

## **EU Settlement Scheme / Potential Immigration Status Issues - Considerations for Children's Social Care and Safeguarding Teams**

Following the UK's exit from the European Union and the end of the transition period, all EU, EEA Swiss nationals and their family members who arrived in the UK before 31 December 2020 and want to continue to live here must apply to the [EU Settlement scheme](#) (EUSS). The deadline for making applications is 30 June 2021. If a person who is eligible for the scheme has not submitted their application by this date there is a danger they will become undocumented and lose their rights to work in the UK and to access healthcare and benefits. A period of being undocumented - even if temporary - could have a significant and extremely negative impact on children and families.

Under the EUSS, a person can be granted either Settled or Pre Settled Status. To be eligible for Settled Status, the applicant must be able to prove they have lived in the UK for a continuous 5 year period by 31 December 2020. Settled Status confers the same rights to live, work, access healthcare and welfare benefits as a British citizen. Settled Status can only be revoked if person subsequently leaves the UK for longer than 5 years, or as a result of criminal convictions. Children can link their application for Settled Status to their parent's application (meaning therefore a child under 5 years can be granted Settled Status by applying in this way.)

A person who does not yet have 5 years continuous residence will be eligible for Pre Settled Status; this can be converted to Settled Status when the applicant accrues 5 years continuous residence. The date at which a person must re-apply to switch their status is different in each individual case. Pre Settled Status confers rights to live, work and healthcare as Settled Status, but does not count as "right to reside" for the purposes of welfare benefits.

A new points-based immigration system has been introduced for people from the EU who come to the UK to live, work or study after 31 December 2020. See <https://www.gov.uk/guidance/new-immigration-system-what-you-need-to-know> for more information.

Children and families who were eligible for the EUSS but who have not applied will need support from local authorities after the 30 June 2021 deadline - some of these will include children who become Looked After. In addition, children and families who were granted Pre Settled status may need support converting this to Settled Status at the appropriate time.

### **General Points for Children's Social Care**

- Establishing a child / family's nationality and immigration status and offering immigration support needs to be embedded into practice for all children. This information needs to be considered / captured routinely from the point at which a family is first referred for services and as part of all data subsequently collected on children and families;
- Questions to ask include:
  - What is your nationality?
  - What was your place of birth?
  - When and how did you enter UK / how long resident?
  - Current and previous addresses in the UK.
  - Have you applied for Settled or Pre Settled status?
  - Parent's immigration status (for children).
  - What ID documents do they have? This will be used to provide evidence of identity and nationality -e.g. Birth certificate / valid or expired passports.

- Local authorities have a *statutory duty to identify* all Looked After Children and Care Leavers who need to apply for EUSS;
- For children who are the subject of a Care Order, the local authority is also responsible for making the application to the EUSS. A Social worker can make the application, or the child themselves;
- For children who are accommodated, the local authority needs to make sure the person with PR makes application;
- For families who are receiving services under S.17 / early help / child protection, the local authority should promote the EUSS and signpost children and families for support and advice;
- Care leavers should be helped with their application and, if they are granted Pre Settled status, they need to know when to apply to convert this to settled status;
- To apply for the EUSS, proof of identity and proof of residence is required; some children will have difficulty securing the evidence needed to prove their identity and how long they have lived in the UK. This is particularly true of children who are Looked After and whose parents are not co-operating with Children’s Social Care. They will need to be helped to apply for passports and specialist immigration advice sought;
- Any criminal convictions over the age of 18 must to declared as part of an application to the scheme; this could be an issue for care leavers who have a history of involvement with Youth Justice Services;
- Where families are making their own application online or Looked After Children / care leavers have submitted their own online applications, it is important they keep a record of their log-in details / passwords and update contact details (email addresses and mobile phone numbers) whenever they change. All information / updates relating to online applications will be shared electronically - paper copies are not issued, so keeping track of the details used is really important. Where possible local authorities should keep a record of key application information;
- Details of organisations providing support with the EUSS / immigration issues can be found online - Please see:  
<https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations> / <https://www.gov.uk/help-eu-settlement-scheme>

Area of work	Considerations and Suggested Actions
Referral Teams / Front Door	<p>It is important to collect information which will help to establish the child’s nationality / immigration status at the earliest opportunity. Even children born in the UK will need to apply to the EUSS if they are eligible to do so.</p> <p>Families may be reluctant / fearful to discussion immigration status and nationality -It is important that workers explain why they are interested - and that it is because they can offer support with citizenship rights in the same way they can help with</p>

	housing, employment or benefit applications.
Early Help	Signpost families to the EUSS / immigration advice.
Assessment Teams	<p>Assessments should consider the nationality / immigration status of family members / carers. Genograms can be completed collaboratively and are helpful in mapping out family members and identifying any links to EEA Nationals.</p> <p>Information gathered should be used to consider whether a child's citizenship could affect their future rights in any way.</p>
Private Fostering	Children in informal or private fostering arrangements in the UK who are separated from their parents but not receiving statutory support from a local authority may not have applied to the EUSS as required.
Initial and Review Child Protection Conferences	Conferences should routinely seek to establish / confirm the nationality and immigration status of children and families. This will ensure that, where required, families can be signposted for immigration advice and support. In addition, if as EU / EEA nationals they have been granted Pre- Settled status under the EU Settlement Scheme - it will ensure that they can be supported to apply for settled status when they accrue 5 years' continuous residence in the UK.
Legal Gateway Panel / Legal Planning Meeting	The Panel Meeting stage provides another opportunity to flag / identify any immigration issues or concerns. It will always be in the best interests of children that any issues are identified and addressed as early as possible in any proceedings.
Decision to Look After / Care Planning	<p>Local authorities have a statutory duty to identify all Looked After Children and Care Leavers who need to apply for EUSS.</p> <p>For children who are the subject of a Care Order, the local authority is responsible for making the application to the EUSS. A social worker can make the application, or the child themselves.</p>
Looked After Reviews	Care Plans should contain a separate section on immigration status - so that any implications are considered for the child in their own right, not just as part of their wider family.
Role of IRO	The IRO should ensure Looked After Reviews are used to monitor / keep track of immigration status issues, including applications to the EUSS.
Permanence Planning	Permanence planning should include identifying the most secure immigration status for that individual child / young person. For some applying for British citizenship - rather than the EUSS - will be the best option.
Remands to LA Accommodation / Youth Detention	Children and young people, who are remanded, will become 'Looked After' for the period of their remand, local authorities

Accommodation	should therefore identify children and young people in this cohort who are eligible for the EUSS.
Leaving Care	<p>Important to establish a system for tracking when Pre Settled Status needs to be converted into Settled Status.</p> <p>University applications - university applicants who did not submit an application to the EU settlement scheme before the deadline will face significant barriers. For example, in England, 'ordinary residence' is a requirement for young people being able to access student finance and go to university. Ordinary residence is a complicated term and includes reference to 'lawful residence'. Eligibility for student finance in many circumstances requires an applicant to have had three years of continuous 'ordinary residence' prior to the first day of the first academic year of the course. Even a short period of being undocumented aged 17 could have a knock-on effect of a young person not being able to go to university until they are 20 or 21.</p>
Personal Advisors / Pathway Planning	Immigration status should be included as a separate section on Pathway Plans. This will help to ensure that young people who have been granted Pre Settled Status apply to convert this to Settled Status at the appropriate time. Remember that each person's personal deadline for converting Pre Settled into Settled status is unique to them and contained in a digital format - important therefore that this is recorded and monitored by the local authority. Plans should contain clear information about what action needs to be taken by whom and when.
Former Looked After Children in Custody	No clear mechanisms are in place for identifying children and young people in the secure estate who are eligible for the EUSS. In addition, even a short custodial sentence 'resets' the clock on child's continuity of residence in the UK (which is needed for settled status); on release their period of residence starts afresh.
Special Guardianship	Children living in special guardianship arrangements but who are not receiving statutory support from a local authority may not have applied to the EUSS as required.
Case Recording	Data on immigration status and nationality should be collected and recorded for all children and families - this will help to ensure any potential issues are identified and families can be signposted to organisations providing support and advice.