



EU Settlement Scheme and adults using care services



Guidance for adult social care providers, carers and families

2nd Edition June 2021

Who is this guidance for?

This document provides information and guidance about the EU Settlement Scheme and its implications for vulnerable people who use social care services whether it be in their own home, residential setting, and/or access care support on a regular or infrequent basis. If you are responsible for providing care services, are a carer in any capacity, or know of an individual or family who may need to apply this guidance will help you to:

- identify those who need to make an application and
- provide practical support to apply to the scheme.

Further details are available in the main [Government EUSS guidance](#).

This guidance has been developed by the [Care Provider Alliance](#) (CPA) and the [Association of Directors of Adult Social Services](#) (ADASS). See also CPA's information on the [EUSS for care providers as employers, and ADASS resources](#).

Key Information for EU, EEA and Swiss citizens and their family members resident in the UK

APPLICATION DEADLINE: 30 June 2021

EU, EEA & Swiss citizens, may need to apply to the EU Settlement Scheme in order to continue living, working, studying and access public services, like the NHS, in the UK after 30 June 2021.

Irish citizens do not need to apply to the EU Settlement Scheme to live and work in the UK although they may do so if they wish. However, their family members may need to apply.

British Citizens do not need to apply. To note: Being born in the UK does not necessarily mean automatic right to British Citizenship. To check please access [Check British Citizenship on the GOV.UK](#).

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What is the EU Settlement Scheme?

The UK government has introduced a new form of immigration status to enable eligible European Union citizens, European Economic Area citizens, or Swiss citizens currently living in the UK or resident in the UK before 31 Dec 2020, to stay in the UK after the end of the transitional withdrawal period.

EEA citizens include nationals of the following countries:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

If an application is successful an immigration status will be awarded which will be:

- **Settled** - for people with more than 5 years of continuous qualifying residence
- OR**
- **Pre-settled** – for people with less than 5 years of qualifying residence.

Applicants won't be asked to choose which status they are applying for. Which status they are awarded depends on how long they've been living in the UK. Their rights will be different depending on which status they get.

The key point to note is that if awarded pre-settled status this can be converted to settled status when the five years of continuous residence is reached. This will not automatically be awarded, and a further application will need to be made.

Please note that whilst a new immigration points-based system came into force from 1 January 2021, this will **not** prevent eligible applicants making a successful application under the EU Settlement Scheme to stay in the UK. It is possible that some people will think they cannot make an application because of the new rules. As the deadline for applications is approaching, EEA citizens and their families are encouraged to submit their application even if they are currently waiting for evidence of ID or other documentation.

Who needs to apply?

Except in a few cases, an individual needs to apply if:

- they are an EU, EEA or Swiss citizen
- they are not an EU, EEA or Swiss citizen, but their family member is (or is an eligible person of Northern Ireland).

This means an individual will need to apply even if they:

- were born in the UK but are not a British citizen
- have a UK 'permanent residence document'
- are a family member of an EU, EEA or Swiss citizen who does not need to apply – including if they are from Ireland
- are an EU, EEA or Swiss citizen with a British citizen family member.

Please note if an individual has children, an application will need to be made for each child separately.

Who else can apply?

An application may be made if the individual is not an EU, EEA or Swiss citizen but:

- they used to have an EU, EEA or Swiss family member living in the UK (but they have separated, they have died or the family relationship has broken down)
- they are the family member of a British citizen and they lived outside the UK in an EEA country together
- they are the family member of a British citizen who also has EU, EEA or Swiss citizenship and who lived in the UK as an EU, EEA or Swiss citizen before getting British citizenship
- they have a family member who is an eligible person of Northern Ireland
- they are the primary carer of a British, EU, EEA or Swiss citizen
- they are the child of an EU, EEA or Swiss citizen who used to live and work in the UK, or are the child's primary carer.

However, they will not be able to apply online if they are not an EU, EEA or Swiss Citizen and contact should be made to the EU Resolution Centre to find out how an application should be made.

Who does not need to apply?

An individual does not need to apply if they have:

- indefinite leave to enter the UK
- indefinite leave to remain in the UK
- Irish citizenship (including British and Irish 'dual citizenship').

An individual cannot apply if they have British citizenship.

If the individual is an EU, EEA or Swiss citizen and they moved to the UK before it joined the EU, then an application only needs to be made if the individual does not have indefinite leave to remain. If they do have indefinite leave to remain, the individual will usually have a stamp in their passport or a letter from the Home Office saying this.

People who may be a British Citizen

It is important to note that after making enquiries with someone around their immigration status it is possible that you will discover that they are in fact a British Citizen in their own right, even if they have no passport or other written proof of citizenship. If this is the case, they **cannot** apply to the EU Settlement Scheme.

If proof of British citizenship is required, the individuals affected could be encouraged to seek written confirmation of this as soon as possible as this can sometimes be a lengthy process. If the person is not currently a British Citizen but may be eligible to **apply** for British Citizenship advice should be sought on whether they should apply to the EU Settlement Scheme now in order to ensure they have legal status after 30 June 2021. An application for British Citizenship can still be made later.

You can check here: www.gov.uk/check-british-citizenship

How can someone apply?

An application can be made **online** using the government website:

[Apply to the EU Settlement Scheme \(settled and pre-settled status\): Apply to the EU Settlement Scheme - GOV.UK](#)

As part of the online application process, some people will be able to use the government app 'EU Exit: ID Document check to provide their identity. See the link to advice [Using the 'EU Exit: ID Document Check' app - GOV.UK](#)

The online service cannot be used to apply to the scheme if the individual is not an EU, EEA or Swiss citizen and they are applying as:

- the family member of a British citizen they lived with in Switzerland or an EU or EEA country
- the family member of a British citizen who also has EU, EEA or Swiss citizenship and who lived in the UK as an EU, EEA or Swiss citizen before getting British citizenship
- the primary carer of a British, EU, EEA or Swiss citizen
- the child of an EU, EEA or Swiss citizen who used to live and work in the UK, and they are in education - or someone who is the child's primary carer.

Where can someone get support?

The **Home Office EU Settlement Scheme Resolution Centre** can be contacted for advice and assistance on individual cases:

- **Tel 0300 123 7379** for applicants
- **Tel 0300 790 0566** for organisations helping others to apply

Information on the EU Settlement scheme is also available in a range of EU/EEA languages. See [Settled status for EU citizens and their families: translations - GOV.UK](#) together with a range of promotional materials.

An easy step-by-step guide on how to apply to the EU Settlement Scheme and how to prove residence in a range of circumstances is available on the Citizens Advice website [Immigration - Citizens Advice](#).

Citizens Advice also provide free phone advice: Tel 0800 144 884 Mon-Fri 9am-5pm.

Support with online applications

Assisted Digital is free service is available over the phone and in person for people who do not have the access, skills or confidence to complete the online application form.

- Contact We-Are-Digital by calling 03333 444 019
- For people with hearing and/or speech difficulties, they can access this service on a smartphone, computer or tablet or text phone. Dial 18001 03333 445 675.
- Email: info@we-are-digital.co.uk (Include a telephone number that you can be contacted on if possible).

Assisted Digital provides face to face support to fill in the application by attending an appointment at one of the community centres/libraries around the county – [type in the postcode here to find the nearest centre](#).

For more information visit www.gov.uk/eu-assisted-digital.

Criminality checks

Part of the application process requires applicants aged 18 and over to declare any criminal convictions. Children who apply will also undergo an automatic criminal check but are not required to declare convictions. This may cause alarm for some individuals and they may be reluctant to disclose a criminal history or apply. The Home Office has provided detailed guidance on this issue. There is no need to declare any of the following:

- convictions that do not need to be disclosed ('spent convictions')
- warnings ('cautions')
- alternatives to prosecution, for example speeding fines.

Each application is looked at on a case-by-case basis. However, the Home Office has indicated that only very serious offences that would be likely to result in deportation, would result in an application being refused because of any criminal history. This is likely to be because of criminality that poses a threat to national security. This should reassure many individuals.

Guidance for case workers

The following are extracts from the EUSS main Home Office guidance.

Applications in respect of adults with care or support needs

This guidance provides information about how to deal with applications from adult applicants with care or support needs. Adults with care or support needs may include:

adults lacking the mental capacity to make their own decisions or with broader care or support needs such as those who may be residing in a residential care home or receiving care and support services in their own home, with long-term physical or mental health needs or a disability.

Applications made on behalf of an adult with care or support needs

Some adult applicants with care or support needs may have been signposted to sources of support to assist them to make their application. These include the Settlement Resolution Centre, Assisted Digital and [grant funded voluntary and community organisations](#).

Due to Covid 19 restrictions, access may be not be as widely available for Assisted Digital and ID Scanning services. Other adults with care or support needs may need someone to make the application on their behalf. The Home Office can accept an application made on someone's behalf by an appropriate third party in a range of circumstances.

Applications can be made on someone's behalf by for example:

- [a person with power of attorney for the applicant](#)
- [a deputy appointed by the Court of Protection in England and Wales](#)
- [a controller appointed by an order made by the High Court in Northern Ireland](#)

- [a legal guardian](#)
- [another appropriate third party, e.g. a friend, carer, social worker, support worker or legal representative](#)

If the person's mental capacity fluctuates, then their consent must be sought, when they are able to give it, for an appropriate third party to make an application on their behalf if they are unable to apply themselves. In each case, you must be satisfied that the person acting on behalf of the individual either:

- has the authority (in the general sense of permission or consent) to do so
- or
- is acting in the best interests of the individual in accordance with [the Mental Capacity Act \(England and Wales\) 2005](#), Under the Mental Capacity Act (England and Wales) 2005, see [Making decisions on behalf of someone](#), under the Adults with Incapacity Act (Scotland) 2000, see [Adults with incapacity: guide to assessing capacity](#)

Where you have concerns about the application, such as to why the applicant has not applied by themselves or whether the applicant is aware of the application, you must:

- Contact the applicant where appropriate, to check the relevant authorisation provided is genuine before you deal with the application.
- If it is not appropriate to contact the applicant, which will depend on how much you know about the severity of their needs, then enquiries with the person making the application on behalf of the applicant are to be pursued where possible.

If you still have concerns after making these enquiries, then you must consult your senior caseworker.

- If there are any indicators that the applicant is at risk, for example of abuse, exploitation, or modern slavery, then you must first consult your senior caseworker.
- A referral to the local authority adult safeguarding team may be required, or you may need to refer to the guidance on Victims of modern slavery which includes details on how to refer potential victims of modern slavery to the National Referral Mechanism.

It may be the case that a third party is unable to obtain or produce the 'required proof of identity and nationality' for the applicant because, for example, they may be unable to apply on their behalf for the relevant document or to renew this for them if

it is out of date. In these circumstances, you must refer to 'Other reasons document cannot be obtained or produced'.

Power of Attorney

A Power of Attorney is a document that grants the holder (the attorney) power to make certain decisions on behalf of the person named in the document.

Someone who holds power of attorney for an individual may make any necessary application for immigration status (including under the EU Settlement Scheme) on their behalf as a result of the power of attorney or as a result of their general duty to act in the best interests of the individual. In any given case, you must be satisfied that the person is acting within the scope of their decision-making powers by checking the terms of the power of attorney, which must be provided to support the application. For example, the power of attorney may grant the holder general authority to take possession and control of the affairs of the person named in the document.

There are different types of powers of attorney according to the jurisdiction.

In England and Wales, an attorney will be appointed under either a Lasting Power of Attorney (LPA) or an Enduring Power of Attorney – the forerunner of the LPA. You must be aged over 18 in England and Wales to be able to make a power of attorney and have capacity to understand what you are doing when granting this.

You must check with the relevant office in the UK (the [Office of the Public Guardian](#) in England and Wales, or the relevant issuing office abroad if you have doubts about the document or the application).

Court appointed authorisations

In cases where an individual has not made a power of attorney and now lacks the capacity to make decisions, arrangements may have been made to have a formal decision maker appointed by a court.

England and Wales: Deputy appointed by the Court of Protection

A deputy is authorised by the Court of Protection to make decisions on behalf of a person who lacks the mental capacity to make decisions for themselves and where there is no power of attorney already in place.

A deputy is usually a close relative or friend of the person who needs help making decisions. In other instances, a person can be engaged professionally to act as a deputy, for example, an accountant, solicitor or representative of the local authority.

Appointed deputies may make any necessary application for immigration status (including under the EU Settlement Scheme) on behalf of an individual as a result of a legal duty in their court order (e.g. property and financial affairs), or as a result of

their general duty to act in the best interests of the individual. In either case, you must be satisfied that a deputy is acting within the scope of their decision-making powers by checking the terms of their court order, which must be provided to support the application. For example, the deputy order may grant the holder general authority to take possession and control of the affairs of the person lacking capacity.

Legal Guardianship

An application can be made on behalf of an applicant by their legal guardian. You must be satisfied that there is evidence of a guardianship order in place.

Applications made by another appropriate third party

An application can be made on behalf of an adult applicant with care or support needs by another appropriate third party, for example a friend, carer, social worker, support worker or legal representative. In each case, you must be satisfied that the person acting on behalf of the individual is authorised to do so or that they are acting in the best interests of the individual. Evidence that may satisfy you of this may include:

- a letter from a doctor, health professional, social services department or solicitor confirming the circumstances
- a letter from the applicant themselves, authorising someone to act on their behalf
- evidence of a carer relationship, e.g. a Department for Work and Pensions letter confirming receipt of carer's allowance.

The third party must provide their contact details when prompted at the end of the online application process or in the relevant section of the appropriate paper application form.

The third party must upload a letter in the evidence section of the online application form (or provide this with the appropriate paper application form) to inform the caseworker of the individual's circumstances, including the reasons why the application is being made by a third party and their relationship to that individual. If this is not uploaded or included with the application, you must request it from the third party.

The third party must also ensure they are acting appropriately according to the requirements of the [Office of the Immigration Services Commissioner \(OISC\)](#). OISC is the regulatory body for the provision of immigration advice. Any third party supporting individuals to make an application to the EUSS must ensure their support does not constitute immigration advice, unless they are a [registered immigration adviser with OISC](#).

[The AIRE \(Advice on Individual Rights in Europe\) Centre has said cautioned that](#) if the third party that makes the application is acting in a professional capacity (whether paid or not), they are likely to need to be regulated to provide immigration advice and services in order to make an application on the person's behalf. It could be a criminal offence to make immigration representations on their behalf. They recommend checking with the [Office of the Immigration Services Commissioner](#) before acting.

AIRE has also highlighted that guidance suggests that “authority” and “best interests” are either/or, and suggested that they need to be both. (See [AIRE Centre presentation: EU Settlement Scheme and people who lack mental capacity – May 2021.](#))

Related external links

[Mental Capacity Act 2005](#)

[Make decisions on behalf of someone](#)

[Adults with incapacity: guide to assessing capacity](#)

[Victims of modern slavery](#)

[Office of the Public Guardian \(OPG\) registers](#)

[Office of Care and Protection](#)

[Panel Deputies: List of court approved professionals](#)

[Office of the Immigration Services Commissioner](#)

[Advice on Individual Rights in Europe \(AIRE\) Centre](#)

EUSS and people who use services: how to offer practical support

EU citizens who use your services and their family members might not know about the EU Settlement Scheme, or they might be anxious about the implications for them. Although it's difficult to be sure, there are indications that people who rely on social care services might be less likely to have applied to the scheme, so they could need extra information and support to do so.

One issue is that older people are more likely to have been in the UK for a longer period, possibly from before the UK first joined the EU, and may believe that their residency status means that they don't need to apply to the EU Settlement Scheme. While you cannot act as an advisor, you should encourage them and their next-of-kin to look at the official government information about who needs to apply, and signpost them to advice and support.

As a caring organisation, you'll want to support the people who use your services and their families through what might be an anxious time. And you'll also want to ensure that they can continue to live in the UK, use your services and access funding and related services such as the NHS. To be able to do so, they'll need to apply to the scheme.

You have a legal duty not to discriminate against EU citizens as prospective or current people who use your service.

You should not act as formal advisers, but you should make the people who use your services, and their next-of-kin, those with Lasting Power of Attorney (LPA) or friends aware of the EU Settlement Scheme.

If you discover that someone who is required to apply to the EU Settlement Scheme, but has not done so by 30 June 2021, you should assist them to access legal advice in order to make a late application.

You may wish to liaise with local services, such as Citizens Advice, [Age UK](#), and the Carers Trust, to understand if they're running any local awareness campaigns or support programmes to help people who use services and carers to apply for the scheme. You might want to share local contact details for these organisations with the people who use your services, or arrange for the organisations to provide support.

You can find a list of national organisations, and search for local organisations, who can support vulnerable applicants applying to the EU Settlement Scheme on the [GOV.UK website](#).

As with all communication, you'll need to meet people's access needs.

If you run **residential care** services, you might want to:

- arrange a residents and family meeting to share information about the EU Settlement Scheme, how to apply and what advice might be available locally. You might also like to use this meeting to tell residents what you're doing to support staff from the EU.
- print leaflets and materials to give to residents, their next-of-kin, and friends. Information is available in a [range of languages](#).
- provide supervised access to computers during set hours to enable residents to apply to the scheme with support from their family or friends if needed.
- search for local organisations that can help. Visit [Get help applying to the EU Settlement Scheme](#).

If you run home care services, you might want to:

- write to or email the people who use your services, and their family or friends, sharing web links to official Government advice or printouts, and information about any local advisers who can support them with their application. You can search for local organisations by postcode, or see a range of national organisations that can help. Visit [Get help applying to the EU Settlement Scheme](#).
- follow up with them once they've received their email or letter – if English isn't their first language, they might not fully understand what they need to do.
- ensure your staff are aware of the information being sent to the people they support.

Late applications

The deadline for applications under the EUSS is 30 June 2021. This means that from 1 July 2021, all EEA (EU, EEA, and Swiss citizens) who continue to reside in the UK and who have not obtained status under the EU Settlement Scheme will be in the UK unlawfully.

Although the deadline for the EUSS is 30 June 2021, the Scheme was never going to fully close on that date. The Home Office intends for it to remain open for many years to enable those with pre-settled status to [apply to upgrade to settled status](#).

In April 2021, the Home Office updated their policy guidance, outlining that although applications can be submitted after the deadline, applicants will need to demonstrate “reasonable grounds” for applying late. (See [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members Version 12.0](#) – Section on Making an application: deadline.)

The Home Office suggests that they will be flexible for an initial period immediately after the deadline, instructing caseworkers to give the ‘benefit of the doubt’ when considering all information provided with a late application. It is unclear how long this flexibility will last, as reference is only made to an ‘initial period’ after the deadline.

This is positive, welcome news and is encouraging to note that the Home Office is aware and preparing for the inevitable late applications which will be submitted under the scheme and from the most vulnerable groups in our communities.

The EU Settlement Scheme also requires those with less than five years of continuous residence to apply for settled status once they reach five years of continuous residence. The above “reasonable grounds” will also apply to those who fail to upgrade their status from pre-settled to settled status, before their pre-settled status expires. The guidance also applies to this cohort of people. Similarly, it applies to EEA applications for family members joining the EEA citizen sponsor via the family permit route, those who hold leave to remain under another part of, or outside, the Immigration Rules and those who cease to be exempt from immigration control.

Immigration Enforcement

Home Office policy states that if an Immigration Enforcement Officer identifies an EEA citizen who should have applied to the EUSS but has not done so, the Officer should issue them with a written notice.

This also applies to people who are referred to the Office by, for example, a local authority.

The written notice should give them an opportunity to make a valid application under the Scheme, normally within 28 days of the date of the notice. They will be expected to apply within the timeframe set out in the notice. The policy states that no immigration enforcement action for being in the UK without leave to remain will normally be taken during this period.

Enforcement process after the 28-day window

While we hope that everyone who requires the 28-day written notice receives it, there will inevitably be some people who fail to apply to the Scheme before this notice expires. The policy does not provide any information relating to what happens to such a person in this scenario and what the enforcement processes that flow from it are.

Non-exhaustive list of reasonable grounds

Home Office guidance confirms that the reasons why a citizen may have reasonable grounds for applying late to the EUSS are non-exhaustive. The guidance stresses that every case must be considered based on its own set of circumstances. Nevertheless, the guidance provides examples of situations where citizens are likely to be accepted to have reasonable grounds for applying late. These are listed in the document as:

- **Children (including children in care and care leavers):** Where a parent, guardian or Local Authority has failed to apply for a child, this will normally constitute a reasonable ground. The Home Office stress that they do not need to consider the reasons why the responsible adult failed to apply to the scheme.
- **Physical or mental capacity and/or care or support needs:** Where a person lacks the physical or mental capacity to apply, or has care or support needs, that will normally constitute reasonable grounds to make a late application. Flexibility will also be extended to adults with broader care or support needs, such as those who may be residing in residential care homes or receiving care and support in their own homes. The Home Office will expect evidence to support these claims, as well as evidence of a legal authority for the third party to act on behalf of the person lacking capacity, if applicable.
- **Serious medical condition or significant medical treatment:** Where a person has a serious medical condition (or was undergoing significant medical treatment) in the months before, or around the time of, the deadline applicable to them, that will normally constitute a reasonable ground. The Home Office will expect to see evidence supporting the medical claims.

- **Victim of modern slavery:** Where a person was prevented from applying because they are a victim of slavery, including trafficking, that will constitute a reasonable ground for applying late. The EUSS application will need to be internally referred to the Home Office safeguarding team for advice on referral to the National Referral Mechanism. If it results in a referral, then this will constitute a reasonable ground and the EUSS application can be considered without waiting for the outcome of the referral. Evidence of slavery or trafficking is not required. The Home Office must be aware of indicators of slavery or trafficking and be alerted to identifying such victims to ensure that they are referred into the National Referral Mechanism.
- **Abusive or controlling relationship or situation:** Where a person was prevented from applying because they are or were a victim of domestic violence or abuse (or the family member of such a victim) or they are or were otherwise in a controlling relationship or situation that prevented them from applying, then this will normally constitute reasonable grounds. The applicant will not need to provide specific evidence of the ill-treatment, any evidence, information, or other factors, that the EEA citizen can provide will be considered by the Home Office who must be flexible and pragmatic.
- **Other compelling practical or compassionate reasons:** There may be other reasons for applying late, and this reason is a catch-all for all other possible scenarios.

For example, a person may have been unaware of the requirement to apply because they had no internet access, limited computer literacy or limited English language skills, lack of permanent accommodation, other complex needs, or was released from prison or immigration detention after the deadline. This also includes those who did not apply in time because they did not have the required evidence, for example, they could not get a valid ID document in time and did not know they can apply on an expired document. Where such circumstances occur, they can be considered as having compelling practical or compassionate reasons. They will need to provide supporting evidence, which can include a letter or statement from a Local Authority, relative, carer or care home, explaining the barriers that prevented an earlier application.

- **Ceasing to be exempt from immigration control:** Those who are exempt from immigration control (for example, diplomats) may be able to apply late after they cease to be exempt. They will have a period of 90 days from the date they cease to be exempt to apply and if they miss that 90-day window, they can apply late. They will need to have reasonable grounds for applying late.

- **Existing limited or indefinite leave to enter or remain:** For those with limited leave, they can apply to the Scheme any time after their limited leave expires so long as they have reasonable grounds for applying late in line with the overall guidance. Those with indefinite leave do not need to apply to the EEASS but there may come a point in time that they want to do so to acquire the additional rights that come attached to settled status. They can apply late to the scheme so long as they demonstrate reasonable grounds for missing the deadline in line with the guidance.
- **Document or status under the EEA Regulations:** There are people who have a biometric residence card or other residence document issued under the EEA Regulations and who may not realise that they can no longer rely on them beyond the deadline.

Late applications and “hostile environment”

As things stand, even those who are likely to be granted further time to apply to make a late application face the “hostile environment” until they are **granted** status under the EUSS.

The UK government has stated that although their right to obtain leave (i.e. their lawful right to remain in the UK) is provided for through allowing later applications to the EUSS, their right to claim benefits will not continue beyond 30 June 2021. This right will recommence from the date they are granted status under the EUSS.

No recourse to public funds

The UK residence rights and immigration requirements for European Economic Area (EEA) nationals have significantly changed following the UK’s departure from the European Union (EU) and the end of free movement in the UK. These changes will affect a person’s entitlement to benefits and other services, particularly after the end of the grace period and deadline to apply to the EU Settlement Scheme on 30 June 2021.

The end of the grace period presents destitution and homelessness risks for those who have not applied in time and will give rise to pressures on local authorities when duties are engaged to provide accommodation and financial support to people with care needs who are ineligible for benefits. The [No Recourse to Public Funds network has produced a factsheet](#) which provides information to help local authorities and care providers correctly establish a person’s support options when they are destitute or at risk of homelessness. Key points are summarised below.

Can an EEA national access social care?

Social care is available to an adult regardless of their immigration status. The provision of care and support will be subject to the outcome of a needs assessment,

which must be undertaken in line with the Care and Support (Assessment) Regulations 2014 and the Care and support statutory guidance.

The rules and regulations governing financial assessments apply to all adults, regardless of nationality or immigration status, and must take into account their means. An adult may lack the means to contribute to the cost of their care if they are not eligible for benefits or if they fail to apply to the EU Settlement Scheme before 30 June 2021 and subsequently lose access to employment/ benefits.

When will an EEA national be unable to claim benefits?

A person will be ineligible for income-based benefits, including Universal Credit and Pension Credit, if they:

- Have been granted pre-settled status but are not exercising a qualifying right to reside.
- Are entitled to make an application to the EU Settlement Scheme but were not exercising a right to reside immediately before 11pm on 31 December 2020, even if they apply to the EU Settlement Scheme before 30 June 2021.
- Do not make an application to the EU Settlement Scheme by the deadline of 30 June 2021, even if a late application is accepted by the Home Office.
- Entered the UK on/after 1 January 2021 with a visa that is subject to the 'No Recourse to Public Funds' (NRPF) condition.

A person who does not have access to benefits or any other resources to fund their accommodation and/ or basic living needs will be at high risk of destitution or homelessness. When an adult who is in this position is receiving care in the community or requests a needs assessment, local authorities will need to consider whether accommodation and financial support can be provided under the Care Act 2014 or other legislation. For information about the legal duties and powers that may apply, including when there is a child under 18 in the household, see Appendix C.

When will an EEA national qualify for care and support under the Care Act 2014?

When a person has care and support needs and is ineligible for benefits, social services may be required to provide care and support under the Care Act 2014.

Eligibility for care and support is determined through the needs assessment and whether the adult has eligible needs (Care and Support (Eligibility Criteria) Regulations 2015). The local authority will have a duty to provide care and support when an adult has eligible care and support needs that arise from, or are related to, a physical or mental impairment or illness (section 18). When an adult has eligible needs, support can be provided in order to meet needs (section 8).

When care and support needs are identified that are not eligible needs, social services must consider whether accommodation and financial support can be

provided on a discretionary basis (section 19(1)). Social services are not required to meet needs that arise solely due to the adult's destitution, or the actual or anticipated physical effects of destitution (section 21).

When a person presents to social services as being destitute or homeless, emergency accommodation and financial support can be provided whilst the needs assessment is carried out (section 19(3)). For more information about assessing and meeting need under the Care Act for people with no recourse to public funds, see the [NRPF Network practice guidance](#).

When a person has settled status, pre-settled status, or is otherwise lawfully present in the UK, eligibility for care and support, including accommodation and financial support, will be determined by the needs assessment only. In such cases a human rights assessment will not be required and should not be carried out.

Department of Work and Pensions and Home Office actions after 30 June 2021

The Government has advised local authorities that in July 2021, the Home Office will write to those citizens who are in receipt of benefits who have still not applied after the deadline encouraging them to apply for EUSS before actions are taken that could result in the loss of benefit entitlement. This will give the citizen an additional 28 days to make a late application to EUSS. Those who fail to respond to the Home Office letter will be referred to DWP for further action.

DWP will issue a further letter to claimants in mid-September 2021 encouraging them to apply for EUSS before claim suspension action is taken. The aim of this engagement is to ensure that those in receipt of DWP benefits apply for EUSS and continue to be eligible for those benefits. Citizens that have still not applied for EUSS 28 days from the date on that letter will be subject to benefit suspension.

Following benefit suspension for failing to apply for EUSS, the citizen will be given a further 28 days to apply for EUSS. If, after this final 28-day period, the citizen has still not applied for EUSS then the claim will be terminated.

All EEA citizens and family members in scope of the Withdrawal Agreement who do not have EUSS status, are classified as Persons Subject to Immigration Control and therefore will have no entitlement to DWP benefits and public services.

Sources of advice for applicants

Government information

[Stay in the UK \('settled status'\): step by step](#)

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

EU Settlement Resolution Centre

For questions about an application call 0300 123 7379 or use the online form www.eu-settled-status-enquiries.service.gov.uk.

Advice on supporting another person with an application – call 0300 7900566

Translated information

The guidance on the EU Settlement Scheme has been translated into 25 European languages and Welsh. Visit www.gov.uk/settled-status-translations.

Assisted Digital

This free service is available over the phone and in person for people who do not have the access, skills or confidence to complete the online application form.

Contact We-Are-Digital by calling 03333 444 019

For people with hearing and/or speech difficulties, they can access this service on a smartphone, computer or tablet or text phone. Dial 18001 03333 445 675.

Email: info@we-are-digital.co.uk (Include a telephone number that you can be contacted on if possible).

Assisted Digital provides face to face support to fill in the application by attending an appointment at one of the community centres/libraries around the county – [type in the postcode here to find the nearest centre](#).

For more information visit www.gov.uk/eu-assisted-digital.

ID document scanning service

This service is available to complete the proof of identity step if people do not have access to the [EU Exit: ID Document Check](#) app. There may be an administrative fee to use this service.

For a list of locations, visit www.gov.uk/eu-id-scanner-location.

Please note that many locations are currently closed due to Covid-19 restrictions or may only be offering this service by appointment only. Check the situation first before making a special visit to an ID scanning location.

Community organisations

If people need more support with their application, they can contact a nearby community organisation. Visit www.gov.uk/help-eu-settlement-scheme

Useful links and contacts for care providers

[CPA EUSS guidance for care providers](#)

[ADASS EUSS resources](#)

[EU Settlement Scheme](#)

[EU Settlement Scheme – translated information materials](#)

[No Recourse to Public Funds Network](#)

Contacts for care providers

There are many people and organisations who may be able to help care providers:

- A local care association or one of the national associations which make up the Care Provider Alliance could offer peer support, resources and advice.
- Other local services, or networks such as the [Skills for Care Registered Manager Forums](#), which can provide peer support for first line leaders.
- Local authority and health care commissioners – who may have concerns, but who won't want to see a service close unless it is unavoidable.

[Care Provider Alliance](#)

[Associated Retirement Community Operators](#)

[Association for Real Change](#)

[Association of Mental Health Providers](#)

[Care England](#)

[National Care Association](#)

[National Care Forum](#)

[Registered Nursing Home Association](#)

[Shared Lives Plus](#)

[United Kingdom Homecare Association](#)

[Voluntary Organisations Disability Group](#)

[Local care association - contacts](#)

Disclaimer

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