

Securing your child's rights in the UK as an EU, EEA or EFTA citizen

If you are an EU or EEA EFTA parent living in the UK, there is a possibility that your child does not have certain rights.

Rights are not automatically given to every child that is born or adopted in the UK.

And children do not automatically have the same immigration status as their parents.

You may have to make an EUSS application on behalf of your child to secure their immigration status and guarantee their rights in the UK.

These rights are important. They mean that your child can:

- live in the UK
- use the NHS for free
- travel in and out of the UK
- access further or higher education
- access benefits
- work here

This fact sheet should help you check whether you should make an EUSS application for your child, as well as answer questions about making such an application.



Do I need to make an EUSS application for my child?

Use the below to help you understand whether your child needs an EUSS application. For the latest rules around this matter, go to [Gov.UK](https://www.gov.uk).

If your child was born on or after 1 July 2021 and you can answer YES to any of the three questions below when considering the circumstances at the time of your child's birth, then your child is a British citizen and already has the rights they need. *

- Do you or does the child's other parent have settled status?
- Were you or was the other parent a British citizen when the child was born?
- Do you have pre-settled status and were you living in the UK by 31 December 2020 and had been in the UK for five years continuously before your child was born, during which time were you working (or looking for work for up to three months), studying or self-sufficient?



If you **CANNOT** answer yes to any of the above questions, then your child may need EUSS status to secure certain rights in the UK.

Read on for our FAQs around this.



*There may be other situations whereby your child is a British citizen. Go to [Gov.UK](https://www.gov.uk).

FAQs



Is my child eligible for EUSS status?

If you, your spouse or civil partner, or your child is from the EU, Switzerland, Norway, Iceland or Liechtenstein and you lived in the UK by 31 December 2020, you can apply to the EUSS for your child if they are under 21 years old. Or, they were under 21 when they got pre-settled status and want to switch to settled status.

When do I need to make an application for my child?

An application should be made within the time limit set out by the Home Office. If your child already lived in the UK by 31 December 2020, the deadline for applications was 30 June 2021. If your child was born or adopted in the UK after 30 June 2021, or they first arrived in the UK after 31 December 2020, you must apply within 90 days of their birth, adoption, or first arrival in the UK. If you've missed the deadline, you may be able to submit a late application.

If my child has pre-settled status under EUSS will they be automatically upgraded to settled status?

The Home Office has begun automatically converting some people's status from pre-settled to settled. At the moment, this isn't being done for children. A child who is under 21 will need to apply to the EUSS to convert their status from pre-settled to settled.

How do I make an EUSS application on behalf of my child?

Information about how to apply to the EU Settlement Scheme can be found on [Gov.UK](https://www.gov.uk). When making an application, you will need to prove:

- your child's identity
- your relationship to your child
- your immigration status
- when your child was born or adopted
- when your child started living here – evidence that they were here in the last six months of 2020 if they were living in the UK by 31 December 2020
- your child's continuous residence

Parents can use their child's email address if they have one, or their own email address, to make an EUSS application for their child. You can link your child's application to yours. If your application is successful, your child will get the status they are eligible for – this may be different to yours.

Contact Gov. UK's [Resolution Centre](https://www.gov.uk/resolution-centre) if you do not have any of the listed documents as you may be unable to use the online service. There is a postal option available too.

FAQs

Can I make an application for my child even if I am not eligible for EUSS status?

Yes. If your child is eligible for EUSS, you can still make an application for them even if you are not eligible for the scheme.

Can my child make an application themselves?

Yes, if your child is able to submit an application, they can do it themselves. You are not obliged to do it for them.

I have pre settled status as a joining family member, can my child apply to EUSS?

If someone else sponsored your application to the EUSS, for example, your brother, you won't be able to sponsor your child's application.

Your child may be able to apply if their other parent has pre-settled status and started living in the UK before 31 December 2020.

If your child was born in the UK and at the time of their birth, the other parent was British or had settled status (or had pre-settled status and had acquired permanent residence rights under the Withdrawal Agreements), then your child will be British.

You need to take action to secure your child's immigration status. It is important to get good quality, regulated immigration advice. A list of organisations that may be able help you are included on [the IMA Website Useful Contacts](#).

What happens if I miss the deadline to apply for my child?

If you've missed the deadline, you may still be able to submit an application. You will need to show 'reasonable grounds' for why you missed the deadline. There are a number of circumstances where you may still be eligible. [Details are on Gov.UK](#).

More Information

To ensure you get good quality advice you should always seek advice from [regulated immigration professional or legal advisors](#).

Information about how to apply to the EU Settlement Scheme can be found on [Gov.UK](#).

A list of organisations which may be able to help you can be found on the [IMA website](#).