

Information Pack

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EU Settlement Scheme

EU citizens who want to stay in the UK post-Brexit will need to apply to the EU Settlement Scheme. This means some of the young people you support may be affected.

What is the EU Settlement Scheme?

The EU settlement scheme has been set up by the Government because the rights of EU citizens in the UK will expire at the end of December 2020. All EU citizens who want to continue living and working in the UK after December 2020 will need to apply. A successful application to the EU Settlement Scheme will allow them to continue to live, work and study in the UK as well as use public services like healthcare and schools.

Who can apply?

EU citizens. This means any of our young people from the countries below (for under 18s, Social Services should be able to help).

Austria	France	Netherlands
Belgium	Germany	Poland
Bulgaria	Greece	Portugal
Croatia	Hungary	Romania
Republic of Cyprus	Italy	Slovakia
Czech Republic	Latvia	Slovenia
Denmark	Lithuania	Spain
Estonia	Luxembourg	Sweden
Finland	Malta	

Difference between providing advice and providing support

Before this document highlights how young people can apply to the EU Settlement Scheme, there is some important information that staff should be aware of before providing support.

Immigration is a broad and complex area of law and policy, with frequent changes. Staff should be aware therefore that it is very important that young people find an immigration adviser who is regulated, qualified and experienced in providing advice on their particular issue. Staff and volunteers should be aware of the legislation regarding persons permitted to give immigration advice.

Definitions

Immigration advice is defined as advice which:

- Relates to a particular individual;
- Is given in connection with one or more relevant matters;
- Is given by a person who knows that he or she is giving it in relation to a particular individual and in connection with one or more relevant matters; and
- Is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings.

'Relevant matters' include:

- Asylum claims;
- All immigration applications and any conditions associated with immigration status;
- Nationality Law (i.e. how to become a British Citizen);
- EU Citizenship and rights of entry and residence;
- Unlawful entry to the UK;
- Removal and deportation from the UK;
- Immigration Bail (i.e. the basis on which an asylum seeker or an irregular migrant can be released); and
- Any appeal or judicial review connected to any of the above.

The OISC says:

You are giving 'advice' to a client if you provide an opinion on a course of action, or range of options a client might take based on the information they have provided to you...

You are providing a 'service' to clients if you take any actions on their behalf in order to pursue their matter with UK immigration authorities (UK Visa and Immigration or the Immigration courts).

The following actions constitute giving immigration advice:

- Directing a young person to the correct application form.
- Helping a young person to fill in an immigration application form or a form requesting a change of conditions of leave (unless the staff member is only writing what the young person is dictating).
- Helping a young person to challenge a decision of the Home Office.
- Providing advocacy (e.g. contacting the Home Office on behalf of a young person to explain their situation or ask that a particular course of action be taken on their immigration matter).
- Submitting documents to the Home Office on behalf of a young person.
- Advising a young person about the merits of their immigration or asylum case.

Acceptable support:

- Signposting to immigration support services.
- Producing supporting letters for young people which simply state facts about a young person's situation.
- Assisting young people with technical support e.g. if they are struggling with computer literacy and need to make their application online.

- Arranging interpreters to ensure a young person's understanding of their situation or advice being given.
- Helping a young person to understand words used in an application form relating to their immigration situation.
- Writing in English on such a form, as long as the young person is providing the wording and the staff member is only translating.
- Directing a young person to Home Office and other guidance documents relevant to their immigration situation. However, staff cannot advise on how the guidance applies to the young person's case. If the young person remains unsure about how to proceed after reading the guidance, then staff can search [here](#) to assist the young person to find a regulated immigration advisor.
- Helping to locate documents which the young person needs for an immigration application.
- Providing information about accessing medical services. Welfare benefits, education or financial services.
- Assisting a young person to make a complaint about an immigration advisor.
- Assisting a young person to prepare and complete a fee waiver request.
- Assisting a young person to request exceptional case funding for legal aid.

Risk Factors

It is a **criminal offence** for a person or organisation to provide immigration advice or services to a person where not qualified to do so. Solicitors, barristers and chartered legal executives are all qualified to provide immigration advice, as is anyone who is registered by the Office of the Immigration Services Commissioner (OISC).

How to apply

The application is FREE and can be made using the online form, either on its own, or in conjunction with the Home Office App. Young people will need access to the internet and may need to scan, email and upload documents. To complete the online application go to <https://apply-for-eu-settled-status.homeoffice.gov.uk/web-or-app>. Try to get the important documents handy before you start and allow plenty of time because the process must be completed in one go.

The Home Office App is used just for the identity part of the application process. The App is only available on Android devices. (The App will not be available on iPhone until end 2019.) All Service phones meet the specification required. Go to the App store and search 'eu settlement scheme'. Download the App.



In some circumstances it may be possible to get a paper application form. Young people will need to call the EU Settlement Resolution Centre and answer a few questions to determine whether a paper application is acceptable in their case. Tel. 0300 123 7379 Monday to Friday 8am to 8pm, Saturday and Sunday, 9:30am to 4:30pm.

How does the application process work?

The Home Office is basically looking for evidence that builds up a picture of residence in the UK over the last 5 years. It does this by asking for basic factual information like name, address, passport, national identity card or National Insurance number. It then shares this information with HMRC and the DWP to build up a picture of residence in the UK. The Home Office says that the process is designed to need as few documents as possible and recommends no more than 10.

Potential pitfalls

For young people the first challenge will be pulling together the necessary evidence. For those who have not worked or claimed benefit (or both) it may be necessary to provide more evidence such as tenancies, licence agreements, or school records etc.

If a young person does not have a passport, national identity card or biometric ID card they are unlikely to be able to apply. In this instance, you should seek legal advice immediately.

Evidence and status

If the evidence shows that the applicant has been resident in the UK for more than 5 continuous* years they are likely to get Settled Status. This means there is no time limit on how long that person can stay in the UK.

**Continuous residence generally means that - over five consecutive years - the applicant has not been outside the UK for more than six months in total, in any 12 month period. There is no restriction on the number of times the applicant can be*

outside the UK, provided that the total period of time outside the UK is not more than six months, in any 12 month period.

If the evidence shows that the applicant has been resident in the UK for less than 5 years they are likely to get Pre-Settled Status. This means the applicant can stay in the UK for a period of five years. It means they can't leave the country for more than six months at a time. Crucially, it does not automatically upgrade to settled status when they've been in the UK for five years. This means that they will need to apply again in the future or they could find themselves suddenly without legal status.

What are the timescales?

The scheme opened on 30 March 2019 and will close on 31 December 2020 (if there is a no deal Brexit). This may be extended to 30 June 2021 (if the UK exits the EU with a deal) but this is not guaranteed.

How long does it take to process the application?

The Home Office has said it aims to process applications within 2 weeks although with an estimated 3.5 million citizens eligible to apply, only time will tell!

What happens after the application is made?

The Home Office will advise what status the applicant has been awarded and has the right to reject applications.

Once it is granted, how will young people prove what status they have?

Individual Status will be held online. No papers, card or permits will be issued. It is likely that in the future the onus to check someone's immigration status will fall to professionals or statutory services ie. local authority or landlord. Therefore, it will be really important for young people to keep Home Office correspondence, emails or reference numbers.

How can I support young people at my Service who are affected by this?

Signpost them to information so they know what they need to do if they want to continue to live and work in the UK. Signpost them to a qualified adviser if they need help. The Home Office have a service called [We are Digital](#) for anyone who does not have the appropriate access, skills or confidence to complete the form or most CAB should be able to give some advice. [Search for your local CAB](#).

Applying for EU Settled Status

Evidence

Important – the application for EU Settled Status can be completed with very few documents. A passport, ID card and national insurance number will suffice because the Home Office will then check against with HMRC and DWP for employment or benefit records. If these checks show the applicant has been resident in the UK for 5 years or more, they are likely to get settled status.

Note – if a young person has not worked or claimed benefit continuously for 5 years they probably need to provide more evidence that they have lived in the UK during this time. If they cannot evidence this, they are likely to be given pre-settled status. Pre-settled status gives someone the right to reside in the UK for 5 years. They may need to reapply and if they forget or do not understand what they need to do, their rights and entitlements in the UK will expire.

Young people who have lived in the UK for a period of 5 years or more continuously should provide as much evidence as possible as this will help future-proof their rights and entitlements.

Notes about evidence

- Evidence is required for at least 6 months out of each 12-month period
- All documents must be dated and have the applicant's name on them
- A document with a single date on will only act as evidence for that month
- You can upload a maximum of 10 documents so documents covering a wide date range are better

Acceptable evidence

- Annual bank statement or account summary, showing at least 6 months of payments received or spending in the UK
- An employer letter confirming employment and evidence that the employer is genuine, for example, their Companies House Number
- A letter or certificate from school, college, university or other accredited educational or training organisation showing the dates of enrollment, attendance and completion of the course
- A document showing a UK address from a student finance body or from the Student Loans Company
- A P45 showing the length of previous employment
- Bank statements, bills, pay slips, GP/hospital letters are also all acceptable but remember that they cover short periods of time only.

Unacceptable evidence

All evidence needs to be official so you cannot include:

- References
- Photos or videos

Add your address here

Add date here

Name of head teacher / University Dean
School address

Dear name

Evidence of attendance

I am writing to ask if you could provide me with written evidence that I previously attended **name of school / college / university**, including the dates from my admission to leaving. My details are:

Name:

Date of birth:

I need this evidence so that I can apply for EU Settled Status. I am currently living in Centrepont supported accommodation. If you need to verify this, the contact details for me and my Support Worker are below.

Thank you for your help in this matter.

Yours faithfully

Add your name here

Contact number

Email address here (if you have one)

Add Support Worker's name here

Contact number

Email address

Add your address here

Add date here

Name of Head of Childrens' Services

Local authority address

Dear name

Evidence of attendance

I am writing to ask if you could provide me with written evidence that I have been under the care of Social Services including the dates from and to. My details are:

Name:

Date of birth:

I need this evidence so that I can apply for EU Settled Status. I am currently living in Centrepont supported accommodation. If you need to verify this, the contact details for me and my Support Worker are below.

Thank you for your help in this matter.

Yours faithfully

Add your name here

Contact number

Email address here (if you have one)

Add Support Worker's name here

Contact number

Email address

Your address here

Date here

EU Settlement Scheme

PO Box 2075

Liverpool

L69 3PG

To whom it may concern

Re: Your full name and application reference number

Please find enclosed my **country** identity document in relation to my application to the EU Settlement Scheme submitted on **date**.

With best wishes,

Add your name here