



Home Office

Kevin Foster MP
Minister for Future Borders and
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Dear Ms Hawkins,

Thank you for your letter of 6 July and email of 8 July regarding the EU Settlement Scheme (EUSS) Certificate of Application (CoA) and rights after 30 June 2021. I am sorry for the delay in responding to your correspondence.

On 6 August the Government announced it will support late applicants to the EUSS by providing them with temporary protection of their rights. This will flow from the point at which a valid application has been made to the EUSS until its final determination, including during any appeal against a decision to refuse the application.

Since that announcement, departments have been working to implement these arrangements, mainly through updating public-facing information and published guidance. In addition, since 13 September, we have been issuing a revised CoA to late applicants which reflects the temporary protection of their rights.

Until recently, all CoAs to late applicants were in a non-digital form. However, I am pleased to inform you, since 20 October, all those who have made a valid EUSS application since 30 June have received a CoA in a digital format which reflects the temporary protection of their rights. We are currently in the process of updating these applicants by letter or email about their new digital CoA and how they can access their online status through the 'View and Prove your immigration status' service on GOV.UK.

Whilst their application or any appeal is pending, those who made a valid application by 30 June can use the online service to share their immigration status information with others, including to prove their right to work in the UK and their right to rent property in England. Those who made a valid application after 30 June can use their digital CoA to prove their right to work or rent where it is verified with the Home Office Checking Services.

Please find responses to your further questions below.

EUSS – those waiting for Certificates of Application (CoA)

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 Employer Checking Service (ECS) and Landlord Checking Service (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?

Right to enter the UK

EEA citizens and their family members who were resident in the UK by the end of the transition period on 31 December 2020 and who applied to the EUSS by 30 June 2021 are advised not to travel outside the UK until they are in possession of a CoA confirming they have made a valid application to the scheme. If travel before then is necessary, they may experience delays at the UK border whilst their pending application is confirmed. They may be asked to provide evidence they were resident in the UK by the end of the transition period, as an EEA citizen or as the family member of an EEA citizen resident here by then, and where Border Force is satisfied this is the case, they will be admitted to the UK.

Opening a bank account

When applying for banking services, all individuals are required to provide proof of their identity as part of anti-money laundering, regulatory 'know your customer' checks. This is not an immigration status check. People who have been granted an eVisa (digital evidence of their immigration status), including EEA citizens and their family members, can use the 'View and Prove' service as evidence. Alternatively, EEA citizens can continue to use their passport or national identity card for this purpose.

Accessing NHS secondary treatment

The Department of Health and Social Care (DHSC) has made clear those who are awaiting the outcome of a valid EUSS application submitted by 30 June 2021 will remain entitled to free healthcare, subject to the ordinary resident test, until their application has been finally determined (which includes any appeal).

Where a late, valid application to the EUSS has been made (evidenced by a CoA), the individual will be non-chargeable for NHS healthcare from the date of that application until its final determination. Those who are subsequently granted EUSS status will remain non-chargeable for NHS healthcare. If a person cannot present their CoA at the time they require treatment, they can present it to the NHS Trust once they receive it. NHS Overseas Visitor Managers can also contact the Home Office via established channels, through the Status Verification, Enquiries and Checking service, for confirmation of an EUSS application if necessary. More information is available in part 9 of DHSC's guidance:

<https://www.gov.uk/government/publications/overseas-nhs-visitors-implementing-the-charging-regulations>.

Proving entitlement to education home fee status and student finance

To enable 16-19 year olds to access education and training for the 2021/22 academic year, the Department for Education has advised their funded providers (schools and colleges) that all young people who are EEA citizens or family members of EEA citizens and who were living in the UK by the end of the transition period will be eligible for funding for this academic year. For those who have yet to apply to or obtain status under the EUSS, evidence of residence in the UK before 1 January 2021 will be sufficient to qualify for 16-19 year old funded provision for this funding year.

The Student Loans Company (SLC) administers loans and grants to EEA citizens and their family members covered by the Citizens' Rights Agreements and studying in England. Where an EUSS status digital share code is not available, they will request a CoA and assess the applicant's residence history to confirm eligibility for student support.

Where neither a digital share code nor a CoA is available, the SLC will seek confirmation of the validity of the EUSS application by contacting the Home Office's Status Verification, Enquiries and Checking service directly.

The process for checking eligibility for home fee status will be carried out by individual education providers.

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?

Where a person has been issued an email or letter acknowledging an EUSS application was made by 30 June 2021, but they are yet to receive a CoA, individual government departments will take their own decisions as to whether that person is eligible for specific benefits and services.

In respect of the right to work and rent, where an individual has made an application by 30 June 2021, they can present their letter or email notification acknowledging receipt of the EUSS application to a prospective employer or landlord. The employer or landlord must request a right to work or right to rent check from the ECS or LCS to verify this document. This is detailed in published guidance available on GOV.UK at:

<https://www.gov.uk/government/publications/illegal-working-fines-employers-guide>.

<https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks>.

The DHSC have stated patients will be considered non-chargeable for NHS healthcare from the date of their valid application (evidenced by a CoA) until its final outcome. If a person cannot present their CoA at the time, they can present it to the NHS Trust once they receive it. Under the NHS (Charges to Overseas Visitor) Regulations, debts must be cancelled entirely if the charges they relate to are found not to have applied in the first place.

Primary care, A&E and the diagnosis and treatment of certain infectious diseases like COVID-19 are provided free of charge to everyone, regardless of immigration status. Urgent and immediately necessary healthcare is never withheld, regardless of ability to pay for treatment.

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?

When a person makes an EUSS application online, they already receive an automated email which acknowledges receipt of the application. For those who applied by 30 June 2021, we revised the email to explain how they could use the Home Office checking services to prove they made an application by this date and were awaiting receipt of their CoA. The email does not in itself constitute evidence of entitlements.

For those using the Identity Verification (IDV) app, validation of identity and taking of facial image biometrics happens during the online application process, and a CoA is issued automatically once the application is submitted.

However, in a relatively small number of cases, there can be a delay between application and validation. Examples include an applicant applying online and then posting their identity document to the Home Office for verification, a non-EEA national family member needing to make a biometric enrolment appointment or an applicant not having the required identity document and seeking to rely on alternative evidence of identity which then has to be verified.

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).

Once an application has been confirmed as received by the Home Office, there is no time lag that prevents a check by the ECS or LCS.

If a check is requested before an application made by 30 June 2021 is registered on Home Office systems, the ECS/LCS will request further information from the employer or landlord relating to the applicant's status and any evidence in respect of when they submitted their application. This will enable a response to be issued from the ECS/LCS in respect of the person's right to work or rent status.

Article 20(3) of the Withdrawal Agreement allows the Home Office to take necessary measures to refuse, terminate or withdraw rights, where there is evidence an application is abusive or fraudulent. In addition, where an application made by 30 June 2021 has been registered on Home Office systems, but an individual has failed to validate it in a reasonable period (after being prompted or contacted to do so), that application will be rejected. If the Home Office can identify no other evidence of lawful immigration status, the individual will not receive a positive ECS/LCS response.

Q5. When will digital CoAs be available to everyone who has an in-time application?

Applicants who applied by 30 June 2021 will either already have a digital CoA, if they have validated their application, or will receive one once their application has been validated. The exceptions, until very recently, were joining family members and late applicants who received a non-digital CoA only. However, on 20 October, we began issuing digital CoAs to all joining family members and late applicants who submit a valid 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'?

Individuals who have a digital CoA can log into the online 'View and Prove' service using their UKVI account and generate a share code to prove their rights. This includes share codes for proving a right to work, right to rent and other purposes. A sample of the CoA profile page on the 'View and Prove' service is attached in the annex to this letter for your information.

Once generated, a share code is valid for 30 days and can be used as many times as needed within that period for that purpose. Please be aware that share codes are service specific. An individual cannot use a code generated for one service in another service (e.g. a code created to prove a right to rent cannot then be used to prove a right to work). If a share code has expired, or the individual has used a code generated for a different purpose, the employer or landlord must ask them to resend a new share code.

If an applicant cannot see the options to share their status on the 'View and Prove' service, they should contact the UKVI Resolution Centre. For more information and contact details please see:

<https://www.gov.uk/government/publications/view-and-prove-your-immigration-status-evisa/your-immigration-status-an-introduction-for-eu-eea-and-swiss-citizens-accessible-version>

Also relevant here is the validity of a digital CoA. A digital CoA remains valid until the individual receives a final decision on their application, including where the applicant has chosen to appeal against a refusal. This includes where the applicant has chosen to make their appeal after an administrative review. However, where an individual proves their rights to an employer or landlord, the confirmation of their rights reflects the current practice for a Positive Verification Notice/Positive Right to Rent Notice for individuals with an outstanding application or appeal. This means an employer will receive a statutory excuse for six months, and a landlord will receive a statutory excuse for 12 months. They will then need to check the individual's status again.

Where a prospective employee or tenant has a digital CoA confirming a valid application to the EUSS was made after 30 June 2021, employers and landlords are required to verify right to work and rent with the ECS and LCS respectively.

Q7. The guidance suggests delays to Certificates of Application only occur for those who do paper applications (page 41 "There are a small number of individuals who made their EUSS application using a paper application. Due to the postage and processing time related to paper applications you may be required to undertake a check before they receive their Certificate of Application.") but we see these delays also for people who have applied using the EU Exit: ID Document Check app.

For those using the IDV app, validation of identity and taking of facial image biometrics happens during the online application process, and a CoA is issued automatically once the application is submitted.

However, in a relatively small number of cases, there can be a delay between application and validation. Examples include an applicant applying online and posting their identity document to the Home Office for verification, a non-EEA national family member needing to make a biometric enrolment appointment, or an applicant not having the required identity document and seeking to rely on alternative evidence of identity which then has to be verified.

If an individual submits an application which is missing any of the components required for it to be valid, they will be given a reasonable opportunity to provide what is needed to validate the application. Caseworkers will work with applicants to help them provide what is needed to validate their application in order that a CoA can be issued.

Q8. On page 18 [of the employer guidance], two references are made to a Certificate of Application needing to be less than six months old. Can this be changed to make clear that EUSS Certificates of Application are not limited to six months validity.

The employers' guide to right to work checks was updated on 31 August 2021 with changes to these sections. The guidance was revised to reflect the way those with an outstanding application to the EUSS can evidence their right to work, to reflect the Government's 6 August announcement on temporary protection.

With my very best wishes

Yours sincerely,

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

Kevin Foster MP
Minister for Future Borders and Immigration

Annex – digital Certificate of Application

BETA This is a new service - your [feedback](#) will help us to improve it.

[← Back](#)

Your status

Name Olivia Lesotho

Status Certificate of Application



Rotate 

This Certificate of Application confirms receipt of your valid application under the EU Settlement Scheme.

This status information is valid until you receive a decision on your application, or until the outcome of any appeal on your application, to the EU Settlement Scheme, including where you have chosen to make your appeal after an administrative review.

If any of the information displayed on your status is incorrect, [contact the UKVI Resolution Centre](#).

Prove your status

If you need to prove your status to someone, you can do this online.

Until you receive a decision on your application, some organisations may ask to see proof of your status again.

[Prove your status](#)

What you can do in the UK

Your Certificate of Application means you can:

- live in the UK
- work
- study
- rent a place to live
- use the National Health Service (NHS) in a similar way to permanent UK residents
- access public funds such as benefits and pensions, if you're eligible for them
- access a current account with a bank or building society in the UK
- travel in and out of the country without having to prove your status, as your information will be checked automatically

Legal basis of Certificate of Application

This Certificate of Application has been issued to you in accordance with the EU exit separation agreements:

- for EU citizens, and the family members of EU citizens, this is the Withdrawal Agreement
- for EEA European Free Trade Association (EFTA) citizens, and the family members of EEA EFTA citizens, this is the EEA EFTA Separation Agreement
- for Swiss citizens, and the family members of Swiss citizens, this is the Swiss Citizens' Rights Agreement