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Rt Hon Yvette Cooper MP
Chair
Home Affairs Select Committee
House of Commons
London
SW1A 0AA

7 March 2019

Dear Yvette,

EU SETTLEMENT SCHEME

Further to my letter of 18 January, I am writing to inform the Committee of the full opening from 30 March 2019 of the EU Settlement Scheme for resident EU citizens and their family members to obtain UK immigration status.

Public beta test phase

As you know, in light of the successful testing of the online application process for the scheme during the private beta test phases from August to December 2018, in which we received and processed more than 30,000 applications, a public beta test phase of the scheme began on 21 January 2019. This phase is open to resident EU citizens (and their EU citizen family members) with a valid passport, and to their non-EU citizen family members with a valid biometric residence card. In this public beta phase, we received more than 120,000 applications by the end of February 2019, enabling us to test the system at a greater scale than previous phases. By the end of February 2019, more than 105,000 of these applications had been concluded, with 71 per cent granted settled status, the rest granted pre-settled status and none refused. 75 per cent of these applicants received their decision within three days and 80 per cent of those who provided feedback found the online application process easy, or fairly easy, to complete.

A report on the public beta test phase will be published after its conclusion on 30 March 2019, and I will write to you again with a copy of this. In the meantime, the following information may be of interest to the Committee.

This phase was deliberately limited to applications using as evidence of identity an EU passport, or a biometric residence card, which contains a biometric chip, to allow us to continue to test the EU Exit: ID Document Check app as an integrated part of the online application process. Around 95 per cent of applicants who applied in this phase to the end of February successfully used the app to prove their identity remotely. We have now seen devices from 80 different manufacturers successfully use the app, and 80 per cent of applicants verifying their identity with the app were able to complete this in under 10 minutes.

Those who could not successfully prove their identity using the app have been required in this phase to submit their identity document by post. When the scheme is fully open from 30 March 2019, use of the app will be optional and applicants will also be able to verify their identity by posting their identity document to the Home Office to be checked and returned to them quickly. Applicants will also be able to use one of at least 50 identity checking locations across the UK by 30 March 2019, where they will be helped to verify their identity via the app.

We have continued to see a high proportion of cases choosing to provide their National Insurance number to help demonstrate their UK residence through automated checks of employment and benefits records. In this phase, nearly three quarters of all cases decided by the end of February did not need to provide any additional evidence of UK residence, as they were able to rely on the results of these checks or on holding a valid permanent residence document or existing indefinite leave to remain. Where additional evidence of UK residence did need to be provided, applicants continued to benefit from the flexible evidential approach we are taking to this, with scope for a wide range of evidence to be relied upon.

Operating at a greater scale in this phase has enabled us to continue to learn lessons, both technically and also through our ongoing wider stakeholder engagement and the work of our user groups. While no substantive changes have been required, as expected in any test phase we have continued to develop the system and make technical improvements to it.

We continue to provide targeted support for applicants through the Settlement Resolution Centre (SRC) which provides information and assistance in relation to the scheme. Since opening on 24 October 2018, the SRC has received nearly 50,000 telephone calls and nearly 15,000 emails. All calls were answered, and all emails were responded to, within agreed service levels (calls answered within 30 seconds; emails responded to within five days). As with previous phases, feedback gathered through these queries continues to be used to inform further improvements to the system and to our published guidance.

Full opening of the EU Settlement Scheme

Overall, since the opening of the initial private beta test phase on 28 August 2018, we had, by the end of February 2019, received more than 150,000 applications under the scheme, of which 135,000 (nearly 90 per cent) had already been concluded. Of these concluded cases, 71 per cent were granted settled status, with the rest granted pre-settled status and none refused.

We therefore intend to go ahead, as planned, with the full opening of the EU Settlement Scheme from 30 March 2019. The Immigration Rules for the scheme contained in the new Appendix EU in the Statement of Changes presented to Parliament on 7 March 2019 include the following changes to the scope of the scheme:

- Resident citizens of the other European Economic Area (EEA) countries (Iceland, Liechtenstein and Norway) and of Switzerland, and their family members, will also be able to apply for UK immigration status under the scheme, in line with the citizens' rights agreements reached with those countries;

- EEA and Swiss citizens and certain family members will from 9 April 2019 be able to apply under the scheme from outside the UK, so that they can obtain status under it, based on their previous residence in the UK, without needing to travel here in order to make an online application. Their family members will also be able to do so where, if they are non-EEA/Swiss citizens, they hold a valid biometric residence card issued under the EEA Regulations;
- The scheme will be open to the family members of British citizens who were exercising their free movement rights under EU law before returning to the UK ('Surinder Singh' cases), and to the family members of certain dual British/EU citizens ('Lounes' cases);
- The scheme will be open to others lawfully resident in the UK by virtue of a 'derivative right' to reside, based on wider EU law. These are 'Chen carers' (the primary carer of a self-sufficient EEA citizen child), 'Ibrahim and Teixeira' cases (a child of a former EEA citizen worker who is in education in the UK and their primary carer), and 'Zambrano carers' (the primary carer of a British citizen child or dependent adult). The Government has decided that, in light of the particular circumstances of these cases, it is appropriate that their long-term status in the UK should be protected by bringing them within the scope of the scheme;
- Residence in the Crown Dependencies (Guernsey, Jersey and the Isle of Man) will be counted as UK residence for the purposes of the scheme, consistent with the wider operation of the Common Travel Area;
- EEA and Swiss citizens previously resident in the UK will be able to count as UK residence for the purposes of the scheme time spent on an overseas posting as a Crown servant, as will a partner or child of any nationality accompanying such a person or accompanying a member of HM Forces on an overseas posting. Such EEA and Swiss citizens have made a strong commitment to the UK by serving overseas in this way, or by accompanying someone who is doing so, and this should not disadvantage them under the scheme; and
- Consistent with the basis on which the scheme will operate in a 'no deal' scenario, provision is made for the 'specified date', by which EEA and Swiss citizens will need to be continuously resident in the UK and certain relevant family relationships will need to be formed, to be 29 March 2019 in that scenario rather than 31 December 2020.

The new Appendix EU also includes the following changes to the application process for the scheme:

- There will be no application fee under the scheme, as the Prime Minister announced on 21 January 2019;
- An application under the scheme will be made on a paper application form rather than through the online application process, where this is (i) mandated on gov.uk (for example, for 'derivative right' cases in which the applicant will need to provide additional information to that generally required under the scheme); or (ii) approved by the SRC on an individual basis in light of the exceptional circumstances of the case, with such scope complementing the assisted digital support widely available for those applicants who need help to complete the online application process;

- Applicants in the UK will be able to rely on a wider range of documents as proof of their identity and nationality: their valid national identity card for an EEA or Swiss citizen, as well as their valid passport, and their valid passport or biometric residence permit for a non-EEA/Swiss citizen family member, as well as their valid biometric residence card. Non-EEA/Swiss citizen family members applying within the UK, who do not hold a valid biometric residence card, will need to enrol their biometrics at one of the relevant locations for this across the country;
- There will be scope for applicants to submit their identity document by post to be checked and returned to them quickly, as an alternative, for EEA/Swiss citizens and for non-EEA/Swiss citizens with a biometric residence card, to using the identity verification app or visiting one of the locations at which they can be helped to use this (of which there will be at least 50 across the UK by 30 March 2019); and
- There will also be scope for the Secretary of State to accept alternative evidence of identity and nationality where the applicant is unable to provide the required document due to circumstances beyond their control or to compelling practical or compassionate reasons.

Consistent with the draft Withdrawal Agreement with the EU, the new Appendix EU (Family Permit) introduced by this Statement of Changes in Immigration Rules provides for a non-EEA/Swiss citizen who is the family member of an EEA/Swiss citizen with status granted under the EU Settlement Scheme to apply for an entry clearance to join that EEA/Swiss citizen in the UK, or to accompany them here, whether for a short stay or to make an application under the scheme in the UK.

The Government is also laying before Parliament today two negative procedure Statutory Instruments: the Immigration and Nationality (Fees) (Refund, Waiver and Amendment) (EU Exit) Regulations 2019, which provide for no application fee for the scheme, and the Immigration (European Economic Area Nationals) (EU Exit) Regulations 2019, which, in part, make changes associated with the scheme to other secondary legislation.

The full opening of the EU Settlement Scheme from 30 March 2019 will provide a straightforward and user-friendly means for resident EEA and Swiss citizens and their family members to remain here permanently. They make a huge contribution to our economy and society and the full opening of the scheme is tangible evidence that we want them to stay.

I will place a copy of this letter in the House Libraries.

A handwritten signature in blue ink, appearing to read 'Caroline Nokes', is written in a cursive style.

Rt Hon Caroline Nokes MP
Minister of State for Immigration