**THE INQUIRY TERMS OF REFERENCE**

The inquiry will examine whether the Home Office has fulfilled its obligations under the Withdrawal Agreement (WA) and EEA EFTA Separation Agreement (SA) (‘**the** **Agreements’**) to determine applications for residence status under the EU Settlement Scheme (“EUSS”) within a reasonable time.

The United Kingdom decided, as provided for by Part 2 of the Agreements, to implement a constitutive scheme where in order to enjoy rights under Part 2 of the Agreements, eligible EU and EEA EFTA citizens and their family members are required to apply for a new residence status. The EUSS implements this decision in the UK.

The IMA considers that the Agreements impose an implied obligation on the UK to consider applications to the EUSS, under Article 18 WA/Article 17 SA within a reasonable time period. The obligation arises, as a result of the overarching principle of good faith in Article 5 of the Agreements; as read together with general principles of international law and general principles of union law, such as the principle of good administration and the general principle of effectiveness and effective remedial protection.

What is a reasonable time within which an application is determined will be fact and context specific.

The purpose of the inquiry is to assess:

* the extent to which the Home Office is determining applications to the EUSS within a reasonable time; and
* any impact on citizens caused by any delay in determining EUSS applications.

In conducting the inquiry, the IMA will seek information from a range of sources including the Home Office, as the public authority responsible for the EUSS; but also, citizens who have or are experiencing a delay in the determination of their applications and other stakeholders who have an interest or support citizens in this area. This will include:

1. consideringcitizens’ experience of EUSS application decisions by:
   1. issuing a Call for Evidence,
   2. reviewing existing complaints received by the IMA,
   3. taking accounts directly from citizens, and
   4. engaging with and listening to a wide range of stakeholders and other third parties.
2. liaising and engaging directly with the Home Office by:
3. investigating the terms of all policy and procedure documents (whether published or not) that apply and have applied during the relevant period, and how they have been implemented.
4. examining data and information requested,
5. performing on-site visits, and
6. interviewing staff.