



Home Office

Rt Hon Brandon Lewis MP  
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Preparation

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Lord Morris of Aberavon KG QC  
Chairman of EU Justice Sub Committee  
House of Lords  
London  
SW1A 0PW

29 October 2019

Dear John,

## **EU SETTLEMENT SCHEME**

On 16 July, the then Minister of State for Immigration undertook during her appearance before the Committee to write on two points regarding the EU Settlement Scheme (EUSS).

First, the Committee asked about any statutory duty local authorities have to support EUSS applications (for example, from vulnerable people in their care).

The Home Office has agreed with the Department for Education that local authorities should take responsibility for making applications to the EUSS on behalf of looked after children where they have parental responsibility, and for signposting other carers and care leavers to the scheme and the support available to apply. A new burdens assessment has been produced in collaboration with key stakeholders representing local authorities, including children's social services, to ensure they are funded to discharge these functions. We are working closely with the Devolved Administrations to implement the same approach.

Guidance for local authorities and health and social care trusts (in Northern Ireland) has been produced to help them apply on behalf of, or support, the applications of looked after children and care leavers for whom they have responsibility.

For adults with care and support needs, we are working closely with stakeholders, including the Ministry of Justice, the Department for Health and Social Care, the Ministry for Housing, Communities and Local Government, the National Health Service, the Care Quality Commission, the Office of the Public Guardian, the Local Government Association and the Association of Directors of Adult Social Services, to ensure vulnerable adults are supported through the application process.

Second, the Committee asked whether tax credits could be included in the scope of the automated checks conducted on EUSS applications where the applicant elects to provide their National Insurance number.

The purpose of the automated checks is to help applicants establish their continuous residence in the UK without (or with reduced) need to provide documentary evidence of this. The advice of HM Revenue & Customs is that receipt of working tax credit and child tax credit is not currently available as a data set that the Home Office could use reliably through the automated checks.

There are also overlaps between this tax credit data and other data that is available from the automated checks. For instance, Pay As You Earn (PAYE) data, which is included in the automated checks, covers most applicants who claim working tax credit, and receipt of some benefits included in the automated checks may overlap with receipt of child tax credit. In addition, for many people, working tax credit has now been replaced by universal credit, which is within scope of the automated checks.

We also must take account of the Data Protection Act when considering accessing substantial amounts of data which may only be useful for a relatively small cohort of applicants.

Where the automated checks do not provide sufficient evidence of UK residence for the applicant to be granted the status they claim they are eligible for, they can upload a wide variety of documentary evidence. We will work flexibly with applicants to help them evidence their UK residence by the best means available to them. This similarly applies to those applicants who do not have, or choose not to provide, a National Insurance number.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Lewis', with a long horizontal flourish extending to the right.

**Rt Hon Brandon Lewis MP**  
**Minister of State for Security and Deputy for EU Exit and**  
**No Deal Preparation**