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Mr Kevin Foster MP

By email: Kevin.foster.mp@parliament.uk
MinisterforImmigration@homeoffice.gov.uk
CC: SUGqueries@homeoffice.gov.uk

6th July 2021

Dear Kevin Foster MP,

EU Settlement Scheme - those waiting for Certificates of Application (CoA)

Thank you for [your letter dated 29 June](#), which provided answers to the questions raised in our letters of [30 April](#) and [22 June](#).

We welcome the fact that those who **submit an application before the relevant deadline** but **do not receive their CoA until after that deadline** are recognised as having applied before the deadline. We understand from your letter that this applies to both the general deadline of 30 June 2021, and to individual 28-day notice deadlines.

We understand that the initial automated email that people receive confirming their submission now contains the following new paragraphs:

Proving that you have submitted an EU Settlement Scheme application

This is not a certificate of application. You will receive a certificate of application once your application has been validated.

If you have applied on the basis that you were resident in the UK by 31 December 2020

When you receive a certificate of application, you should use that to prove your status while your EU Settlement Scheme application is in progress.

Until you receive your certificate of application, prospective employers may contact the Employer Checking Service at: <https://www.gov.uk/employee-immigration-employment-status>. Prospective landlords can request information about your right to rent property in England by using the Landlord Checking Service which can be found at: <https://www.gov.uk/landlord-immigration-check>.

From 1 July 2021, it is an essential requirement to demonstrate your status when making a new application for benefits and services and to show your eligibility to work in the UK and rent in England when applying for a new job or entering into a new tenancy agreement.

We also understand that you intend to contact all those “who have already submitted their application and have yet to validate it by 30 June” with this same information.

Finally, we understand that in due course, everyone with an outstanding valid EUSS application, made by 30 June 2021, will be contacted to receive a digital CoA so that they can prove their status using the ‘View and Prove’ service instead of having to have their status verified by the Home Office employer checking service ([ECS](#)) and landlord checking service ([LCS](#)).

I am writing today to ask a few more questions surrounding the process from applying to proving rights, since we continue to be contacted by anxious citizens who are in this position. It is helpful to take the specific example of one such citizen, T, to illustrate the context of the questions.

- T is an EU citizen, who submitted her application to the EU Settlement Scheme on 16th June 2021, using the ‘EU Exit: ID Document Check’ app which appeared to successfully scan her passport.
- T received the initial email confirming her submission the same day, 16th June.
- This email did not contain the extra paragraphs described above, informing T of her right to rent or right to work without a CoA
- The email gave T an application number, and included the words (our emphasis) “***There is nothing more for you to do. A caseworker will assess the information you have provided and contact you.***”
- T contacted **the3million** on 26th June, concerned about not having proof of an in-time application ten days after applying, explaining she needed to travel imminently, both for work and a very overdue family visit and was not sure of the rules and whether she would face problems re-entering the UK if she traveled abroad.
- T confirmed to us that there were no emails in her junk folder requesting further information, and also that this was not a partially completed application - by providing a screenshot of application status showing all parts of the application were complete.
- On 29th June, one of our colleagues was able to contact the Home Office about T’s application, and was informed that the Home Office had not issued a CoA because “they are doing checks”.
- On 6th July, T contacted the Home Office again, and was again informed that “they are still doing checks”, which is confusing since T has not been asked for any further identity or validation information or documents.
- T has not been contacted by the Home Office with the additional paragraphs as mentioned above.
- T really wants to make arrangements to visit her family abroad, but does not dare to do so given the lack of reassurance of her rights.

Our questions are therefore the following (all in the context of the EU Settlement Scheme):

- Q1. The extra information now given in the initial confirmation email makes arrangements for the right to work and the right to rent to be proven via the ECS and LCS respectively, but how do people waiting for a CoA evidence other rights? In particular, how do they evidence their right to enter the UK, open a bank account, access NHS secondary treatment, or prove entitlement to education home fee status and student finance?
- Q2. What rights does someone have who has a submission confirmation email or letter dated before 30 June 2021, and who is not yet in receipt of either a CoA, or an updated email from the Home Office? How do they evidence these rights?
- Q3. What are the reasons that can result in delay to issuing a Certificate of Application to someone who has successfully used the 'EU Exit: ID Document Check' app and who has not been asked for any further identity information or documentation?
- Q4. Is it possible for someone to be in receipt of an email/letter confirmation of submission of an in-time application, but the employer/landlord checking services returning a negative result? In other words, can there be any lag between issuing a confirmation of application, and the checking services returning a positive result? (Note, this question is about confirmation of application, not about CoA).
- Q5. When will digital CoAs be available to everyone who has an in-time application?
- Q6. We have seen an example of what appeared to be a digital CoA, where someone was able to log into the View and Prove system but then was not able to use it to share their immigration status.
 - a. Will it be possible to generate share codes from a digital CoA?
 - b. More specifically, will it be possible to generate all three types of share code from a digital CoA - for right to work, right to rent and 'other purposes'?

We appreciate that a lot of these questions are procedural and technical in nature and, should you feel it appropriate, we would be happy to meet with someone in your team to talk through the questions/scenario and any follow up questions that may become applicable. However, we would be grateful for written answers to these questions so we can inform those who are contacting us as well as the wider public who have an interest in this matter.

Kind regards,

Monique Hawkins
Policy and Research Officer, **the3million**