

A dark blue circular graphic featuring a map of Europe with yellow stars, similar to the EU flag. The text 'IMMIGRATION ADVICE SERVICE' is written in yellow. Below it, in white, is the question 'ARE YOU AN EU CITIZEN, OR A FAMILY MEMBER OF AN EU CITIZEN AND LIVING IN WALES?'. At the bottom, in smaller white text, it says 'Visit the Wales EU Citizens' Immigration Advice Service to understand your rights and for advice on applying for the EU Settlement Scheme'. A small URL 'www.gov.uk' is visible at the very bottom right of the graphic.

**IMMIGRATION  
ADVICE SERVICE**

**ARE YOU AN EU CITIZEN, OR A  
FAMILY MEMBER OF AN EU CITIZEN  
AND LIVING IN WALES?**

Visit the Wales EU Citizens' Immigration Advice  
Service to understand your rights and for advice  
on applying for the EU Settlement Scheme

[www.gov.uk](http://www.gov.uk)

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# ADSS Cymru EU Settlement Scheme webinar September 2020

# Webinar content

- What is the EU Settlement Scheme (EUSS)
- Who needs to apply and by when
- Overview of how to apply
- Support services available to EU/EEA/Swiss citizens and their family members living in Wales
- Future immigration policy

# Context of EUSS

- UK left the EU on 31<sup>st</sup> January 2020.
- Transition period ends 31<sup>st</sup> December 2020
- Until then, freedom of movement continues
- On deciding to leave the EU, UK needed an immigration system for EU citizens
- EU Settlement Scheme launched in March 2019
- On-line application process with on-line status outcome

# Settled or pre-settled status



- **Settled Status (indefinite leave to remain)**
  - 5 years' **continuous** UK residence
  - No supervening events
  - Continuous residence = 6 months in any 12 months
  - Once granted, absence from UK of up to 5 years permitted
- **Pre-settled status (limited leave to remain)**
  - Less than 5 years continuous UK residence
  - Once granted, max. UK absence of up to 6 months if future settled status to be sought
  - Otherwise max. UK absence of up to 2 years but won't meet criteria for future settled status
  - Status valid for 5 years, must 'up-grade' to settled status
- Entitlements: Live in the UK - Work – NHS – study – (some) public funds - travel in & out of the UK

# Overview of EUSS application process

- Who needs to apply?
- How do applicants apply?
- What happens after having applied?
- Keeping records up to date
- Deadlines for applications

# Who needs to apply to the EUSS?

- All EU/EEA/Swiss citizens wishing to live and/or work in the UK after Brexit
- Non-EU family members
  - Close family members – spouse/civil partner, child under 21, dependent parent or grandparent
  - Extended family members - durable partners, brothers, sisters, aunts, uncles, nieces, nephews or cousins who are dependent on the EU sponsor
- Non-EU family members divorced or widowed
- Non-EU primary carers of British or EU nationals
- Irish nationals **do not** need to apply but their non-EU family members will need to apply

# Care Givers

- The following carers can apply under the Settlement Scheme.
- **Zambrano carers** - the primary carer of a British citizen child/adult who lives in the UK, and the removal of the carer would require the British citizen to leave the EU entirely.
- **Chen carers** – the primary carers of a self-sufficient (not claiming benefits) EU citizen child/adult
- **Ibrahim/Teixeira** carers - the primary carers of a child of an EU citizen, the child is in education in the UK and requiring the primary carer to leave the UK would prevent the child from continuing their education in the UK.



# How to apply to EUSS - online

- Electronic based application (except under certain circumstances, see next slide)
- Applicant to provide:
  - Email address and phone number
  - Verify ID document (passport/national ID)
  - National insurance number (if available)
  - Evidence of UK residency where needed
  - Declaration of any criminal convictions



# Verification of ID documents

- EU Exit App using suitable device
- Attend a document ID scanning centre (currently closed due to Covid-19)
- Post the document to the Home Office

# How to apply to EUSS – paper form

- Paper based application
  - Carers (derivative rights), Surinder Singh
  - Applicants without valid ID documents
- Applicant still provide:
  - Email address and phone number
  - Alternative evidence of ID (if applicable)
  - Evidence of UK residency (NINo or documents)
  - Declaration of any criminal convictions



# What happens after having applied?

- Pre-settled (less than 5yrs in UK) or Settled status (5 yrs or more in UK)
- Pre-settled status valid for 5 years. Applicants **MUST** re-apply and meet eligibility for settled status once reached 5 years UK residency
- BEWARE absences from UK
  - Settled status = no more than 5 years
  - Pre-settled = no more than **6 months** / 2 years
- On-line status – no physical document
- Refusal or incorrect status, seek advice

# Keeping contact details up to date

- Keep safe all emails from the Home Office
- View and share status via online portal
  - log in using ID document number, date of birth and one time access code
- Keep contact details up to date
  - Email, phone, address, ID document number
  - Help from a trusted person

# Deadlines

- Arrive in the UK by 31<sup>st</sup> December 2020
- Apply to EUSS by 30<sup>th</sup> June 2021

## Family reunion

- Join family member by 29<sup>th</sup> March 2022
- Apply overseas for family permit to enter UK

# Challenges

- Lack of access to ID document scanning
- Digital exclusion
- Technical issues
- Lack of mental capacity (see next slide)
- Gaps in NI records e.g. retirement, gaps in HMRC or DWP records
- Acceptance of pre-settled when eligible for settled status
- Processing delays
- Accessing status portal and contacting EU customer resolution centre

# Lack of mental capacity

- Lack of guidance from the Home Office
- Legal representative with Lasting Power of Attorney, Deputy appointed by Court of protection, litigation friend
- Person acting on behalf of the EUSS applicant must be satisfied they have the authority to do so and are acting in the person's best interest in accordance with Mental Capacity Act 2005

# Support & Advice Services

A need was identified by Welsh Government to:

- Raise awareness of EU Settlement Scheme (EUSS) EU nationals and their family members residing in Wales, and
- Support applicants needing to apply to the EUSS by the relevant deadline
- Thus creating the EU Citizens' Immigration Advice Service



# Focusing support at EU Citizens vulnerable due to their circumstances

*Unsettled Status? Which EU Citizens are at Risk of Failing to secure their Rights after Brexit?*

Published by the Migration Observatory report which defined 'vulnerable' broadly as:

- People who do not realise that they can and need to apply
- People who are already vulnerable for different reasons such as children or adults in care, those with health issues, victims of domestic abuse, those in insecure employment, those with previous convictions
- People with barriers to accessing or understanding the system such as digital exclusion
- People who cannot evidence residency because they may not have a complete employment record, have no bank accounts or have been homeless

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- **Citizens Advice Cymru:** Citizens Advice give people the knowledge and the confidence they need to find their way forward - whoever they are, and whatever their problem.
- **TGP Cymru:** Advice and application support for European Roma citizens to stay in Wales when the UK leaves the European Union.
- **Settled:** Settled is a new charity working to guide, inform and assist vulnerable and hard to reach EU citizens and help them keep their right to live and work in the United Kingdom after leaves the European Union.
- **Newport Mind:** Mind won't give up until everyone experiencing a mental health problem gets both support and respect.
- **Newfields Law:** Newfields Law is a specialist immigration firm based in Wales that has qualified advisors able to assist with all aspects of the EU Settlement Scheme and any related immigration matters.
- **Royal Association for Deaf people:** This organisation works with deaf people, particularly those deaf from birth or an early age who use sign language to communicate. A webpage and appointment service is now live for deaf EEA and Swiss citizens and their family members to access support to apply to the Scheme.
- **Rights of Women:** A telephone advice line which provides legal advice and assistance to women who are vulnerable due to Violence Against Women and Girls (VAWG) to enable them to apply to the EU Settlement Scheme.

# About Newfields Law

## Small firm specialising in immigration law

- Temporary leave to remain under the Points Based System
- Sponsor licencing and compliance
- Naturalisation and British citizenship
- **EU Settlement Scheme (EUSS)**
- **Welsh Government funded to deliver an EU Citizens' Immigration Advice Service**
- Based on Park Place in the centre of Cardiff

# **EU Citizens' Immigration Advice Service - Newfields Law**

## **Public Awareness Campaign**

Provision of public-facing advice of a generic nature, aimed at both raising overall awareness of the EU Settlement Scheme and its requirements; and promotion of the individual advisory service in the form of both a public presence and engagement with relevant stakeholders



# Public awareness campaign

## Public awareness raising activities have included

- Stands in civic centres, libraries, public spaces
- Community cohesion events
- **Welsh Local Government Association**
- **Employers**
- **NHS**
- **Vulnerable persons groups**
- **Stakeholder training**



# **EU Citizens' Immigration Advice Service in Wales – Newfields Law**

## **Individual Advisory Service**

A legal service sensitive to the circumstances of the individual applicants (including any family members) to enable an understanding, completion and submission of EU Settlement Scheme applications.

# Immigration Advice Service

**Through public awareness campaign and stakeholder networking we provide an immigration advice service, covering:**

- Advice on eligibility for settled and pre-settled status
- Advice on supporting documents required for a successful application
- Application submission on behalf of the applicant where appropriate
- Advice and application support in person, over the phone, email or webchat
- Assist with any post-application queries including questions raised by the Home Office
- Challenge decisions via re-application or administrative review where appropriate
- Support other service providers in the EU Citizens' Immigration Advice Service including client referral where appropriate
- Advice relevant third parties, with permission from the applicant, in respect of stakeholders, with permission from the applicant, in respect of the individual's status (e.g. landlords, employers, local authorities)

# Newfields Law

- Schedule of events across Wales (Covid-19)
- Co-ordination with other funded organisations
- Stakeholder events
- Electronic and print campaign
- Telephone, webchat, email, social media
- Complex cases (criminality, non-EU family members, carers, lack of documents)



# ADSS Cymru

How you can help:

- Publicise the immigration advice service to **EU staff** and **EU clients in care**
- Promote the service landing page [www.eusswales.com](http://www.eusswales.com) and [www.eusswales.com/cy/](http://www.eusswales.com/cy/)
- Help identify those vulnerable to not applying
- Refer individuals to an advice service
- Collaboration to ensure vulnerable individuals can gain status before relevant deadlines

# Post January 2021

- New immigration system from 1<sup>st</sup> January 2021
- Applies to those arriving after the end of the transition period
- EU/EEA/Swiss and non-EU citizens will come under the same UK immigration rules
- Skills based system for workers
- Late applications to the EUSS beyond June 2021 deadline



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Questions?

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