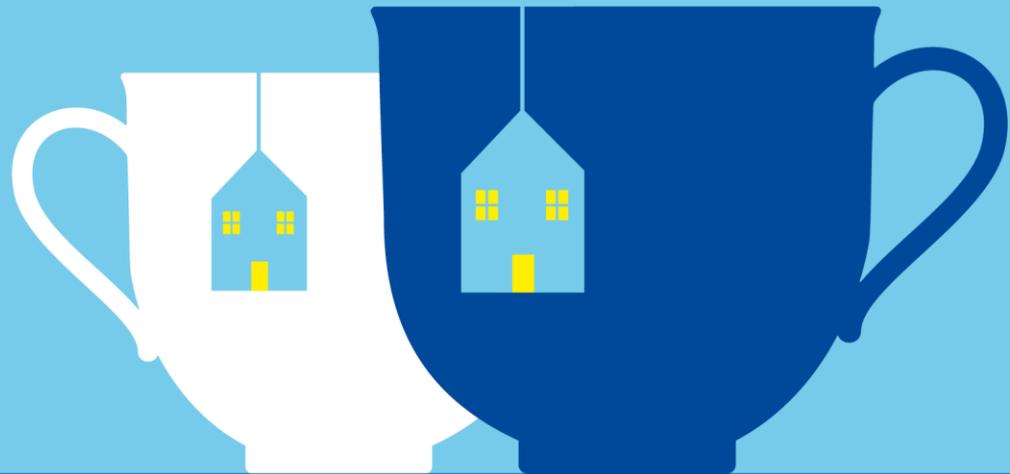


# EU Settlement Scheme

## Looked After Children and Care Leavers

Information for Independent  
Reviewing Officers,  
June 2021



# Agenda



**Aims and Objectives**

**Overview of the EU Settlement Scheme**

**How to apply to the scheme**

**Looked after Children**

**Role of a local authority**

**Late applications**

**Grant funding and where to go for further support**

**Questions**

# Aims and objectives



## What you will take away from today:

A better understanding of the EU Settlement Scheme, and its achievements so far

A clear understanding of the how the application process works in relation to looked after children

Be aware of your role as an IRO in supporting looked after children who are EU Citizens

Where to go for further support

# Overview of the EU Settlement Scheme



## What is the EUSS?

- The EUSS allows EU, EEA and Swiss citizens and their family members **resident in the UK to get the status they will need after Brexit.**
- Status under the scheme will **protect in UK law, the current rights they have under EU law.**
- It is a simple, user-friendly process through which we are **looking for reasons to grant status.**



## Who needs to apply?

- **EU, EEA and Swiss citizens** and their **non-EU family members.**
- Those **currently resident** in the UK and **want to stay post-Brexit.**
- Individuals with a 'UK **permanent residence** document'
- **Irish citizens do not need to apply** but they can if they want to.
- The **responsibility** to apply rests **with the individual.**

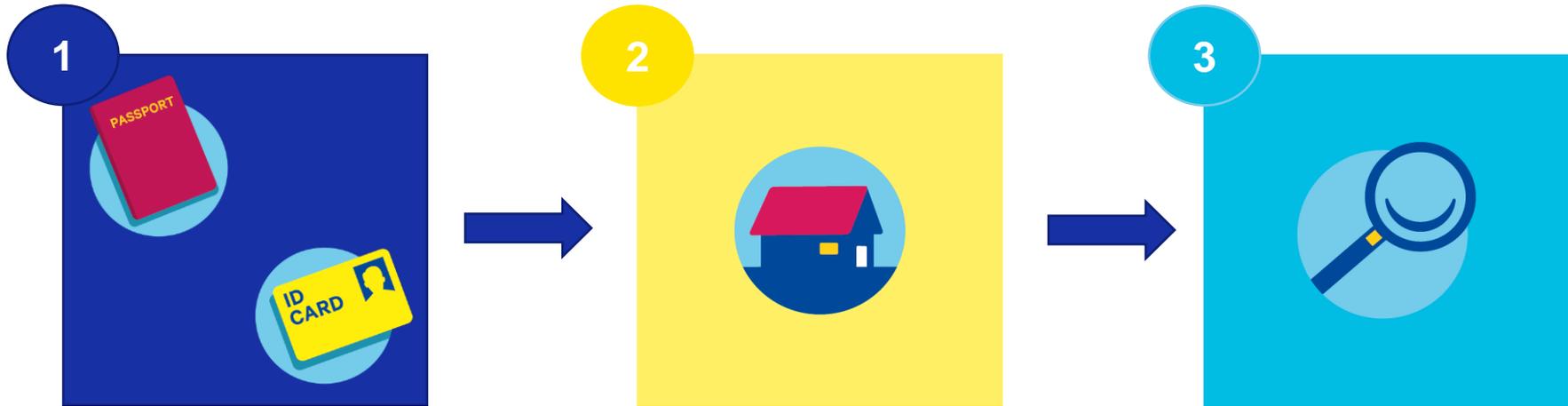


## How and by when?

- The Scheme is a **free online application** process.
- Following a **three-step process**, eligible citizens will be granted either pre-settled or settled status.
- Citizens will have until **30 June 2021 to apply.**

**Our starting position is we are looking for reasons to grant people status**

# How to apply to the scheme



## PROOF OF IDENTITY

Use a valid passport or national identity card to verify your identity\*

## PROOF OF RESIDENCE

Provide your National Insurance Number

## CRIMINALITY CHECK

Declare any criminal convictions

*There are three options for completing this stage:*

1. ID Verification App;
2. Post;
3. Appointment at ID Scanner location

*A wide range of alternative evidence can be used if you don't have a NINO.*

*This will not affect the vast majority of EU citizens.*

# Guidance for Local Authorities and HSCTs



## Available at:

<https://www.gov.uk/government/publications/eu-settlement-scheme-looked-after-children-and-care-leavers-guidance>

- Provides information on how local authorities/HSCTs can help LACs and Young People apply to EUSS
- Explains role of LAs/HSCTs
- Pre-application checklist – things to consider before making the application and what you need to provide with an application
- Further sources of information and contacts



# Looked-after children



**The Home Office have been working with the Department for Education, Ministry of Justice, and with colleagues in the devolved administrations to ensure adequate support arrangements are in place for eligible looked after children and care leavers.**

- Where there is a *full care order* the local authority can advise and act for the child in relation to an application under the EU Settlement Scheme.
- *Where the LA do not hold parental responsibility* they should provide practical support where needed, or signpost to sources of information and support.
- *LAs should ensure care leavers are aware of the need to make an application* and consider this as part of any transition or pathway planning

# Expected role of local authorities / HSC trusts



**The role from local authority/HSC Trust is to provide direct support to looked after children and care leavers whilst applying for settled/pre-settled status and assist with accessing services with status once granted. You should:**

- Identify trained resource to manage and make applications.
- Identify eligible children, including children in shared care arrangements and care leavers.
- Check eligible cases for identity documents on file. Consider where you may need to apply for a new identity document.
- Make/support applications for all eligible children by June 2021.
- Keep an adequate record of applications, status granted and security questions/answers. The status will be attached to an email/number provided.
- **Make arrangements to check eligibility of any new children coming into scope – including after 30 June 2021.**
- Start recording nationality and obtaining ID docs for new intake of children going forward, to assist with future status applications/issues.

# Family Court Judgement: W and Re Z (EU Settled Status for Looked After Children)



**On 31 March, the High Court handed down judgment in the linked cases of Warwickshire County Council v ML and others, and Northamptonshire County Council v GZ and others [2021] EHC 783.**

- These concerned the duties of local authorities towards EEA citizen children in their care, and specifically whether those duties extended to applying for EUSS status on their behalf.
- We and DfE intervened in the proceedings with factual information about the EUSS and the relevant guidance.
- The judgment endorses the approach set out in the HO/DfE guidance, and also provides guidance to local authorities on the appropriate steps to take where a parent objects to an application to the EUSS or for a passport to support an EUSS application.



## The Court held that:

- Issues of immigration status with respect to looked after children must be addressed in the child's care plan;
- The obligation on local authorities to identify children in receipt of local authority support who are eligible to apply to the EUSS and to provide support to those children is mandatory.
- Local authorities are entitled to proceed under the power conferred upon them by s.33 of the Children Act 1989 and will not ordinarily first be required to seek approval of the court to make an application to the EUSS, or for a passport or national identity document to support such an application, on behalf of looked after children.
- Where a child does not hold a valid passport or ID Card please call the SRC for advice first – we may be able to accept alternative evidence of identity and nationality

# Late applications



**There is scope for a person eligible for status under the EU Settlement Scheme to make a late application where there are reasonable grounds. Cases will be considered on a flexible and pragmatic basis.**

Examples of reasonable grounds can include:

- Where a parent, guardian or local authority has failed to apply on behalf of a child
- Serious medical conditions
- Victims of modern slavery or abusive/controlling relationships

This list is non-exhaustive: other scenarios can be found in the [EUSS Caseworker Guidance](#), pages 26-44.

# Ongoing support - grant funding



- On 6 March 2020, the Home Office announced £8 million of funding to help vulnerable EU citizens apply to the EU Settlement Scheme. This will ensure important information continues to get through to those hardest to reach.
- [72 organisations](#) across the UK have been funded for the 2020-21 period.
- As well as providing funding for charities which have engaged with and supported hundreds of thousands of vulnerable people, there are more than 1,500 Home Office staff working on the EU Settlement Scheme and 250 Settlement Resolution Centre staff providing assistance to applicants with any questions about the scheme or who need help applying



- **Settlement Resolution Centre: 0300 790 0566**
- This is a specific number for Local Authorities/HSC trusts to contact the EU Settlement Resolution centre. Open Monday to Friday between 8am and 8pm, excluding public holidays, and on Saturday and Sunday between 9.30am and 4.30pm.
- The EU Settlement Resolution Centre can also be contacted using the online email submission service that sits on gov.uk: <https://eu-settled-status-enquiries.service.gov.uk/what-is-your-question>
- **Toolkits** have been updated and guidance is available in 26 different languages including Welsh. <https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit>
- **EUSS Web Shop** – materials such as posters, leaflets and briefing information is available free of charge. You can request registration instructions for your local authority from: [eusettlementscheme@homeoffice.gov.uk](mailto:eusettlementscheme@homeoffice.gov.uk).

**Any Questions?**



**[feedback-EUSSsupportmodel@homeoffice.gov.uk](mailto:feedback-EUSSsupportmodel@homeoffice.gov.uk)**



**Home Office**

EU Settlement Scheme