

## Practice Guide regarding EU Settled Status for Children and Families in Bradford

### Who are EU children?

#### Recording the right information means asking the right questions

EU children and families' could be from any of 27 countries that currently make the European Union. In practice however most of the children living in Bradford are from the following countries – Slovakia, Poland, Czech Republic, Hungary, Romania, Latvia and Lithuania.

There are a small number of children from other countries, and some of these children are from families who have migrated to those countries from other parts of the world such as Pakistan and African countries.

Always ask families '**what is your nationality?**' or '**what passports do you have?**'. This information should then be recorded under Nationality on LCS. If they have a passport, record the number of the passport in the identity section of LCS as this is needed if applying for documents for the children.

Children born in the UK to parents who **DO NOT** have the right to remain in the UK are not British Citizens. Children born since 30<sup>th</sup> June 2021 to parents who have Indefinite Leave to Remain /EU Settled Status can probably be classed as British Citizens but always check.

When recording where a child is born always write the name of the town as well as the country whether this is in the UK or from somewhere else.

Record addresses where family members live. This can be useful for completing life story work for children if they become looked after – a picture of the street can often be found on Google street view.

### EU Children and families and Ethnicity

In LCS we have a number of boxes to record the ethnicity of the children and families we work with. For most of our EU Children these are likely to be White Eastern European, White Central European or Roma. We should not be recording people as 'White Other', 'not known' or 'other ethnicities' unless they are not one of the above.

Many of our families from Slovakia are Roma but may not want to be recorded as Roma as they may have feelings of being discriminated due to their ethnicity. However, if you explain this is to help us understand the children and families we are working with, and to help us provide a service that meets the needs of them, the family may be more confident in acknowledging their Roma heritage. Be 'professionally curious' and most people will be happy to tell you something about where they are from and their family history.

## What is EU Settled Status

The EU Settlement Scheme is a Home Office scheme to provide status under UK law to EU, EEA and Swiss citizens and families as a result of the UK leaving the EU. EU citizens must apply for EUSS as it is not given to them automatically. If people do not apply they will have no legal immigration status. All applications should have been completed by 30<sup>th</sup> June 2021.

Anyone who has moved to the UK from Europe since 31<sup>st</sup> December 2020 is **not eligible for EU Settled Status** (unless they can evidence joining close family members) and if they want to remain in the UK they need to apply for a visa. They do not have the same rights as those who arrived before that date.

Those applying will be given EU Settled Status which gives Indefinite Leave to Remain if they can evidence that they have lived in the UK for 5 years.

If they cannot evidence 5 years they can apply for Pre-Settled Status but will need to reapply once they have lived in the UK 5 years, to be given Indefinite Leave to Remain.

## How does someone know if they have EU settled Status or not?

EU Settled Status is a Digital system. When someone has been given EU Settled Status /Indefinite Leave to Remain or pre Settled Status they will have been sent a letter from the Home Office to confirm this which will include a **UAN number** – this is usually a 16 digit number but this is not their ongoing proof of status. They are not given a card or other document as the process is a digital one.

For EUSS to be confirmed/ checked you need to go on line <https://www.gov.uk/view-prove-immigration-status> and need the number of the document (passport or ID card) used to apply, date of birth and the phone number or email address used when applying. A code is sent to the email or phone number to progress the check.

(For those who did not have any ID when they applied the passport box is ticked to progress through the checks and their UAN number is used)

If people have forgotten the email address or phone number they can contact the Settlement Resolution centre for this to be reset.

If the person used ID to apply their UAN will start 3434... If they didn't have ID (e.g. some children and children in care) their UAN is an 8 number code usually beginning 2 or 3.

There are concerns that this process is complex for more vulnerable people and families especially where they are not digitally literate.

## Who needs to apply for EU Settled Status?

All EU, EEA and Swiss citizens and their families need to apply. Separate applications need to be made for each child.

This includes children born to EU parents, but born in the UK unless the parents have EUSS/ Indefinite Leave to Remain when the child is born.

## How do you apply?

As all applications should have been completed by June 2021 and late applications are made by paper and there needs to be a reason for the late application. Children generally can make late applications.

To apply you need proof of identity and proof of how long you have been living in the UK.

**Proof of identity** includes a valid passport, a valid biometric residence permit, a valid biometric residence card. Expired passports /ID are accepted for late applications.

If someone does not have any ID, something that evidences their nationality is needed e.g. birth certificate showing parents who already have EUSS, or an email from the embassy confirming their nationality. The expectation is that people will subsequently take action to get full ID.

You need to provide a **digital photo** of your face.

**Proof of residence** needs to be provided to show that you have lived in the UK for more than 5 years. (If there is only evidence of under 5 years, Pre Settled Status will be applied for). For adults their National Insurance number will provide this evidence automatically. For some adults they do not have a NI number, or have no evidence of 'formal work' and need to provide other evidence. Lack of such evidence can lead to applications being turned down.

When applying for children separately from their parents (e.g. for children in care) evidence of school attendance or medical records can be provided. For Children in Care in Bradford the Virtual School will complete a pro-forma letter evidencing the child's attendance at school (email Yvette Green).

**Criminal convictions** need to be disclosed. Outstanding criminal convictions or investigations will mean a delay in EUSS being agreed

### **Ensuring families have the right ID documentation for their children born in the UK**

When a child was born in the UK to EU parents (before 30<sup>th</sup> June 2021), they are not British Citizens but need to be confirmed as citizens of their home country. To do this their parents need to register their birth in the UK and then register their birth with their own embassy, and the application will be processed so that they are confirmed as citizens of their own country, and then can be provided with a passport. If this is not done there is a danger of the child being 'stateless'.

As so many children do not have the relevant ID many children have applied for EUSS by paper routes in an emergency, **however it is important that parents are encouraged to ensure the child is registered with their own embassy**. The parent's ID documents are needed to do this. This is also important for Children in Care.

### **Applying for EUSS for Children in care in Bradford**

The Local Authority must track and monitor all EU Children in care to ensure that they have applied for EU Settled Status. In Bradford we keep a central tracker of all children and it is important that LCS is updated to reflect the child's EUSS and all records related to this.

As Children become looked after it is important that their immigration status is recorded and all EU Children continue to be added to the tracker/ reporting system.

All applications should use the email [EUchildrenincare@bradford.gov.uk](mailto:EUchildrenincare@bradford.gov.uk) and include the same phone number **07912528581**.

Applications are made using a paper form (copies on K Drive, EU Citizens) and photos and any evidence relevant to the child needs to be posted (tracked delivery) with the application. This includes birth certificate, any information regarding parents or siblings EUSS and anything that supports evidence of the child's nationality.

A record of the Unique Application Number (UAN) will be provided and this must be kept on the child's file and on the tracker as well as their passport number, birth certificate etc.

When children from EU families become looked after it is important the Social Worker confirms both the child's and the parents' status. If it is said the child has EUSS this needs to be confirmed by going on line <https://www.gov.uk/view-prove-immigration-status>. If not the parents EUSS details are needed and an urgent EUSS application will need to be made. Parents who do not have EUSS should also be supported to make an urgent application too as this will have implications for their benefits, working entitlement etc.

There is special email address and phone number for Local Authorities enquiring and making EUSS applications

[EUSSPaperLASupport@homeoffice.gov.uk](mailto:EUSSPaperLASupport@homeoffice.gov.uk)

Tel number: 0300 790 0566

### **If you have Pre Settled Status when can you apply for EU Settled Status?**

Pre-settled status is given when evidence is not available to confirm a child or adult has been in the UK for 5 years. As soon as the child or adult hits the 5 year mark an application for EU Settled Status should be submitted.

**For children in care** it is important that all children with Pre-Settled Status are tracked and the dates identified when the application for EUSS can be submitted are highlighted. If an application is not made the pre-settled status will lapse and the child or adult will be without a legal immigration status.

### **Applying for British Citizenship for Children in Care.**

For many children who are going to be living long term in the UK and who are not living with their parents, it is appropriate to consider an application for British Citizenship.

This should be discussed with the parents and the child.

Not all countries allow dual citizenship so it is important this is considered as part of the decision making.

Legal advice is needed and a specialist immigration advisor should be approached, but this is usually a straightforward application for children in care. Legal aid is available for this.

If the child has some criminal convictions this may be more complex.

Each application costs £1,012 for a child.

### **How do you evidence your nationality if you are from an EU country and how do you apply for the appropriate documentation?**

For adults to evidence their nationality they need a passport or ID card. If this has expired, you need to apply for a new one from the relevant embassy or consulate. Each EU country has a different process for this, but it usually involves a visit to the relevant Embassy or Consulate.

This is the same for children – a passport or ID card is needed.

For children born in the UK, to parents who are EU nationals and do not yet have EU Settled Status, or who only have Pre-Settled Status the parents need to register their child as a citizen of their country. As with applying for a passport the process varies depending on the country of origin but the basic principle is

- The child's birth needs to be registered in the UK through the usual procedures

- Then the child's birth needs to be registered with their country of origin via the embassy or consulate – this may need to be done face to face or on line/ by post depending on that countries processes.
- They will then receive confirmation of their citizenship of that country and subsequently be able to apply for a passport.

For children in care the above situation is usually much more complicated as evidence of the legal orders held needs to be provided and translated, alongside translated birth certificates and in some situations further court orders or apostilled (legalised) documentation. Separate guidance will be available regarding the main countries children in care come from.

### Updating your EUSS details

<https://www.gov.uk/update-uk-visas-immigration-account-details> is where details are updated.

To update details you need to have access to the phone number and/or email address used when applications were made. For Children in Care in Bradford all applications are made using one email address ([EUChildrenincare@bradford.gov.uk](mailto:EUChildrenincare@bradford.gov.uk) and 07929764472). A small number of CP children and families have been supported with this route too. As part of the updating process a code is sent to the relevant email or phone number to progress the changes.

If children in care return home to the care of their parents, it is important their EUSS is transferred to their parent's email and phone number.

As Children in Care reach adulthood it is important their EUSS is transferred to their own email and phone number.

As new passports are applied for these need to be added to the EUSS information or there will be difficulties at the UK border when returning to the UK.

### Recording relevant information on LCS

It is vital information about **children and their parent's** nationality and immigration status is recorded on LCS under the Identity tab.

Passport numbers and UAN number should be recorded in the notes section of the Immigration section and /or under the passport section.

Place of birth should include Town as well as Country. Nationality needs to be clearly recorded.

### Organisations that support families with issues linked to EUSS

There are a number of community organisations that support families with issues relating to late applications for EUSS. Some are listed on the Council Website –

<https://www.bradford.gov.uk/your-community/brexit-and-the-settlement-scheme/access-support/>

### References and links

**Generic Triax procedures** that include Home Office guidance re Children in Care and EUSS  
[https://www.proceduresonline.com/resources/brexit/eu\\_settlement.html](https://www.proceduresonline.com/resources/brexit/eu_settlement.html)

## **HOME OFFICE links**

<https://eu-settled-status-enquiries.service.gov.uk/start?hof-cookie-check>

Prove and View <https://www.gov.uk/view-prove-immigration-status>

Update your Immigration Status <https://www.gov.uk/update-uk-visas-immigration-account-details>

## **Support in Bradford**

<https://www.bradford.gov.uk/your-community/brexit-and-the-settlement-scheme/access-support/>

## **Coram Children's Legal Centre**

<https://www.childrenslegalcentre.com/get-legal-advice/immigration-asylum-nationality/>  
[https://www.childrenslegalcentre.com/wp-content/uploads/2022/02/taking\\_care.pdf](https://www.childrenslegalcentre.com/wp-content/uploads/2022/02/taking_care.pdf)