



Ms Monique Hawkins  
the3million  
9 Bath Buildings  
Bristol  
BS6 5PT

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5 May 2022

Dear Ms Hawkins,

Thank you for your correspondence of 4 February about the EU Settlement Scheme (EUSS) Certificate of Application (CoA) and the EUSS family permit. I am sorry for the delay in responding to your letter.

We always welcome feedback on how we can improve our services and I am grateful to you for bringing these issues to my attention. I have addressed your specific questions below.

**Q1. Article 18(1)(b) of the Withdrawal Agreement states: “A certificate of application for the residence status shall be issued immediately;”. How is the current Home Office process to delay the issuing of CoAs compatible with this statement:**

- a. for EEA/Swiss applicants who apply with a valid identity document using the “EU Exit: ID Document Check” app, completed with an online application, without having been asked for any subsequent identity information?**

There are four elements to the process of verifying identity where an EUSS application is made via the “EU Exit: ID Document Check” app:

1. A ‘selfie’ image.
2. A ‘liveness’ image.
3. A chip check.
4. A biographic check.

The ‘liveness’ image stage scans the applicant’s face to make sure the image being captured is a real-time image of the applicant. This stage is optional, due to the risk of triggering photosensitive medical conditions.

All four stages need to be undertaken successfully for the identity verification process to be completed and for a CoA to be issued automatically. Where a stage is not undertaken successfully, or where an applicant skips a stage, manual intervention by a caseworker will be required. This can include, for example, when the app’s facial recognition software has concluded the ‘selfie’ provided does not match the image in the chip in the identity document. We consider this process complies with the Withdrawal Agreement.

**b. for non-EEA/Swiss applicants who apply with a valid identity document using the “EU Exit: ID Document Check” app, completed with an online application, who are asked to make an appointment to provide biometric information, also bearing in mind that it can be months before any free appointments are available?**

Commercial partners offer a mix of free and paid appointments at all service points, except the Premium Lounge. The booking calendar shows appointments 28 days in advance and free appointments are released into our booking system at 09:00 each morning, including weekends.

We continue to work with commercial partners to increase the number of appointments available to applicants through opening new service points and increasing the number of appointments available at existing service points experiencing high demand.

**c. for applicants who are unable to use the “EU Exit: ID Document Check” app because they are for example the family member of a Lounes EEA-British dual citizen?**

We have provided a range of application processes to reflect the complexity of evidence required. Some complex applications, including by family members of a Lounes EEA-British dual citizen, are required to apply using a paper application. This allows for the evidence requirements to be set out more clearly to the applicant, tailored to their circumstances, to ensure their case can progress as quickly as possible. This also means the main online application process can be kept as simple and streamlined as possible for the vast majority of individuals applying to the EUSS.

**Q2. We do not accept that these delays are necessary due to spurious/speculative/fraudulent applications, as indicated by the Home Office representative at the Specialised Committee on Citizens’ Rights meeting on 24th January. Indeed, it is unclear on what basis this would influence a decision not to issue certificates immediately after an application has been submitted.**

**Could you provide insight into the numbers of cases identified as being spurious/speculative/fraudulent and why this has influenced the Home Office’s decision not to issue certificates immediately?**

Under a scheme where applying is free, simple and can be done from home, there will always be speculative applications from those who are not eligible.

Requiring minimum evidence of identity and nationality before providing an individual with access to work, study, benefits and other services in the UK is necessary, rational and justified in the public interest, including to protect the integrity of the Withdrawal Agreement and the EUSS and maintain public confidence in the immigration system.

We do not publish data on the number of cases identified as spurious, speculative or fraudulent.

**Q3. How can a lack of service standards for EUSS Family Permits, and regular reports of decision times of over twelve weeks, be considered compatible with “an accelerated procedure” as specified in Article 13(4) of the Withdrawal Agreement?**

Applications are currently subject to waiting times longer than usual due to the volume of applications received during 2021. Some cases may also take longer to process due to their complexity.

The COVID-19 pandemic, and restrictions put in place to protect staff, significantly reduced the number of staff able to work in the office to process EUSS family permit cases. As these restrictions have been relaxed, more staff have been able both to work in the office and be trained in this area of work.

Where staff have all the information needed to conclude a case, the decision is accelerated as far as possible.

**Q4. The current EUSS Family Permit and Travel Permit statistics available at <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september2021/why-do-people-come-to-the-uk-for-family-reasons> provide only quarterly data, not broken down between types of application including those relying on being the family member of a relevant EEA citizen and those relying on being the family member of a qualifying British citizen, and do not provide any information on processing times. Can you therefore provide us with the following data for the most recent 12 months available, broken down by month and type of application?**

- **Number of EUSS Family Permit and EUSS Travel Permit applications**
- **Number of EUSS Family Permit and EUSS Travel Permit decisions, broken down by decision type**
- **Average processing time of EUSS Family Permit and EUSS Travel Permit applications**

The quarterly immigration statistics provide for data to be filtered by year, application type (including EUSS family permit and travel permit) and outcomes. We are unable to provide data on EUSS family permits broken down between those relying on being the family member of a relevant EEA citizen and those relying on being the family member of a qualifying British citizen.

We are able to provide data broken down by month and outcome for the most recent 12 months available, split between EUSS family permits and travel permits. This is attached at Annex A and is subject to the following caveats:

- The data was extracted on 25 March 2022.
- These figures have been taken from a live operational database. As such, numbers may change as information on the system is updated.
- The average processing time for each category is the sum of the number of calendar days between the application date and the last resolved date, divided by the total number of decisions.

Please note the average processing time for outcomes will reflect any time an application spent going through the appeals process. HM Courts & Tribunals Service (HMCTS) publishes quarterly data on appeals held at the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC):

<https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-october-to-december-2021/tribunal-statistics-quarterly-october-to-december-2021>.

Data on EUSS family permit appeals, as well as on EUSS appeals, are included as part of the "EEA Free Movement" category. This category also includes EEA free movement appeals. The latest publication states, for October to December 2021, the average time for an appeal in the "EEA Free Movement" category to complete the FTTIAC stage was 34 weeks.

For EUSS travel permits, a service standard of three weeks (once the applicant has attended their appointment at a visa application centre) is in place:

<https://www.gov.uk/guidance/visa-decision-waiting-times-applications-outside-the-uk>.

**Q5. Will the Home Office extend the 29 March 2022 deadline for Surinder Singh EUSS applications given the fact that all EUSS Family Permits are processed in strict date order (i.e., both those family permit applications relating to applicants subject to the deadline in eight weeks' time, and those that are not) and given that the Home Office has acknowledged that there are long delays resulting from a high volume of applications?**

We have made clear where an application for an EUSS family permit as a family member of a qualifying British citizen was made by 29 March 2022, but not decided by this date, it will continue to be processed and an EUSS family permit will be issued where the applicant meets the requirements.

A relevant family member who comes to the UK with an EUSS family permit issued in such circumstances will then have reasonable grounds for making an application here to the EUSS after the 29 March 2022 deadline, provided they do so as soon as they reasonably can (and generally within three months) following their arrival in the UK. This is reflected in the published caseworker guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1062791/EU Settlement Scheme family member of a qualifying British citizen.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1062791/EU_Settlement_Scheme_family_member_of_a_qualifying_British_citizen.pdf).

With my very best wishes.

Yours sincerely,

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

**Kevin Foster MP**  
**Minister for Safe and Legal Migration**