

By email:

Minister Kevin Foster MP
Copied: Home Office SUG team

18 May 2022

Dear Kevin Foster MP,

Problematic advertised upgrading path from pre-settled to settled status

As of March 2022¹, there have been 2,576,400 grants of pre-settled status. As of December 2021², 289,100 applicants have moved from pre-settled to settled status. There are therefore potentially still over two million people who hold pre-settled status and need to apply for settled status within the next few years in order to secure their future in the UK.

It has come to our attention that there is a very serious problem in the advertised upgrade process (from pre-settled to settled status) on the GOV.UK website.

1. On the main EU Settlement Scheme website³, there is a dedicated link to **'Switch from pre-settled status to settled status'**⁴. This will likely be the foremost place where those pre-settled status holders who realise their need to apply for settled status will look for information on how to do so.
2. The page has a dedicated "Start now" button, under the heading "Apply to switch your status". This takes people to exactly the same webpage⁵ as if they had pressed the "Start now" button from the webpage for a **first** application⁶.
3. On that page, people are invited to "Prove your identity", or to "Sign in" if they have already proved their identity. Many pre-settled status holders are likely to consider that they have already proved their identity to the Home Office, so they may go straight to "Sign in" - given also that they are **able** to sign in as they already have a UKVI account and can sign in using their identity document and date of birth.

¹ <https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

² <https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-december-2021/eu-settlement-scheme-quarterly-statistics-december-2021>

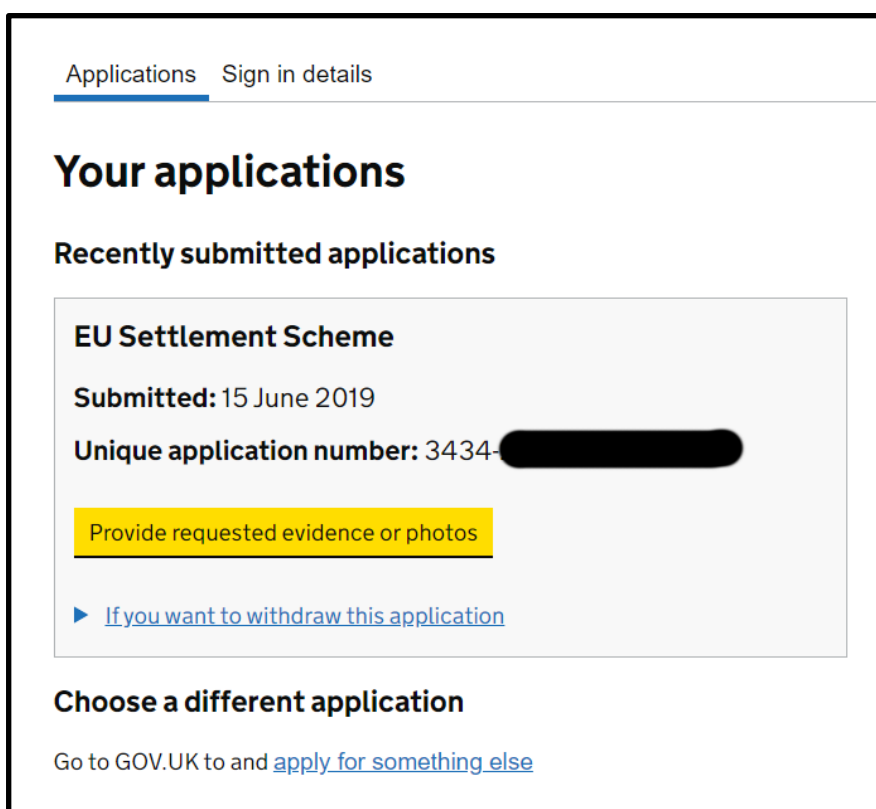
³ <https://www.gov.uk/settled-status-eu-citizens-families>

⁴ <https://www.gov.uk/settled-status-eu-citizens-families/switch-from-presettled-status-to-settled-status>

⁵ <https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss>

⁶ <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

4. Other pre-settled status holders may consider that they might need to prove their identity again, follow the link to the “How to prove your identity” webpage⁷, and see the choices between using the ‘EU Exit: ID Document Check’ app, making an appointment to scan their identity document in person, or entering their document details online and sending their identity document by post. Many will think at this stage that this does not seem likely to apply to them as they have already gone through these steps when applying for pre-settled status, and so may go back to the previous page and choose “Sign in”.
5. Those who follow the “Sign in” process⁸, will eventually see the dashboard view of their applications, typically similar to the following:



The screenshot shows a web interface for managing applications. At the top, there are two tabs: 'Applications' (which is selected and underlined) and 'Sign in details'. Below the tabs is the heading 'Your applications'. Underneath this is the section 'Recently submitted applications'. A single application is listed with the title 'EU Settlement Scheme'. Below the title, it says 'Submitted: 15 June 2019' and 'Unique application number: 3434- [redacted]'. There is a yellow button that says 'Provide requested evidence or photos'. Below the button is a blue link that says 'If you want to withdraw this application'. At the bottom of the application card, there is a heading 'Choose a different application' and a link that says 'Go to GOV.UK to and apply for something else'.

6. This page, for a pre-settled status holder, will in most cases show a single application:
 - The application is labelled ‘EU Settlement Scheme’
 - It does not mention ‘pre-settled status’
 - It does not mention the state of this application, whether pending, granted, refused, invalid, withdrawn or void.
 - It contains a link to withdraw the application.
 - It contains a “Provide requested evidence or photos” link, which if clicked, allows the pre-settled status holder to add extra residence evidence
 - It contains a link to “apply for something else” which navigates to a GOV.UK webpage⁹ that lists a wide range of visa purposes. It includes “EU, EEA and Swiss

⁷ <https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss/prove-your-identity>

⁸ <https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/dashboard>

⁹ <https://www.gov.uk/browse/visas-immigration>

citizens” (as an aside, this page would be confusing for a pre-settled status holder who is not an EU, EEA or Swiss citizen).

7. Remembering that the pre-settled status holder arrived at this page initially through the dedicated **‘Switch from pre-settled to settled status’** link, they will likely try one of two options:
 - Add additional residence evidence to the existing application (which is the already granted pre-settled status application, although there is no way of seeing this); or
 - Choosing the ‘apply for something else link’.
8. If they add additional residence evidence to the existing, concluded application, we understand that this evidence is not seen, or ignored, by caseworkers, and does not result in an application for settled status being considered.
9. If they choose the ‘apply for something else’ link, travel to <https://www.gov.uk/browse/visas-immigration>, choose “EU, EEA and Swiss citizens” to arrive at <https://www.gov.uk/browse/visas-immigration/eu-eea-swiss>, then choose the most likely option under “If you already live or work in the UK”, namely “Apply to the EU Settlement Scheme (settled and pre-settled status)”, they are taken to <https://www.gov.uk/settled-status-eu-citizens-families>, which is the first webpage described in step 1 of this list.
10. People who chose ‘apply for something else’ will therefore realise they are now stuck in a loop, and will therefore be even more likely to choose to add additional residence evidence to their existing application.

This process is therefore problematic, as it does not make it very clear and explicit that pre-settled status holders **must** start a new application through proving their identity in one of several ways. This is not a theoretical concern, we have received numerous reports of people who have added extra evidence to their (already granted) application, and who do not realise that they have not applied to upgrade pre-settled status, as they have found no other clear instructions on how to start a new application.

This problem is greatly exacerbated by two other issues:

- Many EUSS applications are taking a very long time to be concluded, and many people have reported waiting a long time even to receive a Certificate of Application. This means that people who add evidence to a concluded application might not realise for a while that they do not in fact have a pending application for settled status in the system at all.
- Those who do (rightly) worry about such an “assumed” application taking a long time to resolve, or not receiving any acknowledgement of their assumed application, cannot contact the EU Settlement Resolution Centre [EUSRC] to get an update on their application. We transcribed¹⁰ the various options available when telephoning the EUSRC on 10 May 2022, and this shows that both choices requesting information on an application (choosing 1, or 2-

¹⁰ https://cd54e371-cab3-4887-826a-0feff2e25a2c.usrfiles.com/ugd/cd54e3_9028ed37764249cb960d8f374ec0a2d9.pdf

1-3-2) lead to the call being automatically disconnected.

As well as being disconnected, the pre-settled status holder is directed into another infinite loop. If they choose **option 1**, the message includes an instruction “*If you have not received your confirmation email with unique application number, then please redial 0300 123 7379 and then select **option 2** for further assistance*”. If the caller chooses **option 2** (followed by 1-3-2), the message includes an instruction “*If you have not received your confirmation email with unique application number, then please redial 0300 123 7379 and then select **option 1** for further assistance.*”

Others have reported contacting the EUSRC via the online process¹¹, but only receiving repeated generic replies which do not give any updates on their application.

In light of all the above, we ask the following questions:

- Q1. Has the route to switch from pre-settled to settled status, as advertised on the GOV.UK website, been subject to any end-user testing? If so, can you supply any results and conclusions from this testing?
- Q2. Will you commit to urgently reviewing and updating the advertised process, to make sure no-one inadvertently adds residence evidence to an already granted application when they are in fact intending to upgrade from pre-settled to settled status, and to make sure everyone following the links on the GOV.UK website is clearly informed about the correct upgrade process?
- Q3. How many times has the “Switch from pre-settled status to settled status” url <https://www.gov.uk/settled-status-eu-citizens-families/switch-from-presettled-status-to-settled-status> been clicked?
- Q4. Are you able to run a process to identify all pre-settled applications where extra evidence was added to an already granted application? If so:
 - a. How many applications have had extra evidence added after the pre-settled status had already been granted?
 - b. Is it possible for the Home Office to consider this extra evidence, and where it shows five years of continuous residence, accept this as an application for (and grant) settled status, or convert this to an application for (and grant) settled status?
 - c. Will you contact all these pre-settled status holders to inform them of what has happened and what they should do next?
- Q5. Will you update the dashboard view of applications to show the correct status sought (pre-settled / settled) and outcome (granted, refused, invalid, withdrawn, void) of each application?

¹¹ <https://eu-settled-status-enquiries.service.gov.uk/start>

Q6. In light of the millions of people who have been granted pre-settled status after a process to validate their identity, eligibility and suitability, will you meet with us and/or consider any changes to the process to switch to settled status, including but not limited to any of the following:

- a. Not requiring a completely new application for settled status, but instead accepting extra evidence of required continuous residence linked with an existing granted pre-settled status application?
- b. Not requiring the same onerous identity check options if someone is using the same identity document as they used for their pre-settled status application?
- c. Not requiring the same onerous identity check options if someone is using a renewed version of the identity document that they used for their pre-settled status application, and which they already attached to their pre-settled status UKVI account?
- d. Not undergoing the same suitability checks from first principles, given that suitability checks were already concluded with the pre-settled status application, and instead looking only at suitability factors for the time between the grant of pre-settled status and the application for settled status?

Q7. Will you update the general visas and immigration webpage (<https://www.gov.uk/browse/visas-immigration>) to properly provide for family members of EU, EEA and Swiss citizens who need to apply for status under the EU Settlement Scheme or switch from pre-settled to settled status under the EU Settlement Scheme?

Kind regards,

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