



Home Office

# **EU Settlement Scheme Looked after children and care leavers: local authority and health and social care trust guidance**

Version 1.0

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# About this guidance

This guidance sets out the role that local authorities and health and social care trusts, also referred to as “the authority” throughout this guidance, have in ensuring that looked after children and care leavers, who are EU, other European Economic Area (EEA) or Swiss citizens, or their family members, make an application to the EU Settlement Scheme (EUSS), also referred to as “the scheme” in this guidance.

The UK immigration status granted under the scheme – to those EEA and Swiss citizens resident in the UK before the end of the post-EU exit transition period at 11pm on 31 December 2020 and their family members – enables the person to continue living in the UK after 30 June 2021, with broadly the same rights and entitlements as they had before the UK left the EU at 11pm on 31 January 2020.

In this document, all those eligible to apply to the scheme are referred to as EEA citizens or their family members.

The guidance will:

- explain the role of local authorities (in England, Scotland and Wales) and health and social care trusts (in Northern Ireland) in supporting looked after children and care leavers who are EEA or Swiss citizens or their family members
- signposts where to access further information and support

Detailed information and guidance about the EUSS, the application process and the eligibility criteria can be found at:

- [Apply to the EU Settlement Scheme \(settled and pre-settled status\)](#)
- [EU Settlement Scheme: caseworker guidance](#)

## Contacts

If you have any questions about the guidance or you think that the guidance has factual errors, then please email the Home Office Resolution Centre at: [Ask a question about applying for settled status](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance, then you can also email the Resolution Centre at: [Ask a question about applying for settled status](#).

## Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for local authority and health and social care trust staff on **5 December 2024**

## Changes from last version of this guidance

This new guidance has been created to include information on the High Court judgment in the linked cases of Warwickshire County Council v ML and others and Northamptonshire County Council v GZ and others [2021] EWHC 783 (fam); joining family members arriving in the UK from 1 January 2021; reasonable grounds for late applications to the scheme; British citizenship fees for children in care and the fee waiver guidance at: [Affordability fee waiver: Citizenship registration for individuals under the age of 18](#); the 'view and prove your immigration status' service; and the removal of the scope to seek an administrative review of an eligible decision under the EUSS made on or after 5 October 2023.

### Related content

[Contents](#)

# The role of the local authority in England, Scotland and Wales and the health and social care trust in Northern Ireland

## Overall guidance

Where the EUSS is concerned, it is recommended that local authority and health and social care trusts have robust written processes in place to help ensure that they can meet their mandatory obligations in supporting looked after children and care leavers. These obligations include:

- to identify adequately trained resource to manage and make applications
- to identify eligible children, including:
  - looked after children for whom the authority has parental responsibility
  - looked after children who are accommodated
  - care leavers
  - any other children in receipt of authority support, for example children in need
- to identify key signposting responsibilities towards each eligible child and put plans in place to ensure this signposting support takes place
- to keep an adequate record of each application made, including the status granted and which email address and phone number were used. The authority should also note the answers given to security questions in each case, in case the Home Office needs to authenticate the authority or the child to discuss the application
- to record plans for future actions to be carried out and the deadline for them. Where the child is granted pre-settled status (generally where they have been continuously resident in the UK for less than 5 years), keeping accurate records will assist in applying to switch to settled status as soon as they are eligible for it (generally once they have been continuously resident in the UK for 5 years)
- to determine, for each eligible child for whom they have parental responsibility, whether it is possible to apply to the EUSS online (or whether a paper application is required) and to use the EU Exit: ID Document Check app (or alternatively post the child's identity document to the Home Office to be checked and returned)

On 31 March 2021, the High Court in England and Wales handed down judgment in the linked cases of Warwickshire County Council v ML and others, and Northamptonshire County Council v GZ and others [2021] EWHC 783 (Fam). These concerned the duties of local authorities in England and Wales – but the associated guidance may also be useful, where relevant, to those working in Northern Ireland or Scotland – towards EEA citizen children in their care, and specifically whether those duties extended to applying for EUSS status on their behalf.

The judgment endorses the approach set out in this guidance on the role of local authorities where EUSS applications for looked after children, care leavers and children in care are concerned. It provides guidance to local authorities in England and Wales on the appropriate steps to take where a parent objects to an application to the EUSS or for a passport or national identity document to support such an application on behalf of their child. It also provides guidance in scenarios where the parents cannot be located in order to ascertain whether they agree to support such an application on behalf of their child.

Amongst other points, the Court held that:

- issues of immigration status with respect to looked after children must be addressed in the child's care plan
- the obligation on local authorities to identify children in receipt of local authority support who are eligible to apply to the EUSS and to provide support to those children is mandatory - this includes signposting to and explaining the importance of the EUSS to those with parental responsibility for the child, and extends to making an application to the EUSS on behalf of a looked after child where this is in the child's best interests
- with respect to children who are lost or abandoned for whom there is no one with parental responsibility, the local authority must discharge fully its duties under s.22(3) of the Children Act 1989 in assisting those who are eligible to secure immigration status under the EUSS

Paragraph 60 of the judgment states:

- where the parent or parents of an EU, EEA or Swiss national child who has been made the subject of a care order under Part IV of the Children Act 1989 (a) oppose an application being made on behalf of the child for immigration status under the EUSS, or (b) cannot be located in order to ascertain whether they agree, in making the application to the EUSS on behalf of the child the local authority will ordinarily be entitled to proceed under the power conferred upon it by s.33(3) of the Children Act 1989 and will not first require the approval of the court
- where the parent or parents of an EU, EEA or Swiss national child who has been made the subject of a care order under Part IV of the Children Act 1989 (a) oppose an application being made on behalf of the child for passports or national identity documents to support an application for EU settled status, or (b) cannot be located in order to ascertain whether they agree, in making the application for the passport or identity document the local authority will ordinarily be entitled to proceed under the power conferred upon it by s.33 of the Children Act 1989 and will not first require the approval of the court

Paragraph 79 of the judgment states:

- in cases where parental opposition or absence mean that the procedural requirements of the State authority responsible for issuing the passport or national identity card include a requirement that the application be supported by a court order then, before issuing an application for such an order, the local authority must first seek to confirm with the Resolution Centre whether any

documents that the child already has available are sufficient for the purposes of the EUSS application

- only if they are not, and no other acceptable documents exist, should an application to court under the inherent jurisdiction be contemplated by the local authority

## Data recording

When the authority makes an application to the scheme on behalf of a looked after child, or if the authority otherwise signposts or supports someone to make an application for a looked after child or care leaver, it is essential that the authority records key information. This information needs to be accessible in the event that the authority, the child or the Home Office needs to check on the progress of the application and to ensure the digital status granted can be accessed.

Detailed records and plans, including future actions and suggested timings, including to apply to convert pre-settled status into settled status (generally once the child or care leaver has been continuously resident in the UK for 5 years) should be documented in the child's care plan or the care leaver's pathway plan.

Information should be stored centrally so that changes in personnel do not affect the ability to access it if needed. Applicants and relevant third parties (for example, parents and carers) should also be made aware of the need to store this information themselves, where appropriate.

Data should be stored securely in line with your organisation's General Data Protection Regulation GDPR policies. You should ensure the authority records:

- the unique application number (UAN) given once an EUSS application is submitted
- the e-mail(s) and phone number(s) that were entered in the application form
- the address that was entered in the application form
- the answers that were given to the security questions at the end of the application form
- the nationality of the child or care leaver
- the status the child or care leaver was granted
- if granted pre-settled status, the date the child or care leaver can apply to switch from pre-settled status to settled status

## Getting started

Once the authority has identified which looked after children and care leavers are in scope of the scheme, the authority will need to follow the specific instructions below for each UK country to find out what the authority's responsibilities are.

The following guidance on the EUSS will help the authority to identify who is in scope: [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members](#).



At this point the authority should ensure that consideration is given to the child's wishes and feelings and that the child is aware of their right to access independent legal advice.

It is important that local authorities and health and social care trusts are aware that the deadline for applications to the EUSS for children resident in the UK by 31 December 2020 was 30 June 2021, and for a joining family member child who has become a looked after child was 3 months from the date they first arrived in the UK after 31 December 2020 (or from the date they were born or adopted here).

**However, where the applicable deadline has passed, a late application can, and should, be made by or for the child or care leaver, and the Home Office will be able to consider this as reasonable grounds for the delay in applying.**

Further guidance about making a late application for a child or care leaver can be found at: [EU Settlement Scheme: looked after children and care leavers guidance](#).

## Child with a care order, interim care order or placement order

It is envisaged that, in almost all cases, it is likely to be in the child's best interests for the authority to ensure that an application to the scheme is made, as this will provide the child with secure immigration status.

### England

If the child is looked after under a care order or interim care order under s.31 or s.38 of the Children Act 1989, or a child with an adoption placement order under s.21 of the Adoption and Children Act 2002 and the local authority has parental responsibility for the child, you should ensure that the application is made. You can either make the application on behalf of the child, or, if deemed more appropriate due to the age and maturity of the child, you can support the child to make their own application.

### Wales

The guidance above also applies to Wales but in relation to the Social Services and Wellbeing (Wales) Act 2014. If the child is looked after under an interim care order under s.31 of the Children Act 1989 or a care order under s.38 of the Children Act 1989, or if the child is subject to a placement order under s.21 of the Adoption and Children Act 2002 and the local authority has parental responsibility for the child, you should ensure that the application is made.

### Scotland

Local authorities must ensure that an application is made by or on behalf of any children for whom they hold full responsibility under a permanence order under s.80 of the Adoption and Children (Scotland) Act 2007. Local authorities can either make the application on behalf of the child, or, if deemed more appropriate due to the age

and maturity of the child, you can support the child to make their own application. Where a permanence order can appropriately be applied for, an interim order could be used to provide the local authority with the power to make the application on the child's behalf: see s.81(2)(f) of the 2007 Act.

## Northern Ireland

If the child is looked after under a care order, Articles 50 or 57 of the Children (Northern Ireland) Order 1995 apply, and the health and social care trust has shared parental responsibility for the child. If the child is subject to a freeing for adoption order under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987, the health and social care trust should ensure that the application is made. The health and social care trust can either make the application on behalf of the child, or, if deemed more appropriate due to the age and maturity of the child, the health and social care trust can support the child to make their own application.

## Accommodated children

### England

If the looked after child is accommodated under s.20 of the Children Act 1989, the local authority does not have parental responsibility for the child. The local authority should ensure that the child and those with parental responsibility for that child are aware of the need to make an application to the scheme, signpost them to the scheme, explain why it is important to apply and offer practical support where needed.

The local authority should ensure that it works closely with the person with parental responsibility to monitor the progress of any application made, providing practical support as appropriate.

A child does not require consent from an adult in order to apply. They can make their own application. It is important therefore that the local authority ensures all eligible looked after children are aware of their eligibility to apply and that decisions are made in the child's best interests.

In cases where the child is being accommodated because there is no-one with parental responsibility for the child or the child is lost or abandoned, the local authority will need to consider carefully how best to safeguard and promote the welfare of that child in accordance with the local authority duties under s.22(3) of the Children Act 1989.

### Wales

The guidance above also applies to Wales but in relation to s.76 of the Social Services and Wellbeing (Wales) Act 2014. In cases where the child is being accommodated because there is no-one with parental responsibility for the child or the child is lost or abandoned, the local authority will need to consider carefully how

best to safeguard and promote the welfare of that child in accordance with the local authority duties under s.78 of the Social Services and Well-being (Wales) Act 2014.

## Northern Ireland

The guidance above also applies to Northern Ireland but in relation to Articles 21 and 22 of the Children (Northern Ireland) Order 1995. In cases where the child is being accommodated because there is no-one with parental responsibility for the child or the child is lost or abandoned, the health and social care trust will need to consider carefully how best to safeguard and promote the welfare of that child in accordance with the trust duties under Article 18(1) of the Children (Northern Ireland) Order 1995.

## Scotland

Local authorities can encourage parents and carers to make an application on behalf of all children who are looked after under s.17(6) of the Children (Scotland) Act 1995 for whom they do not hold parental rights and responsibilities. This will include children on compulsory supervision orders at home or away from home, and children looked after under s.25 of the Children (Scotland) Act 1995.

The local authority should ensure that the child and their parents/carers are aware of the importance of making an application to the scheme, signposting and giving practical support where needed.

The local authority should work closely with the parent/carer to monitor the progress of any application made, providing practical support as appropriate.

A child does not require consent from an adult in order to apply. They can make their own application. It is important therefore that the local authority ensures all eligible looked after children are aware of their eligibility to apply and that decisions are made in the child's best interests.

## Any other children in receipt of local authority support

### England

If you identify other eligible children receiving support, for example children in need, you can promote the scheme and signpost to relevant available support.

In identifying all eligible children and ascertaining what your responsibilities are, you should also consider the Department for Education's statutory guidance: [Care of unaccompanied migrant children and child victims of modern slavery](#).

### Wales

In relation to unaccompanied asylum-seeking children, there are guides for social workers and foster carers here: [Unaccompanied asylum seeking children: guidance for professionals](#).

## Scotland

Children and young people looked after under s.17(6) of the Children (Scotland) Act 1995 are all children who an authority may be required to support. It may be helpful to highlight that migrant children who are being looked after under s.25 of the Children (Scotland) Act 1995 should also be supported. For further guidance see: [Migrants' Rights and Entitlements to Local Authority Services and Support](#).

## Northern Ireland

In relation to unaccompanied asylum-seeking children, the following 2 pieces of guidance have been produced:

- Working Arrangements for the Welfare and Safeguarding of unaccompanied and separated children and young people
- Working Arrangements for the Welfare and Safeguarding of child victims and potential child victims of human trafficking and modern slavery

Both are available at: [Protecting unaccompanied children and child victims of human trafficking and modern slavery](#).

## Care leavers

### England

As per legislation and guidance, local authorities have a responsibility to provide ongoing support to young people who qualify for leaving care support up to the age of 25.

See:

- [ss.23A – 24D of the Children Act 1989](#)
- [The Care Leavers \(England\) Regulations 2010 - Legislation.gov.uk](#)

Ensuring that care leavers secure a status through the EUSS is relevant to these existing statutory responsibilities.

Acknowledging that there may be occasions when extra support is necessary, the local authority should identify care leavers who may be eligible to apply to the scheme and offer them support to ensure they make an application.

In some cases, the local authority may consider it more appropriate (due to the individual's age and maturity) to signpost them to make their own application or may need to offer practical support.

Identifying the support required and keeping an adequate record of applications made and status granted should form part of the necessary pathway planning for care leavers ordinarily carried out by local authorities in discharge of their duties.

In the case of a pre-settled status outcome, plans for applying to convert this into settled status, including the suggested timings for doing so, must be documented in the care leaver's pathway plan.

If an application to the EUSS is not made for a person's pre-settled status to be switched to settled status (once they are eligible for it) before the 5-year grant of pre-settled status is due to expire, their pre-settled status will be automatically extended by 5 years. The extension will be applied automatically to their digital status so there will be no need to contact the Home Office. Either the local authority or the child or care leaver, depending on who made the first application to the scheme, will be notified directly once the extension has been applied. The Home Office continues to encourage applications for settled status to be made by or for those with pre-settled status (as soon as they are eligible for settled status, generally once they have been continuously resident in the UK for 5 years) as the easiest way to prove the person's right to live in the UK indefinitely.

In the event of a request for further information or a refusal decision, local authorities should follow this up with the care leaver in a timely fashion to ensure the best possible outcomes are achieved for the individual. Activities may include contacting the Home Office (UK Visas and Immigration) via the Resolution Centre on their behalf, and/or seeking independent legal advice for, or with, the individual.

Local authorities should consider whether they need to engage an independent immigration adviser. An immigration adviser can advise whether legal aid funding via the exceptional case funding scheme may be available to cover the cost of immigration advice. For further information about legal advice and access to legal aid, see section [Do I need to be legally qualified to support a child or care leaver to make an application to the EU Settlement Scheme?](#)

All issues relating to immigration status and ongoing monitoring should be included in detail in the care leaver's pathway plan.

## Wales

The guidance above also applies to Wales but in relation: [The Care Leavers \(Wales\) Regulations 2015 - Legislation.gov.uk](#).

Local Health Boards' (LHB) duties in Wales, in relation to looked after children, only extend to undertaking health assessments and providing a written report. LHBs are not under a duty to prepare the pathway plan.

## Northern Ireland

The guidance above also applies to Northern Ireland but in relation to: [The Children \(Leaving Care\) Regulations \(Northern Ireland\) 2005 - Legislation.gov.uk](#).

## Scotland

The guidance above also applies to Scotland, in relation to local authorities fulfilling their duties as corporate parents under s.58 of the Children and Young People (Scotland) Act 2014. Local authorities must be alert to matters which adversely affect the wellbeing of children and young people, and take such action as they consider appropriate to help those children and young people. This includes young care leavers up to the age of 26. For the Children and Young People (Scotland) Act 2014 see: [Children and Young People \(Scotland\) Act 2014 - Legislation.gov.uk](https://www.legislation.gov.uk/ukpga/2014/26/contents).

Local authorities have the following duties:

- to provide 'continuing care' to a young person, aged between 16 and 21, who was formerly looked after by the local authority (as provided for in s.26A of the Children (Scotland) Act 1995)
- to provide 'after-care' to a young person up to the age of 26 (as provided for in s.29 of the Children (Scotland) Act 1995)

Ensuring this group of young people secure status through the EUSS is relevant to these existing statutory responsibilities. Those who are eligible should be identified and encouraged and supported to apply to the scheme.

In the event of a request for further information or a refusal decision, you should follow this up with the care leaver in a timely fashion to ensure the best possible outcomes are achieved for the individual. Activities may include contacting the Home Office (UK Visas and Immigration) via the Resolution Centre on their behalf, and/or seeking independent legal advice for, or with, the individual.

## Youth Secure Settings (under 18)

Children and young people in youth secure settings (establishments for those under 18 years of age, which include young offender institutions, secure training centres, secure children's homes and secure schools), who are EEA citizens or family members of EEA citizens, may be eligible to apply for the scheme.

Youth secure settings should identify a designated EUSS lead (for example, Resettlement Manager, Social Worker or Caseworker) to coordinate application planning and provide oversight. The designated lead will need to ensure that children and young people who may be eligible to apply are identified, their legal carers are alerted and application plans are formulated in collaboration with relevant authorities.

Where parental responsibility lies with the child's legal parents, they should be completing applications on their behalf. However, the youth secure setting and local authority still have a responsibility to raise awareness of the application process to family members so they can make informed decisions; the level of involvement required will need to be assessed on a case-by-case basis. All looked after children in the youth justice system will require additional support. Where parental responsibility lies with the local authority, the local authority is responsible for ensuring that applications for status under the EUSS are submitted.

Alternatively, the local authority can support the child or young person to make their own application. If you are supporting a child or young person involved in the criminal justice system, you should consider seeking independent immigration legal advice. These cases can be complex, so may require expert assistance to ensure the best possible outcomes.

For further information relating to changes to care status because of criminal justice decisions, refer to [Annex 8 of the Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review](#).

Youth secure settings should also work with Youth Offending Teams (in England and Wales) and the equivalent services in Scotland and Northern Ireland, especially in preparation for that child or young person's release to ensure there is a smooth handover of relevant details. Application progress or planning should be discussed during sentence planning and review meetings that youth offending teams and children's services (or their equivalents in Scotland and Northern Ireland) will be attending. This will enable relevant information to be communicated to local authorities upon release. This process should form part of that child or young person's constructive resettlement agenda.

If it is necessary for a youth secure setting to complete an application on behalf of the child or young person, the designated lead can complete an online application or support the individual to complete their own paper-based application. Although the child or young person's parents should be involved in the application process, the child or young person can make their own independent application if they wish without parental consent. The child or young person's application details should be recorded centrally as part of their review so that information remains easily accessible during establishment transfers, transitions to the adult estate and upon release.

## Appeal Rights and Administrative Review

Anyone who makes a valid application to the EUSS and is refused, or is granted pre-settled status (limited leave to enter or remain) rather than settled status (indefinite leave to enter or remain), will be able to challenge the decision by appeal to the First-tier Tribunal under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

If a refusal decision was taken before 5 October 2023 solely on eligibility grounds and the applicant believes the original caseworker made an error or did not follow the published guidance, they were also able to apply for an administrative review. There was no right to an administrative review where an application was refused on suitability grounds or rejected as invalid.

The decision letter will include relevant information about appeal rights (and, where the date of decision was before 5 October 2023, administrative review) and will provide links to further information on the process and the fees payable.

Further information is available at:

- [Appeal against a visa or immigration decision](#)
- [EU Settlement Scheme: apply for an administrative review](#)

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# Do I need to be legally qualified to support a child or care leaver to make an application to the EU Settlement Scheme?

The Office of the Immigration Service Commissioner (OISC) is the regulatory body for the provision of immigration advice.

OISC has confirmed that, where there is a care order giving the local authority or health and social care trust parental responsibility, that authority or trust can advise and act for the child in relation to an application under the EUSS without the need for such advice and services to be regulated by the OISC or another designated qualifying regulator.

Whilst applications to the scheme are free and the process is simple to navigate, in more complex cases such as cases where there are eligibility issues for non-EEA children of EEA citizens, or where the child resides on the basis of a derivative right of residence, or where British citizenship can be applied for, the local authority or health and social care trust may wish to seek independent legal advice, in line with its own processes and policies.

Public funding in the form of legal aid may be available for immigration (non-asylum) advice, subject to eligibility criteria being met, as follows:

- for particularly vulnerable individuals, such as victims of modern slavery or human trafficking or victims of domestic violence
- for separated migrant children, in relation to immigration, citizenship and nationality matters, including the EUSS

The definition of separated migrant children (under 18 years old) includes:

- children who are not being cared for by a parent
- children who are not being cared for by a person with parental responsibility for the child
- children who are being looked after by a local authority

Legal aid may also be available through the Exceptional Case Funding Scheme where a failure to provide legal aid would breach, or risk breaching, rights under the European Convention on Human Rights or retained EU law rights to legal representation.

Further information on legal aid eligibility and how to find a publicly funded local legal adviser can be found at: [Legal aid](#).

The Resolution Centre can also be contacted for support. Contact details can be found on [page 25](#) below.

In cases where there is no care order giving the local authority or health and social care trust parental responsibility, the local authority or health and social care trust should signpost to further information and offer support, to ensure the individual is able to make an application. Where the local authority or health and social care trust does not have parental responsibility for a child, it will need to ensure its support does not stray into that of giving 'immigration advice'.

Further information about assistance that can be provided without the requirement for regulation can be found in OISC's Immigration Assistance Document at: [Immigration Assistance](#).

Non-fee charging organisations that wish to be able to provide immigration advice and services regarding the EUSS may apply for regulation to OISC through a specific application process which will allow them to become regulated in this area of work only. This application is free of charge. Further details of this scheme can be found on the OISC website at: [Application for Level 1 EU Settlement Scheme registration](#).

In accordance with existing statutory duties the local authority or health and social care trust must, in all circumstances, seek to secure the best possible outcomes for the looked after child, safeguarding and promoting their best interests and acting as a good corporate parent to enable each looked after child to achieve their full potential in life. Addressing immigration issues early as part of any assessment and care plan, offering support and, if necessary, seeking legal advice about the appropriate action based on the circumstances of the individual looked after child is an important part of these responsibilities.

Further guidance about the OISC can be found at: [Office of the Immigration Services Commissioner](#).

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# Other issues

## British citizenship

Before making an application to the EUSS on behalf of a looked after child, the local authority or health and social care trust should consider whether the child might be a British citizen. If the child is British, their application to the scheme will be unsuccessful. However, it should be noted that should the application be unsuccessful on these grounds, British citizens have the right of abode in the UK and so are exempt from UK immigration control. If the local authority or health and social care trust want to document this right for the child, they need to apply for a British passport or certificate of entitlement to right of abode, placed in a valid foreign passport.

The local authority or health and social care trust can check whether a child is a British citizen by following guidance available at: [Check if you're a British citizen.](#)

Where a child is not a British citizen automatically, it may be possible for them to apply for registration as a British citizen. It is important to consider the guidance and what is – or will be – in the best interests of the child in relation to any application for British citizenship.

The local authority or health and social care trust may want to consider obtaining independent immigration legal advice. It should be noted the service level agreement for British citizenship applications is 6 months, and applicants do not have status whilst awaiting a decision on a citizenship application.

Fees are payable in line with the fees in force on the date of application, as set out in [the Immigration and Nationality Fees Regulations \(2018\)](#). If the child is looked after by a local authority, they will be eligible for an exception from the British citizenship fee, and this should be indicated on the British citizenship application form to ensure the application is free of charge. Further information can be found at: [Affordability fee waiver: Citizenship registration for individuals under the age of 18.](#)

## Identity documents

Verifying the applicant's identity and nationality is a key requirement of the EUSS. If a child or young person does not have a valid passport or national identity card (for EEA citizens) or a valid passport or in-date Home Office-issued biometric residence card or biometric residence permit (for non-EEA nationals) confirming their identity and nationality, it is important that the local authority or health and social care trust endeavours to obtain a passport or national identity card for the child or young person from the authorities of their country of origin before an application to the scheme is made. Biometric residence cards and biometric residence permits are being replaced by e-Visas (to allow people to [view and prove immigration status digitally](#)) and ceased to be issued by the Home Office on 31 October 2024. However, in-date cards can still be used to apply to the EUSS.

Obtaining these identity documents should be a familiar process for local authorities and health and social care trusts, as they will be required in other circumstances. The local authority or health and social care trust is advised to contact the relevant embassy, consulate or high commission if it is experiencing issues obtaining an identity document or needs more information about how to do so on behalf of a looked after child or care leaver.

The Home Office recognises that there will be cases where the applicant (or a local authority or health and social care trust acting on their behalf) is unable to obtain or produce the required identity document due to circumstances beyond their control or to compelling practical or compassionate reasons and can accept alternative evidence of identity and nationality in such cases.

Further information can be found in the EUSS guidance at: [EU Settlement Scheme: caseworker guidance](#).

If a child or young person does not have the required identity document and there are circumstances beyond their control or compelling practical or compassionate reasons why it is not possible to obtain or produce one, the local authority or health and social care trust will need to make the application to the EUSS using a paper application form. They can seek to rely on alternative evidence of the child or young person's identity and nationality.

You must contact the Resolution Centre which will confirm whether a paper application form is necessary and ensure that the correct form, if applicable, is issued. You can also [contact the Resolution Centre](#) if you have any questions about the scheme or to discuss an open application.

## Joining family members

Where, from 1 January 2021, a child, in the UK or overseas, is born to or adopted by an EU, other EEA or Swiss citizen who was resident in the UK by the end of the transition period on 31 December 2020 (or their spouse or civil partner where the relationship existed then and continues to do so) – or where a child of theirs (or of that spouse or civil partner) was living overseas as of 31 December 2020 and now wishes to join them in the UK – the child may be eligible for the EUSS as a 'joining family member of a relevant sponsor'. The deadline for an application to the scheme to be made by or for them is 3 months from the date they first arrived in the UK after 31 December 2020 (or by 30 June 2021 where they first arrived in the UK by 31 March 2021) or from the date they were born or adopted here.

This is in line with the Citizens' Rights Agreements (for EU citizens and their family member, the Withdrawal Agreement; for other EEA citizens and their family members, the EEA European Free Trade Association Separation Agreement; and for Swiss citizens and their family members, the Swiss Citizens' Rights Agreement).

Should such a child subsequently become a looked after child, the local authority will have the same responsibilities towards them in relation to the EUSS as in other cases covered by this guidance.

Further information is available under 'Eligibility: joining family members of a relevant sponsor – Child under the age of 21' in the EUSS guidance at: [EU Settlement Scheme: caseworker guidance](#).

If the child does not have a relevant sponsor, they will need to apply under another immigration route available to them at that time.

## New-born babies and recently adopted children

Where, from 1 January 2021, an eligible child is born or adopted in the UK, an application to the EUSS for that child should be made within 3 months of the date on which they were born or adopted (or by 30 June 2021 where they were born or adopted here by 31 March 2021).

Similarly, from 1 January 2021, for children who become subject in the UK to one of the guardianship orders or equivalent in sub-paragraphs (a)(iii) to (a)(xi) of the definition of 'child' in Annex 1 to Appendix EU, an application should be made within 3 months of the date they became subject in the UK to such an order (or by 30 June 2021 where they became so by 31 March 2021).

This is unless there are reasonable grounds for the delay in making an application to the scheme, including where they are now an adult. For further information on late applications see: [Late applications](#).

For further information on applications for children, see the section 'Eligibility: joining family members of a relevant sponsor – Child under the age of 21' in the EUSS guidance at: [EU Settlement Scheme EU, other EEA, Swiss citizens and family members](#).

Certain children born from 1 July 2021 onwards may become a British citizen from the date on which their parent is granted settled status under the EUSS. This change was introduced by the British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021 and more information on the criteria to be met for the provision to apply can be found in the guidance at: [British citizenship automatic acquisition](#).

Where a child has become a British citizen under these regulations, local authorities can apply directly to HM Passport Office to obtain a British passport on the child's behalf – there is no need for the child to be registered with UK Visas and Immigration (UKVI) first.

## Late applications

In line with the Citizens' Rights Agreements, there remains scope, indefinitely, for a person eligible for status under the EUSS to make a late application where there are reasonable grounds for their delay in making the application.

The Home Office has published guidance for caseworkers on reasonable grounds for the delay in making an application. This is available under the section

'Reasonable grounds for delay in making an application' in the EUSS guidance at: [EU Settlement Scheme: caseworker guidance.](#)

The guidance describes some circumstances where a person may have reasonable grounds for their delay in making their application, but it is not exhaustive and every case will be considered in light of its particular circumstances and the evidence provided.

Where a parent, guardian or local authority has failed by the relevant deadline to apply to the EUSS on behalf of a child who was then under the age of 18, that will constitute reasonable grounds for the delay in making the application where a late application is made by the child where they remain under the age of 18 (or by a parent, guardian or local authority on their behalf).

It will also generally constitute reasonable grounds for the delay in making the application where a late application is made by the person where they are now an adult (or by an appropriate third party on their behalf), in particular where a local authority has failed to support a care leaver in applying in-time to the scheme. It may be some months or even years after the deadline has passed before a person who was a child at the time realises – perhaps when they first need to evidence their immigration status in order to work or study in the UK – that an application to the scheme should have been made on their behalf by a parent, guardian or local authority and was not.

Where they become aware as an adult that an application to the scheme should have been made on their behalf as a child and was not, or that they are an EEA or Swiss citizen resident in the UK before the end of the transition period (or their family member) rather than a British citizen, they should then make a late application to the scheme within a reasonable period. While the time it takes to realise the need to apply will depend on the circumstances of each case, the caseworker must be satisfied the delay is reasonable and sufficiently justified. Longer delays may be harder to justify, depending on the circumstances of the case.

There may be a range of circumstances in which an application to the EUSS by the relevant deadline has not been made for or by the child. For example:

- the child's parent(s) made an application to the scheme for themselves and did not realise that a separate application had to be made for the child, or did realise this but did not get around to making the application
- the child's parent or parents ignored the need to apply to the scheme themselves and took no action where the child was concerned
- the child is in or has left local authority care and the local authority has or had legal parental responsibility for them but did not make an application to the scheme on their behalf (or the child's parent(s) retained legal parental responsibility for them but did not make an application to the scheme on their behalf)
- the EEA citizen parents, resident in the UK before the end of the transition period, of a non-British citizen child born or adopted (or becoming subject to a relevant guardianship order) in the UK after that point were not aware that they

needed to make an application to the scheme for the child within 3 months of the birth, adoption or order (or by 30 June 2021 where this occurred before 1 April 2021)

- the child was at school in the UK (while their parents worked overseas) and the child, school and parents were unaware of the need for the child to apply to the scheme

A late application to the EUSS may be made by the person themselves, whether or not they are now an adult, or (where they are not an adult) by a parent, guardian or (where they remain a looked after child) local authority on their behalf or (where they are now an adult) by an appropriate third party on their behalf.

## View and prove

Once a person has submitted a valid application to the EUSS, they will be able to use the 'view and prove your immigration status' service should they need to prove their rights to a third party. This could be, but is not limited to, employers, landlords or letting agents for properties in England, or other third parties, such as a bank. The service can be accessed at: [View and prove your immigration status: get a share code.](#)

Logging into the 'view and prove your immigration status' service requires a 2-stage verification process, first entering the reference number of the linked identity document (the passport, national identity card, biometric residence card or biometric residence permit used as proof of identity and nationality in the application, or since updated to the person's UK Visas and Immigration account) and the person's date of birth, as shown on the linked document. A verification PIN will then be sent to the linked email address or mobile telephone number to complete the login process.

The authority can log in to 'view and prove your immigration status' on behalf of a child or young person providing the authority has parental responsibility for them. To access the account, the authority must have access to the email address or the mobile telephone number linked to the account. In addition, the authority must have the reference number of the linked identity document and the child or young person's date of birth.

Until the outcome of the application (and any administrative review or appeal), a digital certificate of application (CoA) will be visible on the person's digital profile. This will confirm that a valid application has been submitted and is currently awaiting a decision. This ensures that the person's rights are protected, as the CoA can be used to generate a share code to provide to a third party as evidence of their rights.

Once a decision has been made on the application, the person's digital profile will be updated to reflect the outcome:

- where they are granted pre-settled status, their immigration status will display their selfie image, their full name, confirmation of their pre-settled status and a valid until date (this will be 5 years from the date of the grant)

Once they can show that they have been continuously resident in the UK for 5 years, they will be able to apply for settled status. For example, if they had been living in the UK for 3 years when they were granted pre-settled status, they would be able to apply for settled status once they had been living in the UK for another 2 years

- where or once they are granted settled status, their immigration status will display their selfie image, their full name, and confirmation of their settled status, which will confirm there is no limit on how long they can stay in the UK

As above, while a valid application to the EUSS is being decided and where pre-settled or settled status under the scheme has been granted, the 'view and prove your immigration status' service can be used to generate a share code to enable the person to prove their rights. This can be done by clicking on the green 'prove your status' button within their digital profile. This will then provide the option to generate a share code for:

- an employer (prove my right to work)
- a landlord or letting agent (right to rent somewhere to live)
- any other third party, such as a bank (something else)

Share codes are valid for 90 days and can be shared and used more than once. For example, if a person is seeking employment, they can provide the same share code to multiple prospective employers during its 90-day validity.

However, share codes are service-specific and are not transferable. For example, a share code generated to prove a right to rent to a landlord cannot be used to prove a right to work to an employer. A share code must be generated for the service it is required for. Generating additional share codes for the same or a different service does not invalidate previous ones, which remain valid for their 90-day period.

Share codes are made up of 9 characters, with a prefix letter at the start to confirm which service they have been generated for: W (Work), R (Rent) or S (something else). For example, a share code generated for an employer would look like: WDC-XFG-TYP.

Should there be any issues in using the 'view and prove your immigration status' service, or if any of the information being displayed is incorrect, then support can be obtained via the Resolution Centre.

The Resolution Centre can be contacted via the webform: [Ask a question about applying for settled status.](#)

Alternatively, they are also available by telephone:

- 0300 123 7379 (public line)
- 0300 790 0566 (designated local authority line)



Lines are open Monday to Friday 8am – 8pm, Saturday and Sunday 8:30am – 4:30pm

A person can also make use of the standalone ‘right to work’ and ‘right to rent’ services to prove their right to work or rent should they wish to. These can be accessed at:

- [Prove your right to work to an employer](#)
- [Prove your right to rent in England](#)

## Update my details

To ensure a person continues to have access to their digital immigration account and status, and to avoid any unnecessary delays at the UK border, it is recommended their details are updated on their account as and when they change.

Details can be updated by using the ‘update details’ function in the ‘view and prove your immigration status’ service or by using the ‘update your UK Visas and Immigration account details’ service. Where the local authority has parental responsibility for the child or young person, the local authority can do this on their behalf. The ‘update details’ function can be accessed at: [Update your UK Visas and Immigration account details.](#)

Within this service the person will be able to update the following information:

- mobile phone number
- email address
- name (it is not possible to change the name if the person is waiting for a decision on their EUSS application)
- identity document, such as passport or national identity card (it is not possible to change the identity document if the person is waiting for a decision on their EUSS application)
- UK address

They can also use the service to:

- correct their date of birth
- add an extra nationality – for example, if they have dual nationality
- add an extra identity document (doing so will also update the document used to log in when accessing the digital immigration account once the change has been completed. Therefore, it is recommended that the identity document used when travelling is the most recently added document)
- change their photograph, for example if their appearance has changed and they can no longer be recognised from their photograph
- give someone else access to their visa applications if they would like them to help them apply (it may be useful to add a secondary email address and mobile number to the account using this option. This will enable a self-service account recovery to be performed, should access to the primary email address and mobile number be lost)

- give them ownership of the UK Visas and Immigration account, if someone set up the account on their behalf

Should there be any issues in using the 'update your UK Visas and Immigration account details' service, support can be obtained via the Resolution Centre.

#### **Related content**

[Contents](#)

# Other information

## Pre-application checklist

Use the following checklist to help prepare you to apply, or to help prepare others who need to apply, on behalf of a looked after child:

Consider British citizenship. Is the child a British citizen? Could they apply or register for British citizenship? What's in the child's best interests? This may need considering with an immigration adviser.

Consider the child's wishes and feelings. All looked after children should be made aware of their entitlement to independent advocacy support and the local authority or health and social care trust should facilitate this access where required.

Gather identity document(s).

Make an application for an identity document where there is none.

Consider evidence of UK residence – usually this will be in the form of a letter by the local authority or health and social care trust confirming length of residence.

Consider the paper application form route where a valid identity document cannot be obtained or produced.

Consider the paper application form route if a child in a secure setting without access to a device or internet wants to complete their own application independently.

Record all key information to be accessed by the child or other carers in the future.

### **Related content**

[Contents](#)

# Useful contacts

See the relevant weblink for further information.

Contact	Useful for	Phone number	Weblink
Resolution Centre Monday to Friday (excluding bank holidays), 8am to 8pm; Saturday and Sunday, 9:30am to 4:30pm.	Additional information or support about the EUSS or individual applications.	Public number: 0300 123 7379  Designated local authority number: 0300 790 0566	<a href="#">Ask a question about applying for settled status</a>
Assisted Digital Service Monday to Friday (excluding Bank holidays), 9am to 6pm; Saturday, 9am to 4pm	Digital support for those who do not have the skills, access or confidence to complete the online form (not immigration advice).	03333 445 675	<a href="#">Get help with your online Home Office application</a>
EUSS application guidance	Full guidance on the application process.	-	<a href="#">Apply to the EU Settlement Scheme (settled and pre-settled status): Overview</a>
Update details	Updating or amending details such as mobile number, email address, identity document.	-	<a href="#">Update your UK Visas and Immigration account details</a>
Identity document scanning locations	Locations where biometric passports can be scanned if you have no device with NFC capability.	-	<a href="#">EU Settlement Scheme: ID document scanner locations</a>
OISC	Locating nearby immigration advisers.	-	<a href="#">Adviser Finder</a>

## Related content

[Contents](#)