



Home Office

**Welcome to the Late Application Webinar,
we will commence at 1:00pm.**

If you have any questions please type them in the chat.

**Following this session an FAQ document will be shared on
Basecamp**



Home Office

Reasonable grounds for making a late application to the EU Settlement Scheme (EUSS)



The rights of EEA and Swiss citizens and their family members

- In line with the Citizens' Rights Agreements, EU, EEA and Swiss citizens resident in the UK by the end of the transition period have until 30 June 2021 to apply to the EUSS, unless they have reasonable grounds for missing that deadline. Those who apply before the deadline but whose application is not decided until after it will have their existing rights protected pending the outcome of their application (and of any appeal).
- Where a person with reasonable grounds for missing the 30 June 2021 deadline applies to the scheme after that date and is granted status, they will, enjoy the same rights from the time they are granted status as someone who applied before the deadline.



Publication of reasonable grounds guidance

- In line with the Citizens' Rights Agreements, there remains scope, indefinitely, for a person eligible for status under the EUSS to make a late application to the scheme where, in light of all the circumstances and reasons, there are reasonable grounds for their failure to meet deadline applicable to them.
- Non-exhaustive guidance on what constitutes reasonable grounds for missing the deadline was published on 1 April 2021 and can be found at pages 27 to 44 of the main caseworker guidance for the scheme: www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance.
- The guidance underpins a flexible and pragmatic approach to considering late applications under the scheme, in light of the circumstances of each case.
- We have taken account of stakeholder views in drafting the guidance. We will keep the guidance under review and any change in approach will be reflected in this guidance.



Reasonable grounds for failing to meet the deadline

- In line with the general approach under the EUSS of looking to grant status, rather than for reasons to refuse, we will continue to process cases as we do now.
- Consistent with the Citizens' Rights Agreements, we will continue to give applicants a reasonable opportunity to provide what is needed for their application to be valid and then to show – both in terms of 'reasonable grounds' and of other eligibility criteria – they qualify for EUSS status, with caseworkers working with them to help them do so where possible, as now.
- Caseworkers will exercise discretion in favour of the applicant where appropriate, to minimise administrative burdens, and work with the applicant to help them avoid any errors or omissions that may impact on the application decision.
- Once a caseworker is satisfied there are reasonable grounds for a late application, they will then consider the application under the eligibility and suitability requirements of Appendix EU.



Reasonable grounds for failing to meet the deadline

- The guidance describes circumstances in which a person has reasonable grounds for missing the deadline, but it is not exhaustive and every case must be considered in light of its particular circumstances.
- Examples include:
 - where a parent, guardian or local authority has failed to apply on behalf of a child
 - where a person lacks the physical or mental capacity to apply
 - where a person was prevented from applying because they were a victim of modern slavery or of domestic violence or abuse.



Reasonable grounds for failing to meet the deadline

- Examples include:
 - where a parent, guardian or local authority has failed to apply on behalf of a child

The EEA citizen parents of A, also an EEA citizen, have been resident with her in the UK since September 2015. They made an application to the EU Settlement Scheme in December 2020 and were granted settled status, but mistakenly assumed that their daughter would be automatically granted this status in line with theirs without having to apply. This did not come to light until A applied to university in the UK in 2022 and was required to provide evidence of her immigration status in the UK. These are reasonable grounds for A missing the deadline applicable to her and now making a late application to the scheme.



Reasonable grounds for failing to meet the deadline

- Examples include:
 - where a person lacks the physical or mental capacity to apply

F is an EEA citizen, aged 80, and lives in a care home. She was unaware of the EU Settlement Scheme until a member of staff at the care home mentioned it to her. The member of staff helps F to complete an application herself to the EU Settlement Scheme in October 2021. These are reasonable grounds for F missing the deadline applicable to her and now making a late application to the scheme.



Reasonable grounds for failing to meet the deadline

- Examples include:
 - where a person was prevented from applying because they were a victim of modern slavery or of domestic violence or abuse.

J is an EEA citizen who has been resident in the UK since 2015. After he lost his job in 2019 J was rough sleeping for a period. J began working in 2020 for a firm which offered board and lodging in lieu of pay rates at the National Living Wage; he had to surrender his passport to his employer. It was some months before, due to the harsh conditions and long hours of his employment, J recognised that he was being exploited. He handed in his notice but his employer threatened violence to make him stay. After several weeks J managed to escape and he then sought help from a community organisation that supports nationals of his country of nationality. The organisation referred his case to the National Referral Mechanism, which resulted in a positive conclusive grounds decision that J was a victim of modern slavery. They also advised J that he needed to apply to the EU Settlement Scheme and he did so in September 2021. These are reasonable grounds for J missing the deadline applicable to him and now making a late application to the scheme.



Reasonable grounds for failing to meet the deadline

- A person does not need to be vulnerable to make a late application. For example, a person may have been unaware of the requirement to apply or they may have failed to make an application by that deadline because they had no internet access, had limited computer literacy or limited English language skills or had been living overseas.
- A person granted pre-settled status will also will be given an opportunity to make a late application for settled status where there are reasonable grounds for missing the deadline of the expiry of their pre-settled status.



If refused – appeal and admin review

- Where an applicant has not been able to demonstrate there are reasonable grounds for their failure to meet the deadline applicable to them under the EUSS, the application will fall to be refused on eligibility grounds under paragraph EU6 of Appendix EU. The refusal letter will explain to the applicant why the reasons for the failure to meet the deadline applicable to them are not reasonable, including by reference to any information provided by them.
- Where a late application under Appendix EU is refused because their grounds for not meeting the deadline are not considered reasonable, the applicant may seek an administrative review of that decision, or appeal against it, or both.
- A person who has already made a late application to the EUSS which has been refused (and they have exhausted their appeal rights against that decision) – or who has accepted Voluntary Returns Scheme support to leave the UK – will not normally be able to establish reasonable grounds for making a further late application. Whether they can do so will depend on the particular circumstances of the case.



In summary

- Our current focus is on encouraging and supporting people who haven't applied to do so by the deadline
- We have published the guidance on reasonable grounds for making a late application well ahead of when it will come into force at the end of the grace period
- The reasonable grounds policy takes a generous approach and the list of examples is deliberately not exhaustive
- We will keep the guidance under review
- Any questions?

