



Home Office

Direct Communications Unit
2 Marsham Street
London
SW1P 4DF

Tel: 020 7035 4848
Fax: 020 7035 4745
www.homeoffice.gov.uk

Clowes Bureaucracy Experts Ltd
request-628339-484530fa@whatdotheyknow.com

Reference: TRO/0018512/19

22 January 2020

Thank you for your e-mail of 17 December 2019 regarding evidence of residence for children applying for pre-settled status under the EU Settlement Scheme.

You ask on what basis caseworkers are requesting evidence of residence for children when their application has been linked to that of a parent.

There is no provision within Part 1 of Appendix EU to the Immigration Rules for children to rely upon another's evidence of residence to confirm their eligibility for pre-settled status (limited leave to remain in or enter the UK).

Rule EU14(1) of Part 1 of Appendix EU states that an applicant is eligible for limited leave to enter or remain in the UK where they are a relevant EEA citizen, or the family member of a relevant EEA citizen, and the applicant is not eligible for indefinite leave to enter (ILE) or indefinite leave to remain (ILR) as they have completed a continuous qualifying period of less than five years.

In order to confirm whether an applicant has completed a continuous qualifying period of residence in the UK, caseworkers need to request evidence of such if it isn't available through automated checks or hasn't been provided with the application.

Further information can be found on page 93 of the published EU Settlement Scheme caseworker guidance at <https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>.

I note your point about the draft Withdrawal Agreement, and its predecessor, however, Article 18 applies to applicants who reside in the UK so caseworkers must establish this first and foremost in order to continue consideration of any application.

Requests for evidence by caseworkers in the above circumstances are therefore consistent with the draft Withdrawal Agreement, Part 1 of Appendix EU and the EU Settlement Scheme published guidance and are necessary in order to confirm that applicants have been resident in the UK (or the Islands where applicable) for the relevant period.

Turning to your other questions, there is no difference in this regard between EEA or non-EEA national children. This information does not form part of the validity criteria as specified in EU9 of Part 1 of Appendix EU in order that an application is considered to be valid and a Certificate of Application issued.

Yours sincerely,

European Migration and Citizens' Rights Unit

Email: Public.Enquiries@homeoffice.gov.uk