

Guidance

EU Settlement Scheme – Home Office Looked After Children and Care Leavers Survey, 2020

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Contents

- [Introduction](#)
- [Key findings](#)
- [Looked after children and care leavers identified as eligible to apply to the EUSS](#)
- [Cases where the local authority had parental responsibility for the looked after child](#)
- [Barriers identified by local authorities in making an EUSS application for this cohort](#)

Print this page

Introduction

From 10 July to 30 October 2020, the Home Office undertook a survey of local authorities in England, Wales and Scotland and of Health and Social Care Trusts in Northern Ireland to provide a more accurate estimate of the number of looked after children and care leavers eligible to apply to the EU Settlement Scheme (EUSS).

The EUSS enables European Economic Area (EEA) and Swiss citizens (referred to here as ‘EEA citizens’) resident in the UK by the end of the transition period on 31 December 2020, and their family members, to obtain the UK immigration status they need to continue living in the UK after 30 June 2021^{[\[footnote 1\]](#)}.

In the absence of local authority data on the nationality of children coming into care, the Home Office made some broad initial estimates of the numbers of looked after children and care leavers who may be eligible for status under the EUSS. These figures, based on data from the Office for National Statistics and government data on volumes of children in care and care leavers per local authority, resulted in estimates of around 5,000 children in care and 4,000 care leavers. The estimates provided a basis for a new burdens assessment and resulting funding allocation, to ensure local authorities with responsibilities for carrying out specific duties in relation to looked after children and care leavers were adequately funded to do this work.

Data provided by local authorities through the survey and summarised in this note shows that the actual numbers of looked after children and care leavers eligible for status under the EUSS are lower than originally thought^{[\[footnote 2\]](#)}.

The Home Office is providing extensive support to local authorities and Health and Social Care Trusts, in light of their statutory responsibilities for this cohort, to ensure these children and young people, like other vulnerable groups, get UK immigration status under the EUSS, and the secure evidence of this status which the scheme provides. This includes:

- guidance for local authorities and Health and Social Care Trusts on their role in making or supporting applications to the EUSS in respect of eligible looked after children and care leavers^{[\[footnote 3\]](#)}
- regular teleconferences specifically for local authority staff responsible for making applications to the EUSS, in order to support them and provide a direct point of contact for them within the Home Office
- the support available from the Settlement Resolution Centre and the network of 72 organisations across the UK being grant-funded by the Home Office, with £17 million available over 2019-2021, to help vulnerable people to apply to the scheme. This network includes several organisations working to support vulnerable children and young people, including those in care and care leavers, to make their application to the EUSS.

The survey, which asked local authorities and Health and Social Care Trusts to provide assurance they have so far identified all relevant cases since the full opening of the EUSS on 30 March 2019, will be undertaken again in early 2021 to review progress in this vital area. However, in line with the Withdrawal Agreement, where a person has reasonable grounds for missing the 30 June 2021 deadline for applications to the EUSS by those resident in the UK by the end of the transition period on 31 December 2020, they will be given a further opportunity to apply. This will include where a parent, guardian or local authority fails to apply on behalf of a child.

Key findings

1. A total of 210 local government bodies in the UK have responsibility for children’s services (205 local authorities in England, Wales and Scotland, and five Health and Social Care Trusts in Northern Ireland). All 210 were asked to complete the survey, and 198 (94%) provided a response.
2. In England, 144 local authorities responded (95% response rate); in Scotland, 30 local authorities responded (94% response rate); in Wales, 19 local authorities responded (83% response rate); and Northern Ireland, 5 Health and Social Care Trusts responded (100% response rate).
3. The total number of looked after children and care leavers identified by the survey as eligible to apply for the EUSS was 3,220.
4. As of 30 October 2020, of the 3,220 looked after children and care leavers identified by the survey as eligible to apply, 1,480 applications to the EUSS had been received (46%). 960 (65%) of these applications had been decided, of which 820 (85%) had resulted in a grant of settled status and 140 (15%) in a grant of pre-settled status^{[\[footnote 4\]](#)}.
5. Of the 2,060 looked after children identified by the survey where there was a court order in place in respect of the child, e.g. a care order, interim care order or adoption placement order, and the local authority had parental responsibility for the child, 860 (42%) had already had an application to the EUSS made by the local authority. Of these applications, 510 (59%) had been decided, of which 420 (82%) had resulted in a grant of settled status and 90 (18%) in a grant of pre-settled status.

Looked after children and care leavers identified as eligible to apply to the EUSS

| | UK Total | England | Scotland | Wales | Northern Ireland |
|--|----------|---------|----------|-------|------------------|
| Looked after children and care leavers eligible to apply to the EUSS | 3,220 | 2,840 | 110 | 90 | 200 |
| Applied | 1,480 | 1,330 | 30 | 40 | 80 |
| Yet to apply | 1,630 | 1,430 | 70 | 10 | 120 |
| Unknown | 110 | 70 | 0 | 40 | 0 |

Source: Home Office Looked After Children and Care Leavers Survey Data, 10 July to 30 October 2020 Figures are rounded to the nearest 10, and therefore table breakdowns may not match overall totals.

Table 2: Eligible looked after children and care leavers identified by the survey, application outcomes

| | UK Total | England | Scotland | Wales | Northern Ireland |
|---------------------|----------|---------|----------|-------|------------------|
| Application decided | 960 | 860 | 20 | 30 | 50 |
| Settled Status | 820 | 730 | 20 | 20 | 40 |
| Pre-settled Status | 140 | 130 | <10 | 10 | 10 |

Source: Home Office Looked After Children and Care Leavers Survey Data, 10 July to 30 October 2020 Figures are rounded to the nearest 10, and therefore table breakdowns may not match overall totals.

Where local authorities have not provided information about the outcome of an EUSS application, the Home Office is following this up. This accounts for around 3% of the cases identified and relates solely to ones in which the local authority does not hold parental responsibility.

Cases where the local authority had parental responsibility for the looked after child

Table 3: Eligible looked after children identified by the survey, where parental responsibility was held by the local authority, applications received and numbers yet to apply

| | UK Total | England | Scotland | Wales | Northern Ireland |
|---|----------|---------|----------|-------|------------------|
| Looked after children eligible to apply to the EUSS where the local authority had parental responsibility | 2,060 | 1,860 | 20 | 60 | 130 |
| Applied | 860 | 800 | 10 | 20 | 40 |
| Yet to apply | 1,140 | 1,030 | 10 | 10 | 90 |
| Unknown | 60 | 40 | 0 | 30 | 0 |

Source: Home Office Looked After Children and Care Leavers Survey Data, 10 July to 30 October 2020 Figures are rounded to the nearest 10, and therefore table breakdowns may not match overall totals.

Table 4: Eligible looked after children identified by the survey, where parental responsibility was held by the local authority, application outcomes

| | UK Total | England | Scotland | Wales | Northern Ireland |
|---------------------|----------|---------|----------|-------|------------------|
| Application decided | 510 | 470 | 10 | 20 | 20 |
| Settled Status | 420 | 390 | 10 | 10 | 20 |
| Pre-settled Status | 90 | 80 | <10 | <10 | 0 |

Source: Home Office Looked After Children and Care Leavers Survey Data, 10 July to 30 October 2020 Figures are rounded to the nearest 10, and therefore table breakdowns may not match overall totals.

Barriers identified by local authorities in making an EUSS application for this cohort

The survey also asked local authorities to indicate barriers to making an EUSS application for looked after children and care leavers. The barrier most often referred to was the ‘lack of sufficient identity documents’ (recorded 73 times). This was followed by ‘resistance or lack of co-operation by the applicant and/or their family members’ (recorded 60 times), e.g. where a care leaver has refused to complete an application or where parents have refused to provide the relevant identity documents for looked after children. The third most referenced barrier was ‘a delay in obtaining the relevant identity documents’ (recorded 58 times).

The Home Office understands the difficulty there may be where a looked after child or care leaver does not have a valid identity document owing to the often complex and chaotic nature of their lives and circumstances and that they, or the local authority, may struggle to easily obtain the required document from the relevant embassy or high commission in the UK. We meet regularly with consular representatives of the EU27 to try to resolve such problems, though this is not an issue created by the EUSS: it is right local authorities should obtain the appropriate identity document for a looked after child, regardless of their nationality, and obtaining such identity documents is an established process for local authorities.

However, as the Home Office guidance makes clear, applications to the EUSS can be made without the required identity document where the applicant is unable to obtain or produce one due to circumstances beyond their control or due to compelling compassionate or practical reasons. We are working with local authorities to ensure appropriate use is made of this discretion to enable a valid application to the EUSS to be made in these cases.

1. <https://www.gov.uk/settled-status-eu-citizens-families> ↗
2. Data in this note has been rounded to the nearest 10, as the figures are subject to the inaccuracies inherent in any dataset drawn from survey data. ↗
3. <https://www.gov.uk/government/publications/eu-settlement-scheme-looked-after-children-and-care-leavers-guidance> ↗
4. Settled status under the EUSS is indefinite leave to remain in the UK and means the applicant has been continuously resident in the UK for five years, unless other criteria for settled status are met (e.g. the applicant is a child under the age of 21 of a parent who has been granted settled status). Pre-settled status under the EUSS is five years’ limited leave to remain; a further application for settled status can be made as soon as the person qualifies for it. ↗

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