



Home Office

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Monique Hawkins, the3million
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Dear Monique Hawkins and Zoe Bantleman,

Thank you for your letter of 22 November to Minister Malhotra about the curtailment of pre-settled status granted under the EU Settlement Scheme (EUSS). Your correspondence has been passed to the EEA Citizens' Rights & Hong Kong Unit for a response. We value your ongoing engagement with the Home Office on the operation of the scheme.

You asked how the Home Office ensures that its curtailment of pre-settled status does not disproportionately affect non-EEA citizens and women. You rightly emphasise the importance of careful assessment of whether a right to reside which was based on a family relationship which has since ended has been replaced by a retained right of residence on any of the bases for which Appendix EU provides.

You refer to the high proportion of cases subject to status review in which it is established that the person has retained the right of residence. This reflects the approach of Status Review Unit (SRU) caseworkers, who complete a retained rights assessment as part of all pre-settled status curtailment considerations where it has been identified that the relevant family relationship has ended. Where the outcome of this assessment is that the person has retained the right of residence, there is no impact on the pre-settled status holder.

Where, in light of the assessment, the pre-settled status holder does not appear to have retained the right of residence based on the information and evidence available, they will be contacted and asked to provide any relevant information or evidence concerning a retained right of residence. They will also be asked to provide any information or evidence which may be relevant to whether, if they are not a family member who has retained the right of residence as defined in Appendix EU, it would be proportionate to curtail their pre-settled status. Any response will be fully considered by the SRU caseworkers before a decision whether to curtail pre-settled status, subject to a right of appeal, is made.

In addition, as you are aware, the EUSS has made more generous provision for victims of domestic abuse to retain the right of residence than the Withdrawal Agreement, reflecting the requirements of the Free Movement Directive, requires, such that all family members within scope of the EUSS – and not just former spouses and civil partners and their family members – can retain the right of residence and complete a five-year route to settled status where they or a relevant family member are a victim of domestic abuse. This is

intended to ensure that no one who would otherwise be eligible for status under the EUSS loses their right to reside in the UK as a result of domestic abuse. I am sure you welcome such a broadly-based approach in this important and sensitive area.

We very much welcome your feedback on what you and your colleagues see of the Home Office's work in these cases. We have already revised our internal procedures to ensure that SRU caseworkers evaluate all relevant information and evidence, including as contained in the original EUSS application, to determine whether the pre-settled status holder has retained the right of residence before, where necessary, then contacting them about that.

In addition, as you are aware, we are currently considering the appropriate next steps for cases where a pre-settled status holder has not maintained their continuous residence in the UK. As part of that work, we are reviewing the curtailment policy and processes and will take your feedback into consideration as we do so. We will be pleased to say more about this work at a future EUSS safeguarding user group meeting in due course.

Thank you once again for taking the time to write to the Home Office.

Yours sincerely,

EEA Citizens' Rights & Hong Kong Unit
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