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Dear Kate Smart

Thank you for your letter of 16 August about the EU Settlement Scheme (EUSS). Your correspondence has been passed to the EEA Citizens' Rights & Hong Kong Unit for a response. You have raised several important points, which we have addressed in turn below. We welcome your continued interest in and support for the effective operation of the scheme, particularly where vulnerable groups are concerned.

Evidence of residence

The non-exhaustive guidance for EUSS applicants and caseworkers refers to "preferred evidence" of residence as a guide to what it may be most useful for the applicant to provide to evidence their continuous residence in the UK, where this cannot be established by way of the automated checks undertaken, where the applicant chooses to provide their National Insurance Number, with HM Revenue & Customs and the Department for Work and Pensions. We recognise that some applicants may lack documentary evidence in their own name for various reasons, including those set out in your letter. Caseworkers assess each application on its individual merits, using all the information and evidence available, and they will work flexibly with the applicant to help them evidence their continuous residence in the UK by the best means available to them.

A covering letter from a Home Office grant-funded organisation or other support organisation does carry weight with caseworkers, and we encourage you to continue to liaise with the EUSS Vulnerability Team in relevant cases. In continuing to provide grant funding to the network of organisations helping vulnerable groups to apply to the EUSS, we have made specific provision for OISC Level 2 support for those requiring more complex immigration advice.

Durable partners who do not cohabit

As you note, the EUSS caseworker guidance provides that a relationship can still be recognised as meeting the requirement for a durable relationship where, for example, there is a good reason the partners were or are living apart which is still consistent with them having a relationship akin to a marriage or civil partnership. For example, they may

have lived apart or currently do so because one party was or is studying or working elsewhere. The guidance also recognises that, in some countries, religious or cultural norms may prevent unmarried partners living together and the caseworker will need to assess whether the relationship is more than a boyfriend/girlfriend type relationship, but is similar to a marriage or civil partnership. The guidance provides examples of the evidence by which the caseworker may be satisfied that the relationship is durable even though the couple were or are living apart.

The Home Office ensures ongoing refresher training for all EUSS caseworkers to ensure consistency of approach. If there are specific instances in which you feel that an inconsistent approach has been applied, do please raise these with the EUSS Vulnerability Team, who will look into them and arrange for further training to be provided where required.

Applicants who lack the capacity to instruct an adviser

We recognise that applicants to the EUSS who have additional care or support needs, and those who lack capacity, may need someone to make the application on their behalf. The Home Office can accept an application made on someone's behalf by an appropriate third party where we are satisfied that the person acting on behalf of the individual either has the authority to do so or is acting in the best interests of the individual. For more information, please see pages 151 and 152 of the guidance at: [EU Settlement Scheme EU, other EEA, Swiss citizens and family members \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/7-2024-eu-settlement-scheme-eu-other-eea-swiss-citizens-and-family-members.pdf).

Case conclusions

As you recognise, the EUSS has successfully dealt with very large volumes of applications. As of 30 June 2024, the EUSS had received 8.1 million applications, 7.9 million applications had been concluded and an estimated 5.7 million people had received a grant of status under the scheme. At any one time, 100k applications or so are “work in progress” – which equates to around two months' intake – and, save for more complex cases, complete applications are generally decided within two months. Where a case is less straightforward, the caseworker will work with the applicant, or those supporting them, to obtain the evidence needed to decide the application. Again, we appreciate your collaborative approach in working with the EUSS Vulnerability Team in such cases.

Pre-settled status and the continuous residence requirement

The right to reside in the UK under the Withdrawal Agreement of a person with pre-settled status under the EUSS does not expire for failure to make a further application to the scheme, but, as you know, this does not change the continuous residence requirement which, consistent with the Withdrawal Agreement, the person must meet in order to qualify for settled status.

Both the pre-settled status grant letter and (as below) the pre-settled status extension notification letter issued to pre-settled status holders clearly set out the requirement for them to maintain their continuous residence:

Maintaining your pre-settled status

You must continue to meet the eligibility requirements for pre-settled status. More information on eligibility requirements can be found at: [http://www.gov.uk/settled-status-eu-citizens-families/eligibility](https://www.gov.uk/settled-status-eu-citizens-families/eligibility).

The main eligibility requirement for EU, EEA EFTA and Swiss citizens is to maintain their continuity of residence in the UK. You can find out more about what continuous residence here: <https://www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means>. Family members generally need to maintain their continuity of residence and their relevant family relationship.

Thank you once again for taking the time to write to the Home Office.

Yours sincerely,

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