



By email:

Minister Kevin Foster MP
Copied: Home Office SUG team

DECS Reference: MIN/0176206/21

15 December 2021

Dear Sirs,

Extended Family Members - Family Permits and In-country EUSS refusals

I write further to your letter dated 27 September 2021 about extended family members following the closure of the EEA family permit route. Thank you for your detailed response and assurances to those affected by the changes to the route. Thank you also to your colleague, Gabrielle Monk, for her helpful reply on 18 November 2021.

Extended Family Members - Family Permits

It has been over two months since your reply and I wanted to update you on our understanding of the situation for those expecting family permits. To date we are aware of some extended family members being granted permits so they can be reunited with their families in the UK. These individuals appear in the majority to correlate to those who pursued judicial review following a successful appeal. However, there continues to be a large number of people who have still to receive permits.

We are in contact with several hundreds of people impacted by the closure of the EEA family permit route. You will appreciate that given the prolonged separation of these families, there are many very anxious and worried people. We are particularly concerned for those who may not have been contacted by the Home Office despite your letter on 27 September 2021.

We understand from Ms Monk's letter that the Home Office is using most recent contact details and that there is no need to establish other methods of communication for those who have yet to receive contact from the Home Office and/or a family permit.

We would be grateful if you would publish an update on where the department is with these cases and what progress has been made.

In particular, it would be helpful to understand:

1. the numbers of issued family permits;
2. the numbers of people pending a family permit following the request to individuals to provide their passport;
3. the numbers of people remaining to be contacted; and
4. the numbers of refused family permits following further consideration of their cases.

Extended Family Members - refusals of pre-settled status

We have also seen that numerous extended family members who had joined their families in the UK before the 30 June 2021 deadline relying on EEA regulation family permits are being refused pre-settled status. The reasons are that they do not meet the definition of 'family member' within the rules because they entered using an EEA regulation document and are extended family members.

The applicants we are aware of have lodged an appeal or administrative review but it is clear that a mistake in the rules has resulted in these refusals. It would be helpful to have it confirmed that both those entering the UK using family permits under the EEA regulations AND Appendix EU-FP are eligible to apply for pre-settled status in the rules and, in the interim, the guidance.

We would also be grateful for these cases to be specially reviewed by the Home Office given the mistake in the decisions we have seen and what is the best process to follow for this.

Finally, we would be grateful if these matters can be looked into urgently and a clear timetable produced so people know what to expect and when. As you know, this cohort of people have been waiting a long time and have encountered numerous barriers and problems and I believe we can agree that a swift resolution is required.

Kind regards,

Luke Piper
Head of Policy and Advocacy
the3million