Lack of UK residency documents

- Automatic residency checks are made against NINo
- Incomplete NI records very common
- Alternative documentary evidence also accepted
- Settled = documentary evidence for 6 months in every 12 months over consecutive 5-year period
- Pre-settled = single piece of evidence dated in last 6 months
- Letters from supporting organisations are very helpful
- Any other documents with name and UK address

Support & Advice Services

A need was identified by Welsh Government to:

- Raise awareness of EU Settlement Scheme (EUSS) EU nationals and their family members residing in Wales, and
- Support applicants needing to apply to the EUSS by the relevant deadline
- Thus creating the [EU Citizens' Immigration Advice Service](#)

Focusing support at EU Citizens vulnerable due to their circumstances

Unsettled Status? Which EU Citizens are at Risk of Failing to secure their Rights after Brexit?

Published by the Migration Observatory report which defined 'vulnerable' broadly as:

- People who do not realise that they can and need to apply
- People who are already vulnerable for different reasons such as children or adults in care, those with health issues, victims of domestic abuse, those in insecure employment, those with previous convictions
- People with barriers to accessing or understanding the system such as digital exclusion
- People who cannot evidence residency because they may not have a complete employment record, have no bank accounts or have been homeless

EUSS support services in Wales

Services in Wales – EUSS support



Newfields>>



Newfields>>>

Support service contacts

Newfields

www.newfieldslaw.com

info@newfieldslaw.com

35 Park Place, Cardiff CF10 3RL

Tel: 02921 690049



EUSS complex immigration applications

Retained and derivative rights

Non-EU family members

Domestic violence victims, criminal convictions



Support service contacts

Citizens' Advice

- **CACV** covers Cardiff, Vale of Glamorgan, Bridgend, Neath Port Talbot, Swansea, Carmarthenshire, Pembrokeshire, Ceredigion and Powys
- **Newport CA** covers Newport, Caerphilly, Rhondda, Merthyr, Brecon, Torfaen and Monmouthshire
- **Flintshire CA** covers the remaining areas of North Wales

- Advise on applying to the EUSS, access to welfare benefits, issues with housing or employment, discrimination based on nationality

- Email: wgproject@eu.citizensadvice.org.uk
- National helpline: **0300 330 9059**



Support service contacts

Newport Mind

South, West and North Wales Project Lead

Aleksandra Karpowicz

E: Aleksandra.karpowicz@newportmind.org

T: 07918 619238

Economic & social disadvantaged

The elderly

Children/adults in care, care leavers

Disabilities (physical and mental)

Newport and East Wales Project Lead

Donald Mutale

E: Donald.mutale@newportmind.org

T: 07976 462481

Poor literacy/language skills

Digitally excluded



Support service contacts

Settled

Eva Plajerova (S. Wales) eva@settled.org.uk

Pawel Kolodziej (N. Wales) pawel.kolodziej@settled.org.uk

Website: www.settled.org.uk

Materials translated into several EU languages, as well as Russian,
Somali, Arabic and Bengali

Help vulnerable EU citizens to apply to the EUSS



Support service contacts

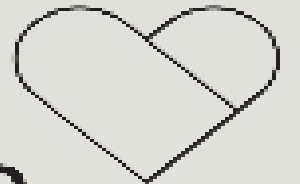
Travelling Ahead / Teithio Ymlaen (TGP Cymru)

Freephone: 0808 802 0025

Email: TravellingAhead@tgpcymru.org.uk

Full EU Settlement Scheme support to the Roma community

Languages spoken by our team: Czech, French, Polish, Romanian, Russian, Slovak and Spanish



Settled

What can you do?

- Publicise the immigration advice service to EEA/Swiss staff and EEA/Swiss clients
- Promote the service landing page www.eusswales.com and www.eusswales.com/cy/
- Help identify those vulnerable to not applying
- Refer individuals to an advice service
- Collaborate with us to ensure vulnerable individuals can gain status before relevant deadlines

EU/EEA/Swiss citizens arriving in the UK from 1st January 2021

- Freedom of movement no longer applies
- Can visit for up to 6 months but cannot stay long term
- Eligible family members joining an EU citizen who was resident in the UK by 31st December 2020 might still be able to apply to the EUSS
- Otherwise EU citizens must apply for a visa (e.g. skilled worker, student, spouse visa etc) under the UK immigration routes just as non-EU citizens do

Questions?