



EU Settlement Scheme

LOOKED AFTER CHILDREN AND CARE LEAVERS

LOCAL AUTHORITY AND HEALTH AND SOCIAL CARE TRUSTS GUIDANCE



Contents

Introduction	3
EU Settlement Scheme background	3
Eligibility criteria	4
What status will be issued	6
The role of the local authority in England, Wales and Scotland and health and social care trusts in Northern Ireland	7
How to apply	7
Getting started	8
Application flow diagrams	10
What is immigration advice	12
British citizenship	13
Data recording	13
Criminality	14
Missing identity document	15
Evidence requirements	16
Paper application form process guide	17
Pre-application check list	18
Communications toolkit	18
Useful contacts	19



Introduction

The purpose of this information pack is to create a clear understanding of the role that local authorities and health and social care trusts have to ensure that looked after children and care leavers, who are EEA citizens or family members of EEA citizens, make an application to the EU Settlement Scheme.

The information will;

- Provide a clear understanding of the how the application process works in relation to looked after children/care leavers.
- Explain your role as local authorities (England, Scotland and Wales) and health and social care trusts (Northern Ireland) in supporting looked after children who are EU citizens and family members of EU citizens.
- Signpost where to access further support.

EU Settlement Scheme – Background

It is estimated that there are 3.5 million EU citizens living in UK and the Government is committed to enabling them to continue to live here.

Freedom of movement means that there is no definitive record of who or where those citizens are.

The UK's departure from the EU means that EEA citizens, and their family members, will no longer be able to rely on the right of free movement and will need to obtain an immigration status to demonstrate their right to remain in the UK. It means they can continue to be eligible for:

- public services, such as healthcare and schools
- public funds and pensions
- British citizenship, if they meet the requirements and want to apply

The EU Settlement Scheme has been set up to provide immigration status to those who need it as the UK leaves the EU. It is therefore important that everyone that needs to applies.

The EU Settlement Scheme has been designed with EEA citizens and their representatives to be simple and straightforward.

We will be looking for reasons to grant, not for reasons to refuse, and caseworkers will be able to exercise discretion in favour of applicants where appropriate, to minimise administrative burdens.

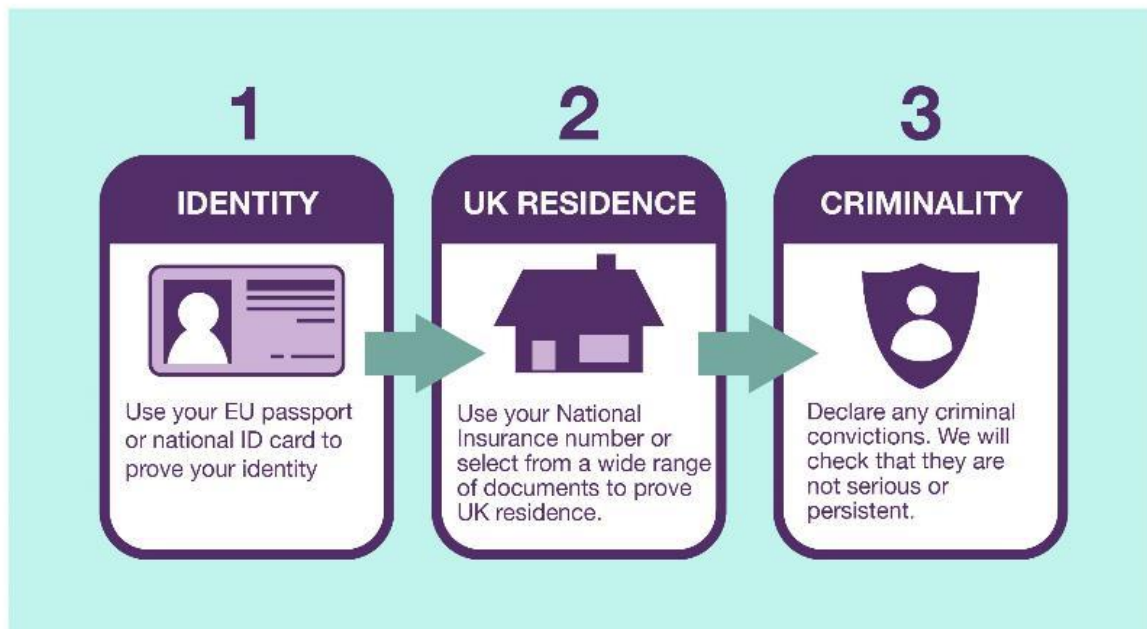
The Scheme opened on 30 March 2019 and applications (in a deal scenario) must be made by June 2021.

It is free to make applications to the Scheme.



Eligibility Criteria

The application process consists of three main checks



Identity – the child must be an EEA national or the family member of an EEA national to apply

An EEA citizen is defined for the purposes of the Scheme as a person who is a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland.

Irish citizens enjoy a right of residence in the UK that is not reliant on the UK's membership of the EU. This means that Irish citizens do not need to apply for status under the Scheme. Nonetheless, Irish citizens can make an application under the Scheme, should they wish to do so.

EEA citizens who already hold a form of immigration leave under UK law, such as indefinite leave to remain do not need to apply, but can do so if they wish.

In this document, **all those eligible to apply to the scheme will be referred to as 'EEA citizens'.**

You will need to identify all children and care leavers eligible for the Scheme on your existing caseload and as they arrive. The categories of family member of a relevant EEA citizen who can apply are spouse, civil partner, durable partner (unmarried partnership akin to marriage



or civil partnership), child, grandchild or great-grandchild (including of the spouse or civil partner), dependent parent, grandparent or great-grandparent (including of the spouse or civil partner) and dependent relative (including of the spouse or civil partner where the applicant holds a relevant document issued under the EEA Regulations in the UK as the result of an application made before 1 February 2017).

Please see the section in this guidance document on evidence requirements for more details.

A person can also apply on the basis of retaining a right of residence: for further information on retained rights see guidance on [GOV.UK](https://www.gov.uk)

Identity will be proven using a valid passport or, for EEA citizens, a national identity card. If the child you are supporting does not hold a valid identity document, you must follow the relevant process associated with the child's country of citizenship in order to obtain the necessary document.

Guidance on how to obtain nationality identity documents can be found on the issuing countries webpages.

If the child does not hold any identity documents and there are reasons why it will not be possible to obtain one you may need to apply using the paper application form route. If you are unsure call the Settlement Resolution Centre to discuss next steps on 0300 790 0566.

Residence – the child must be resident in the UK

Applicants need to have been resident in the UK by 12 April 2019 to be eligible. If the Withdrawal Agreement is ratified this will extend to 31 December 2020. EU citizens, and their family members, who have been resident in the UK for five years will be eligible for settled status. If the applicant is granted **settled status** this means there is no time limit on how long they can stay in the UK. This is also known as indefinite leave to enter or remain in the UK.

Applicants will not need to provide evidence for their entire UK residence, just enough to show whether they qualify for settled or pre-settled status. You should only need one document dated in the last six months to be granted pre-settled status. But you should submit up to five years evidence if the child has it.

All documents submitted must be dated and have the applicant's name on them.

You should only provide one piece of evidence to cover each month. If the document covers a longer period you do not need to provide additional evidence for that period.

Further guidance on evidence of residence can be [found here](#). This is not a comprehensive list and other evidence will be considered.



Those with less than five years' residence will generally be granted pre-settled status until they have accrued five years in the UK and they can then convert this to settled status. If applicants receive pre-settled status (also known as limited leave to remain) this means they can stay in the UK for a period of five years. This will allow them to remain in the UK until they are eligible to apply for settled status, generally once they have lived continuously in the UK for five years.

Status will be stored electronically by the Home Office. Once status is granted, details will be provided on how to access it on GOV.UK. That digital status can be used to prove rights to others online, including employers and landlords.

Criminality – not a serious or persistent criminal or threat to national security.

All applicants, except those under 10 years old will undergo automatic criminality check.

Applicants will be asked to declare if they have been convicted of a criminal offence in the UK, have had a criminal conviction outside of the UK, or if they have been arrested or charged for an offence for which they are currently on, or awaiting, trial, or which is pending a decision to charge. Cases where there is serious or persistent criminality will be considered on a case-by-case basis and may still be eligible for settled or pre-settled status.

Please see the criminality section in this pack for more details.

What status will be issued?

Successful applicants to the Scheme will be able to continue living and working in the UK after 31 December 2020.

Applicants will be issued either:

- **Settled status:** also referred to as Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR). If a child receives settled status this means there is no time limit on how long they can stay in the UK. Subject to approval by Parliament, they should be able to spend up to five years in a row outside the UK without losing settled status
- **Pre-settled status:** also referred to as Leave to Enter (LTE) or Leave to Remain (LTR). If a child receives pre-settled status this means they can stay in the UK for a further period of five years. This will allow them to remain in the UK until eligible for settled status, generally once they have lived continuously in the UK for five years. Five years' continuous residence means that for five consecutive years, applicants have been in the UK for at least six months in any 12 month period.

The status granted depends on how long applicants have been living in the UK when they apply. Rights differ depending on which status is issued.



The role of the local authority in England, Scotland and Wales & health and social care trusts in Northern Ireland

The expectation of those authorities supporting looked after children and care leavers include:

- To identify eligible children, including i) those where the authority has parental responsibility, ii) those where there are shared care arrangements and iii) care leavers.
- To identify adequately trained resource to manage and make applications.
- To prepare to make applications to the Scheme by gathering the relevant information and evidence.
- To determine whether you will be applying for each child online and whether you can use the EU Exit: ID Document Check app or will be posting documents to the Home Office.
- To keep an adequate record of each application made, including the status and which email address, phone number were used. You should also note the answers given to memorable questions, in case the Home Office needs to authenticate you or the child in the future.

How to apply for looked after children or care leavers

This section sets out the high level information you need to make or support an application for a looked after child or care leaver. Full guidance on how to apply is available at: <https://www.gov.uk/eusettledstatus>.

The application process has been designed to be as easy as possible. It will take you through the stages of the application in a straightforward way. **It has been designed for you to be able to make or support a child or care leaver to make the application.** This guidance is drafted assuming you are making the application, but in cases where you may be helping the child or care leaver to complete it themselves, the same information applies.

Where you have an identity document for the child, you will need to fill in a short online application form using a computer, tablet or mobile phone. There is a save button on every page of the application form, so that you can save where you are up to and come back to the form at a later stage if you need to.

You will need to provide an email address, phone number and answer some memorable questions to help us identify the child or you as a support worker, if required. You will need to keep up to date records of this information as it will be linked to the child's status.

You can choose to use the EU Exit: ID Document Check app to verify the identity of the child as part of the application process. To use this app you will need to have a valid biometric passport or biometric national identity card. Non-EU citizens must have a biometric residence card to use the app. **You will need an Android device to download this app.** We will notify local authorities and health and social care trusts when the app becomes available on Apple, expected to be by the end of the year.



If you can't use the ID verification app, you can post the identity documents to us.

If the online form cannot be used for the child you are applying for, you may want to consider using the paper application form route. See the guidance section on the paper form on in this pack for more details.

If you experience any problems while making the application on behalf of a child, you can get assistance from the Settlement Resolution Centre (SRC). The Home Office has designated a specific line to assist local authorities and other organisations supporting applicants. That number is **0300 7900566**.

You will need the following to complete an application:

- access to the internet on a computer, tablet or smartphone
- a valid passport, national identity card, or a biometric residence card (if the child is a non-EEA citizen)
- a recent digital photograph of the child or the ability to take one using a smartphone or camera
- their National Insurance number, if they have one.
- proof of residence for the child (unless their National Insurance number can link to a tax or benefits footprint in their name) Visit GOV.UK for a [list of suggested evidence that is accepted](#). As a local authority you can also write a letter to evidence their residence.

Getting started

Once you have identified which looked after children and care leavers are in scope of the Scheme, you will need to follow the flow chart below to find out what your responsibilities are. The arrangements below have been agreed with the Department for Education in England, Governments of Scotland, Wales and for Northern Ireland.

At this point you should ensure that consideration is given to the child's wishes and feelings and ensure that the child is aware of their right to access independent advocacy support.

Child with a care order

If the child has a care order and the local authority or health and social care trust has parental responsibility for the child, **you must ensure that the application is made. You can either make the application on behalf of the child, or, if deemed more appropriate due to the age and maturity of the child, you can support the child to make their own application.**



Child with shared care arrangements

If the child is cared for under shared care provisions, then you must ensure that the child, and their carers, are aware of the need to make an application to the Scheme, signposting the Scheme, why it is important to apply and pointing them to practical support where needed.

A child does not require consent from an adult in order to apply. They can make their own application. It is important therefore that you ensure all eligible looked after children are aware of their eligibility to apply and that decisions are made in the child's best interests.

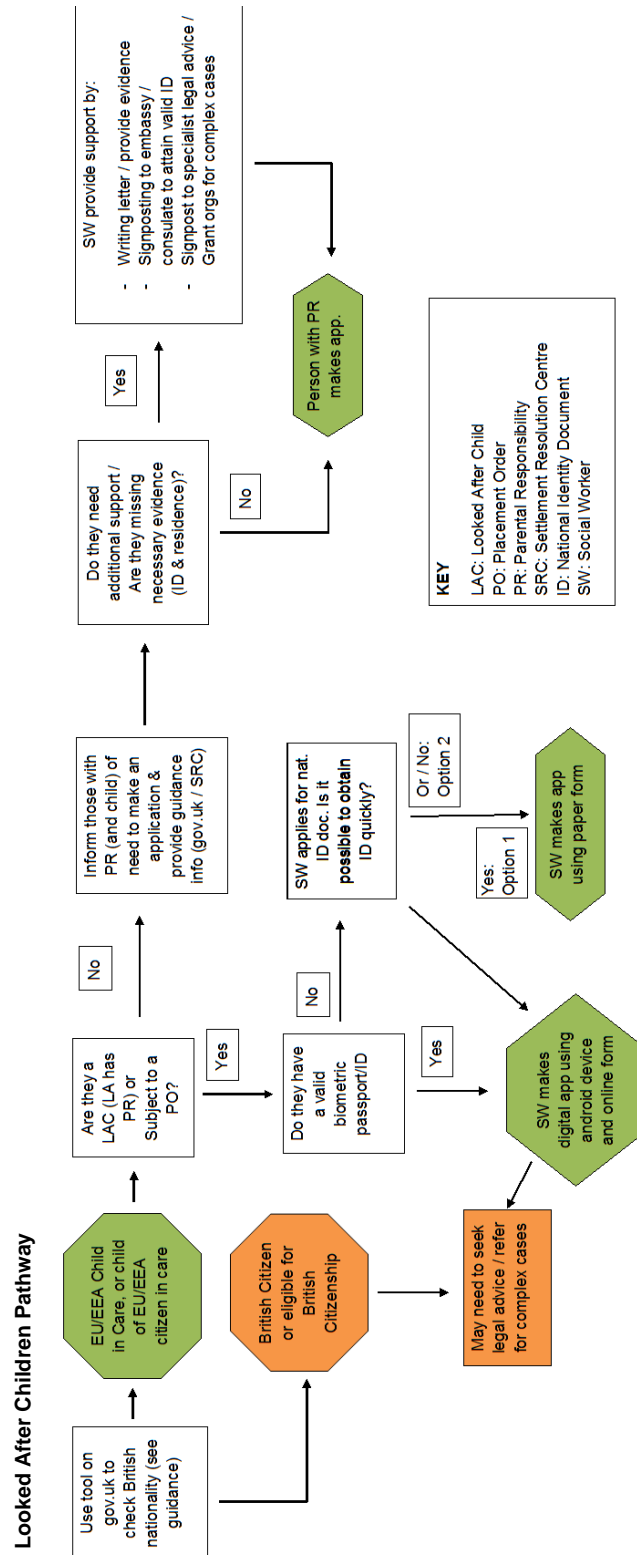
If you identify other eligible children being provided with support services by your authority you can promote the Scheme and signpost to relevant available support.

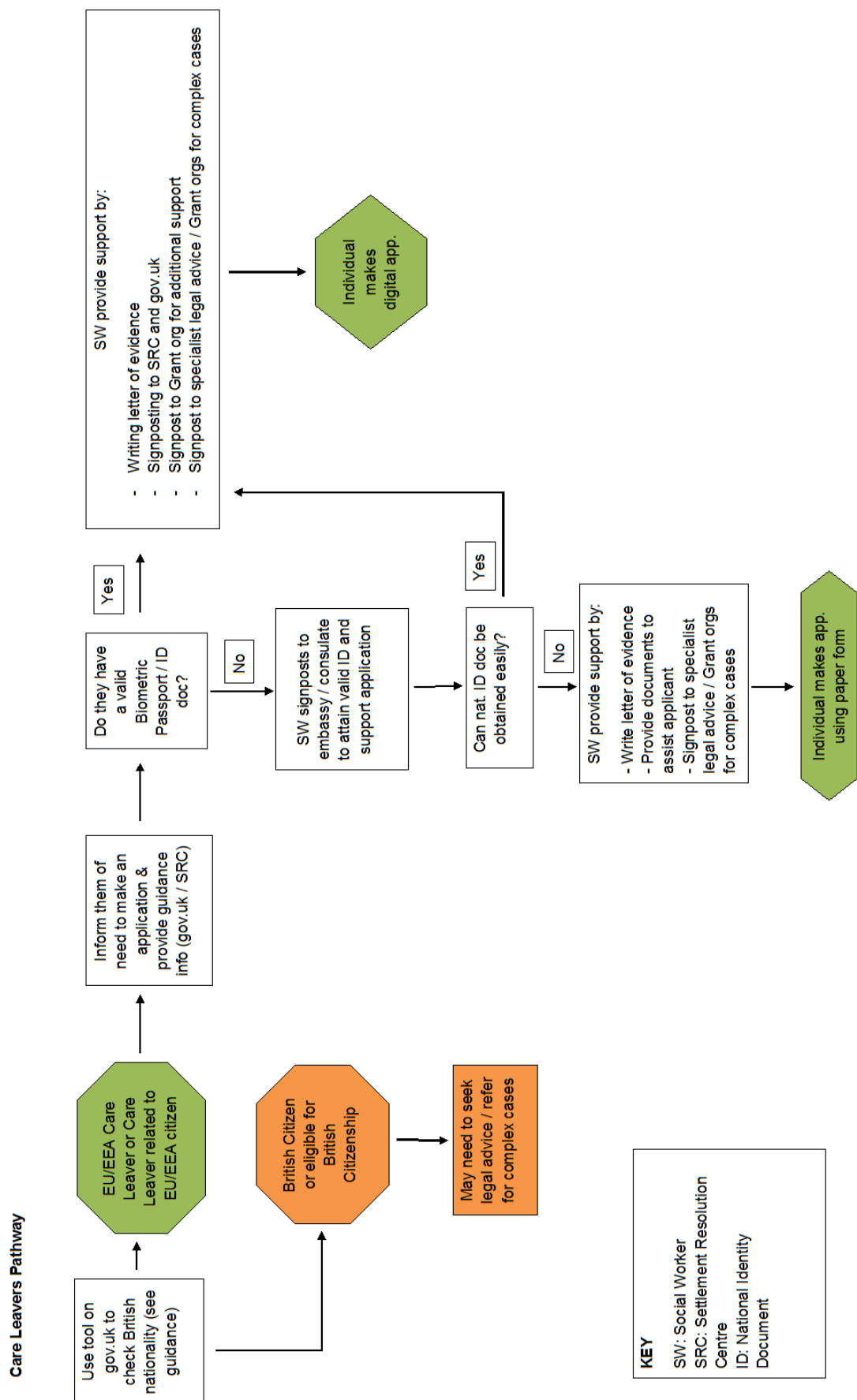
Care leavers

You have a responsibility to identify care leavers that may be eligible to apply for the Scheme and to ensure that they make an application. In some cases, **if deemed more appropriate due to the age and maturity of the child, you may signpost the child to make their own application, or you may need to offer practical support.** Making an application to the Scheme for those who are eligible should form part of the necessary pathway planning for them.



Flow diagrams for looked after children and care leavers







What is immigration advice?

The Office of the Immigration Service Commissioner (OISC) is the regulatory body for the provision of immigration advice.

OISC has confirmed that where there is a care order giving the local authority or health and social care trust parental responsibility, that authority or trust can advise and act for the child in relation to an application under the EU Settlement Scheme without the need for such advice and services to be regulated by the OISC or another designated qualifying regulator.

It is important to note that in more complex cases, you may wish to seek independent legal advice, in line with your own organisation's processes and policies. You may wish to contact the Home Office Settlement Resolution Centre for support on 0300 790 0566.

Local authorities and health and social care trusts making applications on behalf of looked after children for whom they have a care order, and hold parental responsibility, are not required to be OISC regulated.

In cases where your responsibility is that of signposting and supporting, rather than making the application on behalf of a child, e.g. for a care leaver or child accommodated under shared care arrangements, you will need to ensure your support does not stray into that of giving 'immigration advice'. Some brief guidance is set out below but **please refer to OISC for further guidance or if you are unsure.**

You do require regulation when you are providing one-to-one advice, for example helping an applicant with paperwork, exploring their individual circumstances and explaining outcomes. There are some activities you can undertake which do not count as giving 'immigration advice, including:

- Awareness raising
- Providing general information about the Scheme, e.g. providing leaflets, posters
- Signposting to information, e.g. on GOV.UK
- Language support
- Upskilling other colleagues in your department
- Providing access to equipment/digital provision for an applicant to make their application

If you are filling in a form for an applicant it does not constitute immigration advice. You also do not need to be OISC registered to help someone to locate paperwork.



British citizenship

When making an application to the Scheme on behalf of a child in care, you should consider whether the child might actually be a British citizen. If they are, they are not eligible to apply to the Scheme. You can check whether a child is British by following guidance online at <https://www.gov.uk/check-british-citizenship>.

If the child is not already a British citizenship they may be eligible to apply to become one. Choosing to become British is a matter of personal choice and there are fees for making an application.

Making an application to the EU Settlement Scheme won't affect any existing eligibility for British citizenship. In some cases it is a necessary pre-cursor in order to qualify for naturalisation.

Under British law it is fine to hold dual nationality, so an EEA citizen could obtain British citizenship and retain their own nationality. However, some other countries do not permit dual nationality, in which case obtaining British citizenship would mean losing the existing nationality. Ceasing to be an EU national would also mean losing EU rights to sponsor non-EU nationals under the Free Movement Directive.

It is important to consider these factors and what is – or will be – in the best interests of the child in relation to any application for British citizenship.

Data recording

When you make an application on behalf of a looked after child, or if you otherwise signpost or support someone to make an application for a looked after child or care leaver, it is essential that you record key information. This information needs to be accessible in case the Home Office, child or you, need to check on the progress of the application and to ensure the digital status granted can be accessed.

Information should be stored centrally so that changes in personnel do not affect the individual's ability to access it if needed. Applicants and relevant third parties (e.g. parents/carers) should also be made aware of the need to store this information themselves, where appropriate. Data should be stored securely in line with your organisation's GDPR policies.



Ensure you record:

- The Unique Application Number (UAN) given when the application is made
- Which e-mail(s) and phone number(s) were entered in the application form
- What address was entered in the application form
- What answers were given to the memorable questions at the end of the application form
- The nationality of the applicant
- What status the child or care leaver was granted

Criminality

There will be criminality checks for all applications except those under the age of 10.

Implications for a child over the age of 10 with a criminal record will depend on whether or not the child meets a certain threshold which is based on the reason for the criminal record. If the threshold is met then this will be assessed by caseworkers on a specialist team, otherwise, the application will be considered as normal.

All criminal convictions will need to be declared but only serious or persistent criminality will affect an application.

Applicants (aged 18 or over) are required to provide information about previous criminal convictions in the UK and overseas and are only required to declare past criminal convictions which appear in their criminal record in accordance with the law of the State of conviction at the time of the application. Applicants (aged 18 or over) are also required, as in other immigration applications, to declare whether they have been involved in any terrorist related activities, war crimes, crimes against humanity or genocide.

If you are assisting the application of a looked after child or care leaver who has a criminal history, you must remember to ensure OISC regulations are followed in terms of who can give immigration advice.



Missing identity document

Nationality is a fundamental criteria for the EU Settlement Scheme. If a child does not have a passport or national identity card confirming their identity and nationality it is important that the local authority or health and social care trust obtains one from the authorities of the child's country of origin before an application to the Scheme is made. This will greatly speed up the application process and make it easier for the child to subsequently access and use their new immigration status.

Obtaining these identity documents should be a familiar process for local authorities and health and social care trusts, as these documents will be required in other circumstances. You are advised to contact the relevant embassy if you are experiencing issues obtaining an identity document or need more information about how to do so on behalf of a looked after child or care leaver.

The Home Office recognises that there will be cases where the applicant does not hold a valid passport or identity document, or there is not one on your files and you are unable to obtain one, and so has put in place an exceptional policy for such instances.

If the child does not hold any identity documents and there are reasons why it will not be possible to obtain one you may need to apply using the paper application form route. If you are unsure call the Settlement Resolution Centre to discuss next steps on 0300 790 0566.

Reasons to access the paper form include:

- the required document has been lost or destroyed, or was never obtained or provided; and
- there is satisfactory evidence that it is not in the best interests of the child for the local authority to obtain the required document on their behalf, such as where doing so may risk the child, contrary to their own best interests, leaving local authority care; or
- there are significant practical barriers to obtaining the required document, such as the national authority requiring the consent of both parents, but the parents are absent or un-cooperative

In these cases, the applicant will be asked to produce alternative evidence of their identity and nationality, see [GOV.UK](https://www.gov.uk).



Evidence requirements

Relationship

Where a child is a non EEA citizen, but is the family member of an EEA citizen, they will need to provide proof of this relationship.

You'll only need to provide this evidence if applicants don't hold a relevant document issued to them on the basis that they are the child, grandchild or great-grandchild of an EEA citizen (or of their spouse or civil partner).

A relevant document here includes:

- a family permit
- a residence card

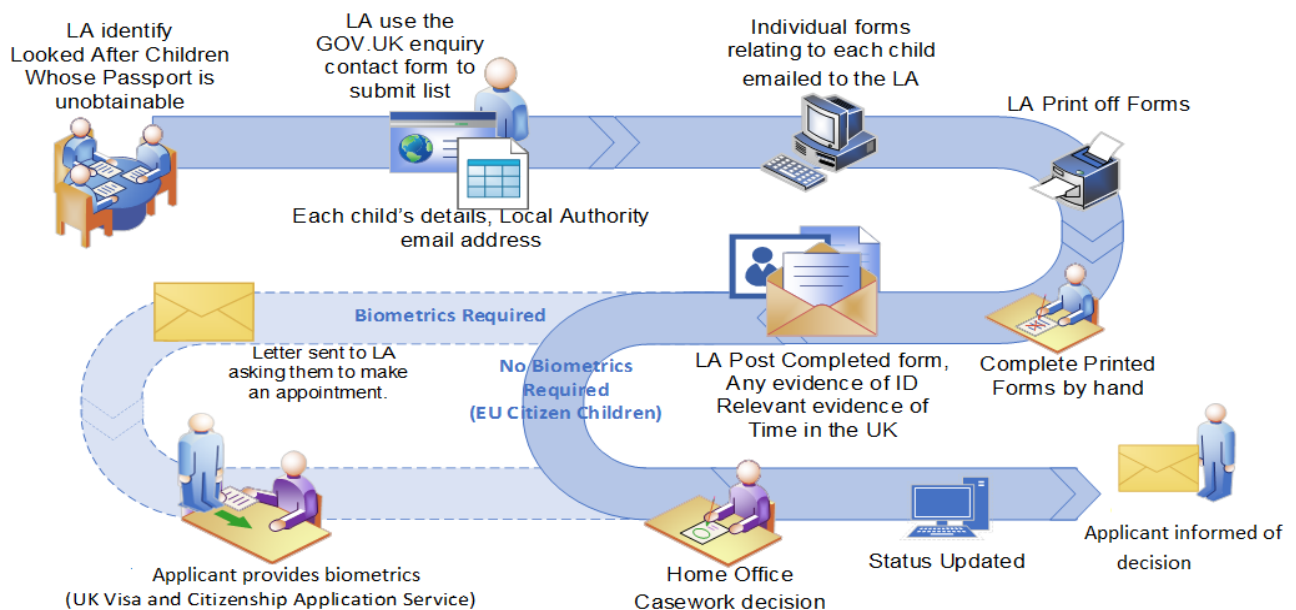
You will need to show that they are the child, grandchild or great-grandchild of an EEA citizen, or of their spouse or civil partner. Accepted forms of evidence include one of the following:

- full birth certificate
- a court order, such as a special guardianship order
- other documents which satisfy the caseworker that they are the direct descendant of the EEA citizen or of their spouse or civil partner

Detailed guidance can be found on [GOV.UK](https://www.gov.uk).



Paper application form process guide



The request for a paper form should be made using the online enquiry form found on <https://eu-settled-status-enquiries.service.gov.uk/start>

You will be able to request multiple forms on one single enquiry.

The paper form should only be used in exceptional circumstances, where you are unable to access the online form. Usually, this might be for cases where you have been unable to obtain an identity document from the child's country of nationality.

Your request for a paper form should include details of the child(ren) you require forms for, and details of why you require a paper form rather than using the online form. You will also need to state why you are requesting the form on behalf of a child – i.e., that the local authority or health and social care trust has parental responsibility.

To be able to receive the paper form via email, your authority must have notified the Home Office of the designated mailbox they want us to use for the purposes of issuing the paper form.

To access the paper form, it will be necessary for you to provide a designated email address to which the Home Office can send a copy of each paper form. You will need to notify that email address to the Home Office at feedback-EUSSsupportmodel@homeoffice.gov.uk. Note that these forms will only be issued to the designated mailbox; the Home Office will not be making these forms widely available for any EU citizen to use.



If you request a paper form, and we have not been notified of the designated mailbox details for your authority, your request will be rejected and you will not be issued with the paper form.

The paper form will be uniquely coded and only for use for the child for which it was intended.

Pre-application checklist

Please use the following checklist to help prepare you to submit an application, or to help prepare others who need to submit an application on behalf of a looked after child.

- ✓ Checked the flow chart to identify your responsibilities.
- ✓ Considered British citizenship. Is the child British? Could they apply to be British. What's in the child's best interests.
- ✓ Considered the child's wishes and feelings. All looked after children should be made aware their entitlement to independent advocacy support and the local authority should facilitate this access where required.
- ✓ Gathered identity documents.
- ✓ Made applications for identity documents where none are currently available.
- ✓ Considered evidence of residence – usually this will be in the form of a letter by the local authority or health and social care trust confirming length of residence.
- ✓ Considered the paper form route where there is no formal evidence of identity or where efforts to obtain a valid identity document have failed.
- ✓ Recorded all key information to be accessed by the child or other carers in the future.

Communications Toolkit

You can download and order leaflets and posters to assist you and your colleagues.

Additional materials are available and can be downloaded from [GOV.UK](https://www.gov.uk).



Useful contacts

Contact	Useful for	Phone number	Weblink
Settlement Resolution Centre (SRC) Monday to Friday (excluding bank holidays), 8am to 8pm; Saturday and Sunday, 9:30am to 4:30pm.	Additional information or support about the EU Settlement Scheme or individual applications	Public number - 0300 123 7379 Designated local authority line – 0300 790 0566	https://eu-settled-status-enquiries.service.gov.uk/start?hof-cookie-check
Assisted Digital Service Monday to Friday (excluding Bank holidays) 9am-6pm, Saturday 9am to 4pm	Digital support for those who do not have the skills, access or confidence to complete the online form (not immigration advice)	03333 445 675	https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service
Main application guidance	Full guidance on the application process		www.gov.uk/settled-status-eu-citizens-families
Update applicants' EU Settlement Scheme details	Updating or amending details such as mobile number, email address, identity document		www.gov.uk/update-eu-settlement-scheme-details
ID Document scanning locations	Locations where biometric identity documents can be scanned if you have no Android device with NFC capability		https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations
OISC	Locating nearby immigration advisors		http://home.oisc.gov.uk/adviser_finder/finder.aspx
Community bulletins	Receiving updates on the EU Settlement Scheme		https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=132&id2=413D6B
Email alerts	Email updates on developments on the EU Settlement Scheme for applicants		https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=67&id2=627DF7