



Home Office

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Stuart McDonald MP
House of Commons
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11 March 2021

Dear Stuart,

Thank you for your letter of 11 February to the Home Secretary about the EU Settlement Scheme and EEA nationals in the UK. I am replying as the Minister for Future Borders and Immigration.

Problems with digital status – when seeking to travel back to the UK

You ask for clarification on the channels of communication which the Home Office is using, with carriers and border officials globally, to explain the approach they should take, and what action we will take to ensure the message is widely known and understood.

In preparation for delivery of the UK's future border immigration systems regular stakeholder engagement meetings were held with representatives from the maritime, rail and air carrier organisations to consult on the likely shape of new border processes, as well as the impact for them of the UK's exit from the EU. Carriers are also engaged at a more local level with Border Force teams based at ports.

An 'all carrier' alert was issued immediately prior to the end of transition, through established channels, stating they do not need to request evidence of settled or pre-settled status for eligibility for carriage to the UK. Carriers are simply required to confirm a passenger holds a valid passport, or where appropriate an EU, EEA or Swiss national identity card, and, if they are a visa national, they hold a valid entry clearance or biometric residence card or permit issued by the UK.

In addition, the Home Office's International Liaison Officer network, based in the UK and overseas, provides support to carriers and international border authorities should they require specific advice on individual passengers.

On a wider basis you will appreciate any travel to the UK at this time must be in accordance with the public health requirements set by both the UK Government and the Devolved Administrations. These requirements are not part of the immigration rules, but if a traveller's intentions when tested at the UK Border would be in breach of them entry may be denied under UK Immigration powers.

Access to National Insurance Numbers

Individuals can apply for a National Insurance number by post. To request an application form, an individual would need to contact the National Insurance number application line:

<https://www.gov.uk/apply-national-insurance-number>.

During the call, the individual will be informed of the relevant ID requirement to provide when completing their application form. There are no face-to-face interviews being conducted currently because of the wider situation relating to the coronavirus (COVID-19).

You may wish to contact the Department for Work & Pensions (DWP) to raise your concerns regarding the problems EU/EEA nationals are experiencing obtaining National Insurance numbers.

Those who do not apply in time

The UK Government has made clear in line with the Citizens' Rights Agreements, where a person has reasonable grounds for missing the 30 June 2021 deadline for applications to the EU Settlement Scheme by EEA citizens and their family members resident in the UK by the end of the transition period, they will be given a further opportunity to apply.

Examples of such reasonable grounds will include children whose parent or guardian fails to apply on their behalf, those in abusive or controlling relationships who are prevented from applying or accessing the documents they need to do so, and those who lack the physical or mental capacity to apply. We will publish clear, non-exhaustive guidance in shortly on what constitutes reasonable grounds for missing the deadline. We will take a pragmatic and flexible approach in considering the circumstances of each case, so those who miss the deadline through no fault of their own can still obtain lawful status in the UK.

When making any application to the EU Settlement Scheme (EUSS), all applications pass through three distinct stages; Identity, Suitability and Eligibility. Further information in regards to this can be found at the following webpage:

<https://www.gov.uk/settled-status-eu-citizens-families/what-youll-need-to-apply>.

Under normal circumstances it would usually take around five working days for complete EUSS applications to be processed if no further information is required. Any EUSS application is likely to take longer than a month to process if:

- we need to request more information from an applicant
- a person is applying as a minor and their application is not linked to an adult
- a person submits a paper-based application
- a person has a relevant criminal record
- a person is a non-EEA or non-Swiss citizen and they are applying to the scheme based on a relationship they have not relied upon before in any previous application to the Home Office

In these instances, processing times will vary on a case-by-case basis, based upon how quickly an applicant can provide the requested information, and the circumstances and/or individual needs of each applicant.

Dependent on the prevailing circumstances of a particular case – some applications will take longer to conclude, and the broad reasons are detailed on GOV.UK.

In keeping with the overall ethos of the scheme, where insufficient evidence has been provided to grant the settled status the applicant believes they are eligible for, the team will give an opportunity for further evidence to be supplied and consider if a grant of pre-settled status should be made instead. The contact/reasonable opportunity policy sets out the minimum engagement we apply but there are instances when we need to go beyond this to determine eligibility. More information can be found at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953873/main-euss-guidance-v9.0ext.pdf.

Other factors, such as criminality and having the necessary link to an EU national can prolong the consideration.

The Home Office must sometimes make several detailed enquiries before we can reach a decision on whether or not to grant status to an individual under the terms of the EUSS. The extent and length of time taken to complete these enquiries varies according to the individual circumstances of each application. The scheme itself remains open until 30 June 2021 (the culmination of the grace period). I have included below the appropriate link concerning lodging any prospective application to the scheme.

<https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>.

Use of the voluntary returns process

The Home Office recognises there will be people without status who choose to return to their home country, but who have no means of doing so, or who need some assistance, depending on their personal circumstances. It is the role of the Voluntary Returns Service (VRS) to provide practical support to assist those who wish to return, and who apply to the service for help.

Voluntary returns are only available to EEA citizens who are without settled status in limited circumstances, and in recognition of an EEA citizen's continuing right to apply for settled status. Where someone applies to the VRS who may be eligible for EU settled status, then the person is made aware of the opportunity to apply for settled status.

Student healthcare fees

Paying the Immigration Healthcare Surcharge (IHS) is a requirement for all UK visa applicants, not just students.

Eligible students with an EU-issued European Health Insurance Card (EHIC) will qualify for a reimbursement in part or in full. The amount a student is refunded will depend on how long their EHIC is valid for.

Waiving the IHS upfront would go beyond what was negotiated with the EU under the Trade and Cooperation Agreement. Not all EU student visa holders will be eligible for a surcharge reimbursement - they must be on a full-time higher education course, hold a valid EU-issued EHIC and not be employed or self-employed in the UK. EU students will only qualify for reimbursement once they are in the UK and can demonstrate they meet these criteria.

Under the Trade and Co-operation Agreement, eligible students will not be able to apply for a refund until 1 January 2022. There will be no delay in being able to apply for students whose course starts after this date.

With my very best wishes,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Future Borders and Immigration