

Spotlight on: European Union settlement scheme

European Union settlement scheme

The Home Office have introduced the European Union settlement scheme for European Union (EU), European Economic Area (EEA) and Swiss citizens and their family members.

Successful applications to the scheme will be given either a settled status (Indefinite leave to remain) or pre-settled status (limited leave to remain).

Applicants must have started living in the United Kingdom by 31 December 2020.

Settled status is normally given if they have lived in the United Kingdom for a continuous 5-year period, known as continuous residence. Settled

status provides eligibility to Universal Credit provided they can show factual habitual residence.

Pre settled status is normally given to those who have **not yet** lived in the UK for a continuous 5-year residency period. Pre settled status does not provide automatic eligibility to Universal Credit.

There is no physical residency card to prove settled status. A claimant must provide a share code, if they have chosen to use the Home Office 'View your settled or pre settled status' service.

Where a claimant has provided a share code, it can be used to confirm their status using the Home Office 'Check someone's settled or pre settled' status service.

Changes to the 'Check if HRT interview is needed' to-do for claimants

EU/EEA or Swiss claimants who are habitually resident in the UK can use their settled status to prove they can apply for Universal Credit.

The 'Check if HRT interview is needed' to-do asks if a claimant has settled status and if they have their share code.

Follow the link to the Home Office 'Check someone's settled or pre-settled status' service. This opens a new tab.

Follow the steps on the service, input the share code and claimants date of birth. The service will ask for the agent's job title and organisation.

The status will then be displayed.

Settled status

If the status is confirmed as settled, return to 'Check if HRT interview is needed' to-do. Select settled status

This will generate a 'Record a decision' to-do to complete.

Pre-settled status

If the status is confirmed as pre-settled, return to the 'Check if HRT interview is needed' to-do and select 'pre-settled'.

The 'Prove you can apply' service must then be used.

Status could not be confirmed

If the claimant's status cannot be confirmed return to the 'Check if HRT interview is needed' to-do and select 'could not confirm this person's status'.

The 'Prove you can apply' service must then be used.

Home Office service is unavailable

If the Home Office service is unavailable, select 'could not confirm this person's status'

The 'Prove you can apply' service must then be used.

Couple claims

When one member of a couple has 'settled status' under the EU Settlement Scheme, this does not automatically mean that their partner is eligible for Universal Credit.

Work coaches must use the 'Prove you can apply' service to determine the next steps if the partner is:

- a non EEA citizen
- an EEA citizen without 'settled status'

If work coaches are instructed to create a 'refer to decision maker (HRT)' to-do, a decision maker (DM) will need to determine if the partner is eligible.

DM's will use Customer Information System (Searchlight) to check if there is evidence that the claimant with 'settled status' is working.

Evidence of earnings will be used to prove that they are a 'worker' or 'retained worker'.

If the claimant with 'settled status' is a 'worker' or 'retained worker' then their partner is eligible for Universal Credit.

If the claimant with 'settled status' is neither a 'worker' nor a 'retained worker', then their partner is not eligible for Universal Credit, unless they can provide evidence that they are eligible for a different reason