

Late Application Webinar Q&A

- **For what period will late applications be accepted?**

At present there is no deadline.

- **Will evidence of health be needed for a late application?**

Casework decisions will be made on a case-by-case basis. The list of reasons for submitting a late application is non-exhaustive.

- **Will the late applications be able to be done through the app?**

Yes.

- **If organisations have limited capacity therefore cannot get around to getting clients applications done before deadline can this come under reasonable grounds (if organisations provide supporting letter?)**

In line with the Citizens' Rights Agreements, we have made clear where a person eligible for status under the scheme has reasonable grounds for missing the 30 June 2021 deadline, they will be given a further opportunity to apply. The guidance on reasonable grounds for submitting a late application was published on 1 April 2021.

Examples include where a person lacks the physical or mental capacity to apply, children whose parent or guardian fails to apply on their behalf. Where a person had a serious medical condition (or was undergoing significant medical treatment) in the months before, or around the time of, the deadline applicable to them, where a person was prevented from applying to the EU Settlement Scheme before the deadline applicable to them because they may be a victim of modern slavery (which includes trafficking), where a person was prevented from applying to the EU Settlement Scheme before the deadline applicable to them because they are or were a victim of domestic violence or abuse (or the family member of such a victim) and where there may be other compelling practical or compassionate reasons as to why a person did not apply to the EU Settlement Scheme before the deadline applicable to them,

The guidance is non-exhaustive and will underpin a flexible and pragmatic approach to considering late applications in light of the circumstances of each case. For the guidance, see 'Making an application: deadline' in 'EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members' on page 27 of:

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

- **If not, perhaps address the approach to evidence? is applicant's own account enough e.g. I didn't know / forgot set out in a letter signed by applicant?**

If a person contacts a GFO, then their underlying vulnerability would potentially be sufficient justification to submit a late application.

In some circumstances the applicants own account will be all that we have alongside their supporting evidence, and under the ethos of the scheme, which is to grant individuals, then each case will be looked at on its individual merits.

- **For applicants who will be applying on paper forms, what will the Home Office be doing to prevent SRC gatekeeping / refusal to issue paper forms?**

- All EUSS paper applications forms are now available for individuals from GOV.UK here:

[Apply to the EU Settlement Scheme by post or email - GOV.UK](http://www.gov.uk/government/forms/eu-settlement-scheme-application-form)
(www.gov.uk)

- **Would the applications be considered having reasonable grounds if the person had problems obtaining an ID due to the long queue in the consulate and or COVID?**

The applicant would still be able to apply in time now using the paper No ID route. If they were submitting a late application, then each case would be looked at individually on a case-by-case basis.

However, we advise that you encourage applicants to complete the form and get in by 30th June even if they do not have all the necessary evidence available - they can provide this after the submission.

- **For those whose late applications have been accepted and who were granted status, will there be any repercussions later with not having lawful residence between 30/6 and date status was granted? for example if they wish to naturalise later or apply for student finance.**

Nationality colleagues have confirmed that *“where UKVI has accepted that there were reasonable grounds for a late application to the EUSS and so has proceeded to grant status under the Scheme, a similarly pragmatic and flexible approach will be adopted should the individual later apply to naturalise. This would constitute one of the scenarios in which discretion may be exercised when considering gaps in an individual’s lawful residence for the purposes of a nationality application.”*

Department for Education confirmed that “for student support purposes, where a person fails to apply for pre-settled or settled status under the EUSS by 30 June 2021 or, they have pre-settled status but then fail to apply for settled status upon expiry of 5 years limited leave and the Home Office applies their discretion and grants the application, then any period of unlawful residence in the UK from 1 July 2021 until the date of award of pre-settled or settled status can be disregarded for the purposes of considering our three-year ordinary residence requirement. In effect, therefore, Student Finance England will treat the period as lawful residence in the UK, and it can form part of the required three-year lawful residence period.

Full guidance on this can be found here:
[EU Settlement Scheme grace period.pdf](#)

However, as education is a devolved matter, they can only confirm the position in relation to England domiciled students.

- **In case of late applications, is the Home Office committed to making a decision on that application more quickly, to reduce negative impact of the lack of it on an already vulnerable person?**

Applications will be dealt with in the order they are received.

- **When a paper application has been submitted and the person will receive an ID after sending it to the HO how can the ID be linked to the application?**

When submitting documentation please ensure you put the applicants full name on the envelope and include a cover letter with the following information:

1. Name
2. Date of Birth
3. Address
4. Along with a list of what evidence items have been submitted

To submit your application form by email, send your completed form to:

approvedeuisspaperform@homeoffice.gov.uk

Then post any supporting documents including your photograph, alternative evidence of identity and nationality (for example, your expired passport or national identity card), and evidence of residence and relationship (where applicable) to:

EUSS paper emailed forms
EU Settlement Scheme
PO Box 2076
Liverpool
L69 3PG

- **Are the reasons for late applications going to be broadly accepted? You said it as on a case-by-case basis, but will a broad approach be taken?**

The list of reasons to submit a late application is non-exhaustive. Please see the EUSS Caseworker guidance page 27+ for this information:

[EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90421/euss-caseworker-guidance.pdf)

- **Would the Home Office accept late applications from individuals who already hold ILR, don't need to apply under the EUSS, but decide that they would prefer to get up to date proof of their immigration status after the deadline?**

Where someone has reasonable grounds for missing the deadline for the EU Settlement Scheme, they will be given a further opportunity to apply – this includes anyone eligible for status under the Scheme. The Home Office has published non-exhaustive guidance on reasonable grounds for

making a late application, which underpins a flexible and pragmatic approach to late applications.

Their options would be to apply under Windrush potentially, but if they have lost the ILR stamp in an old passport, they can apply for the EUSS but they are not required to.

- **Are all late applications paper applications?**

No

- **Has the home office been liaising with other agencies about the plight of people who may lose their jobs, houses, given the likelihood of employers and landlords being prosecuted?**

The Home office have been liaising with other government departments extensively in the lead up to the 30 June 2021 deadline.

We have liaised with employers and housing - see the link [EU Settlement Scheme: introduction for employers \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/eu-settlement-scheme-introduction-for-employers) this explains employer obligations in detail.

- **How will clients who only have one piece of evidence of their residence succeed in their application?**

It is dependent on the evidence. The case worker will assess what is available and will either seek to gather more evidence or will have sufficient to make a decision.

- **Will communications/reference to applications after 30th June refer to these as late applications, or will the verbiage change?**

The current assets on Brandworkz will be removed at the end of the 30 June with new assets going up from the 01 July.

- **Is the Home Office working with the British police to speed up the process of getting updates on criminal records? I have two clients**

whose applications have been pending for 12+ months and the police do not respond to requests for updates.

Please contact EUSSgrants@homeoffice.gov.uk and the EUSS Grants Team can look into these applications for you.

- **Can I please ask if there is a certain procedure to follow for a few clients waiting over a year for a decision? I have called so many times, submitted complaints etc and I do not seem to be getting anywhere. One of my clients is street homelessness too.**

Please email the UANs to EUSSgrants@homeoffice.gov.uk and the EUSS Grants Team will look into these applications for you.

- **Can a family member who has come to the UK after 31 Dec 2020 make an in-country application?**

Under the terms of the Withdrawal Agreement, any EU citizen resident in the UK by the end of the transition period on 31 December 2020, and granted status under the EU Settlement Scheme, can be joined in the UK at any point in the future by their existing close family members (a spouse, civil partner, durable partner, child or dependent parent) who live overseas at the end of the transition period, **where the relationship existed then and continues to exist when the family member seeks to come to the UK.**

That family member will be able to apply for status under the scheme to remain here with the EU citizen. They will need to provide proof as entitlement to apply as a family member of relevant EU citizen. They do not need to have entered the UK under the EU Settlement Scheme.”

Provisions for joining family members have been incorporated into Appendix EU, specifically through the new rule EU11A.

The relevant changes to the Immigration Rules (HC 813) were laid in Parliament on 22 October, the Statement of Changes and Explanatory Memorandum can be found at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-813-22-october-2020> and the associated Written Ministerial Statement at <https://questions-statements.parliament.uk/written-statements/detail/2020-10-22/hcws533>.

The prevailing Policy in connection with applications of this nature is subject to frequent change. The Secretary of State is entitled to change

published policy at any point, if she considers it appropriate to do so. Any applicant should expect their application to be considered against the requirements that are in place on the date of decision.

Those EEA citizens and their family members who have made an “in time” application to the European Union Settlement Scheme (EUSS) which remains pending after the end of the grace period will continue to be protected by the Citizens’ Rights (Temporary Protection and Application Deadline) (EU Exit) Regulations 2020. This means that they will continue to have a right of admission until their application is finally determined and will not require a grant of leave at the border. EUSS family permit holders may re-enter the UK as many times as they wish during the validity of their permit. Provided that they have applied to the EUSS before the date that their permit expires, they will continue to have their leave extended by virtue of section 3C of the Immigration Act 1971 until such point that their EUSS application is finally determined. In all cases, Border Force officers will be able to verify the existence of a pending application on Home Office systems, should they need to do so.

In the event that a person does not proceed to submit an “in time” application to the scheme, capacity will nevertheless persist for such individuals to then submit a “late” application to the scheme after the 30 June 2021. However, that person's rights will not in any way shape or form be protected until such date that their late and in essence “out of time” EUSS application is fully decided hence the necessity to apply to the scheme before the end of the grace period on the 30 June 2021.

The appropriate guidance in connection with “late applications” has only very recently been issued by our Policy colleagues and is outlined in pages 25-43 of the main EUSS caseworker guidance at: [EU Settlement Scheme caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/eu-settlement-scheme-caseworker-guidance)

- **There is a huge gap in language provision for Bulgarian, Czech, Slovak, Latvian, Lithuanian and Hungarian. We have a wave of applicants speaking those languages who don't know the basic requirements or a difference between settled and pre-settled status.**

Translated materials are available on GOV.UK here: [EU Settlement Scheme: introduction for community groups - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/eu-settlement-scheme-introduction-for-community-groups)

Further, many GFOs have commissioned their own translated content. It might be worth asking on Basecamp whether an organisation is able to share any of theirs.

- **Is the certificate of application (COA) going to be changed in respect of late applications stating that they have no right to work, rent, benefits, social housing etc? if so, can we see the template please?**

The COA will not say someone has no rights. It will serve the purpose of confirming a valid application has been made, and the date of that application.

- **Are we allowed to send the paper application forms we have received to clients directly to complete and return to the Home Office themselves?**

Yes, you can, or they can download the application directly off gov.uk website.

All application forms are now available through GOV.UK:

[Apply to the EU Settlement Scheme by post or email - GOV.UK \(www.gov.uk\)](https://www.gov.uk/apply-to-the-eu-settlement-scheme)

- **Will a person who submits a non-personalised paper form that is not published on gov.uk be rejected as invalid?**

No, the form will not be rejected as invalid, all paper forms are now issued non-personalised.

- **Clients' who cannot access their uncompleted EUSS applications due change of contact details - is there a much quicker way of updating new details. Especially for those clients who have a language barrier and cannot contact the EUSS Resolution team.**

There is a new simple process now in operation in the SRC. There is an option within the menu when you call the SRC phone number which when selected takes you directly through to access the digital status team.

- **If we don't see a decline in late applications by August/September, is the Home Office considering extending the funding? We are**

concerned about the number of people that we be left with no support.

We will be exploring options on further funding - this will be directly linked to the feedback and evidence provided by the GFN through your monthly and quarterly statistics as this information will evidence if there is requirement for additional funding beyond September.

- **Does the email paper form have to have a physical signature?**

The instructions on the paper application forms confirm digital signatures are acceptable, however you can also provide a typed signature, an e-signature, or a scanned wet signature.

- **Can people submit late application based on non-literacy (people who don't speak English at all or who don't know how to write and read) what type of evidence can we submit?**

Yes. Evidence would depend on the case. Evidence could be in the form of a letter from the organisation supporting them attesting to their lack of literacy. If the caseworker requires more information, they will contact the supporting organisation to request this.

- **Can Immigration advisers still do paper applications? I know that OISC has updated the guidance.**

Please find below a direct response from the OISC in relation to your queries raised around paper applications. This will hopefully clarify their position for you.

OISC Level 1 and EUSS advisers should refer on the following work:

- *EUSS (BC) - Surinder Singh & Lounes applications is L2*
- *EUSS (DR) Chen - derivative rights is L2*
- *EUSS (DR) Ibrahim & Teixeira - derivative rights is L2*
- *EUSS (DR) Zambrano - derivative rights is L2*

*There may be a number of reasons why a paper application may be appropriate for an OISC Level 1 adviser to submit. Submitting a paper application **does not automatically mean the work is above Level 1.***

The most obvious being that the person is having technical issues using the online system.

As we approach these final days before the 30 June deadline, regulated organisations dealing with large numbers of advice seekers may need to try and apply best judgement. If they believe they believe they can make a competent application supported by appropriate documents, then they should look to assist the applicant. If they are unsure whether documents meet the requirements or feel the client's case may need detailed legal representations, then they should refer the matter - complex immigration histories or complex family situations are most likely to be the types of cases to be referred.

The OISC will not be seeking to prosecute organisations who make applications in good faith which are debatably above Level 1 in situations where the distinction is grey, the OISC will prosecute organisations who knowingly act above their level of competence or take advantage of vulnerable clients.

If you have any further queries in relation to this please do not hesitate to contact the EUSSGrants@homeoffice.gov.uk mailbox.

- **Is Home office going to be very strict about applications with expired Id documents? Would it be required to provide lots of evidence that they tried to get new Id?**

No, however all applications are considered on a case-by-case basis.

- **Will you accept the caseworker's signature on behalf of the applicant if the application is done remotely (via Zoom with screen sharing] due to the client self-isolating or other reasons, such as long working hours?**

Yes

- **Can a client's family apply for a family permit whilst the EU national is awaiting a pre-settled decision?**

The person you're joining must be one of the following:

- an EU, EEA or Swiss citizen

- a person of Northern Ireland
- someone who lived in the UK as an EU, EEA or Swiss citizen before also getting British citizenship.
- an EU, EEA or Swiss citizen who is [exempt from immigration control](#)
- an EU, EEA or Swiss citizen who travels regularly to work in the UK but lives outside of the UK (also known as a 'frontier worker')
- a British citizen who also has dual EU, EEA or Swiss nationality and was settled in the UK before 16 July 2012 without using their free movement rights (also known as a 'McCarthy' case)

Your family member must meet the [eligibility criteria](#) for the EU Settlement Scheme even if they have not applied or cannot apply. This means that they:

- were resident in the UK by 31 December 2020
 - pass criminal record checks.
- **Suppose the paper application forms cannot be completed by a caseworker at level 1 because of the client's circumstances, can the client be referred to a level 2 organisation to issue and assist the client to complete the form?**

Yes

- **May I add a comment regarding the blank EUSS (MAIN) application shared with us last week - it doesn't have a 2.4 question on it visible. I know from the previous paper application it's asking for 'Why are you not applying with a valid passport or national identity card' Could you please amend the form?**

The forms have been reviewed and amended - the question you refer to has been put back in.

- **Just for clarity, can charities who have been granted EUSS funding, can they fill out the application without ordering it?**

Organisations in the grant-funded network can complete the forms available on basecamp / that were emailed to them.

- **In relation to the paper applications, the new guidance to OISC 1 EUSS says: You should refer cases on: Where you are unable to prove a requirement is met with the required documentation - for example where the applicant does not have their own valid identity and nationality document; where the applicant is missing some evidence to prove their own residence in the UK; where a non-EEA applicant does not have evidence relating to their EEA family member.**

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- **So that means we are not able to fill in the paper applications without the Tier 2 advice.**

No, all level 1 Limited to EUSS accredited organisations are able to submit straightforward applications in line with the above guidance from the OISC.

- **Can children with settled status apply for British citizenship in their own right?**

If they meet the requirements for Naturalisation, then yes.

- **What do you classify as straightforward?**

As per the OISC guidance, if an organisation feels they are capable of completing a paper application, then they can proceed with this, unless it falls into the category of a derivative application or a complex case which would not be considered straightforward.

- **What's the waiting time for paper forms to be processed and how will the person be contacted email or post?**

At present no timescale due to the increased number of apps. If sent by email they should get an automated response for the first application submitted (please check junk mail - there will be one of 2 responses). For both email and postal applications, they will receive a COA.