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

14th March 2019

Dear Yvette,

EU SETTLEMENT SCHEME

Further to my letter of 7 March 2019 about the full opening of the EU Settlement Scheme for resident EU citizens and their family members to obtain UK immigration status, I am writing to the Committee to clarify one point in respect of the scope, from 9 April 2019, for overseas applications under the scheme.

We are committed to a straightforward, user-friendly application process for those applying under the scheme from overseas, based on their previous residence in the UK, as for applicants in the UK. Overseas applications, which will also be free of charge, will be made through the same streamlined, online application process and, as with in-country applications, we will be looking for reasons to grant status, not refuse it.

Any applicant, whether in the UK or overseas, who is granted pre-settled status under the scheme rather than settled status, or whose application is refused because they have not established their eligibility for status to be granted, will be able to make a further free application under the scheme at any point.

Nevertheless, it is good administrative practice that there should be scope for applicants to seek a review of a decision which they consider has been made in error.

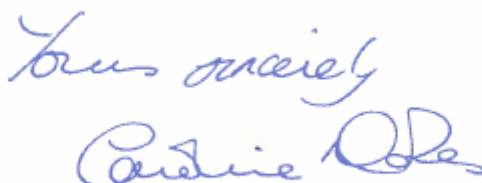
Appendix AR (EU) to the Immigration Rules already provides scope therefore for an applicant under the EU Settlement Scheme in the UK to apply for an administrative review of a decision to grant them pre-settled status under the scheme rather than settled status, or whose application is refused on eligibility grounds. Reference was made in the Written Ministerial Statement (HCWS1387; HLWS1354) on the EU Settlement Scheme which I made on 7 March 2019 to the Rules change at paragraph 1.2 of the Statement of Changes in Immigration Rules HC 1919.

From 30 March 2019, this change to Appendix AR (EU) will enable a person who has applied under the scheme in the UK to apply for an administrative review of their decision under the scheme, whether or not they are then in the UK.

Separately, the Statement of Changes in Immigration Rules HC 1919 makes provision, in the new Appendix EU substituted by paragraph EU2 of the statement, for applications under the EU Settlement Scheme to be made from outside the UK by EEA citizens and certain family members, based on their previous residence here. This provision will be implemented from 9 April 2019. The Written Ministerial Statement inadvertently suggested that administrative review of such overseas applications would also be available from 9 April 2019. This is not the case.

I should like to clarify, however, that it is the Government's intention in due course to provide scope for applications for administrative review of a relevant decision made on an overseas application under the scheme. The necessary process and operational changes are in preparation and the further changes required to Appendix AR (EU) to the Immigration Rules will be laid before Parliament at the next suitable opportunity.

I will arrange for a copy of this letter to be placed in the House Libraries.

A handwritten signature in blue ink, reading "Yours sincerely" followed by "Caroline Nokes".

Rt Hon Caroline Nokes MP
Minister of State for Immigration