



For the Citizens'
Rights Agreements

The Evolution and Challenges of the EU Settlement Scheme (EUSS)

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The Independent Monitoring Authority (IMA) exists to protect the rights of EU and EEA EFTA citizens, and their family members, in the UK and Gibraltar since Brexit¹.

Five years after the IMA began its work and the transition period following the UK's exit from the European Union ended², we examine how the EU Settlement Scheme (EUSS) has developed, its challenges, and its current priorities.

In doing this, we have considered information from a variety of sources, including publications from Justice, Roma Support Group, Institute for Government, The Migration Observatory, New Europeans, Free Movement, the3million, the Independent Chief Inspector of Borders and Immigration and the Home Office.

Scale and progress

The EUSS is the sole means by which EU and EEA EFTA citizens and their family can prove they have residence rights under the Separation and Withdrawal Agreement (the 'Agreements') in the UK.

As the Government's first use of a new digital immigration system, the EUSS has seen significant milestones and faced numerous challenges since its inception.

Launched in March 2019³, the scheme was expected to process around 3.5 to 4.1 million applications. The total number of applications has far exceeded this expectation. As of September 2025, the scheme had received 8.7 million applications⁴, more than double the original estimate.

Approximately 5.8 million people have been granted status (which includes both pre-settled and settled status). This scale highlights the scheme's impressive operational capability and its success in securing residency status for EU and EEA EFTA citizens, and their family, in the UK following Brexit.

What is pre-settled and settled status?

Settled status - A status of permanent residence in the UK under the EUSS which can be applied for by eligible persons after five years continuous legal residence in the UK.

Pre-settled status - A status of residence in the UK under the EUSS which can be applied for by eligible persons with less than five years continuous residence in the UK.

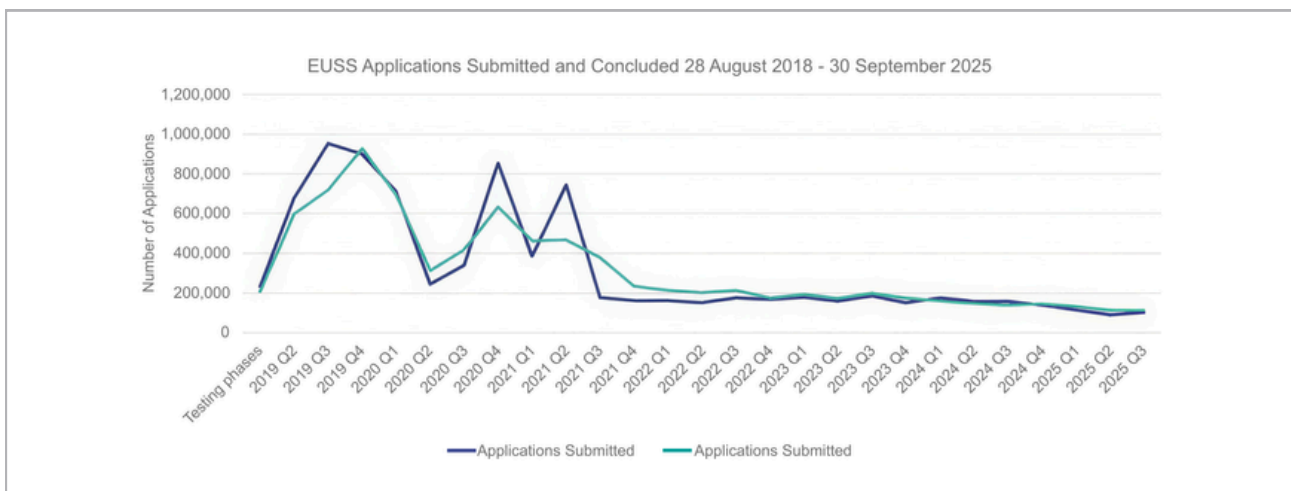
1. This includes those who lived and exercised Treaty rights before Brexit, and their eligible family members.
2. Although the UK left the EU on 31 January 2020, most EU law continued to apply until the 31 December 2020.
3. The EUSS opened for a testing phase in 2018.
4. This number refers to applications, not people.

The EUSS covers more than just those protected by the Agreements, which means there are people who have status under the EUSS who may not be entitled to rights under the Agreements⁵. This is a complex area with a lack of clarity as to who has rights under the Agreements and who does not. The IMA welcomed assurances from the UK Government that no distinction would be made in relation to EUSS status holders whether they technically fell within scope of the Agreements or not, but further measures were subsequently required⁶.

The IMA had raised concerns about the lack of clarity caused by this arrangement with the UK Government. In November 2025 the **Border Security, Asylum and Immigration Act 2025** was enacted, which sought to address those concerns by clarifying in law that there would be no distinction between these groups.

For most, the deadline to apply to the EUSS was 30 June 2021 which has sometimes led to the misconception that the job is 'done'. In fact, around 30% of all EUSS applications have been submitted since the deadline, resulting in around 1.6m grants of status⁷.

According to **Home Office data**, 74,685 grants of EUSS status were issued in the most recent quarter ending September 2025. This demonstrates that the scheme is far from closed.



5. To be eligible for rights under the Agreements, a citizen must have been residing in the UK in accordance with EU free movement rules, for example being a worker, when those rules ceased applying in the UK at the end of December 2020, or have met the eligibility requirements as a family member. To simplify the way in which applications to the EUSS were determined, there was no need to meet these EU free movement rules to be eligible for status.

6. See for example the joint statement issued following the meeting of the Specialised Committee on Citizens' Rights on 4 December 2023 - **Citizens' Rights Specialised Committee meeting, 4 December 2023: joint statement - GOV.UK**. However, the IMA did raise concerns regarding the implementation of the AT v SSWP [2023] EWCA Civ 1307 decision where the SSWP limited the application of the decision to those with rights under the Agreements which was inconsistent with the assurances provided by the UK Government.

7. Of the remainder, 102,586 remain outstanding, 590,744 have been refused, 128,464 have been withdrawn or void and 223,086 were invalid.

Ongoing issues

Although there has been a gradual decrease in the volume of applications, the scheme continues to receive a notable number of both new and repeat applications⁸.

New EUSS applications include joining family members, such as children of parents with EUSS status, and late applications. Late applications are allowed if reasonable grounds for making a late application are successfully demonstrated; since 30 June 2021, 744,289 applications were considered 'late'⁹. The UK Government recognises that some individuals will continue to have valid reasons for submitting late applications to the EUSS.

It is vital that all eligible citizens receive appropriate support with their application under the Agreements, regardless of timing, to ensure that the experiences of the Windrush Generation inform current and future practices.

In accordance with the Agreements, the UK Government is obligated to assist applicants in demonstrating eligibility and ensuring accuracy in their EUSS applications. Applicants must be permitted to provide additional evidence and correct any errors or omissions.

To support those facing challenges during the application process, the Home Office has established dedicated assistance systems. **The EUSS team** within UK Visas and Immigration offers support, including a paper-based application option if needed which needs to be **requested**. For issues related to accessing or verifying status, an online **reporting tool** is available.

It is often only when individuals need to exercise or access their rights that the true implications of their missing residency status become apparent and pressing, often meaning a late application must then be made.

As time passes since the EUSS deadline, it is expected that first-time applicants, and those who were previously refused, will continue to present with increasingly complex cases, a concern that is regularly brought to our attention by citizen representative groups and from those who provide support.

8. In quarter 3 of 2025, 14,297 late applications were received, 68,209 repeat applications (including those moving from PSS to SS) and 16,728 applications from joining family members.

9. The remaining applications received after 30 June 2021, which exceed the figure for late applications, were made up of other categories of applications such as in-time applications from joining family members and applications for settled status from those who already held pre-settled status.

There are ongoing concerns about the availability of qualified, regulated support and the risk that some applicants could be vulnerable to exploitation by unregulated advisors.

Further concerns pertain to the ability to meet evidentiary requirements for eligibility, which may disproportionately affect groups such as children, dependents, and individuals with additional or different needs. For those who still need to make a late application, establishing proof of residence in the UK since Brexit may become increasingly challenging over time especially if there is, or has been, a lack of independence or consistency in that person's life.

The digital-only format for granting residency status under the EUSS remains contentious for many citizen representative groups. Although the Agreements permit residence documents in digital form, and while many can access their status effectively when needed, questions persist regarding the reliability and functionality of the underlying system

System outages and difficulties in accessing correct status highlight significant consequences, not only for individuals asserting their rights but also for overall public confidence in digital immigration systems.

With the wider implementation of eVisas, digital immigration status is now available to individuals beyond EUSS status holders, demonstrating the Home Office's ongoing commitment to digitalising the immigration system. The digital system must function effectively and consistently to protect rights under the Agreements and prevent errors from undermining them.

The EUSS has also encountered difficulties with how long it takes to process some applications, an issue that the IMA plans to report on early next year.

Key changes to the EUSS

The EUSS has been through several changes to the way it operates over the past five years, including:

1. **Loss of status.** In December 2022, a **judge ruling** following action taken by the IMA confirmed that individuals who are protected by the Agreements should not lose their right to live in the UK if they do not make a second application to the EUSS. Also, those with pre-settled status and with rights under the Agreements automatically acquire permanent residence rights once they have lived here for five years and have met the relevant conditions under the Agreements. In response to this, two-year extensions were automatically applied to all pre-settled status holders, this was subsequently increased to five. Expiry dates were also removed from external facing EUSS status and guidance was provided to caseworkers to explain how pre-settled status holders could automatically acquire a permanent right to reside even if they had not obtained settled status. While this may not constitute a permanent solution, it provides a practical means to safeguard the rights of pre-settled status holders. Accordingly, its effectiveness should be regularly evaluated through ongoing monitoring.
2. **Reasonable grounds.** From August 2023, late applicants were required to demonstrate **reasonable grounds** for making a late application before their application was accepted as valid. Temporary protection¹⁰ of rights is only afforded to those who have made a valid application, meaning the reasonable grounds test must now be satisfied first.

Although this change serves to safeguard the integrity of the scheme and is not prohibited by the Agreements, it creates an additional requirement that late applicants must meet before they can obtain temporary protection of their rights.

10. Pending a final decision on a valid EUSS application, including any appeal, all rights are deemed to apply once a valid application is made. This is referred to as 'temporary protection'.

3. **Administrative reviews.** Removal of the administrative review process in 2023, which had previously allowed for an independent, administrative review of a decision and afforded the applicant the opportunity to provide additional evidence to support their application. Removal of this process has led to difficulties correcting minor errors, which are arguably not suitable for the appeals process. However, the process was not without its challenges. Despite discontinuation of administrative reviews in 2023, Free Movement reported there were 4,557 outstanding decisions as of September 2025, meaning there are significant delays. This has been the subject of a **recent investigation** by the Independent Chief Inspector of Borders and Immigration (ICIBI) which the IMA has contributed to.
4. **Joining family members.** From October 2024, changes to the application window for joining family members were introduced. Those making an application via this route now need to do so within the three-month window of their first arrival in the UK since January 2021, else they are considered a late applicant and will need to demonstrate reasonable grounds. Questions remain regarding this requirement and how it aligns with the Agreements and the IMA continue to seek clarity from the Home Office on this matter.
5. **Automated upgrades to settled status.** **Automated upgrades** to settled status for those who are eligible were introduced in January 2025. This reform has benefited an estimated **53,750** who have secured settled status through the automated upgrade since the start of 2025 and is a welcome development to the scheme so that EUSS status holders hold the status which best reflects their rights. There remain limitations with this process, however, which continue to be raised as an area of concern, such as the exclusion of certain groups who are eligible for this process, including children. The new absence rules are also yet to be implemented into this process.
6. **Absence rules.** In July 2025, changes were made to the way **absences from the UK** are calculated when EUSS applications are being decided. This has provided clarity about the number of days someone can be absent from the UK without compromising their EUSS eligibility. The rules are more generous than the Agreements require, and clarity on how absences will be calculated is welcomed by the IMA.

Outlook

The EUSS continues to face both ongoing opportunities and challenges. Applications remain open for joining family members, late applicants, and those seeking upgrades from pre-settled status to settled status.

However, information gaps about the relative success of late applications in securing status, and reasons for refusals, hinder accurate assessment of future application numbers and associated complexities, including children in care. Recent monitoring work by the IMA has identified approximately 1,000 additional children under state care in the UK who may be eligible, highlighting the potential scope of this issue.

While concrete evidence about current trends is limited, EUSS applications are expected to become increasingly complicated over time for some joining family members and late applicants. People who apply late often deal with more complex situations, often because they missed or failed to act on earlier advice about securing their status. Family members must also verify their relationship to secure status, which can be difficult if there are complications with the domestic relationship with the sponsor.

Home Office data shows that the current EUSS refusal rate is 9.5%. The IMA shares the concerns of citizen representative groups that the limited data on refusal reasons makes it difficult to receive assurance that the system is operating fairly on a case-by-case basis and that additional support required is being planned and implemented.

The EUSS is anticipated to develop further with the continued implementation of automated status upgrades and the introduction of new procedures enabling the Home Office to curtail status if, for example, an individual is deemed to no longer reside in the UK or has exceeded permitted absence limits. The Agreements stipulate that any such decisions must be proportionate, taking into account individual circumstances. The data underpinning these decisions should be both robust and reliable.

The wider immigration system continues to be the subject of reform. These reforms can cause uncertainty and confusion for citizens holding EUSS status as they struggle to understand the impact these reforms may have on them. It is essential that clarity is provided for EUSS status holders of the impact any new proposals will have on them. This includes confirmation where there will be no impact.

The IMA continue to request this of the Home Office and was recently able to **confirm** that the recent settlement proposals would not, if adopted, apply to EUSS status holders. The rules relating to settlement for EUSS status holders must reflect those rules that are found in the Agreements.

Conclusion

The performance of the EUSS can largely be evaluated positively in terms of the number of successful applicants.

The digital format of the application process, while subject to criticism regarding accessibility, enabled applications to be submitted and processed throughout the global pandemic - a period when social distancing might have otherwise posed further challenges for applicants.

Ongoing scrutiny is required to ensure that the scheme, and any modifications to its operation, continue to align with the Agreements, thus safeguarding rights for future applicants over the years to come.

The IMA monitors and promotes the effective implementation of the Agreements by collaborating with stakeholders to ensure compliance and promptly identify any issues.

This includes how the EUSS operates and whether it complies with the Agreements. In addition to exercising its statutory powers to address compliance concerns, the IMA assists in identifying practical solutions to resolve problems, thereby safeguarding rights and supporting EU citizens and their families to grow, live, and thrive in the UK.