

By email: Head of EUSS and Settlement Resolution Centre

Cc: Safeguarding User Group, Independent Monitoring Authority

7 February 2025

### **Requests for Evidence when applying for status under the EU Settlement Scheme**

We are writing as we are concerned about people who are eligible for settled status under the EU Settlement Scheme (EUSS), but who are struggling to obtain the status they are entitled to, due to excessive and unreasonable demands for residence evidence.

As the Withdrawal Agreement makes clear in Article 15, EU citizens and their family members who have resided legally in the UK for a continuous period of five years shall have the right to permanent residence.

This is also referenced in the EU Settlement Scheme Caseworker Guidance<sup>1</sup>: “An EEA citizen will be eligible for ILE or ILR under the scheme [...] where, at the date of application, they have completed a continuous qualifying period of residence in the UK and Islands of 5 years which began before the specified date”, where the specified date is 31 December 2020. The guidance sets out what constitutes acceptable evidence of residence in the UK.

Over the lifetime of the EUSS, we have seen cases where EUSS applicants submit evidence which is ignored by caseworkers, and where evidence is requested for irrelevant and excessive time periods.

In May 2023, Here for Good presented an evidence report<sup>2</sup> to the Home Office, in which many of these issues were raised. We quote the following two extracts in full because of their direct relevance to our current letter:

*“Closely linked to the issue just outlined is the lack of reference or acknowledgement of evidence previously submitted in communication with Home Office EUSS caseworkers. In our experience it is extremely rare that caseworkers address and acknowledge evidence previously submitted and their concerns about that piece of evidence.*

*The majority of requests for further evidence follow their standard templates and make no reference to the specific document or to the way in which the applicant can remedy any faults or issues with this.”*

and

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<sup>1</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

<sup>2</sup> [https://hereforgoodlaw.org/wp-content/uploads/2023/06/Final\\_Evidence-report-on-the-impact-of-Home-Office-decision-making-under-the-EU-Settlement-Scheme.pdf](https://hereforgoodlaw.org/wp-content/uploads/2023/06/Final_Evidence-report-on-the-impact-of-Home-Office-decision-making-under-the-EU-Settlement-Scheme.pdf) with Appendix examples at <https://drive.google.com/drive/u/1/folders/1QXDuvuloUP4RpgsQ8GeiuZlGdwoN3TjL>

*“In our experience, these requests [for further evidence] are issued despite Here for Good lawyers uploading full evidence and detailed representations. This makes these requests for evidence even more concerning as it seems to indicate that there has been **no assessment of the situation of the applicant**.*

*We normally remedy this by **re-uploading** evidence already provided and providing strong representations to contest the request and by asking the caseworker to contact us with specific assessment of the evidence if needed.*

*Every time we take these steps, a positive decision follows leaving us wondering what type of evidence they considered to be missing in the first place.*

*This becomes more problematic when these emails reach **unrepresented applicants** who will not have the knowledge and confidence to challenge the request made in the way above in the event they have already provided residence evidence and will not understand how to remedy any error or omissions as no assessment of the evidence provided is given.*

*As above, whilst the outcome may be positive for the represented clients in these examples, the situation remains concerning and in our opinion in breach of the duty imposed **Art. 18(1)(o) WA** to ‘give applicants the opportunity to provide supplementary evidence and correct any deficiencies, errors or omissions’ and ‘help applicants to prove their eligibility and avoid any errors or omissions in their applications’.*

*We submit that only if an applicant is **properly** informed and **effectively** helped in proving their eligibility under the Scheme and **effectively** informed of ways to remedy their omissions and errors it can be said that the Government duties under the WA have been met.”*

On 13 November 2023, representatives from the Home Office met with the EU Delegation Monitoring Network to discuss the Here for Good report. They stated that they recognised the issues raised in the report, and that a new training programme, ‘EUSS Refresh and Reset’, had been created, focusing on improving the quality of write-out letters amongst other areas, with a reminder for caseworkers to constantly consider the ‘face behind the case’ during consideration of each application. There was to be a focus on ensuring that evidence submitted is engaged with and acknowledged. It was mentioned that the Home Office’s own quality assurance checks had similarly found occasions where caseworkers had not engaged sufficiently with the evidence submitted.

In October 2024, the Independent Monitoring Authority (IMA) published a statement<sup>3</sup> saying they had received complaints “*raising concerns that the Home Office was refusing to accept certain types of UK residence for applications under the EUSS, including payslips without a valid National Insurance Number and statements from certain online bank accounts*”. The IMA decided not to take further action, having been assured by the Home Office that these cases were not refused EUSS status “solely” due to the types of evidence required, and furthermore “*The HO has assured the IMA that substantial further training has been provided to staff and additional quality assurance measures are in place to ensure that reasons for refusal are clearly communicated to citizens in the decision letter on their EUSS application.*”

We are now writing to provide some current examples of where the problems of unreasonable requests for evidence, and/or not engaging with the situation of the applicant and/or disregarding previously submitted evidence are still apparent.

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<sup>3</sup> <https://ima-citizensrights.org.uk/outcomes/euss-evidence-of-residence/>

We heard from immigration advisors that in many EUSS applications:

- evidence is requested which has already been submitted;
- standard letters are sent out containing many links and unnecessary information ignoring the particulars of the individual case;
- unnecessary evidence is requested, for time periods irrelevant to the individual application;
- incorrect evidence is requested, pertaining to the wrong section of Appendix EU, ignoring what has been specified in the covering letter to the application;
- a higher threshold appears to be applied to evidence despite such evidence being supplied in line with Home Office guidance<sup>4</sup>; or
- there is a lack of cooperation with clients to achieve status.

We set out some case studies to illustrate the above points below.

### **Immigration advisor - PSS to settled status upgrade - evidence disregarded**

*“In June 2022, we submitted a EUSS Administrative Review (AR) for an [EU] client who had been refused an upgrade to ILR/settled status on the grounds there wasn’t enough residence evidence to cover a qualifying period of five years.*

*Our client is currently 74 and living continuously in the UK since 2014. She holds Pre-settled status and lives with her [EU] children who are the ones named in all household bills.*

*With her AR, we provided residence evidence for a qualifying period from **October 2016 to November 2021**.*

*For each year from October 2016 to November 2021, nine months or more were covered through monthly bank statements showing UK payments and UK spending on each month. Since 2018, her bank statements showed receipt of pension credit (as she met the right to reside as dependent parent of an EEA worker). A few NHS letters were also used to cover other specific months. We even wrote a cover letter listing the periods and the evidence (year by year) to make things more straightforward to the caseworker. In addition, we submitted recent evidence from 2022 (close to the AR time).*

*In **December 2024**, the Home Office wrote to request further residence to cover at least six months from 2019, 2020, 2022, 2023 and 2024. We complied with their request; but we also replied to remind them the applicant relied on a qualifying period from October 2016 to October 2021 and with this new submission she was providing evidence of more than 8 years (above the standard required to qualify for SS!). We also mentioned her pension credit and received an acknowledgment that our documents were received.*

*At the end of **December 2024**, we received a new request to provide further residence evidence from April to August 2020. This period was also evidenced with bank statements through the two previous submissions we made in June 2022 and December 2024, but the Home Office letter didn’t even mention them and asked for this further residence because their automated check didn’t bring any record for this time.*

*I wrote a third letter and re-submitted her 2020 bank statements (already submitted twice). My client doesn’t have any other alternative evidence. We only had 7 calendar days to send the new evidence and*

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<sup>4</sup> <https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

*obtaining a DWP letter to confirm her pension credit will take longer. In any case, her bank statements are official, from a high street bank and clearly show her name, address, bank account details and the UK transactions.*

*This time I didn't send the 2020 statements together, but instead I created five separated attachments for each month from April to August 2020. In each one of these months DWP PC payments were recorded as well as UK shopping transactions.*

*I don't really understand why they overlooked evidence already submitted while being so difficult, looking for reasons to refuse. All the residence evidence is correct, sufficient and should be enough. They have never provided reasons why they couldn't accept the documents we sent but instead they just ignore them and ask for the same again. Are the Home office caseworkers prepared to make a simple assessment?*

*Today, they sent a standard e-mail to let us know it can take 24 months or more to receive the result of an administrative review."*

### **Immigration advisor - PSS to settled status upgrade - requests for more time disregarded**

*In December 2024, a Non-EEA lady who couldn't speak English came to our office in tears. She had received a Home Office letter. She couldn't understand it but she knew that she didn't have good news. The letter asked for further evidence of residence because her automated records didn't bring any results to make her qualify for pre- settled or settled status.*

*After checking online, we found out that she has held pre-settled status since 2018, but her EEA husband submitted her application for settled status in August 2024 soon after he received his own ILR. The client had suffered domestic abuse and had separated two months ago, so she couldn't contact her husband to query further.*

*We contacted the Resolution centre to request more time to gather her residence documents. We told them about her vulnerability, we listed all the actions we were taking to obtain the evidence the HO needed: we wrote a letter to take to her bank , to her former college, we requested DWP records for a previous Universal credit account, we asked for letters from her children's school where her name was listed as a person in permanent contact with them since 2019, we asked for statements from her mosque, support organisation, employment coach and from neighbour, etc.*

*Unfortunately, her bank statements didn't show much UK spending, her name was not on the bills or Council Tax bills so we called the resolution centre again on the next day to explain that due to the Christmas holidays it would take longer to receive the replies and asked for her case to be put on hold until January when we would be contacting them again.*

*The EU Resolution Centre confirmed that both requests made on separate days just before the Christmas break were registered in her case.*

*Despite this, our client's application was refused on 27 December. The refusal letter quoted: "We have attempted to contact you numerous times by email/telephone to ask for the information/ evidence specified above, but this has not been provided."*

**Immigration advisor - PSS to settled status upgrade - refusal to accept evidence listed in the EUSS guidance as acceptable**

*“Elderly EU citizen living in the UK from January 2019 in receipt of an overseas pension. She never worked in the UK but she used her bank account to shop here. She lived with her daughter and her name was added to the household Council tax bill . As evidence of her residence from 2019 to 2024 we submitted more than needed:*

- *Boarding pass with her name and entry date-January 2019 (cardboard format) as evidence of entry date and start of her qualifying period.*
- *Council tax statements covering long periods from April 2019 to January 2024*
- *Spanish bank statements showing regular spending in the UK from January 2019 to April 2021 (at least 10 months each year) .*
- *UK bank statements from 2021 to 2024 showing regular spending in the UK (at least 10 months each year)*
- *Scattered NHS letters*
- *We also told them she didn't have a National insurance number because she had never worked or claimed any benefits in the UK.*

*This time the caseworker listed the evidence we sent but asked for further evidence or for her National insurance number quoting:*

- *They couldn't accept the boarding pass as proof of entry because: " this document shows that you entered the UK but does not prove that you resided here"*
- *They accepted the Council tax bill but "only for the date they were issued and not for the period covered in the bill"*
- *They couldn't accept the Spanish bank statements: "We cannot accept non-English bank account statements as we are unable to verify their authenticity"*
- *They accepted the NHS letters: "only for the reason that they are official documents issued by a government department"*

*We replied to their request addressing each quote with reference to the same guidance link<sup>5</sup> they always include quoted in their letter.*

*We asked them if the evidence threshold had been increased and argued that if this was the case this had to be communicated properly in their guidance and documents.*

*We didn't provide any further documents and the application was successful after a few days.”*

**Immigration advisor - PSS to settled status upgrade - refusal to accept evidence listed in the EUSS guidance as acceptable**

*“I had a request for further evidence from the Home Office yesterday saying ‘Please note that we are unable to accept joint bank statements as evidence of individual residency in the UK’ but not explaining why. The client had joint council tax bills with her husband for the years before and after the year when we used the joint bank statements to prove residence. The husband has been granted settled status so I would have thought that on the balance of probabilities, the applicant’s residence could have been accepted. Especially considering that joint bank statements are accepted as evidence of a durable*

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<sup>5</sup> <https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

*relationship and cohabitation under EUSS and other immigration rules. Not a lot of flexibility being applied."*

### **Immigration advisor - incorrect evidence requested**

*Non-EEA client applied for settled status using definition of "family member who has retained the right of residence". She arrived in the UK in early 2019 with her EEA husband and their EEA children. All the family obtained pre-settled status in 2019; however her EEA husband left the UK later in 2019 and never returned. The client continued in the UK with her children and she is still legally married to the EEA national.*

*With her application for settled status, a cover letter was submitted to explain her circumstances and ask for her application to be processed under **Appendix EU sub-paragraph c of the definition of "family member who has retained the right of residence"**. Sub-paragraph c is for the parent with custody of a child who meets sub-paragraph b and the child was not a joining family member.*

*We submitted all required evidence for this sub-paragraph c for the client, and the sub-paragraph b for the child.*

*The caseworker wrote to ask for my client's divorce certificate plus evidence the EEA has lived in the UK since 2019. Basically, they requested evidence for two separate grounds for retained rights that we were not using.*

*We contacted the EU resolution centre to ask if the caseworker had received and read our original letter or checked the evidence and explained we would be replying as we didn't agree with their request because the applicant was using retention rights sub paragraph c.*

*We were shocked with the attitude of the person serving the call. They insisted our client didn't have any right to live in the UK if she couldn't prove her husband had not lived in the UK for 5 years and she was divorced. We respectfully reminded them they were not qualified to make an assessment and asked them to limit their help by writing a note for the caseworker so they could be aware that we will be writing within the next 3 working days.*

*The new letter for the caseworker explained step by step how to relate her circumstances to Appendix EU sub-paragraph c and why it was not necessary to prove that her husband remained in the UK for 5 years and that she was divorced. We quoted the law and the guidance and asked them to consult their supervisor before making a decision. We didn't submit any further evidence because everything had already been submitted with the original application. After a month, our client received her ILR.*

## Unrepresented individual - unnecessary evidence requested

*"I submitted my application for pre-settled status in February 2021, and was granted pre-settled status in August 2021. I submitted my application to upgrade to settled status in early December 2024. Below are some screenshots of the application process, and the evidence I was asked to provide:*

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### How long have you lived in the UK?

5 years or more     Less than 5 years

[Continue](#)    [Save and return later](#)

[← Back](#)

### Apply for settled status

You can apply to stay without a time limit (known as 'settled status') when you have been continuously resident in the UK for 5 years or more.

Being continuously resident generally means you have not been absent from the UK for more than 6 months in total (in a single period of absence or more than one) in any 12-month period.

#### We need evidence of your residence in the UK

We have not been able to find tax or benefits history that confirms your residence in the UK. This may be because there are gaps in our records or we may not be able to match our records to the information you have given.

#### What you need to do

To apply for settled status you will need to upload evidence of your continuous residence.

[Continue](#)    [Save and return later](#)

[I have not been continuously resident in the UK for 5 years.](#)

[← Back](#)

## Provide evidence for the following years

### 2024

Provide evidence of residence for this year.

### 2021

Provide evidence of residence for any 6 months of this year.

### 2020

Provide evidence of residence for any 6 months of this year.

### 2019

Provide evidence of residence for any 6 months of this year.

### 2018

Provide evidence of residence for any 6 months of this year.

### 2017

Provide evidence of residence for any 6 months of this year.

### 2016

Provide evidence of residence for any 6 months of this year.

### 2015

Provide evidence of residence for any 6 months of this year.

### 2014

Provide evidence of residence for any 6 months of this year.

### 2013

Provide evidence of residence for any 6 months of this year.

### If you cannot provide evidence for these years

You can upload evidence:

- For a different 5 year period
- That you were out of the UK for an important reason such as work, study, pregnancy, childbirth, illness, training, or military service
- That you are eligible for settled status with less than 5 years residence, for example because you were working in the UK but have retired

Read the full guidance on [how you can show you are eligible for settled status](#)

[Continue](#)

[Save and return later](#)

*I found it very strange that they asked me for evidence going back to 2013. I thought proving five years would suffice. So why, when I'm applying for settled status in December 2024, do they ask for anything earlier than December 2019? Also, gathering evidence from five years ago can be so hard, especially for people like me who initially had their PSS application rejected, adding unnecessary stress - I had to chase my university for over three months (!!!) just to get a declaration confirming that lectures were held face-to-face and that I attended them."*

We understand from caseworker organisations that the request for evidence dating back to 2013 is standard, and that only 5 years' evidence is requested. However, for unrepresented people this is extremely confusing and causes a great deal of anxiety. As is always the case, it is the most vulnerable who are most impacted by this, those for whom language and digital barriers are the greatest.

### **Questions to the Home Office**

- Q1. Following the introduction of the 'EUSS Refresh and Reset' programme in late 2023, are there ongoing quality control assurance checks to ensure that caseworkers review all previously provided evidence before writing out to applicants? If so, have these checks highlighted continuing problems in this area? What action is being taken to reduce these problems?
- Q2. Under what circumstances does the EUSS application system request residence evidence for a period exceeding 5 years when someone is applying for settled status? How many applicants does this affect? What should an applicant do in such a situation? How can such a request for evidence be justified, and can the application forms be urgently changed so that they make it clear that only 5 years' residence evidence is required to be submitted?
- Q3. Has the threshold of residence evidence been raised, such that where evidence was accepted for a pre-settled status application in the past, it may now not be accepted for a settled status application? Including for the following examples:
- a. A boarding pass as proof of entry to the UK
  - b. A council tax bill as proof of a whole years' residence
  - c. A bank statement (regardless of whether it is a UK or non-UK bank statement, and regardless of whether it is a bank statement in the sole name of the applicant, or a joint bank statement) showing 6 months of spending in the UK in a 12-month period

Kind regards,

Monique Hawkins

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