

Questions to the Home Office on 'Settled Status'



Many questions remain about the UK Government's proposed settled status scheme, which aims to document the 3.6 million EU citizens in the UK and give them a new legal status when their EU rights end after the transition period.

the3million has listed some of these questions and will continue to work collaboratively with the Home Office to publish answers so that EU citizens can gain certainty and feel confident about their future.

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Questions to the Home Office on 'Settled Status'



1 - Criteria for settled status applications

1 Criteria for settled status applications

1.1	Application criteria	What criteria does the government intend to test for?	
1.2	Application questions	What will be the "6-8" questions which will be asked of applicants when they apply?	
1.3	HMRC/DWP	The government has suggested that information will be acquired from HMRC/DWP records, is this correct? Exactly what and how much information is required from HMRC/DWP in order to satisfy residence criteria for settled status?	
1.4	Missing HMRC/DWP records	What will happen if HMRC/DWP does not show data for recent years, but does show data for earlier years?	
1.5	Acceptable documents	Please provide us with a full list of documents that will be acceptable to prove residence in the case that there are no, or insufficient, HMRC/DWP records. Please indicate whether these documents can be copies, or have to be certified copies or originals.	
1.6	Other agencies	Will the government contact other agencies? If so, which ones, requiring what type of information and for what purpose?	
1.7	Residence - Lacking evidence	How will someone who has no evidential footprint prove residence, for example a household where all bills are in one person's name, and the partner has no documentary evidence?	

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1 - Criteria for settled status applications

1.8 Residence - Children	<p>There have been growing concerns raised about the rights of EU Citizen children being protected, particularly those who may not be able to rely on their parents to prove a right to reside (for example children in care, in foster placements, or where their parents neglect their own immigration status).</p> <p>What measures will the UK put in place to ensure that the rights of children are protected?</p>	
1.9 Residence - Corporate parents	<p>How will the government register children with corporate parents such as children's care homes? (Corporate parenting refers to organisations or persons in power, for instance a council, who have special responsibilities to care for children and young people.)</p>	
1.10 Residence - Parents	<p>Can parents prove their residence through their children? For example, can a single stay at home parent who has no paperwork, use evidence of their children attending school to prove their own residence?</p>	
1.11 Residence - Retained Rights	<p>How will people who have "retained rights of residence" and do not need 5 years' residence be identified? Will they be able to apply with less than 5 years?</p>	
1.12 Residence - evidence gaps	<p>If applicants dispute Home Office evidence that they have been in the UK for less than 5 years, how can they fill in the gaps in evidence?</p>	
1.13 Past absence	<p>How will an applicant's absence from the UK in the past affect an application?</p>	

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1 - Criteria for settled status applications

1.14	Length of absence	Will the government check whether people have been in the UK continuously for 5 years without a subsequent break of 2 years, or 5 years?	
1.15	Absent at the point of application	Will EU citizens, who have been resident in the UK for 5 qualifying years, but who are currently resident outside the UK for an absence of less than 5 years, be able to apply for settled status?	
1.16	Absence – standard of proof	What proof of continuity of residence are citizens required to provide?	
1.17	ID - expired	Some EU countries tell their citizens that their ID is still valid despite being beyond its expiry date. What are the consequences for a settled status application for an applicant whose passport or ID has expired?	
1.18	ID – cannot scan and cannot send	What happens if an applicant cannot submit proof of their ID (for example they are not able to scan their ID)?	
1.19	ID – sent to Home Office	Under what circumstances would EU citizens be obligated to send their original ID documents to the Home Office?	
1.20	ID – timeline for return	If an applicant must hand in their ID, will there be a time limit by which it will be returned to them? Will applicants need to provide pre-paid envelopes?	

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1 - Criteria for settled status applications

<p>1.21 ID – name does not match</p>	<p>What provisions will be made for applicants whose names do not match the name on their passport?</p> <p>Some examples:</p> <ul style="list-style-type: none"> - married women must have their maiden name in their passport, with optional "spouse of ..." (e.g. Netherlands) - it is customary for married women to use a hyphenated "married surname-maiden surname" in everyday life (e.g. Netherlands) - citizens may have a formal name in their passport, but use a different given name all their lives – including on all UK documentation (e.g. Netherlands) - the order of first names and middle names on the passport may not match the name in use in everyday life (e.g. Sweden) 	
<p>1.22 ID – name cannot be input correctly</p>	<p>How will the application system deal with characters that cannot be input into a digital system, or a name that exceeds the maximum length expected by the system?</p> <p>E.g. German citizens entering "ue" as an alternative to "ü" or "ss" as an alternative to ß; or citizens of countries that use accents and other special characters?</p>	

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1 - Criteria for settled status applications

<p>1.23 Criminality checks – historic</p>	<p>Given that the EU and the UK have agreed that the application of criminality checks will be in line with the exclusion/expulsion criteria of the Citizens Directive 2004/38:</p> <ul style="list-style-type: none"> a) How will the government treat applicants who have historic criminal convictions and who have not been subject to removal orders? b) Will there be a distinction between spent and unspent convictions? c) Should people with spent convictions be obliged to declare? d) What about people with conditional discharge who have not reoffended? (Conditional discharge is where an offender will not be sentenced for an offence unless a further offence is committed within a stated period). 	
<p>1.24 Criminality checks – shared data</p>	<p>How will the UK be able to acquire data from outside the UK in relation to foreign criminals given that the existing sharing arrangements will no longer be in place?</p>	
<p>1.25 Criminality checks – exclusion / expulsion</p>	<p>Will the UK be relying on such shared data when making decisions around exclusion (preventing a person from entering the UK) and expulsion (requiring a person to leave the UK)?</p>	
<p>1.26 Security checks - definition</p>	<p>What is the definition of a 'security check'?</p>	

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1 - Criteria for settled status applications

1.27 Security checks - application	How will a 'security check' be applied?	
1.28 Security checks - failed	What are the consequences of a failed 'security check'?	

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2 - Eligibility of Different Groups for Settled Status

2 Eligibility of Different Groups for Settled Status

2.1 ILR holder checks	In the event that current holders of Indefinite Leave to Remain (ILR) will need to apply for settled status under the Withdrawal Agreement, what checks (absence, criminality, security, HMRC/DWP) are required for an applicant with existing Indefinite Leave to Remain (ILR)?	
2.2 ILR holder application time limit	For an application with ILR, will the government commit to a time limit between applying for, and receiving proof of, settled status?	
2.3 ILR holder application	<p>Some EU citizens have been granted with Indefinite Leave to Remain. Most of these citizens were granted this status many years ago.</p> <p>a) Will these citizens be able to rely on their previous grants of ILR in order to apply for settled status?</p> <p>b) If so, what checks will be performed?</p> <p>c) In instances where these citizens have lost their ILR BRP cards what will the implications be?</p> <p>d) In other instances, the vignette/stamp confirming grant of ILR is in an expired passport which has been retained by their embassy. The Home Office have stated they do not have a record of ILR holders. What will the implications be?</p>	

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2 - Eligibility of Different Groups for Settled Status

<p>2.4 PR holder exchange</p>	<p>Will holders of PR be able to exchange their document for a new residence document or will they have to make an application for a new status with absence, criminality, security and ID checks to obtain a 'certificate of application' and a settled status document?</p> <p>Given they have already proven five years' residence, do they need to prove additional time of residence, and if so, does that require an element of continuity or is it sufficient to prove residence on the single date of their new application?</p>	
<p>2.5 PR holder timeline</p>	<p>For an application with PR, will the government commit to a time limit between applying for, and receiving proof of, settled status?</p>	
<p>2.6 PR holder lost document</p>	<p>What happens if an applicant has lost their PR document?</p>	
<p>2.7 Family members: application</p>	<p>How will non-EU family members of EU citizens be able to apply for settled status?</p>	
<p>2.8 Family members genuine relationship</p>	<p>What tests will be applied to establish a 'genuine relationship' for non-EU family members of EU citizens?</p>	

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2 - Eligibility of Different Groups for Settled Status

<p>2.9 Children: application</p>	<p>The Withdrawal Agreement Article 17 (1)(l)(iii) states that "direct descendants who are under the age of 21 or are dependants and dependent direct relatives in the ascending line" may apply for settled status as a family member by providing documentary evidence of their relationship.</p> <p>Is it possible for an EU citizen under the age of 21 to apply for settled status in their own right instead? If so is there a minimum age at which they can do so?</p>	
<p>2.10 Dual Nationals application</p>	<p>Will those British-EEA dual nationals who have rights to family reunion under the Withdrawal Agreement need to make an application for settled status in order to evidence their right?</p>	
<p>2.11 Dual Nationals evidence</p>	<p>If it is not intended that they make an application for settled status, how will they evidence this in the future at the point of wishing to bring a family member into the UK?</p> <p>It has been suggested by the Home Office that they will need to show a Permanent Residence (PR) certificate. EU citizens who became dual nationals before November 2015 will not necessarily have a PR certificate, and people who became dual nationals after November 2015 may have discarded their PR certificate once they acquired British citizenship.</p>	
<p>2.12 Dual Nationals checks</p>	<p>Will dual nationals be subject to any checks (such as absences, criminality, security, HMRC/DWP) in order to be covered by the Withdrawal Agreement?</p>	
<p>2.13 Groups not covered – identified</p>	<p>Has the government identified any groups who will not be covered by the Withdrawal Agreement?</p>	

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2 - Eligibility of Different Groups for Settled Status

2.14 Groups not covered – reasons	If so, what are these groups and why will they not be covered by the Withdrawal Agreement?	
2.15 Surinder Singh	<p>Will Surinder Singh cases (non-EU family members of British citizens who have exercised EU freedom of movement before returning to the UK) be covered by the Withdrawal Agreement?</p> <p>If not, how does the UK intend to protect those who are currently benefiting from these rights? Will there be measures in place to allow citizens to benefit from this right in the future?</p>	
2.16 Zambrano	How does the UK intend to protect those who are currently benefiting from Zambrano rights? (A Zambrano carer is the non-EEA citizen primary carer of a British citizen who is residing in the UK.)	

3 - Details of Application Process

3 Details of Application Process

3.1 Joint family applications	Will families (including both dependent descendants and direct ascendants) be able submit one application for the whole family, or should they submit one application per family member?	
3.2 Procedure for missing or incorrect evidence	<p>What procedure will be put in place to give applicants the opportunity to furnish supplementary evidence and to correct any deficiencies, errors or omissions in their application?</p> <p>In particular, what will protect EU citizens from errors being interpreted by the Home Office as fraud, with resulting loss of protection by the Withdrawal Agreement?</p>	
3.3 Application Charges	<p>Article 17(1)(g) of the draft Withdrawal Agreement states that the residence document shall be issued free of charge or for a charge not exceeding that imposed on citizens or nationals for the issuing of similar documents.</p> <p>How do charges for obtaining settled status comply with the Withdrawal Agreement, given that no 'similar documents' currently exist in the UK?</p>	
3.4 Timeline	What will be the timeline for applications?	
3.5 Timeline – corrected application	What will be the timeline for an application that will need the correction of errors?	

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3 - Details of Application Process

3.6 Timeline – appeal of refused application	What will be the timeline for the appeal of an application which is refused / rejected?	
3.7 Timeline exceeded	Will the Home Office have a compensation scheme for Home Office delays over the time limit, both in applications and returning ID evidence?	

Questions to the Home Office on 'Settled Status'



4 - Pre-Withdrawal Agreement voluntary application scheme (before 29 Mar 2019)

4 Pre-Withdrawal Agreement voluntary application scheme (before 29 Mar 2019)

4.1	Pre-WA voluntary scheme legal basis	What will be the legal basis for a scheme which is based on a pre-Withdrawal Agreement that has not yet been fully ratified?	
4.2	Pre-WA voluntary scheme status	If a voluntary scheme becomes active before the Withdrawal Agreement is fully ratified, what will be the status acquired under such a voluntary scheme?	
4.3	Pre-WA voluntary scheme failed application	What are the consequences of a failed application under such a pre-WA voluntary scheme?	
4.4	Pre-WA voluntary scheme diverging status	What will happen if there is a divergence between the status acquired pre-WA ratification and that acquired post-WA ratification? If an applicant makes a pre-WA voluntary application, how will this be reconciled with the post-WA status?	
4.5	Pre-WA voluntary scheme vs EU status	How would a status acquired under the pre-WA voluntary scheme fit with the existing EU status of the applicant until the WA comes into force?	

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5 - Transition Period - Withdrawal Agreement ratified (30 March 2019 – 31 Dec 2020)

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5.1	Transition application rejected	If an application during the transition period is rejected on grounds of fraud, will measures then be taken against the applicant on grounds of public policy or public security, or will the applicant be protected by Article 17 of the Withdrawal Agreement until the end of the transition period?	
5.2	Transition period re-application	If the applicant is protected by Art. 17 of the Withdrawal Agreement until the end of the transition period, will they be able to make a fresh application in every case of refusal, even if accused of fraud?	
5.3	Transition period discrimination	How will the government ensure that people entitled to settled status, but not yet in possession of evidence of settled status, will not be discriminated against by landlords, employers, banks, healthcare providers or other agencies?	

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6 - Grace Period for Settled Status Applications (Jan – Jun 2021)

6 Grace Period for Settled Status Applications (Jan – Jun 2021)

<p>6.1 Grace Period discrimination</p>	<p>a) During the 6 month grace period after the end of the transition period, how will the government ensure that people entitled to settled status, but not yet in possession of evidence of settled status, will not be discriminated against by landlords, employers, banks, healthcare providers or other agencies?</p> <p>b) If there is any extension of this grace period, how will EU citizens be similarly protected? Will such an extension be published widely to service providers including landlords, universities, schools, DVLA and many others to ensure there is no discrimination?</p>	
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7 - Temporary / Settled status and Citizenship

7 Temporary / Settled status and Citizenship

7.1	Pre-WA voluntary scheme citizenship	Would a status acquired under a pre-WA voluntary scheme entitle the person to apply for citizenship?	
7.2	British citizenship conditions	Can citizens who have obtained settled status apply for British citizenships on the same conditions as applicable to those with Permanent Residence now?	
7.3	British citizenship timing	Will EU citizens who obtain settled status after 6 years of UK residence be able to apply for citizenship directly thereafter or will they have to wait for a further year?	
7.4	British citizenship married / civil partners	Will EU citizens who are married to, or the civil partner of, a British citizen be able to apply for citizenship directly after obtaining settled status or will they have to wait for a further year?	
7.5	EU children entitled to British citizenship	There will be instances where EU citizen children living in the UK cannot access paperwork (of parents) to support an application confirming their right to citizenship. What measures will be put in place to deal with such cases?	

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8 - Support, Legal Assistance and Legal Aid

8 Support, Legal Assistance and Legal Aid

8.1 Available assistance	<p>What form and level of support contact will applicants for settled status have access to?</p> <p>Currently, when applying for Permanent Residence, it is not possible to speak to anyone (caseworker or general help) about an individual application.</p>	
8.2 Assistance - face to face contact	<p>Will there be any face to face contact available in the local authority, and also as an in-depth European passport return service, offering ID or passport checks together with support with the application process?</p>	
8.3 Assistance – email / telephone	<p>Will there be any telephone or email contact available about an individual application?</p>	
8.4 Individual application help charges	<p>Will there be charges for any telephone or email contact about an individual application?</p>	
8.5 Helpline / review staffing	<p>What will be the staffing level for the telephone helpline and the administrative review service?</p>	
8.6 Helpline / review staff training	<p>How much training will telephone helpline and administrative review service staff receive?</p>	
8.7 Helpline / review charges	<p>Will there be charges for the use of the helpline and administrative review process?</p>	

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8 - Support, Legal Assistance and Legal Aid

<p>8.8 Legal advice vulnerable groups</p>	<p>Will the government provide access and funding for independent legal advice and assistance to vulnerable groups? In particular the following example groups:</p> <ul style="list-style-type: none"> - elderly - persons with a long-term illness - computer illiterate - persons without access to IT facilities - persons with disabilities - non-English speakers - children in care - young people just out of care - persons with literacy issues 	
<p>8.9 Legal advice funding</p>	<p>If so, how will the government ensure that these services will be adequately funded?</p>	
<p>8.10 Legal advice for rejected applications</p>	<p>Will the government provide access and funding for independent legal advice and assistance to anyone whose application is refused or rejected?</p>	
<p>8.11 Assistance for digital application</p>	<p>The government has stated that the Home Office will help applicants prove their eligibility and avoid any errors or omissions in the applications. How will this help be provided in practice with a digital application?</p>	

Questions to the Home Office on 'Settled Status'

8 - Support, Legal Assistance and Legal Aid

8.12 Categories requiring legal advice	How will the government make specific provision for categories of EU citizens who would need legal advice before and after application, including: <ul style="list-style-type: none">- those who have historic criminal convictions?- those without documentation?- those who fail 'security' checks?	
8.13 Legal aid eligibility	Please set out precisely for which type of legal issue legal aid will not be available.	

9 - Loss of Settled Status

9 Loss of Settled Status

9.1 Loss of status due to absence	How will the Home Office determine that settled status is lost due to absence of longer than 5 years: a) In the case of EU citizens and their family members? b) in the case of dual nationals who fall under the terms of the Withdrawal Agreement?	
9.2 Loss of status due to convictions	Will the UK seek to combine future convictions with historic convictions to determine whether to revoke settled status, exclude or expel EU citizens?	

Questions to the Home Office on 'Settled Status'



10 - Home Office Infrastructure for settled Status

10 Home Office Infrastructure for settled Status

<p>10.1 Home Office capacity</p>	<p>It has been estimated that in order to register all EU citizens currently living in the UK, the Home Office will need to process about 6,000 applications per day. This is only an average. As many applicants may wait to first see how the scheme works out for others, there will be fluctuation and the daily rate may be significantly more.</p> <p>Given the high number of applications and identified concerns for the capacity of the Home Office to process over 3 million applications, and given that the Withdrawal Agreement only commits the UK Government to immediately issuing Certificates of Application, will the Home Office commit to a time frame in which to make decisions on applications?</p>	
<p>10.2 Home Office staff training</p>	<p>What level of training will the new staff be given to process applications to a high standard, and to what level of responsibility?</p>	
<p>10.3 Home Office hubs</p>	<p>How many Home Office hubs in the whole of the UK will be used to process the applications?</p>	
<p>10.4 Home Office – difficult to reach groups</p>	<p>Has the government identified groups of EU citizens who may be more difficult to reach?</p>	
<p>10.5 Identifying vulnerable groups</p>	<p>For instance: how will the government identify vulnerable groups of citizens to inform them of their need to apply for settled status?</p>	

Questions to the Home Office on 'Settled Status'

10 - Home Office Infrastructure for settled Status

10.6 Information translations	Will information about the application scheme, including an explanation about the difference between Permanent Residence and settled status, be translated into all community languages and be available in other forms of support (e.g. Braille, audio etc.)?	
10.7 Information reach	Where will the information about the registration/application scheme be placed to ensure maximum reach?	
10.8 Certificate of having made application	Article 17(1)(b) of the draft Withdrawal Agreement states that a certificate of application for the residence status shall be issued 'immediately'. What form will this certificate take?	
10.9 Legal certificate - reference Withdrawal Agreement	Will the proof of settled status include a statement that it has been issued in accordance with the Withdrawal Agreement?	
10.10 Physical proof	Will applicants be issued with a physical copy of their certified settled status?	
10.11 Physical proof – lack of	If there is no physical proof of their status, how will applicants be able to prove their status and therefore their entitlements?	

Questions to the Home Office on 'Settled Status'

10 - Home Office Infrastructure for settled Status

10.12 Physical proof – access to UK services	<p>The Home Office have stated that landlords and other agencies will be able to access an electronic register using a reference number that the person will give them.</p> <p>If no physical proof exists of an applicant's status, then:</p> <ul style="list-style-type: none"> a) how will the reliability of such a register be ensured? b) will there be any costs related to consulting the register and can such costs be passed on to the applicant? c) how will non IT literate landlords or other agencies be able to consult such a register? d) how will an IT failure affect such an applicant? 	
10.13 Temporary status charge	<p>What will be the charge for applying for temporary status, and will there be a further charge when someone with temporary status applies for settled status?</p>	
10.14 Temporary status – physical proof	<p>Will an applicant who has successfully applied for temporary status receive physical proof of their temporary status?</p>	
10.15 Temporary status – validity length	<p>How long will the document evidencing temporary status be valid?</p>	
10.16 Temporary status – reference Withdrawal Agreement	<p>Will the document evidencing temporary status include a statement that it has been issued in accordance with the Withdrawal Agreement?</p>	

Questions to the Home Office on 'Settled Status'

10 - Home Office Infrastructure for settled Status

10.17 Temporary status – settled status eligibility date	Will the document indicate the date by which the person becomes entitled to apply for settled status?	
10.18 Temporary status – evidence for settled status	Once a person who is already holder of temporary status achieves the five years of residence, what will be the evidence required to apply for settled status?	
10.19 Temporary status – access to health and benefits	Would a citizen with temporary status qualify for healthcare, housing, and social benefits? What criteria will be applied?	
10.20 Temporary status - discrimination	How will the government ensure that people with temporary status are not discriminated against by landlords, employers, banks, healthcare providers or other agencies?	

Questions to the Home Office on 'Settled Status'

11 - Consequences of rejected settled status applications

11 Consequences of rejected settled status applications

11.1 Errors – Home Office	What measures will be put in place to ensure that if errors are made by the Home Office when assessing applications, this will be addressed swiftly and that applicants receive full support in case of any adverse effect?	
11.2 Hostile environment - banks	Banks are under obligation to refuse new accounts or close existing accounts of citizens who are deemed unlawfully present in the UK. Will a rejection of settled status or temporary status result in their accounts being closed or new accounts being refused?	
11.3 Hostile environment – employers	The Home Office can inform employers that employees no longer have a right to work in the UK. Will a rejection of settled status or temporary status lead to the Home Office contacting the applicant's employer resulting in the employee losing their job?	
11.4 Hostile environment – landlords	Will a rejection of settled status or temporary status lead to the Home Office contacting the applicant's landlord to terminate a rental agreement?	
11.5 Hostile environment – healthcare	Will a rejection of settled status or temporary status have a negative effect on an applicant's access to health and social care?	

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11 - Consequences of rejected settled status applications

<p>11.6 Comprehensive sickness insurance</p>	<p>The Home Office website (https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know) states "In some circumstances, comprehensive sickness insurance is still required for the purposes of accessing the healthcare system in the UK, but will no longer be considered as a requirement for acquiring settled status."</p> <p>Under what circumstances will comprehensive sickness insurance be required by EU citizens for the purposes of accessing the healthcare system in the UK?</p>	
<p>11.7 Hostile environment – immigration law</p>	<p>Will the Home Office consider a landlord, bank, or employer to be in breach of immigration law when they have provided accommodation, accounts or employment to someone whose application for settled status or temporary status has been rejected?</p>	
<p>11.8 Conduct</p>	<p>What type of conduct could result in revocation of settled status?</p>	
<p>11.9 Reasonable grounds for late submissions</p>	<p>Article 17(1)(d) of the draft Withdrawal Agreement states that only where there are reasonable grounds will an application submitted after the deadline be permitted.</p> <p>What are these 'reasonable grounds'?</p>	
<p>11.10 Late submissions consequences</p>	<p>What will be the consequences for a person who does not meet the 'reasonable grounds' test in submitting an application after the deadline?</p>	

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11 - Consequences of rejected settled status applications

11.11 Deportations of mixed nationality families	What will be the consequence for a family where one parent has one nationality, another has a second, and the children have a third? What would be the impact on such a family, and where would they go, if one of its members were deported?	
11.12 Appeals in-country	Will there be an in-country right of appeal in case of all refusals of applications?	
11.13 Hostile environment during appeals and review	How will those exercising a right of appeal / judicial review be able to navigate the Hostile Environment whilst their litigation is proceeding?	
11.14 Deportations: young people	Will the Home Office deport young people to their 'country of origin' who did not grow up there and do not speak the language?	
11.15 Penalties for undeclared crime	What penalties will be faced by those who did not declare a previous conviction because they wrongly thought it was irrelevant or spent, or because they were afraid?	

Questions to the Home Office on 'Settled Status'



12 - EU Citizens' Rights and Data Protection Legislation

12 EU Citizens' Rights and Data Protection Legislation

12.1 Data Protection – immigration exemption	<p>The UK government wishes to deny people access to their data on the grounds of immigration control, through the proposed exemption set out in Amendment x.x in the Data Protection bill.</p> <p>Considering the above, how will an EU citizen whose application is refused be able to access data held about them in order to argue their case?</p>	
12.2 Data Protection – transparent procedure	<p>Article 17 (1)(e) of the Withdrawal Agreement commits the UK to a 'transparent administrative procedure'. How will citizens be guaranteed a 'transparent' procedure given the proposed data protection exemption?</p>	
12.3 GDPR compliance	<p>What measures will the government put in place to ensure that the settled status application process will be fully compliant with the General Data Protection Regulation (GDPR)?</p>	

Questions to the Home Office on 'Settled Status'

13 - Withdrawal Agreement – UK Legislation

13 Withdrawal Agreement – UK Legislation

<p>13.1 Withdrawal Agreement implementation</p>	<p>a) How will the citizens' rights provisions of the Withdrawal Agreement be implemented into national law?</p> <p>b) Will they be set out in primary legislation?</p> <p>c) Will all provisions be set out in the Withdrawal Agreement Implementation Act?</p> <p>d) Will all provisions be set out in one single legislative act?</p>	
<p>13.2 Inconsistent or incompatible legislation</p>	<p>We understand that citizens' rights under the Withdrawal Agreement should have direct effect and that any inconsistent or incompatible rules will be disapplied.</p> <p>a) How will the UK translate the principle of direct effect into national law?</p> <p>b) Will the principle of direct effect for citizens' rights be set out in the Withdrawal Bill, or in the Withdrawal Agreement Implementation Act?</p>	
<p>13.3 Withdrawal Agreement registration process – Protocol</p>	<p>Would the UK be willing to set out the detailed conditions of the registration process in the UK, such as Compulsory Sickness Insurance being covered by the NHS, into a Protocol to the Withdrawal Agreement, or in a Memorandum of Understanding?</p>	

Questions to the Home Office on 'Settled Status'



13 - Withdrawal Agreement – UK Legislation

13.4 Withdrawal Agreement registration process - commitment	If not, how will the UK ensure that it will commit to the unilateral promises it has made in respect of tests under the Withdrawal Agreement, such as Compulsory Sickness Insurance being covered by the NHS?	
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14 - The Independent Authority

14 The Independent Authority

14.1 Independent authority – UK or UK-EU	<p>Para. 152 of the draft Withdrawal Agreement states that ‘In the United Kingdom, the implementation and application of Part Two shall be monitored by an independent authority’.</p> <p>Will this be a UK authority or a joint UK-EU authority?</p>	
14.2 Independence of authority	How will the independence of this authority be ensured?	
14.3 Independent authority composition	How will the Independent Authority be composed?	
14.4 Independent authority powers	Will it have decision-making power vis-à-vis an administrative authority that is not complying with the Withdrawal Agreement?	
14.5 Independent authority resourcing	How will the Independent Authority be resourced?	
14.6 Direct access to court	Will citizens be able to invoke their rights, as defined by the Withdrawal Agreement, before UK courts? What will be the procedure?	

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