EU Settlement Scheme: Looked-after Children and Care Leavers Guidance

North Tyneside Council

1

Assess the child or care leaver's eligibility for the EU Settlement Scheme.

Are they an EU, EEA or Swiss citizen, or a family member of one?
Have they been living in the UK continuously for at least five years?
Have they been in care for at least one year since turning 18, or were they in care on or before 31 December 2020?

If they answer yes to these questions, they are likely to be eligible for the EU Settlement Scheme.

Eligibility to apply should be checked at: www.gov.uk/eusettlementscheme

2

Inform the child or care leaver about the EU Settlement Scheme.

Explain what the EU Settlement Scheme is and how it can benefit them.
Provide them with information on how to apply, including the application deadline.

The EU settlement scheme allows people from the EU:
* access benefits and services (including free NHS healthcare)
* work or study in the UK
* rent a property in England

It is also usually possible to apply for British citizenship 12 months after settled status is granted.

3

Support the child or care leaver in making an application for the EU Settlement Scheme.

Help them gather the necessary evidence to support their application.
Assist them in completing the application form.

Submit the application on their behalf, if necessary.

What you'll need to apply: Apply to the EU Settlement Scheme (settled and pre-settled status): What you'll need to apply - GOV.UK (www.gov.uk)

4

Record the child or care leaver's immigration status in their case file.

Ensure that their immigration status is accurately recorded and up-to-date:

Ensure you record on LCS - Identity - Immigration Status:
* The nationality of the child or care leaver;
* The status the child or care leaver was granted.
Use the Immigration Status comments box to record the date that the child or care leaver can apply to convert their pre-settled status into settled status, and the date their pre-settled status expires (required only for those granted pre-settled status).

Add an LCS Case Note using the contact type EUSS to record:
* The Unique Application Number (UAN) given when the application is made;
* The e-mail(s) and phone number(s) that were entered in the application form;
* The address that was entered in the application form;
* The answers that were given to the memorable questions at the end of the application form.

Known barriers to successful application

* 'lack of sufficient identity documents'
* 'resistance or lack of co-operation by the applicant and/or their family members', e.g. where a care leaver has refused to complete an application or where parents have refused to provide the relevant identity documents for looked after children.
* 'a delay in obtaining the relevant identity documents'.

Source: The EU Settlement Scheme – Home Office Looked After Children and care leavers survey 2020 (Updated March 2021

5

Monitor the child or care leaver's application status.

Follow up with the Home Office to ensure that the child or care leaver's application is being processed.
Address any issues or concerns that may arise during the application process.
Record any updates or changes to the child or care leaver's immigration status in a case note on LCS using the contact type EUSS.

If the application is successful, you'll get a decision letter by email or post confirming the child has been given settled or pre-settled status. This letter cannot be used to prove the status.

The status given under the EU Settlement Scheme proves the child's rights in the UK only.

The child's documents will be returned to you or them automatically once the decision has been made - this usually takes between 6 to 8 weeks.

The child or young person will be given either:
* settled status, usually where they've lived in the UK for a continuous 5- year period (known as 'continuous residence')
* pre-settled status

They will not be asked to choose which they are applying for. The status given usually depends on how long the child has been living in the UK when the application is made.

Make sure you record the EUSS status in LCS - Identity - Immigration Status.

6

Provide ongoing support to the child or care leaver.

Ensure that they understand their immigration status and what it means for them.
Offer support and guidance if their application is refused or if they experience any other immigration-related issues.

Record any relevant information related to their immigration status in their case file.

If the application is unsuccessful:

You may be able to apply for an administrative review of the application if you think there's been a mistake.
It costs £80 and the result will usually be given within 28 days.
This money will be refunded if the original decision is changed because of an error.
You can submit new evidence as part of an administrative review but the money will not be refunded if the decision is changed because of the new evidence.
Any NHS healthcare that the child or young person received while waiting for a decision may need to be paid for.