

# EU SETTLEMENT SCHEME –

information for EU citizens in the UK



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This leaflet has useful information for EU citizens living in the UK by 31 December 2020 who have applied or need to apply to the EU Settlement Scheme. There is also information on the rights of family members of EU citizens who have status under the EU Settlement Scheme. It is purely for information purposes and has no legal force. It does not provide any legal interpretation of EU or UK legislation and is not meant to replace specialised legal advice on UK immigration rules.

## 1. What is the EU Settlement Scheme?

The UK's **EU Settlement Scheme (the Scheme)** is an immigration scheme for EU citizens and their family members. The Scheme is based on the EU–UK Withdrawal Agreement <sup>(1)</sup> and provides a residence status to EU citizens <sup>(2)</sup> who arrived in the UK by 31 December 2020, the date on which EU free movement in the UK ended. The Scheme also applies to family members of eligible EU citizens.



Settled status and pre-settled status are UK domestic immigration statuses issued under the Scheme. These statuses allow you to continue living in the UK even though EU free movement law no longer applies to the UK. Settled status is permanent residence and pre-settled status is granted for 5 years – with the status holder being able to apply for settled status once they have lived in the UK for 5 years.

The deadline to apply under the Scheme was **30 June 2021**, however, the Scheme **remains open** to those who missed the deadline with good reason. Those who missed the deadline can still apply, but they will have to explain why they have missed it (see Section 3 for more details on how to make a late application to the Scheme). Eligible family members who were not living in the UK by 31 December 2020 can apply to join their EU family member in the UK under the Scheme at any time in the future.

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<sup>(1)</sup> There are separate agreements between the UK and Iceland, Liechtenstein, Norway and Switzerland that very closely resemble the Withdrawal Agreement, which means the information in this leaflet applies to European Economic Area and Swiss citizens as well.

<sup>(2)</sup> There are some limited exceptions to the requirement to apply, for example, Irish citizens have a choice about whether to apply to the Scheme. Dual EU and British citizens cannot apply but their family members can.

## 2. How can I prove that I have settled/pre-settled status?

For EU citizens, settled status and pre-settled status are provided in **digital form only**. This means that you will not get a physical ID card as proof of your status. Therefore, it is very important to know how to access your digital status and how to show it to those who may need to see it. The Home Office refers to your digital status as your **UK Visas and Immigration account (or UKVI account)**, in this leaflet we have used the term **digital status**. When you are granted settled status or pre-settled status, the Home Office will usually send you a PDF letter via email telling you what status you have and other important information. However, this PDF letter cannot be used to prove your status, which is why you need to know how to access your digital status.

To show that you have settled status or pre-settled status in the UK, you need to know how to access your **UKVI account** and use the online '**view and prove service**'<sup>(3)</sup>. Once at the log-in page you will need the following.



<sup>(3)</sup> <https://www.gov.uk/view-prove-immigration-status>

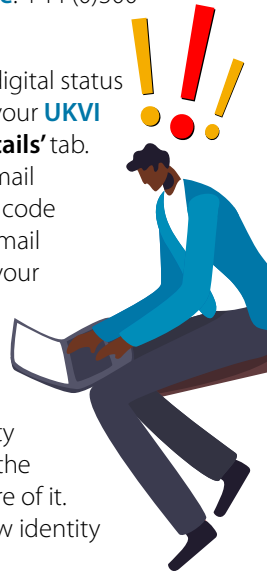
- ▶ If you are an EU citizen, the number of the identity document you used when you applied (the number of your passport or national identity card).
- ▶ If you are a non-EU national, the number of the identity document you used when you applied (your passport or biometric residence card or permit).
- ▶ Your date of birth.
- ▶ The mobile phone number or email address you used when you applied (when you log in you will get a 'one-time use' security code to complete the process).

If you have any problems logging into your digital status or any issues with the information in your digital status you should contact the **UKVI contact centre**: +44 (0)300 790 6268 and select option 3.

It is a good idea to keep the details in your digital status up to date. You can do this by logging into your **UKVI account** <sup>(4)</sup> and using the '**update your details**' tab.

To update your mobile phone number or email you must add the new details, after which a code will be sent to the new mobile number or email for you to verify them. You can also update your profile with a new identity document (passport or national ID card), which is important as this will help you to re-enter the UK smoothly after travelling outside. To update your digital status with a new identity document, you need to enter the details of the identity document and then upload a picture of it. In some cases, you will need to send the new identity document to the Home Office for checking.

Since 1 July 2021, you can be required to show your digital status to third parties (e.g. employers, landlords in England, universities and banks). You can show your



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<sup>(4)</sup> <https://www.gov.uk/update-uk-visas-immigration-account-details/update-your-ukvi-account>

## EU Settlement Scheme – information for EU citizens in the UK

settled status and pre-settled status by logging into your digital status and choosing to ‘digitally share’ it. This means that you will generate a share code that can be given to the checking party for them to verify with the Home Office. There are three different share codes you can generate: one for **employers**, one for **landlords** and a third for **other parties** such as universities and banks. Your digital status can be seen automatically by some public authorities and government departments (such as the National Health Service (NHS), the Department for Work and Pensions (DWP) and UK Border Force) without you needing to log in yourself. There is additional information about your digital status in Sections 13 and 14 below.

If you have any questions or problems, you should contact the **UKVI contact centre**: +44 (0)300 790 6268 and select option 3.

Non-EU family members are given digital status but will, in addition, receive a physical document as proof of their status. This is known as a biometric residence card, however, it is only issued if the family member does not already hold an existing valid biometric residence card. Family members with an existing biometric residence card can continue to rely on this until it expires. If you want to swap your existing biometric residence card for one issued under the Scheme you can do this for free. If your biometric residence card expires, is lost, damaged or stolen, you can **apply for a replacement** <sup>(5)</sup>. Non-EU family members can use their digital status to prove their status to employers and landlords (and others), however **for overseas travel they should use a valid biometric residence card**.

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(5) [https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service?\\_ga=2.9880885.1408909759.1597665806-1939459641.1592321380](https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service?_ga=2.9880885.1408909759.1597665806-1939459641.1592321380)

### 3. I missed the 30 June 2021 deadline and did not apply to the EU Settlement Scheme. Can I still apply?

**You can still apply to the Scheme even if you missed the 30 June 2021 deadline and you have a good reason for applying late.**

In most cases, EU citizens and their family members living in the UK by 31 December 2020 had to apply to the Scheme by **30 June 2021**.

However, a condition of the Withdrawal Agreement is that late applications must be accepted where there are **'reasonable grounds' why someone has missed the deadline**. In other words, if there is a good reason why you did not make your application by 30 June 2021 **and** you meet the residence condition of living in the UK by 31 December 2020, you can still be granted settled status or pre-settled status <sup>(6)</sup>.



To help you understand what a good reason for missing the deadline might be, the Home Office has published this **guidance** <sup>(7)</sup> for those applying late to the Scheme. If the Home Office accepts that you have a good reason for missing the deadline, they will go on to consider whether you meet the conditions to be granted settled or pre-settled status.

<sup>(6)</sup> You must also meet the 'suitability' criteria to be granted status.

<sup>(7)</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants>

## EU Settlement Scheme – information for EU citizens in the UK

There are many different reasons why someone may have missed the deadline to apply. If your reason for applying late is not included in the guidance, this does not mean you do not have a good reason – you should still submit an application. When applying you should explain as best as you can the reasons why you did not apply by 30 June 2021. The following are some good examples included in the Home Office guidance as to why people might have missed the deadline – remember they are only examples and are not a full list.

- ▶ Children (including children in care and care leavers) who have not had an application made on their behalf.
- ▶ Those with physical or mental capacity issues and/or care or support needs that prevented an application being made.
- ▶ A serious medical condition or significant medical treatment that prevented an application being made.
- ▶ Being a victim of modern slavery.
- ▶ Being a victim of an abusive or controlling relationship or situation.
- ▶ Other compelling practical or compassionate reasons such as lack of awareness of the Scheme.
- ▶ Ceasing to be exempt from immigration control.
- ▶ Already holding indefinite leave to enter or remain and not realising you could apply to the Scheme as well.
- ▶ Already having an EU document issued by the Home Office, which meant you incorrectly thought you were exempt from applying.

You can apply late to the Scheme using the same **online application form** <sup>(8)</sup> that was used to apply before the deadline. If your passport or national ID card is valid then you can use the **Home Office ID scanning app** <sup>(9)</sup> (called the 'EU Exit: ID Document Check' app, which works on

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<sup>(8)</sup> <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

<sup>(9)</sup> <https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app>



smartphones) to scan your biometric passport or national identity card. After you have scanned your identity document you must complete the online form. You can still use the online application form even if your passport or national ID card has expired. If your ID document has expired, you will need to send it to the Home Office after you have submitted the online application form.

If you do not have a passport or national ID card and cannot get a new one issued quickly, you can apply using a paper application form, which is sent out by the Home Office **EU Settlement Resolution Centre**: +44 (0)300 123 7379. When you call the EU Settlement Resolution Centre you must explain why you cannot provide a passport or national ID card. You will need to provide an alternative acceptable proof of identity with your paper application.



The online application form and the paper application forms have been adapted so you can explain the reasons for missing the deadline when you apply. If you have evidence that supports the reason(s) that you missed the deadline, you should include this in your application. If you do not provide enough information when you apply, the Home Office should contact you to request additional information or evidence. It is very important that you respond to any such requests from the Home Office (sometimes the Home Office will email you about your application and so it is important to check your spam/junk folders for emails).

#### 4. What if my reasons for applying late are not considered good enough?

If the reasons you give for making a late application are not accepted by the Home Office, your application will be refused. A letter explaining why your reasons have not been accepted will be sent to you (usually by email). You can challenge a refusal decision by making an administrative review or an appeal (see the information in Section 11 about challenging refused applications). If you are refused and you want to challenge this decision, it is a good idea to speak to a regulated immigration adviser to understand the best way to proceed.



#### 5. I have applied to the EU Settlement Scheme but my application is still pending – how can I prove that I applied?

Whilst you are waiting for a decision from the Home Office you should be able to continue living in the UK in the same way that you have done up until now. However, since 1 July 2021 some organisations (such as employers, landlords in England, universities) and public authorities (like the NHS and the DWP) may need to check that you have applied to the Scheme.

Once the Home Office confirms that your application is valid, they will issue you a **certificate of application**, which proves that you have applied to the Scheme. To validate your application, the Home Office must confirm your identity and nationality. If you used the Home Office ID scanning app to scan your biometric passport or national identity card, your identity and nationality should be confirmed immediately with a certificate

of application sent to you by email. If your passport or national identity card is not biometric or has expired, you should apply using the online application form and then send your identity document to the Home Office to be checked. Once this check is complete, your application will be validated and you will receive the certificate of application. The Home Office should send your identity document back to you without delay. If you have made an application using the paper application form, the identity validation process takes longer, which means there may be a delay before you receive your certificate of application.

The certificate of application is normally a PDF letter sent to you by email. You also receive a digital profile that you can log into, which shows your pending application status. You can log into the digital profile in the same way that is described in Section 2. You can use your certificate of application to prove that you have applied to the Scheme. If, for example, you apply for a new job and the employer asks you to show you have the right to work in the UK, you can provide them with a share code that is created using the digital certificate of application.

### **What if I applied late after the 30 June 2021 deadline?**

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The Withdrawal Agreement provides protection to all those who have applied to the Scheme, even if they applied late. This means that those who have missed the deadline still have the right to work, rent accommodation, study and access the NHS whilst they are waiting for the Home Office to issue a decision.

These protections also apply if you are refused a status under the Scheme and are seeking a review of the refusal decision (this means applying for an administrative review or making an appeal).



All applicants to the Scheme, including those who apply late, should be provided with a certificate of application by the Home Office once their application has been validated. Organisations and government departments should accept a certificate of application as proof of your rights whilst you are waiting for a decision. The Home Office has issued guidance to **employers** <sup>(10)</sup> and to **landlords** <sup>(11)</sup> in England setting out the rights that applicants to the Scheme have whilst they are waiting for an outcome. If a third party or a government department does not accept the certificate of application as evidence of your rights, this should be reported to the Independent Monitoring Authority (IMA) as set out in Section 17.

## **6. I have a close family member who would like to join me in the UK. Can they apply to the EU Settlement Scheme?**

EU citizens granted settled status or pre-settled status who have close family members who did not live in the UK by 31 December 2020 can sponsor these family members to join them in the UK. There is no deadline to apply for eligible close family members to come to the UK; they can therefore apply to the Scheme at any time in the future. These close family members are called **joining family members** under the Scheme. A joining family member can be of any nationality.

Who are close family members?

- ▶ Your spouse, civil partner or durable (unmarried) partner, where the relationship existed by 31 December 2020.
- ▶ Your parents and grandparents, who are dependent.

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<sup>(10)</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1066838/Employer\\_s\\_Guide\\_to\\_Right\\_to\\_Work\\_Checks\\_PDF\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1066838/Employer_s_Guide_to_Right_to_Work_Checks_PDF_.pdf)

<sup>(11)</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1066831/Landlord\\_s\\_guide\\_to\\_right\\_to\\_rent\\_checks\\_PDF\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1066831/Landlord_s_guide_to_right_to_rent_checks_PDF_.pdf)

- ▶ Your children and grandchildren, who are under 21 years old.
- ▶ Your children and grandchildren, who are over the age of 21 and are dependent.
- ▶ Your future children, born or adopted.

Dependent parents and children applying as joining family members can be related to either the EU sponsor or their spouse or civil partner (if the marriage or civil partnership took place by 31 December 2020).

The EU citizen who is sponsoring the joining family member(s) will normally hold pre-settled or settled status themselves, as this proves they are able to sponsor their joining family member. However, there will be some EU sponsors who do not hold status under the Scheme. For example, Irish citizens are not required to hold status, and EU citizens who have become dual British citizens after exercising their free movement rights will not hold status. In both cases they can still sponsor eligible family members to join them.



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If the joining family member is outside the UK, they should make an application before travelling to the UK. There are two application routes that joining family members can use to apply under the Scheme.

- ▶ They can apply directly for pre-settled or settled status using the 'Home Office EU Exit: ID Document Check' app (this is mainly for EU citizens joining family members).
- ▶ They can apply for an EU Settlement Scheme family permit (this is mainly for non-EU citizens joining family members).

The qualifying conditions are the same whichever application route is used, and once the joining family member is approved by the Home Office they will be able to enter the UK. If the joining family member uses an EU Settlement Scheme family permit to enter the UK, they must apply for either settled status or pre-settled status **within 3 months of entering the UK**. If the joining family member misses the 3-month deadline to apply, they can apply late as long as they have a good reason, which will need to be explained to the Home Office (they must use the same late application process as described in Section 3).

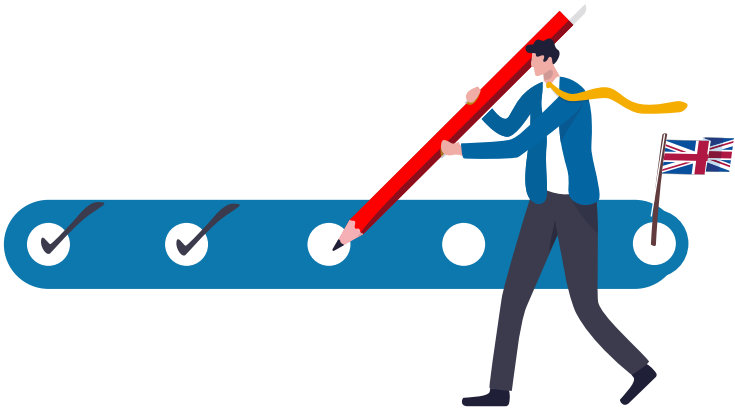
If a joining family member is already in the UK, they can apply to the Scheme for settled status or pre-settled status without needing to leave the UK.

## 7. I have pre-settled status. When can I apply for settled status?

In most cases, if you hold pre-settled status you can apply for settled status once you have built up 5 years of continuous qualifying residence in the UK. It is a good idea to apply for settled status as soon as you can, as your rights are better protected once you hold settled status (e.g. you have better access to public benefits and you are allowed to be away from the UK for a longer period of time without losing your status). Although it is recommended you apply for settled status as soon as you qualify, you do not have to apply for settled status as soon as you have 5 years of UK residence.

The date on the Home Office PDF letter sent when you were granted pre-settled status is the date your pre-settled status started. Therefore, the pre-settled status will expire 5 years from the date on this letter. The letter will also tell you the date the status expires. **You should make a note of the date your pre-settled status expires so that you do not forget to apply for settled status in time.**

Please note that the EU interprets the Withdrawal Agreement to mean that pre-settled status cannot have such an expiry date and cannot be lost simply for failing to apply for settled status in time.



## 8. I have pre-settled status. How do I apply for settled status and what do I need to send to the Home Office?

The application process for settled status is the same as when you applied for pre-settled status. The difference when applying for settled status is that you need to show the Home Office that you have lived in the UK for 5 years continuously. The Home Office will carry out another check on your National Insurance number (NINO) – if you have one – when you apply for settled status to try to establish if you have 5 years of residence. If your NINO does not show that you have lived in the UK for 5 years, or you do not have one, you will be asked to provide documents showing that you have 5 years of residence.

As you may need to provide documents showing that you have lived in the UK for 5 continuous years to be granted settled status, it is important that you start to think now about what documents you can collect as your records of living in the UK. Examples of the types of documents that will be useful for your settled status application are:

- ▶ council tax bills and utility bills;
- ▶ mortgage statements or rental agreements;
- ▶ employment documents;
- ▶ bank statements showing spending in the UK;
- ▶ confirmation of attendance at school, college or university;
- ▶ general practitioner (GP) and/or hospital records;
- ▶ correspondence from the DWP or Her Majesty's Revenue and Customs (HMRC).

These are examples only – there will be many other types of documents that can help you show that you have been living in the UK. It is also a good idea to keep records of any time you have spent outside the UK (travel tickets, bookings, etc.).





## 9. I have pre-settled status but left the UK for a longer time period. Can I still apply for settled status?

In most cases, to be granted settled status you need to have lived continuously in the UK for 5 consecutive years; this is called the **continuous qualifying period**. Once you have built up your 5 years of continuous residence to be granted settled status, you can be away from the UK for up to 5 years without losing your settled status.

### (a) What does continuous residence mean?

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The most important continuous residence rule is that **you should not spend more than 6 months outside of the UK in a 12-month period**. Being outside of the UK for longer than this will normally break your continuous residence. This can happen where a single absence exceeds 6 months, or by adding up multiple absences that together exceed 6 months if they all take place within a 12-month period. For example, a trip of 3 months and a trip of 4 months within a 12-month period will add up to 7 months and break continuous residence.

It is also important to be aware that the Home Office calculates the 6-month rule on a rolling basis, which means that if you have a 3-month trip at the end of 2019 and a 4-month trip at the beginning of 2020, these will still be counted in the same 12-month period even though the trips fall in different calendar years <sup>(12)</sup>.

### (b) What if I need to be away from the UK for a longer period for something important?

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There is an exception to the above 6-month absence rule, which is that within your 5-year continuous residence period you are allowed one period outside the UK of

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<sup>(12)</sup> NB: There is a difference in opinion between the Home Office and the European Commission about how to calculate each 12-month period. The European Commission believes 12-month periods are fixed and calculated from the date you entered the UK. The Home Office Scheme rules calculate absences on a rolling 12-month basis.

up to 12 months for an important reason. The following list includes important reasons to be absent for up to 12 months. They are just examples and there may be other important reasons why you might be absent for up to 12 months. These examples are:

- ▶ pregnancy,
- ▶ childbirth,
- ▶ serious illness,
- ▶ studies,
- ▶ vocational training,
- ▶ overseas posting.

Any absence from the UK because of military service or working for the UK government in Crown service does not break your qualifying residence, even if it means being away for over 12 months.

### **(c) What about the impact of COVID-19?**

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Given the unprecedented impact of COVID-19 on peoples' lives, the Home Office has published **COVID-19 guidance** <sup>(13)</sup> for people who have left the UK temporarily because of the pandemic. This guidance gives information about when the Home Office accepts that extended absence from the UK due to COVID-19 will not break your continuous residence. If you have already had an absence from the UK of up to 12 months for an important reason, you may be able to have a second extended absence provided it is related to COVID-19.

The guidance says that COVID-19 is considered an important reason to be outside the UK for up to 12 months in a single period. The guidance contains a list of reasons for why someone might be absent because of COVID-19. These are just examples – there may be other

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<sup>(13)</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

acceptable reasons why you have been absent because of the health pandemic.

- ▶ If you were ill with COVID-19.
- ▶ If you were in quarantine, self-isolating or shielding in accordance with local public health guidance on COVID-19.
- ▶ If you were caring for a family member affected by COVID-19.
- ▶ If you were prevented from returning earlier to the UK due to travel disruption caused by COVID-19.
- ▶ If you were advised by your university that, due to COVID-19, your course was moved to remote learning and you were advised or allowed to return to your home country to study remotely.
- ▶ If you were advised by your university or employer not to return to the UK and to continue studying or working remotely from your home country.
- ▶ If you were absent from the UK for another reason related to COVID-19, for example you left or remained outside the UK because there were fewer coronavirus restrictions elsewhere, you preferred to work or run a business from home overseas, or you would have been unemployed in the UK and preferred to rely on support from family or friends overseas.



**(d) I have been outside the UK for more than 12 months because of COVID-19 – can I still qualify for settled status?**

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If you have been away from the UK for more than 12 months because of COVID-19, you may be able to argue that you have not broken your continuous qualifying residence if you can show that this was linked to the pandemic. This part of the guidance states that the Home Office expects people who have been away for more than 12 months to show that they were unable to return – for example, because they were ill with COVID-19 – or that they were advised not to return (e.g. by their employer or university), rather than exercising a choice to remain outside the UK. As this part of the guidance is more complicated, it may be a good idea to speak to a regulated immigration adviser if you have been away for more than 12 months. The guidance confirms that if the Home Office accepts that you have not broken your continuous residence in this situation, the time outside the UK after 12 months is not counted towards the 5-year continuous qualifying period. This means that in some cases people will need to apply again for pre-settled status before they can apply for settled status.

## **10. How can I apply to the EU Settlement Scheme for my children?**

It is important to be aware that many children will need to make their own application to the Scheme even if their parents have applied. As a general rule, children who are not born in the UK will need to make an application to the Scheme for their own grant of status. If your children have not yet made an application, they can make a late application to be granted either settled status or pre-settled status. If your children are not old enough to apply for themselves, you can apply on their behalf as their parent. The application process is the same for children as it is for adults, and if you want to link your

child's application to your status, you will be asked in the application form to give details of your own application reference – this is the 16-digit unique application number (UAN) the Home Office gave you when you made your own application.

For children born in the UK where one (or both) of the parents has settled status or is otherwise 'settled' in the UK (e.g. is a British citizen), the child is automatically born British and does not need to apply to the Scheme. In this case, you can apply for a British passport from the **Passport Office** for your child. If a child is born on or after 1 July 2021 and either parent is still waiting for a decision on their application to the Scheme and the outcome is the parent is granted settled status <sup>(14)</sup>, it is possible that the child will become a British citizen on the date the parent is granted settled status. This can be a complicated situation and you may need to speak to a regulated immigration adviser to understand if your child has become British under this rule.



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<sup>(14)</sup> Or the parent makes a late application to the Scheme and is granted settled status.

If neither of the parents is settled in the UK when the child is born – for example, where both parents have pre-settled status – an application needs to be made to the Scheme for the child **within 3 months of the child being born**. If you can get an identity document issued for your child within the 3 months (this would be a passport or a national identity card if your child is an EU citizen), you can use the online application process for them.

If you are unable to get an identity document within 3 months from your child's birth, you should contact the Home Office **EU Settlement Resolution Centre** on +44 (0)300 123 7379 to ask them to send you a paper form to make an application. You will need to explain that you cannot get an identity document for your child within the 3-month deadline and you therefore need to make a paper application. If you did not apply for your child within the 3-month deadline you can make a late application for your child explaining the reasons for the delay (see the information in Section 3 about late applications).

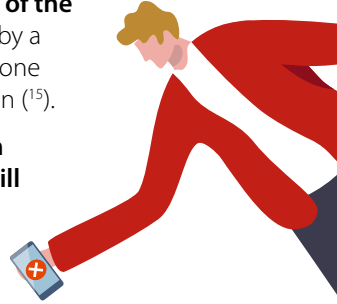
## **11. My application to the EU Settlement Scheme was refused. Can I appeal the decision?**

The following information is general information about how to apply to have a refusal decision looked at again. There may be situations where specific rules that are not covered here apply. If you are refused status under the EU Settlement Scheme, we strongly recommend speaking to a regulated immigration adviser to best understand your options. What you should do will depend on factors such as the reasons why you have been refused status under the Scheme, how long ago you were refused and what additional evidence is available to you if you decide to challenge the refusal. Please be aware that not all refusal decisions can be successfully challenged. For example, if an applicant does not meet the criteria to be granted settled status or pre-settled status, challenging the Home Office refusal decision is very unlikely to lead to a positive outcome.

If the Home Office grants you pre-settled status instead of settled status, and you think that you should have been granted settled status, you can challenge this decision.

In most cases a person challenging a refusal to grant status, or a decision to grant pre-settled status instead of settled status, can do the following.

- (1) **Apply for an administrative review of the decision.** This is a review carried out by a different Home Office team from the one who made the original refusal decision <sup>(15)</sup>.
- (2) **Appeal the decision. In this case an independent immigration judge will decide the case in the Immigration Tribunal.** If a person first applies for an administrative review but is unsuccessful, they can then appeal to the Immigration Tribunal.



If you have new information and/or evidence that you would like to be looked at in the administrative review or appeal, this can be sent to the Home Office or the Immigration Tribunal. It is important to submit any new information and evidence to show that you should be granted status under the scheme.

You must pay a fee to have your refusal decision looked at again; the fee is GBP 80 for an administrative review and GBP 80 or GBP 140 for a tribunal appeal (depending on the type of appeal you choose). In some cases, the fee will be refunded if the Home Office made a mistake when they refused the application.

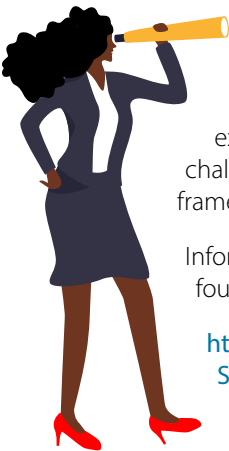
There are different time limits for notifying the Home Office or the Immigration Tribunal that you want to challenge the refusal decision.

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<sup>(15)</sup> If you have been refused for suitability reasons, you cannot apply for an administrative review. Instead, you can appeal to the Immigration Tribunal as set out in point 2.

## EU Settlement Scheme – information for EU citizens in the UK

- ▶ If you are applying to the Home Office for an administrative review, this must be done within **28 days** from the date you receive the refusal decision from them. This applies whether you are **inside or outside the UK** when you receive the decision.
- ▶ If you are **inside the UK** and appealing to the Immigration Tribunal, you must do this within **14 days** from the date the refusal decision was sent to you by the Home Office.
- ▶ If you are **inside the UK** and appealing to the Immigration Tribunal **after the Home Office has refused your administrative review application**, you must appeal within **14 days** from the date the administrative review refusal was sent by the Home Office.
- ▶ If you are **outside the UK** and appealing to the Immigration Tribunal, you must do this within **28 days** from the date you receive the refusal decision from the Home Office.
- ▶ If you are **outside the UK** and appealing to the Immigration Tribunal **after the Home Office has refused your administrative review application**, you must appeal within **28 days** from the date you receive the administrative review refusal from the Home Office.



In some situations, it may be possible to apply outside of these deadlines. However, there would need to be a very good reason for doing so and it is therefore extremely important wherever possible to challenge the decision within the given time frame.

Information about administrative review can be found at:

<https://www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrative-review>



Information about appealing to an immigration judge can be found at:

<https://www.gov.uk/immigration-asylum-tribunal>

- ▶ It is possible to **make another application** to the Scheme if you believe you have wrongly been refused status. However, as this application would be made after the 30 June 2021 deadline, you would need to justify why you are making a late application (see the information in Section 3 about late applications). In many cases, the Home Office will expect a refused applicant to apply for administrative review or an appeal rather than submit a new application. However, if there are compelling reasons as to why a new application should be considered by the Home Office after the deadline, this may be the right approach to take.

## 12. Can I use my passport and national ID card at the UK border when returning?

If you are an EU citizen with settled status or pre-settled status, or who has made an application to the Scheme, and has a certificate of application <sup>(16)</sup>, you are allowed to use either your passport or your national ID card to enter the UK. You can also continue to use your national ID card to enter the UK if you are an EU citizen who:

- ▶ has settled status or pre-settled status under the Jersey, Guernsey or the Isle of Man settlement schemes;
- ▶ has an EU Settlement Scheme family permit, or the equivalent, from Jersey, Guernsey or the Isle of Man;
- ▶ has a frontier worker permit;
- ▶ is an S2 healthcare visitor.

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<sup>(16)</sup> Note that joining family members cannot enter the UK using a certificate of application as they must wait for their application to be approved before travelling.

If you fall into one of these categories, you can choose which document you travel with. You have this right for life; however, if you want to continue travelling on your national ID card after 2025, then it must be a biometric card.

### **13. How do I keep my digital status up to date with a new passport or national ID card?**

Section 2 explains how to access digital status and keep your **details up to date** <sup>(17)</sup>. Once you have logged in, there is a function that allows you to link a new identity document to your digital status (a passport or a national ID card if you are an EU citizen). Your digital profile retains information about your existing document(s) even when you add a new document, which means you can have multiple identity documents linked to your digital status. Please note that you need to use the most recent identity document that you linked to your profile to log into your digital status.

It is recommended that you link all your identity documents to your digital status, as it should make re-entering the UK smoother if the identity document you are travelling with is linked to your status.

### **14. How can I access benefits, social services and free healthcare in the UK?**

If you have settled status or pre-settled status, you should be able to access these services on the same basis that you would have done before 1 July 2021. If you have made an application to the Scheme and are awaiting an outcome, your rights are also protected whilst a decision is being made (including any administrative review or appeal if the Home Office refuses your application in the first instance).



<sup>(17)</sup> <https://www.gov.uk/update-uk-visas-immigration-account-details>

Since 1 July 2021, the government departments responsible for administering **benefits, social services and free healthcare** will need to check that you hold status under the Scheme, or have made an application to the Scheme that has not been decided yet. For example, if you need to make a claim for Universal Credit, then the DWP will carry out a check to make sure you have settled status or pre-settled status, and once this is confirmed, they will check whether you meet the other eligibility conditions to be granted Universal Credit.

The NHS can check whether you have settled status or pre-settled status when you receive treatment <sup>(18)</sup>. Some public services are administered by local authorities or local councils, which means that they will need to check your pre-settled status or settled status when assessing if you qualify for these services.

## 15. Can I access home student fees and student finance? Do I need a student visa?

If you hold settled status or pre-settled status or have made an application to the Scheme, you are entitled to study in the UK and you do not need a student visa. You can show your university your digital status or your certificate of application that shows you have made an application to the Scheme. Settled status or pre-settled status entitles you to home student fees and student finance if you meet the other eligibility conditions.

Each nation of the UK has different rules for accessing **home student fees and student finance**, so you will need to check the rules for the country you wish to study in. The **UK Council for International Student Affairs** <sup>(19)</sup> has useful information for students on their website.

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<sup>(18)</sup> It is also a condition to receive free secondary NHS treatment that the person is 'ordinarily resident' in the UK. This is a separate assessment from checking that the person holds settled status or pre-settled status.

<sup>(19)</sup> <https://www.ukcisa.org.uk/About-UKCISA>

## 16. Keeping records and documents

As explained in Section 8, it is a very good idea to keep records and evidence of your UK residence to make the process of converting from pre-settled status to settled status more straightforward. More generally, it is a good idea for everyone – those applying for their first grant of status under the Scheme, those with pre-settled status and settled status and even those who have become British citizens – to keep good records of their UK residence. The reason for this is because the Withdrawal Agreement covers more citizens' rights areas than holding an immigration status in the UK. For example, the Withdrawal Agreement covers social security rights and coordination, including pension entitlements if you decide to leave the UK. It is possible that at some point in the future you may need to show documents covering your UK residence (such as your UK employment records), which is why we recommend retaining your records, even after you have been granted status under the Scheme.



## 17. I feel that my rights have not been respected, what can I do?

The Withdrawal Agreement required the UK to set up the “Independent Monitoring Authority **IMA**”<sup>(20)</sup> to protect the rights of EU citizens living in the UK. The IMA is independent from the UK government and focuses on areas that affect large numbers of citizen, or that show an underlying problem with how citizens' rights are being implemented and managed. The IMA has two stated roles.

- ▶ To monitor how UK public bodies are protecting EU citizens' rights. This means seeking information that helps identify what areas are going well and which ones need improving.

<sup>(20)</sup> <https://ima-citizensrights.org.uk>

- ▶ To promote the effective implementation of citizens' rights. This means helping citizens understand their rights and helping public bodies to understand what areas need to be improved or corrected.

The **IMA can receive individual complaints from citizens** <sup>(21)</sup> who feel that their rights under the Withdrawal Agreement have not been respected. The IMA encourages EU citizens and family members to report issues to the organisation so that the IMA can best understand their direct experiences. However, please be aware that the IMA cannot always help resolve the complaints they receive, as is explained on their website:



'Although we cannot resolve the individual complaints reported to us, they are vital in helping us find wider problems so we can help protect others from experiencing the same issues.'

There is information about how to lodge a complaint to the IMA on their website. You can also see the work the IMA has undertaken to promote and protect citizens' rights on the website's 'our work' and 'news' pages.

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<sup>(21)</sup> <https://ima-citizensrights.org.uk/our-work/complaints-from-the-public/>



## Questions and information

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If you have questions, feel free to ask us on our Facebook page @EUinUK – immigration lawyers contracted by the EU delegation will answer your question.

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More information about the **EU Settlement Scheme** from the UK government can be found at:

- <https://www.gov.uk/settled-status-eu-citizens-families>
  - <https://www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants>
  - <https://www.gov.uk/family-permit/eu-settlement-scheme-family-permit>
  - <https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>
- 

More information about your **UKVI account (digital status)** from the UK government can be found at:

- <https://www.gov.uk/government/publications/view-and-prove-your-immigration-status-evisa/your-immigration-status-an-introduction-for-eu-eea-and-swiss-citizens-accessible-version>
  - <https://www.gov.uk/view-prove-immigration-status>
  - <https://www.gov.uk/update-uk-visas-immigration-account-details>
- 

More information on your **rights under the Withdrawal Agreement in a questions and answers document** can be found at:

- [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights_en)
- [https://ec.europa.eu/info/publications/travel-documents-required-eu-citizens-when-travelling-uk-1-october-2021\\_en](https://ec.europa.eu/info/publications/travel-documents-required-eu-citizens-when-travelling-uk-1-october-2021_en)

More information on **organisations** that may be able to assist you with your application for pre-settled and settled status at:

- <http://www.eurights.uk>

## Disclaimer

Please note that this document has been drawn up for information purposes only and has no legal force. It cannot provide any legal interpretation of EU or UK legislation and is not meant to replace specialised legal advice on UK immigration rules. While best efforts have been made to provide accurate information, the European Union cannot be held responsible. The responsibility for the information on the EU Settlement Scheme and future immigration arrangements lies entirely with the UK government, which should be the first contact point for the latest information.

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