



Monique Hawkins

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29 June 2021

Dear Ms Hawkins,

Thank you for your letters of 30 April and 22 June regarding the EU Settlement Scheme (EUSS) Certificate of Application and rights after 30 June 2021. I am sorry for the delay in responding to your first letter.

Please see the answers to your questions below.

Q1. What rights will an individual have after 1 July if they have submitted an application (whether paper or online) but have not yet received a Certificate of Application by 30 June 2021, and how will they prove their rights, if they have any?

EU, EEA and Swiss citizens and their family members who were resident in the UK by 31 December 2020 and have submitted an EUSS application by 30 June 2021 will be issued with a Certificate of Application (CoA).

Pending the outcome of their EUSS application, they will be able to rely on their CoA as proof of eligibility to access their right to work or rent when this is verified by the Home Office employer and landlord checking services. The Department for Work and Pensions and HM Revenue & Customs will also be able to determine an individual's status with the Home Office using existing services.

Those who do not receive a CoA by 30 June 2021, for example because they have not validated their EUSS application by this date, will continue to receive the automated acknowledgement email all applicants receive when they submit their EUSS application online. This acknowledgement email has been revised to explain to the applicant how to evidence they have submitted an in-time application until they receive their CoA. Applicants who submit an in-time application via a paper application form (by post or email) will receive the same information via an acknowledgement letter.

Applicants who have already submitted their application and have yet to validate it by 30 June, will be contacted with the same information as is included in the new acknowledgement email/letter described above.

In due course, we will also provide everyone who has an outstanding valid EUSS application, made by 30 June 2021, with a digital CoA. This means if they need to prove their immigration status to a third party, they can do so online instead of having their status

verified by the Home Office employer and landlord checking services. This will be made available to eligible individuals via the 'view and prove your immigration status' service: <https://www.gov.uk/view-prove-immigration-status>. We will contact people to let them know when their digital CoA is available to them.

This online service will provide a secure record of a pending, in-time application which is held digitally by the Home Office and which is available to the applicant until they receive notice of a decision on their application (or the outcome of any appeal).

We have updated our guidance for employers and landlords to ensure they are clear on the steps they should take from 1 July 2021.

The guidance for employers can be found here:

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

The guidance for landlords can be found here:

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

Q2. How does any delay in issuing a Certificate of Application comply with Article 18(1)(b) of the Withdrawal Agreement, which states 'A certificate of application for the residence status shall be issued immediately'?

A CoA is issued as soon as an application is valid in accordance with paragraph EU9 of the Immigration Rules for the EUSS in Appendix EU, which means:

- the application has been made using the required application process
- the required proof of identity and nationality has been provided, where the application is made within the UK
- the required proof of entitlement to apply from outside the UK has been provided, where the application is made outside the UK
- the required biometrics have been provided

If an applicant 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.

As noted above, where the validation process is delayed, applicants will receive an acknowledgement of their application which explains how they can use Home Office checking services to evidence their in-time application during the interim period.

Q3: What will be the situation for an employer and their employee if that employee has initiated their application to the EU Settlement Scheme, and has done as much as they could, but they have not received their Certificate of Application before their 28 day period has elapsed? This can happen in various circumstances where applications are not non-straightforward, for example if they have to submit a paper application, if they need a biometric appointment (often appointments are not available at short notice), or if further verification information is required from the employee.

In this situation, the applicant will receive an acknowledgement email or letter which will signpost them to their Home Office checking services. They will be able to confirm an in-time application has been made and is pending validation and therefore issue of the CoA.

Thank you again for raising these important issues with me and I hope the answers above provide clarity.

Yours sincerely,

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

Kevin Foster MP
Minister for Future Borders and Immigration