

Mr Kevin Foster MP

By email: Kevin.foster.mp@parliament.uk
MinisterforImmigration@homeoffice.gov.uk
CC: SUGqueries@homeoffice.gov.uk

22 June 2021

Dear Kevin Foster MP,

EU Settlement Scheme Certificates of Application and dates they take effect

We [wrote to you on 30 April](#) about the problems people may face when they do not receive a Certificate of Application immediately after submitting an application to the EU Settlement Scheme.

On 28 May, we received a [response from you](#) to several other letters we had written at the same time, but your letter stated: “we will respond to your letter titled “EU Settlement Scheme Certificates of Application and rights after 30 June 2021” separately.”

In the light of the urgency of this question, and the number of questions we get on this subject, we emailed again last week on 14th June to request a response to this issue, but we have not received a reply.

We are writing to you today to highlight that this issue not only has relevance for applications around the 30 June 2021 deadline, but it also impacts on enforcement actions around late applications to the EU Settlement Scheme.

As you know, [updated Right to Work guidance](#) was published last Friday, 18th June. It provides a transitional measure for flexibility until 31 December 2021. Employers do not need to make retrospective immigration checks on existing employees. However, if they **do** identify that an EEA employee has not applied to the EUSS before 30 June 2021, they do not have to cease employment at that time, but the guidance tells the employer that they should:

“Advise the individual they must make an application to the EUSS within 28 days and provide you with a Certificate of Application (CoA). If they do not make an application to the EUSS within 28 days, you must take steps to cease their employment in line with right to work legislation.”



We therefore add a question to our previous outstanding questions:

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.

Kind regards,

Monique Hawkins
Policy and Research Officer, **the3million**