



Home Office

EU Settlement Scheme

Version 16.0

Guidance for His Majesty's Passport Office operational staff about how to deal with passport applications for children born from 28 August 2018 in the UK mainland and Crown Dependencies, to a European Economic Area national with status under the EU Settlement Scheme

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About: EU Settlement Scheme

This guidance tells His Majesty's Passport Office operational staff about the EU Settlement Scheme and how to deal with passport applications for affected children.

This guidance applies to children born to European Economic Area (EEA) nationals or their family members who have status under the EU Settlement Scheme (EUSS), for children born:

- on or after 28 August 2018 up to and including 30 June 2021 in the UK
- on or after 1 July 2021 in the UK or [Crown Dependencies](#)

From 1 July 2021, it is not possible to exercise EU Treaty rights in the UK. However, some EEA parents may have acquired an automatic right to permanent residence by completing a period of qualifying activity in line with the Withdrawal Agreement. For the purposes of this guidance, any reference to parents exercising Treaty rights after 1 July 2021, means a qualifying activity in line with the Withdrawal Agreement.

You must deal with the application using the British citizenship guidance if at the time of the child's birth, their parent already has:

- British citizenship
- ILR (indefinite leave to remain) other than through the EUSS
- ILE (indefinite leave to enter) other than through the EUSS
- NTL (no time limit)

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the Guidance team.

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 email the Guidance team.

Publication

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

- version **16.0**
- published for Home Office staff on **13 November 2023**

Changes from last version of this guidance

This guidance has been updated to include a new process for applications in Digital Application Processing (see EUSS application: customer granted pre-settled status).

Related content
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What the EU Settlement Scheme is

This section tells HM Passport Office operational staff about the EU Settlement Scheme (EUSS).

Following the UK's departure from the European Union, European Economic Area (EEA) nationals (and their family members) living in the UK by 31 December 2020 had to apply to the EU Settlement Scheme (EUSS) to continue living in the UK after 30 June 2021.

The [EUSS webpage](#) on GOV.UK tells customers who can apply, how to do it and [what they will get](#).

If an EEA citizen is granted EUSS indefinite leave to enter or remain (also known as settled status) or pre-settled status:

- they could continue living in the UK lawfully after 30 June 2021
- UKVI will have sent them an email that:
 - has their name and EUSS unique application number (a 16 digit number in the format 'xxxx-xxxx-xxxx-xxxx', that starts with 1212 (for the first few thousand cases) or 3434
 - tells them they can confirm their status using the Home Office online checking service and how to do it

References in this guidance to EUSS indefinite leave to remain should be read to include indefinite leave to enter.

How the EUSS affects the British Nationality Act 1981

[The British Nationality Act 1981](#) confirms a child born in the UK on, or after 1 January 1983 automatically becomes a British citizen if their parent was settled at the time they were born (for example, they had ILR).

[The British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021](#) confirms in some cases, a child is also automatically British if their parent was granted ILR under the EUSS after they were born (see ILR granted after the child's birth).

How the EUSS affects passport applications

A passport application for a child born to an EEA citizen (or the family member of an EEA citizen), may depend on whether their parent made an EU Settlement Scheme (EUSS) application. We ask parents to confirm their status under the EUSS by:

- including their EUSS unique application number (UAN) on section 8 of their paper passport application (if they apply by post)

- sending us a copy of their EUSS letter or email, or a note of their UAN reference number (if they apply online)

EUSS application: child born in Jersey, Guernsey or Gibraltar

While [The British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021 \(legislation.gov.uk\)](#) cover the UK, Crown Dependencies and British overseas territories (BOTs), Jersey, Guernsey and Gibraltar apply different provisions for EEA citizens resident there to apply for immigration status.

Therefore, you must raise a guidance query to ask how to deal with the application if the child was born in Jersey, Guernsey or Gibraltar and any of the following apply:

- UKVI granted the EEA citizen or their family members ILR after the child was born but their EUSS application was received on or before 30 June 2021
- the parent's EUSS application is ongoing
- the parent's EUSS application was unsuccessful
- the parent has not made an EUSS application

EEA citizens could not exercise free movement rights in BOTs (other than Gibraltar). Therefore, these territories do not have a settlement scheme.

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EUSS: child born 28 August 2018 to 30 June 2021

This section tells HM Passport Office operational staff how to deal with passport applications for children born in the UK (mainland) or the Isle of Man between 28 August 2018 and 30 June 2021 whose parent is a European Economic Area (EEA) national (or is the family member of an EEA citizen) with status under the European Union Settlement Scheme

Children born in the UK from 28 August 2018 up to and including 30 June 2021 to a European Economic Area (EEA) national (or to the family member of an EEA citizen) will be British if their parent:

- was granted indefinite leave to remain (ILR) under the European Union Settlement Scheme (EUSS) before they were born; or,
- had an automatic right of permanent residence through exercising Treaty rights for 5 continuous years (or less if they met an exception) before their child was born (these parents may have been granted pre-settled status at the time of their child's birth)

However, some parents may not give us either of the above; therefore, for every case, you must:

1. Carry out an EUSS check to confirm if (and when) the parent was granted ILR under the EUSS. If the customer applied through the EUSS in the Isle of Man, you must raise a guidance query to request information from the Isle of Man authorities).
2. Review the outcome of the EUSS check by checking the reason code.
3. Address any fraud concerns, by:
 - completing additional checks (if you are processing on Digital Application Processing)
 - referring the application to Enhanced Application Checking (if you are processing on Application Management Service)
 - referring to the Counter Fraud team (if you have fraud concerns)
4. Raise a guidance query if
 - the parent provides evidence they were granted ILR under the EUSS, but the UKVI Atlas system shows no record
 - there are differences between the parents' personal details on the UKVI Atlas system and the passport application
 - the UKVI Atlas system shows the case is a protected record
 - you have any other concerns with an EUSS record
5. Deal with the case depending on the reason code shown, for example:
 - EUSS check: parent granted ILR, if the check shows the parent was granted ILR or was previously granted ILR; or,
 - EUSS check: parent granted limited leave to remain, if the check shows the parent holds pre-settled status; or,

- EUSS check: unsuccessful EUSS applications if the check shows the parent has not made an EUSS application or their application was unsuccessful, or their application is ongoing or under appeal

EUSS check: parent granted limited leave to remain

You must refer to EUSS application: customer granted pre-settled status if the outcome reason code shows they were granted limited leave to remain.

EUSS check: unsuccessful EUSS applications

You must follow the guidance in

- British citizenship if the parent:
 - is a British citizen; or,
 - holds Right of Abode in the UK
- Treaty rights, if the:
 - parent did not apply for EUSS status; or,
 - parent's EUSS application is ongoing or under appeal; or,
 - parent's application was unsuccessful for another reason

EUSS check: parent granted ILR

If the EUSS check shows the parent was granted ILR you must check what date the ILR was granted and refer to:

- EUSS check: parent granted ILR before child was born (if the parent was granted ILR before their child was born); or,
- EUSS check: parent granted ILR after child was born (if the parent was granted ILR after their child was born); or,
- EUSS check: parent previously granted ILR (if the parent already held ILR before they submitted an EUSS application)

If you notice a parent has been granted ILR twice, you must use the date they were first granted it, providing there is no evidence to suggest they lost it or it's no longer valid.

EUSS check: parent granted ILR before child was born

If the EUSS check shows the parent was granted ILR before their child was born, you must:

1. Not set the complexity indicator (for applications on the Application Management System).
2. Accept the date of ILR as evidence the child is British without asking for any more documents or settlement evidence.
3. Add a case note, to say:

'Check completed and confirms parent granted ILR through EUSS and settled on the day the child was born. Applicant is 'BC 1 (1) (b) BNA 81 OTBD'

4. Continue to process the passport application.

EUSS check: parent granted ILR after child was born

If the EUSS check shows the parent was granted ILR after their child was born, you must:

1. Add a case note to say:

'Check completed and confirms parent granted ILR through EUSS after child born, application to be dealt with under existing Treaty Rights guidance'

2. Deal with the application under Treaty Rights.

EUSS check: parent already held ILR

If the EUSS check shows the parent already held ILR before they submitted an EUSS application, you must check the date ILR was originally granted and follow the guidance in:

- EUSS check: parent granted ILR before child was born (if the parent was granted ILR before their child was born); or,
- EUSS check: parent granted ILR after child was born (if the parent was granted ILR after their child was born)

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EUSS: child born on or after 1 July 2021

This section tells HM Passport Office operational staff how to process passport applications for children born on, or after 1 July 2021 in the UK mainland or the [Isle of Man](#), to a European Economic Area (EEA) national parent (or the family member of an EEA citizen) who has status under the EU Settlement Scheme (EUSS).

When dealing with an application for a child born on, or after 1 July 2021 in the UK or the [Isle of Man](#) to an EEA (European Economic Area) national (or the family member of an EEA citizen), their claim to British nationality will depend on:

- if and when their parent made an application to the EU Settlement Scheme (EUSS); and,
- the outcome of their parent's EUSS application

Children born in the UK after 1 July 2021 to an EEA citizen (or to the family member of an EEA citizen) will be British if their parent:

- was granted ILR under the EUSS before they were born; and,
- had a Withdrawal Agreement right of permanent residence through exercising Treaty rights for 5 continuous years (or less if they met an exception) before their child was born (these parents must have held EUSS status at the time of their child's birth)

References in this guidance to the 'Withdrawal Agreement' are to the Withdrawal Agreement between the EU and the UK and to the EEA EFTA Separation Agreement. They do not apply to the UK, Swiss Citizens' Rights Agreement as Swiss citizens cannot acquire a right of permanent residence without applying for ILR.

You must access UKVI (UK Visa & Immigration) systems to check if the parent made an application to the EUSS and if they did, what the outcome was (see How to do an EUSS check). If the customer applied through the EUSS in the Isle of Man, you must raise a guidance query to request information from the Isle of Man authorities.

EUSS check: parent granted ILR

If the parent was granted indefinite leave to remain (ILR) under the EUSS, you must check if ILR was either:

- held at the time the child was born
- granted after the child was born but UKVI received the EUSS application on or before 30 June 2021
- granted after the child was born but UKVI received the EUSS application on or after 1 July 2021

If you notice a parent has been granted ILR twice, you must use the date they were first granted it, providing there is no evidence to suggest they lost it or it's no longer valid.

ILR held at the time of the child's birth

If the parent was granted ILR before their child was born, the child will automatically be a British citizen from birth. In these cases, you must:

1. Add a case note to show the actions and decisions you made and record the mandatory case note:

'EUSS01 ILR granted at time of birth under EUSS'

2. Issue the child's passport (in line with current guidance).

ILR granted after child born: EUSS application received on or before 30 June 2021

The child will be a British citizen from the date their parent was granted ILR if:

- the parent was granted ILR after their child was born; and,
- the parent's EUSS ILR application was received on or before 30 June 2021

In these cases, you must:

1. Add a case note to show the actions and decisions you made and record the mandatory case note:

'EUSS02 ILR granted after child's birth under in time EUSS application child is BC 10A BNA 81 OTBD from [date UKVI granted their parent ILR]'

2. Issue the child's passport (in line with current guidance).

ILR granted after child born: EUSS application received on or after 1 July 2021

You must check if the parent would have been issued ILR before 1 July 2021 if:

- they were granted ILR after the child's birth; and,
- they submitted their EUSS ILR application on or after 1 July 2021

The child will have claim to British citizenship (from the date of the parent's ILR) if UKVI tell you the parent would have been granted ILR on 30 June 2021 if they had applied by that date.

To check if UKVI would have granted the parent with ILR on 30 June 2021, you must:

1. Fill in the EUSS referral – would parent have been granted ILR on 30 June 2021 referral. Send it to the EUSS team from your team mailbox (and not your own individual email address).
2. Add a case note to show the actions and decisions you've made.
3. Allow 2 weeks for the EUSS team to respond. If they do not respond after 2 weeks, you must send the referral from your team mailbox again.

If UKVI confirm they would have granted the parent with ILR on 30 June 2021, you must:

1. Check the ILR is genuine using the UKVI system (if you have not already done it). If the customer applied through the EUSS in the Isle of Man, you will not be able to check if it's genuine. In these cases, you must send a guidance query to the Quality, Examination Support team (who will check if it's genuine with the Isle of Man authorities)
2. Add a case note to show:
 - o the actions and decisions you made; and,
 - o the reasons why the parent would have been granted ILR on 30 June 2021; and,
 - o the date the parent was granted ILR
3. Add the mandatory case notes:

'EUSS03 ILR granted after child's birth under late EUSS application, UKVI would have granted ILR on 30 June 2021.

Child is BC 10A BNA 81 OTBD from [date UKVI originally granted their parent ILR].'

4. Add a case note to show:
 - o the actions and decisions you've made
 - o when the parent was granted ILR
5. Issue the child's passport (in line with current guidance).

If you decide the parent would not have been granted ILR on 30 June 2021, you must check if they held pre-settled status before the child was born. If they did, you must refer to EUSS application: customer granted pre-settled status.

If the parent did not hold pre-settled status before the child was born and UKVI confirm they would not have granted the parent ILR on 30 June 2021, you must:

1. Add a case note to record your decisions and actions and add the mandatory case note:

'EUSS04 no claim as ILR granted after child's birth under late EUSS application. UKVI confirmed the parent would not have been granted ILR on 30 June 2021 because [reason]'

2. Refuse the child's passport application (see Refusing passport applications and passport facilities).
3. Send Application Management system (AMS) letter 683 to explain why we refused the passport application.

EUSS outcome: parent granted limited leave to remain

You must refer to EUSS application: customer granted pre-settled status (for children born on or after 1 July 2021) if the outcome reason code shows they were granted limited leave to remain.

EUSS outcome: parent's EUSS application is ongoing

If the parent's EUSS application is still ongoing, you must:

1. Complete the EUSS referral – EUSS application not yet processed referral form and send it to the EUSS team, from your team mailbox.
2. Store the passport application.
3. Carry out an EUSS check every 2 weeks to check the outcome of the EUSS application.
4. Process the application using either:
 - o ILR granted after the child's birth (if UKVI grant ILR)
 - o EUSS outcome: parent's EUSS application was unsuccessful (if the EUSS application is unsuccessful)

EUSS outcome: unsuccessful reason codes

A parent may not have been granted ILR or pre-settled status under the EUSS for a number of reasons. You must deal with the customer's application using the following guidance:

- British citizenship guidance if UKVI decided the parent was already a British citizen or had Right of Abode in the UK; or,
- Queries: the guidance referral process to ask how to deal with the application if UKVI used the reason code **EUEVEIC**

If the parent's EUSS record shows a reason code of **EUEREJBIO**, **EUEREJID**, **EUEREJFEE**, **EUERSCNAR**, **EUERERSNAR**, **EUERERLNAR**, **EUEWAPP** or **EUEVAD** you must check when the parent made their EUSS application and apply the following guidance:

Unsuccessful EUSS application

The [Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020](#) automatically extended the parent's right of permanent residence beyond 1 July 2021, until UKVI processed their EUSS application and until final determination of any EUSS appeal.

This means that a child may still have a claim to British nationality if their parent exercised Treaty rights for 5 continuous years (or meets an exception) before they were born, even if their EUSS application is ultimately unsuccessful.

If the parent has (or had) a right of permanent residence through exercising Treaty rights, you must:

1. Add a case note to show the actions and decisions you made and to record:
 - the date UKVI received the EUSS application and the date they made their decision and the outcome; and,
 - how the parent has (or had) a right of permanent residence (including adding the mandatory Treaty rights case note if the parent exercised Treaty rights)
2. Add mandatory case notes showing:

‘EUSS06 ILR not granted under EUSS application, child has claim as parent had a right of permanent residence through exercising Treaty rights.

Parent did not lose their right to permanent residence on 1 July 2021 in line with the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

British nationality status is BC 1(1)(b) BNA 81 OTBD from birth.’

3. Issue the passport (in line with current guidance).

If the child does not have a claim to British nationality through their parent exercising Treaty rights, they will not be a British citizen. You must:

1. Add the mandatory case note:

‘EUSS05 no claim as ILR not granted under EUSS application and parent had not acquired a right of permanent residence through exercising Treaty rights.’

2. Refuse the child’s passport application (see Refusing passport applications and passport facilities guidance).
3. Send AMS letter 684 to explain why we refused the passport application.
When you do, you must:
 - include phrase 684C; and,
 - not include phrase 684D or 684E

EUSS outcome: parent has not made an EUSS application

If the child was born in UK mainland or the Isle of Man, and the parent has not made an EUSS application HM Passport Office will tell them:

- to make an EUSS application to UKVI within 7 weeks; and,

- we will keep their passport application open until UKVI make a decision on their EUSS application.

You must:

1. Not refuse the application.
2. Send AMS letter 681, to explain what they must do and how the passport application will be dealt with.
3. Store the application for 4 weeks to allow time for the parent to make an application to the EUSS.

After 4 weeks, carry out an EUSS check to check the outcome of the EUSS application and deal with the passport application as shown in this guidance.

If the EUSS check shows the parent has not made an application to the EUSS, you must:

1. Send AMS reminder letter 002 and include a copy of AMS letter 681.
2. Store the application for another 3 weeks. After 3 weeks, carry out an EUSS check to check the outcome of the EUSS application.

If the EUSS check shows the parent has not made an application to the EUSS, 8 weeks after our first letter, you must:

1. Add the mandatory case note:

‘EUSS09 no claim parent not made EUSS application’

2. Refuse the child’s passport application (see Refusing passport applications and passport facilities guidance).
3. Send AMS letter 682 to explain:
 - why we refused the passport application; and,
 - we recommend they try to make an application to the EUSS

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How to do an EUSS check

This section tells HM Passport Office operational staff how to carry out an EU Settlement Scheme (EUSS) check.

The Person Summary View (PSV) on the UK Visas and Immigration (UKVI) Atlas system will show if a European Economic Area (EEA) citizen made an EU Settlement Scheme (EUSS) application. It will show:

- if the EEA national made the EUSS application
- when UKVI received the EUSS application
- when UKVI made a decision on the EUSS application

How you carry out an EUSS check will depend on if you have access to the UKVI Atlas system and had training on how to use it.

EUSS check: if you have access to the UKVI Atlas system

If you have access to the UKVI Atlas system, you must use the EEA citizen's details to check:

- if they made a EUSS application
- when they made an EUSS application (for passport applications for children born on or after 1 July 2021)
- the outcome of the EUSS application
- the date UKVI made the decision on the EUSS application (for passport applications for children born on or after 1 July 2021)

EUSS check: if you do not have access to the UKVI Atlas system

If you do not have access to the UKVI Atlas system, a trained member of staff in your office will carry out the check for you. You must:

1. Fill in the EUSS verification form.
2. Create an email and add the EEA citizen's Unique Application Number (UAN) in the subject header of the email (if you have the UAN).
3. Attach the EUSS verification form to the email.
4. Send the EUSS verification form to the correct trained member of staff in your office, using your team's mailbox.
5. Add a case note to say:

'referred for EUSS check'

6. Wait for a response.
7. Do not ask the customer for more information or evidence until you receive the result of the check.

The team member doing the check will:

- use the details on the EUSS verification form to check the UKVI system for both parents; and,
- return the form to your team's mailbox, with the results of the check

EUSS checks: outcome reason codes

We will deal with the child's application depending on when they were born and the outcome of their parent's EUSS application shown on UKVI systems. UKVI systems will include a reason code which explains the outcome decision made on the EUSS application.

The table below confirms the UKVI reason codes and outcomes:

Reason code	EUSS application outcome
EUEGRANTI	successful – leave to remain (ILR) granted (also known as settled status)
EUEGRANTL	successful - limited leave to remain granted (also known as pre-settled status)
EUERIGLNAR	successful - limited leave to remain granted and ILR refused (also known as pre-settled status)
EUEVGEILR	unsuccessful - customer was previously granted ILR under the EUSS
EUEVVOL	unsuccessful - customer has already been granted ILR
EUEREJABC	unsuccessful - customer is a British citizen
EUEVBC	unsuccessful - customer is a British citizen
EUEVROA	unsuccessful - customer has the Right of Abode in the UK
EUEVEIC	unsuccessful - customer's circumstances mean they are exempt from immigration control and could enter the UK freely (this is no longer used as the customer can make an application to the EUSS)
EUEREJBIO	unsuccessful - customer failed to enrol their biometric data
EUEREJID	unsuccessful - customer did not provide evidence to confirm their identity
EUEREJFEE	unsuccessful - customer did not pay the EUSS application fee (this is longer used as there is no fee for an EUSS application)
EUERSCNAR	unsuccessful - customer's criminality record means they do not meet the suitability threshold, or the case has been referred to the Criminal Casework Team
EUERERSNAR	unsuccessful - residency related reasons

EUERERLNAR	unsuccessful - customer has failed to provide evidence of relationship or failed to provide evidence of residence in the UK
EUEWAPP	unsuccessful - customer has withdrawn their EUSS application
EUEVAD	unsuccessful - customer has died since submitting their EUSS application
EUETRANSFER	EUSS application transferred from Atlas to CID (Case Information Database)

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EUSS application: customer incorrectly considered a British citizen

This section tells HM Passport Office operational staff what to do if a customer's EU Settlement Scheme application is unsuccessful because UK Visas and Immigration incorrectly decided they are a British citizen.

When dealing with passport application, you may discover a parent's EU Settlement Scheme (EUSS) application is void (unsuccessful) because UK Visas and Immigration (UKVI) believed they were a British citizen.

If you are satisfied the customer is not a British citizen and UKVI's decision was incorrect, you must:

1. Email the European Casework Briefing and Response team to:
 - explain they may have incorrectly voided the customer's EUSS application
 - explain why the customer does not appear to be a British citizen
 - ask them if they can review the decision they made
 - ask them to contact the customer to resolve any errors (for example, to explain they do not appear to be a British citizen)
2. Consider if the passport application relies on UKVI reviewing the customer's EUSS application.

If the passport application does not rely on UKVI reviewing the customer's EUSS application, you must:

1. Add a case note to show the actions and decisions you made.
2. Continue to process the passport application (in line with current guidance).

If the passport application does rely on UKVI reviewing the customer's EUSS application, you must:

1. Store the application (or put it on hold if the application is on Digital Application Processing).
2. Regularly check Atlas to show for any new outcomes for the customer's EUSS application.
3. Continue to process the passport application based on any new outcomes for the customer's EUSS application.

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EUSS application: customer granted pre-settled status

This section tells HM Passport Office operational staff what to do if a parent applied to the EU Settlement Scheme and held pre-settled status at the time of their child's birth.

Before a [legal judgement](#) the Home Office's position was that a person granted pre-settled status under the EU Settlement Scheme (EUSS) needed to make a second application, for indefinite leave to remain (ILR), before their pre-settled status expired.

However, this judgment found that:

- residence rights under the Withdrawal Agreement held by those with pre-settled status do not expire for failure to make a second application to the EUSS for settled status
- a Withdrawal Agreement right of permanent residence is acquired automatically as soon as the conditions for it are met, and therefore, a second EUSS application is not required to obtain it

Whilst the Home Office continues to encourage pre-settled status holders to apply for settled status as the best way to prove their right to reside indefinitely in the UK, there is no longer a requirement to do so and from September 2023 pre-settled status will automatically be extended by two years for those approaching their original expiry date if the person has not obtained settled status.

For passport applications this means a parent may have automatically acquired a Withdrawal Agreement right of permanent residence before their child was born, by exercising Treaty rights for a continuous 5 year period.

This means they will meet the definition of 'settled in the UK' in section 50 of the British Nationality Act 1981 even though UKVI systems show they only have pre-settled status.

The Dedicated Resource team (DRT) must deal with applications when either of the following apply:

- the parent only has pre-settled status at the time of the child's birth
- the parent was granted indefinite leave to remain (ILR) after the child was born but their child does not meet the criteria for a BC 10A BNA 81 OTBD nationality claim

How you (the examiner) deal with the application will depend on if the application is on the Digital Application Processing system (DAP) or the Application Management System (AMS).

Pre-settled status: application is on DAP

If you, the examiner, receive an affected application on the Digital Application System (DAP), you must:

1. Email the **Treaty Rights triage letter - children born UK on or after 1 July 21** to the customer from your teams shared mailbox.
2. Put the application on hold for 1 week and add the following note:

'Application on hold as waiting for a response to 'Treaty Rights triage letter - children born UK on or after 1 July 21'

3. Wait for the customer to reply.

When you get the customer's reply, you must:

4. Read the customers response.
5. Deal with the documents received task and select the **I can't do this** option to refer the application to your operational team leader (OTL) if either of the following apply:
 - the parents have been in the UK for 5 years or more before the customer was born and exercised Treaty rights
 - the parents have been in the UK for less than 5 years but answered 'yes' to any of the questions that show they may meet an exception

You, the OTL, must reclassify the application as a complex Treaty rights application to put it back into the national queue. The Dedicated Resource team will then deal with the application.

You, the examiner, must refuse the application, in line with current guidance if the customer's response explains they:

- have not been in the UK for five years and did not answer 'yes' to any of the questions that shows they may meet an exception
- have been in the UK for 5 years or more but did not exercise Treaty rights

Pre-settled status: application is on AMS

You, the examiner, must refer affected applications to the Dedicated Resource team who will deal with the application.

EUSS pre-settled: how the DRT deal with passport applications

If you, the Dedicated Resource team (DRT), receive an affected AMS application, you must:

1. Send the **Treaty Rights triage letter - children born UK on or after 1 July 21** to the customer.

2. Scan a copy of the letter to keep it as part of a permanent record.
3. Put the application on hold and wait for the customer's reply.

When you get the customer's reply, you must consider if the parents have been in the UK for 5 years or more before the customer was born.

EUSS pre-settled: parents in the UK less than 5 years before child was born

If the parent [was not in the UK for 5 years or more](#) before their child was born, you (the DRT) must check their response to the **Treaty Rights triage letter - children born UK on or after 1 July 21** to see if they meet an exception. The parents will meet an exception if they answered 'Yes' to any question that shows the claim parent:

- retired after being a worker or self-employed person in the UK for at least 12 months before retirement and lived continuously in the UK for a period of at least 3 years; or
- stopped work due to permanent incapacity after 2 years' residence in the UK
- are or were a worker or self-employed person in the UK who moved to work in an EEA country and:
 - kept a place of residence in the UK
 - lived in the UK for at least 3 years
 - returned to their UK place of residence at least once a week; or
- are a family member of a person who meets the conditions in the 3 bullets above
- are a family member of an EEA citizen who died, who:
 - was resident in the UK as a worker or a self-employed person at the time of their death
 - lived in the UK continuously for a period of at least 2 years or who died as a result of their work

If they answered 'Yes' to any of the above, you must raise a guidance query and include:

- the parents' Unique Application Reference Numbers
- the date the parent made the EUSS application
- the date UK Visas and Immigration granted the parents pre-settled status
- the date the parents came to the UK
- if the parent:
 - had retired
 - become incapacitated
 - moved to another country
 - had died
 - were a family member of any of the above

The Quality, Examination Support team will check with the European Migration Policy Enquiries team and provide a response for each case.

If neither of the parents was in the UK for 5 continuous years or more before their child's birth, and they answered 'No' to all the above exception questions, you must:

1. Add a case note to show the actions and decisions you made.
2. Add the mandatory case:

'EUSS10 parent held PSS status ATOB but did not live in the UK for 5 continuous years or meet an exception'

3. Send letter 597 to the customer.
4. Scan a copy of letter 597 to keep it as part of a permanent record.
5. Refuse the application in line with the refusing passport applications and passport facilities guidance.

EUSS pre-settled: parents exercised Treaty rights for 5 years or more before the child was born

If the customer's response states they believe they were in the UK exercising Treaty rights for 5 continuous years or more before their child's birth, you must ask them for evidence they exercised Treaty rights (see Treaty rights passport applications).

When you get the evidence, you must:

1. Add a case note to record the actions and decisions you made and the mandatory case notes:

'Child is BC 1(1)(b) BNA 81 OTBD from the date they were born'

'EUSS11 parent held PSS status ATOB, lived in the UK for 5 continuous years and exercised Treaty rights before child's DOB'

2. Issue the passport in line with current guidance.

You must not automatically refuse the application if the customer cannot provide evidence they exercised Treaty rights for the full 5 years; you must refer the application to your operational team leader (OTL).

You, the OTL, must:

1. Consider the application using a balance of probabilities assessment.
2. Ask the Quality and Examination Support team for advice (if you decide you should refuse the application).
3. Withdraw the application in line with current guidance if both of the following apply:
 - o the customer cannot provide evidence they exercised Treaty rights for 5 continuous years
 - o you do not have enough evidence to confirm the child's claim to British nationality

EUSS pre-settled: parents did not exercise Treaty rights for 5 continuous years before the child's birth

If the parents were in the UK for 5 continuous years or more before their child's birth, but they did not exercise Treaty rights for the full 5 years or meet an exception, you must:

1. Add a case note to record your decisions and actions and add the mandatory case note:

'EUSS12 parent held PSS status ATOB, lived in the UK for 5 continuous years but did not exercise Treaty rights for the full 5 years or meet an exception'

2. Send letter 597 to the customer.
3. Scan a copy of letter 597 to keep it as part of a permanent record.
4. Refuse the application in line with the refusing passport applications and passport facilities guidance.

Related content

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