

Immigration guide

Victims of domestic abuse with pre-settled status as family members under the EUSS



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Who this guide is for

This guide is written for women who have pre-settled status as a family member and want to find out if they can continue to live in the UK after their relationship has broken down due to domestic abuse. Who is considered a family member under the EU Settlement Scheme (EUSS) is explained later in this guide.

This guide will explain the significance of relationship breakdown for women who have pre-settled status as a family member and will explain when and how a woman might apply for settled status – also known as indefinite leave to remain - in the UK under the EUSS as a victim of domestic abuse. This guide will also address when a woman with pre-settled status might apply for indefinite leave to remain in the UK under the separate immigration rules for victims of domestic abuse set out in Appendix Victim of Domestic Abuse. Rights of Women has prepared a separate guide on applications for indefinite leave as a victim of domestic abuse, which can be found [here](#).

This guide explains the law that is relevant for women who want to live in the UK and have pre-settled status as a family member and whose relationship has broken down due to domestic abuse.

The immigration rules relating to the EUSS are in Appendix EU and are published online [here](#).

The government department that will be handling any application is called the Home Office. The person who will be deciding any application is called a caseworker and they would be looking at 'guidance' written by the Home Office, which is a document that tells them more about the rules so they can make the right decision. The guidance relating to the EUSS can be found [here](#).

The point of this guide is not to set out the law in detail, but to explain what the impact is of your relationship breaking down permanently due to domestic abuse when you have pre-settled status as a family member and to explain your options. This guide explains when you might be able to apply for settled status under the EUSS or switch routes to apply for indefinite leave as a victim of domestic abuse.

This guide is not intended for people who may be eligible under the EUSS, but have not yet applied or been granted pre-settled status. If you have an EUSS Family Permit as a joining family member, or you otherwise think you might be eligible for status under the EUSS as a family member or a joining family member and you do not yet have status under the EUSS, you should seek legal advice urgently. If you are outside the UK and think you may be eligible for status under the EUSS as a victim of domestic abuse, it may be possible for you to apply from outside the UK. You can obtain legal advice from [Rights of Women's immigration advice lines](#).

This guide is not intended for people who have pre-settled status as an EEA national who was resident in the UK by 31.12.20. If you are an EEA national woman who has been resident in the UK since before 31.12.20 and you need advice on the EUSS, you can obtain legal advice from [Rights of Women's immigration advice lines](#).

This guide is not intended to replace legal advice and representation.

You should get legal advice before making any application.

If you have any questions after you have read this guide, you may also want to read the 'Frequently Asked Questions' to see if your question is answered there.

Please note that the law explained in this legal guide is as it stood at the date of publication. The relevant law and procedure may have changed since then.

Rights of Women cannot accept responsibility for any reliance placed on the legal information contained in this guide.

Rights of Women, June 2024

Family members and joining family members

This guide is for family members and joining family members with pre-settled status.

Once someone has pre-settled status as a family member or joining family member, the Home Office has accepted the person has a relationship with an EEA national that means they qualify under the EUSS as a family member or as a joining family member. Given this, this guide will not set out in detail who qualifies as a family member or as a joining family member.

Who might be a family member / joining family member

Family members and joining family members with pre-settled status will usually be the family member / joining family member of an EEA national resident in the UK by 31.12.20 or, in some less common cases, of a British national. This will usually be when the British national is also an EEA national having naturalised as British or when the British national has lived in another EU country when in a relationship with the family member and they have returned to the UK together.

In this guide, an 'EEA national' means someone who has the nationality of one of the countries inside the European Union, or Iceland, Liechtenstein, Norway or Switzerland. You can find a full list [here](#).

There are a wide range of family members who may have pre-settled status under the EUSS as family members or joining family members.

A family member could be a partner, a child (up to the age of 21 or over the age of 21 and dependent), a parent or another dependent relative.

Family members are people who were in the UK with their EEA national family member by 31.12.20. Family members will be non-EEA nationals – nationals of a country that is not in the EEA.

Joining family members are people who had a family relationship with their EEA national family member by 31.12.20 and the EEA national was living in the UK by 31.12.20, but the family member has joined the EEA national in the UK since 31.12.20. Children who have been born in the UK since 31.12.20 to an EEA national resident in the UK by 31.12.20 will fall into this category. Joining family members can be any nationality, including being EEA nationals themselves.

For the purposes of this guide there is no significant difference between people who have pre-settled status as a family member or as a joining family member. Given this, we use the term 'family member' throughout this guide. For clarity, within this guide the term 'family member' includes both family members and joining family members. Additionally, for the purposes of this guide there is no significant difference between people who have pre-settled status as the family member of an EEA national or as the family member of a British national. (Note: the only difference is in terms of the process for applying for settled status and this is directly addressed and highlighted within the guide at the relevant point.) Given this, we use the terms 'family member of an EEA national' and 'EEA national' throughout this guide. For clarity, within this guide the law as it applies to the family member of an EEA national also applies to the family member of a British national where the family member has been granted pre-settled status under the EUSS.

Note: European (EEA) nationals who were not resident in the UK by 31.12.20 will not be eligible for the EUSS based on their own EEA nationality and residence so will only be eligible for status under the EUSS if they qualify as a joining family member. If you are an EEA national who has come to join a family member in the UK after 11pm on 31.12.20 and you have pre-settled status, it is likely you are a joining family member and, if your relationship has broken down due to domestic abuse, this guide is relevant to you.

Examples: EEA nationals

EEA nationals resident in the UK by 31.12.20 who have pre-settled status based on their own EEA nationality and residence cannot rely on the protections for victims of domestic abuse and do not need to rely on these protections.

Maria is an Italian (EEA) national with pre-settled status. Maria came to live in the UK in June 2020. Maria's partner Chris is an American national. Chris has subjected Maria to domestic abuse. The domestic abuse that Maria has been subjected to is not relevant to Maria's immigration status as she has pre-settled status as an EEA national and her status is not connected to her abusive partner.

EEA nationals who have entered the UK since 31.12.20 and have pre-settled status as a joining family member of another EEA national can rely on the protections for victims of domestic abuse.

Sara is an Austrian (EEA) national with pre-settled status. Sara came to live in the UK in January 2023. Sara came to live with her husband, Frederico, an Italian (EEA) national. Frederico and Sara married in 2018 and Frederico came to live in the UK in October 2019. Since Sara joined Frederico in the UK, their relationship has broken down due to the domestic abuse to which Frederico has subjected Sara.

Sara has pre-settled status as the joining family member of her husband – he is the only EEA national who was resident in the UK by 31.12.20 in this scenario. Sara cannot rely on being an EEA national to qualify under the EUSS – it would not make any difference in this scenario if Sara was not an EEA national and was, for example, a Brazilian national. Sara has pre-settled status as a joining family member. The protections explained in this guide, therefore, apply in Sara's case. Additionally, as Sara has pre-settled status as a partner, she is also eligible to apply for indefinite leave as a victim of domestic abuse under Appendix VDA. Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA' for further information.

Pre-settled status and access to public funds

Pre-settled status

Pre-settled status is lawful immigration status in the UK and is initially granted for a period of 5 years.

Note: the Home Office has stated that they will extend people's pre-settled status by 5 years before their initial 5 years expires (if they do not already have settled status). For more information please see the [Home Office website](#).

Pre-settled status is granted to people who qualify under the EUSS as they are an EEA national, the family member of an EEA national or the joining family member of an EEA national or, in some cases, the family member of a British national.

If someone has been resident in the UK for less than 5 years in a relevant category - as an EEA national, the family member of an EEA national or the joining family member of an EEA national or, in certain situations, the family member of a British national – when they apply to the EUSS, they will be granted pre-settled status.

If someone has been resident in the UK continuously for 5 years or more in a relevant category, or combination of categories - as an EEA national, the family member of an EEA national or the joining family member of an EEA national or, in certain situations, the family member of a British national – when they apply to the EUSS, they will be granted settled status.

Settled status is also known as indefinite leave and is permission to live in the UK permanently.

Pre-settled status and access to public funds

Accessing public funds, such as benefits and housing, with pre-settled status can be very complex. Brief information is included here about access to public funds for pre-settled status holders to provide context to other information provided in this guide. If you have pre-settled status and need to access public funds, such as benefits and housing, you should seek advice from a specialist benefits or housing advisor.

People with pre-settled status do not have a 'no recourse to public funds' restriction on their visa.

People with pre-settled status are permitted to access public funds, but when they apply for many welfare benefits or social housing they have to meet what is called a 'right to reside' test.

Once someone has settled status or another form of indefinite leave, their immigration status will enable them to pass the right to reside test.

Many people with pre-settled status can satisfy the 'right to reside' test, but it can be complicated and accessing public funds can be a challenge for some people with pre-settled status.

If you have pre-settled status and need to access public funds, such as benefits and housing, you should seek advice from a specialist benefits or housing advisor.

Relationship breakdown and pre-settled status

If you have pre-settled status as the family member of an EEA national and your relationship with your family member breaks down due to domestic abuse, you are not required to inform the Home Office of your change of circumstances and your immigration status is not impacted by the relationship breakdown.

Abusive family members often tell people they are abusing that if the victim of abuse leaves them or reports the abuse to the UK authorities, the visa of the victim of abuse will be cancelled. Your family member does not have the power to cancel your visa. Only UK Visas and Immigration (UKVI) has the power to issue or cancel visas. UKVI are sometimes called the immigration authorities or the Home Office. UKVI should not cancel your visa if you have pre-settled status and your family member informs them that your relationship has broken down, but you continue to qualify for your visa.

If you have pre-settled status as a family member and your relationship breaks down permanently due to domestic abuse, you continue to be eligible for pre-settled status and you continue to be on a path to settlement.

The EUSS protects victims of domestic abuse by enabling them to move from being a family member to being a family member who keeps their residence rights when their relationship ends because of domestic abuse.

It is not necessary to make an immigration application or otherwise inform the Home Office that your relationship has broken down permanently due to domestic abuse at the time your relationship breaks down.

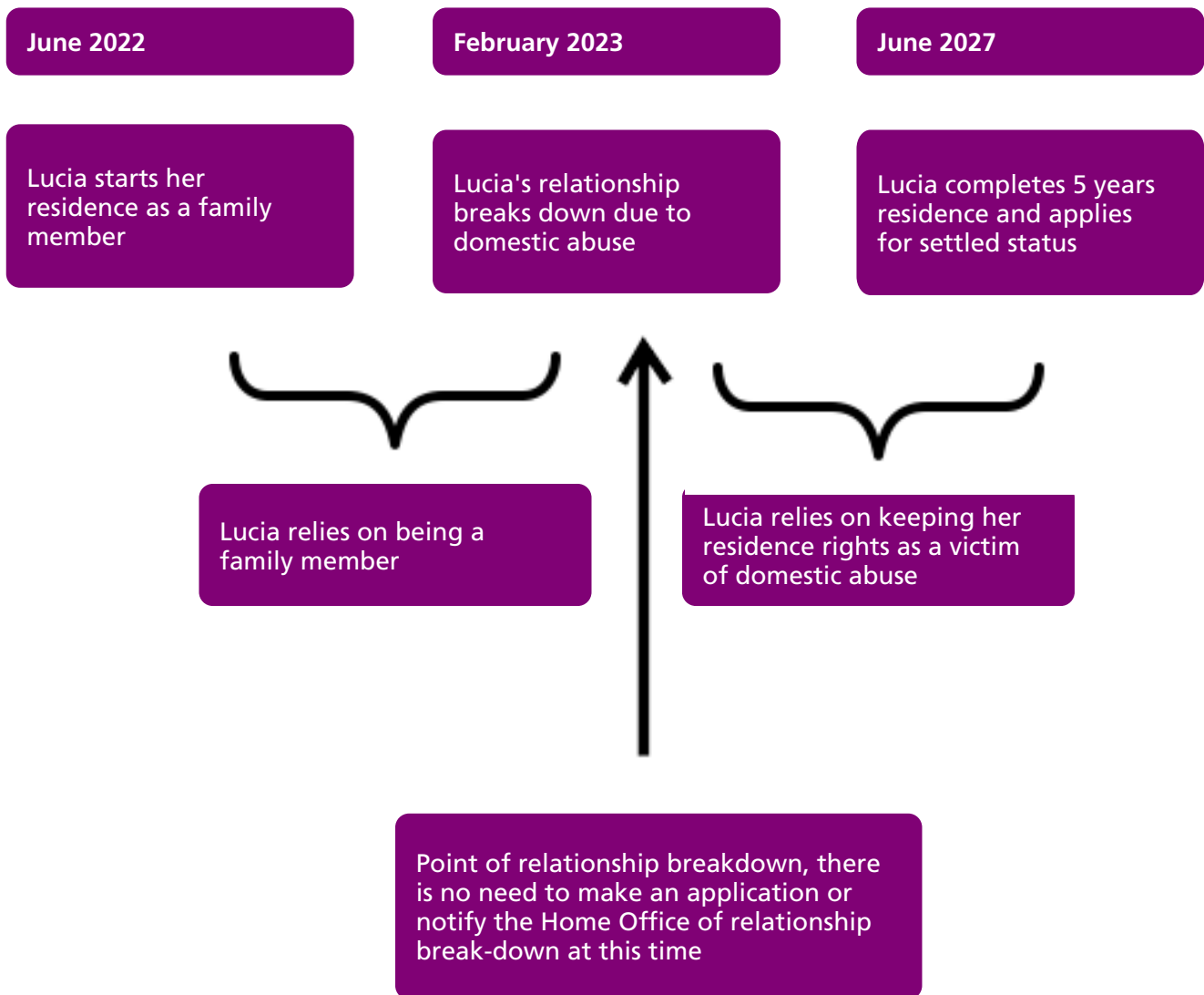
It is, however, important to make sure that you are in control of your own immigration status and the Home Office has the correct contact details for you. If you have pre-settled status, you have an online UKVI account where you can view your status and update your contact details. You should check that your UKVI account is connected to your own mobile phone and email address and that all your personal details are up to date. If they are not, you should change them as soon as possible and get help to do so if needed. There is information about how to change your details [here](#) and how to recover your EUSS account if you cannot log into your account [here](#).

When you have pre-settled status as a family member or as a joining family member and your relationship breaks down due to domestic abuse, you can keep your residence rights after your relationship has ended because of domestic abuse from the moment your relationship breaks down due to domestic abuse.

When you apply for settled status (also known as indefinite leave) under the EUSS, you are required to inform the Home Office of the basis on which you are eligible for settled status. This means that when you apply for settled status you will need to explain that whilst you were granted pre-settled status as a family member, your relationship has since broken down permanently due to domestic abuse and you are applying for settled status as a family member who has kept your UK residence rights after your relationship has ended because of domestic abuse – the Home Office and lawyers call this ‘retained rights’. There is more information about eligibility for settled status and applying for settled status as a victim of domestic abuse under the section of this guide entitled, ‘Who can apply for settled status under the EUSS as a victim of domestic abuse’.

Example

Lucia is a Colombian national. Lucia married Jose, a Spanish national living in the UK, in January 2020. In June 2022, Lucia came to the UK to join her husband and was granted pre-settled status as his joining family member. In February 2023, Lucia’s relationship with her husband broke down due to domestic abuse. Lucia can keep her pre-settled status after her relationship with Jose breaks down because it broke down because of the domestic abuse to which he was subjecting her. Lucia does not need to make an application at the time the relationship breaks down or otherwise inform the Home Office about the separation. When Lucia has lived in the UK for 5 years, in June 2027 if she remains in the UK continuously, she can apply for settled status and explain that she was a family member from June 2022 until February 2023 and from February 2023, when her relationship broke down due to domestic abuse, she relied on keeping her residence rights as a victim of domestic abuse.



Additionally, if you have pre-settled status as a partner and your relationship breaks down permanently due to domestic abuse, you may be eligible to apply for the Migrant Victims of Domestic Abuse Concession and / or for indefinite leave to remain as a victim of domestic abuse. Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA' for further information.

You should obtain legal advice before you apply for settled status as a victim of domestic abuse. You can obtain legal advice from [Rights of Women's immigration advice lines](#).

Who can keep their residence rights as a victim of domestic abuse

You can keep your residence rights as a victim of domestic abuse if:

1) You have pre-settled status as a family member or as a joining family member

AND

2) Your relationship with your family member has broken down permanently as a result of domestic abuse.

{Permanently means forever}

1. Pre-settled status as a family member / joining family member

To be able to keep your residence rights as a victim of domestic abuse, you need to have been granted pre-settled status as a family member or as a joining family member.

You also need to continue to qualify as a family member or as a joining family member immediately before the relationship breaks down due to domestic abuse.

Your qualification as a family member or as a joining family member can be affected by your actions – for example, if you break the continuity of your residence by spending more than 6 months outside the UK in any 12 month period without an important reason – or by the actions of your family member – for example, if they break the continuity of their residence by spending more than 6 months outside the UK in any 12 month period without an important reason, this may impact the continuity of your residence as their family member.

Note: 'resident' does not necessarily require that someone is physically present if they have valid permission to live in the UK at the time. If you or your family member were not physically present in the UK when your relationship broke down permanently due to domestic abuse, you should get legal advice.

Status under the EUSS is online status it can be accessed [here](#).

Online EUSS status will not state the basis on which it was granted. The letter that you were sent confirming the grant of status will not expressly state the basis on which you were granted pre-settled status.

If you are not an EEA national yourself, any grant of pre-settled status must have been granted to you as a family member (if you were in the UK by 31.12.20) or as a joining family member (if you came to the UK after 31.12.20).

If you are an EEA national resident in the UK by 31.12.20, any grant of pre-settled status will have been granted to you as an EEA national. If you have been granted pre-settled status as an EEA national this guide is not relevant to you.

If you are an EEA national who came to live in the UK after 31.12.20, any grant of pre-settled status will have been granted to you as a joining family member. If you have been granted pre-settled status as a joining family member – whether you are an EEA national or a non-EEA national, the letter you were sent when you were granted pre-settled status should refer to your grant having been made under EU3A.

If you are unsure of the basis on which you have been granted pre-settled status, it is important to get legal advice before you make a further application to the EUSS or another immigration application.

Non-EEA nationals granted pre-settled status will generally also have been issued with a Biometric Residence Card. From 31.12.24, immigration status will be online only – Biometric Residence Cards issued since the UK government committed to online status only will be dated to expire on 31.12.24 – this is the date the card expires NOT the date the holder's pre-settled status expires. To establish the date the pre-settled status expires, the online status must be viewed.

Note: it may be possible to keep your residence rights as a victim of domestic abuse where you are a relevant family member or joining family member, but you do not yet have status under the EUSS or where you have an EUSS Family Permit. These situations are complicated and this guide does not address them. It is very important that you get legal advice urgently if you do not have pre-settled status, but you think you may be eligible for status as a family member who has kept your residence rights as your relationship has broken down permanently due to domestic abuse.

If you think that you may be eligible for status under the EUSS, but you have not yet been granted any status under the EUSS, you should obtain legal advice urgently. You can obtain legal advice from [Rights of Women's immigration advice lines](#).

2. Relationship with your family member has broken down permanently as a result of domestic abuse

To keep your residence rights as a victim of domestic abuse, your relationship with your family member must have broken down permanently as a result of domestic abuse when you and your family member were resident in the UK.

This means you need to satisfy the Home Office that:

1. There has been domestic abuse

AND

2. The domestic abuse is the reason your relationship has broken down permanently

Domestic abuse

It is important to understand what the Home Office considers domestic abuse. The Home Office guidance on domestic abuse in immigration applications can be found [here](#).

Domestic abuse can include, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional
- violence
- threatening
- controlling
- coercive behaviour

Domestic abuse includes forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment.

The law makes clear that no distinction should be made between psychological (mental) abuse and physical abuse when assessing if a person has been the victim of domestic violence or abuse.

The domestic abuse does not have to be from your partner. It could be, for example, that a family member of your partner such as your mother-in-law subjected you to domestic abuse and your partner did not protect you from this abuse.

You do not need to have been the direct victim of domestic abuse, but the domestic abuse must have led to the permanent breakdown of your relationship. For example, if your partner has been abusive towards your child, this may have led your relationship with your partner to break down even if your partner was not abusive towards you directly.

You do not need to make an application or otherwise inform the Home Office that you are relying on keeping your residence rights following the permanent breakdown of your relationship due to domestic abuse at the time your relationship breaks down.

You will need to make the Home Office aware that your relationship has ended because of domestic abuse when you apply for settled status. You can do this by selecting the option on the application form to apply based on retained right of residence then explaining your situation in the evidence you give the Home Office.

When a person will be eligible for settled status under the EUSS, including a person who is applying as victim of domestic abuse, is explained in the next section of this guide.

Note: whilst it is not necessary to make an application or otherwise inform the Home Office of the change in your circumstances at the time that your relationship breaks down permanently due to domestic abuse, you should get legal advice. In particular, it is important to get legal advice if you do not have the support of domestic abuse services or otherwise have evidence of the fact you suffered domestic abuse; or if your family member has left the UK or might leave the UK; or if you are considering initiating divorce proceedings or your partner has already done so.

Additionally, if you are unsure about your status and / or the status of your child / children, you should get legal advice urgently.

Examples of situations when you are not eligible to rely on the protections for victims of domestic abuse under the EUSS

If you have pre-settled status as an EEA national rather than pre-settled status as a family member, you cannot rely on the protections for victims of domestic abuse under the EUSS or otherwise make an application for immigration status based on domestic abuse. This is because if you are an EEA national who has pre-settled status based on their own nationality and residence as you were resident in the UK by 31.12.20, your immigration status is not connected to your relationship with anyone else and is, therefore, not impacted by the breakdown of your relationship. You will remain eligible for pre-settled status as an EEA national so long as you maintain the continuity of your residence and you will be eligible for settled status based on your own nationality and residence once you have been resident in the UK for a continuous period of 5 years.

Adelina who is Romanian came to the UK in November 2020 with her husband, David. David is also Romanian and both Adelina and David have pre-settled status. David has been violent towards Adelina and she has recently left him. Although David is an EEA national and Adelina is a victim of domestic abuse, Adelina will not be able to rely on the protections for victims of domestic abuse under the EUSS. Adelina cannot rely on the protections for victims of domestic abuse under the EUSS because she has pre-settled status as an EEA national and her immigration status is not connected to her husband. Adelina continues to qualify for pre-settled status based on her own nationality and residence and does not need to rely on the protections for victims of domestic abuse under the EUSS.

Note: the situation would be different if Adelina's husband had come to the UK in November 2020 and Adelina had come to join him in the UK later, after 31.12.20 – in that situation, if she entered the UK as a joining family member to join her husband after 31.12.20, her EEA nationality would not be relevant to her eligibility for pre-settled status – she would only have been granted pre-settled status as a joining family member if she entered the UK after 31.12.20 and so would be eligible to rely on the protections for victims of domestic abuse under the EUSS when her relationship broke down permanently due to domestic abuse.

If you have been granted pre-settled status as a family member, but you no longer qualify as a family member at the time your relationship breaks down, you cannot rely on the protections for victims of domestic abuse under the EUSS.

Jennifer who is Ghanaian came into the UK 3 years ago to join her husband Mustafa who is an EEA national with pre-settled status. Jennifer was granted pre-settled status 2 years ago. 18 months ago, Mustafa travelled to the Gambia for 13 months. Jennifer stayed in the UK. When Mustafa returned to the UK, he was violent towards Jennifer and she fled the flat they shared. Jennifer will not be able to rely on the protections for victims of domestic abuse under the EUSS as, although Mustafa is an EEA national and Jennifer is a victim of domestic abuse, she did not qualify as a family member at the time their relationship broke down due to domestic abuse. Jennifer did not qualify as a family member at the time the relationship broke down as Mustafa had broken the continuity of his residence by spending more than 6 months outside of the UK. When Mustafa broke the continuity of his own residence, he effectively broke the continuity of Jennifer's residence as his family member as she was not the family member of an EEA national when he was not resident in the UK. Jennifer may, however, be eligible to switch routes and apply for indefinite leave as a victim of domestic abuse.

If you have pre-settled status as a family member and your relationship has broken down for a reason other than domestic abuse, you will not be able to rely on the protections for victims of domestic abuse under the EUSS. It is possible that you may continue to qualify as a family member or otherwise qualify for pre-settled status in another category following the breakdown of your relationship. If you have pre-settled status as a family member and your relationship breaks down, you should get legal advice urgently.

Carmen who is Bolivian came to the UK 2 years ago to join her partner Tiago who is an EEA national. Carmen was granted pre-settled status 2 years ago. Last month, Tiago told Carmen that he is not in love with her any more and she should move out of the flat they share. Carmen will not be able to rely on the protections for victims of domestic abuse under the EUSS as, although Tiago is an EEA national there has not been any domestic abuse. Carmen needs to get legal advice urgently on whether there is any other route she qualifies for the EUSS under or otherwise what her immigration options might be.

What if I am not eligible to rely on the protections for victims of domestic abuse under the EUSS as a victim of domestic abuse?

If you cannot rely on the protections for victims of domestic abuse under the EUSS and you wish to live in the UK, you should obtain legal advice about your eligibility under the EUSS and, as necessary, any other immigration options that might be available to you to apply for permission to live in the UK.

Who can apply for settled status under the EUSS as a victim of domestic abuse

You can apply for settled status as a victim of domestic abuse if:

1) You have pre-settled status as a family member or as a joining family member

AND

2) Your relationship with your family member has broken down permanently as a result of domestic abuse. {Permanently means forever}

AND

3) You have 5 years' continuous residence – You can satisfy the Home Office you have completed 5 years' continuous residence in a relevant category / categories

The first two requirements have been addressed above in the context of keeping residence rights as a victim of domestic abuse. There is further information about how to satisfy the Home Office you meet these requirements in the section of this guide entitled, 'What you need to apply for settled status under the EUSS as a victim of domestic abuse'.

3. 5 years' continuous residence – you have completed 5 years' continuous residence in a relevant category / categories

What is settled status under the EUSS and who is eligible for it?

Settled status is indefinite leave under the EUSS.

Settled status is generally granted to people the Home Office accept to be eligible under the EUSS as they have been resident in the UK continuously for 5 years or more in a relevant category, or combination of categories when they apply to the EUSS.

This means that to be eligible for settled status under the EUSS, you must satisfy the Home Office that:

- you have been in a relevant category / categories for the relevant period; AND
- you have completed a continuous period of 5 years' residence.

Relevant categories

Relevant categories might include:

- as the family member of an EEA national or the joining family member of an EEA national;
- as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse; and / or
- derivative rights arising from your child / children.

Depending on your circumstances, you might qualify in one category or in a number of categories following the breakdown of your relationship due to domestic abuse. For example, you may qualify under the EUSS as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse; and you may also qualify as you have rights arising from your child / children.

Whilst you only need to qualify under the EUSS in a single category, if you are aware that you do, or might, qualify in another category under the EUSS, it is worth making the Home Office aware of all of the ways you think you qualify under the EUSS when you make any application under the Scheme.

Partners - Retained rights on divorce / termination of civil partnership

In addition to the protections that permit victims of domestic abuse to keep their residence rights when their relationship breaks down, there are other ways that people can keep their residence rights that may be relevant to partners who are / were married or in a civil partnership. We will not set these out in detail. We will, however, provide information to highlight the key retained rights.

These retained rights arise at the time that a marriage or civil partnership is legally ended IF both parties are resident in the UK when the legal process to end the marriage or civil partnership was started.

Note: resident does not necessarily mean the person / people must be physically present.

Retained rights can arise:

- when you have been married / in a civil partnership for 3 years and you have both lived in the UK for at least 12 months – you do not need to have lived together during this 12 months;
- when you have suffered domestic abuse – regardless of whether the domestic abuse led to the permanent breakdown of your relationship; and / or
- when you have custody of the child of your ex husband / civil partner.

As explained elsewhere in this guide, when you apply for settled status, you may be eligible under more than one category of the EUSS. If you are eligible for settled status as you have been living in the UK for a continuous period of 5 years and you fall, or have fallen, into more than one eligible category, you should explain all of the categories you have been in to the Home Office in your application.

For example, if you were married to your husband for more than 3 years and you and your husband both lived in the UK for at least 12 months and your relationship has broken down due to domestic abuse and, since the relationship broke down, you have divorced, you can rely both on retained rights as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse from the time your relationship broke down and on retained rights arising from your divorce from the moment your relationship was terminated by divorce.

If you are or were married and your relationship has ended and you are now divorced or you or your partner are considering divorce, you should get legal advice about the impact of divorce on your immigration status / eligibility for settled status and, if relevant, your eligibility for benefits.

When you become eligible for settled status

You are eligible for settled status once you have lived in the UK for 5 years continuously in a relevant category / categories – this usually means as a family member or as a joining family member and then, after the breakdown of your relationship due to domestic abuse, as a family member who has kept their residence rights.

If you have pre-settled status as a family member and your relationship with your family member breaks down permanently due to domestic abuse, this does not change when you will be eligible for settled status under the EUSS.

If you have pre-settled status as a partner and your relationship breaks down permanently due to domestic abuse, you will additionally / alternatively be eligible to switch into another immigration category and apply for indefinite leave under the immigration rules for victims of domestic abuse from the time that your relationship breaks down due to domestic abuse. Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA' for further information. Rights of Women has prepared a separate guide on applications for indefinite leave under the immigration rules for victims of domestic abuse, which can be found [here](#).

Five years' continuous residence

When does residence start?

If you have pre-settled status as a family member or as a joining family member, your period of continuous residence is treated as beginning when you first started living in the UK as a family member or as a joining family member.

This means that if you lived in the UK before becoming a family member, the Home Office will not treat the time before you became a family member as part of the relevant 5 years.

Example

Megan is a Colombian national. She came to the UK as a student in September 2018. While she was studying, Megan met Jose, a Spanish national. In March 2020, Megan and Jose married in the UK. In early 2021, Megan applied to the EUSS. In June 2021, Megan was granted pre-settled status for five years – until June 2026.

Although Megan has been living in the UK since September 2018, she has only been living in the UK as the family member of an EEA national since she married Jose in March 2020. This means that Megan's period of continuous residence under the EUSS began in March 2020, when she married Jose, and, if she remains continuously resident in the UK, she will be eligible for settled status in March 2025. The fact that Megan was granted pre-settled status in June 2021 means that she will have been granted pre-settled status until June 2026, as this is 5 years from the date she was granted pre-settled status. The date she was granted pre-settled status does not, however, affect the date she is eligible for settled status, which is 5 years after she started her period of continuous residence in the UK as the family member of an EEA national – in Megan's case she became a family member when she married Jose in March 2020 so this is when her period of continuous residence commenced.

September 2018

Actual residence commenced on entry to the UK

March 2020

Period of continuous residence under the EUSS started

March 2025

Megan will complete 5 years continuous residence if she remains continuously resident and continues to be a family member or becomes a family member who can keep her right of residence following the permanent breakdown of her relationship due to domestic abuse.

March 2020

March 2025



5 years continuous residence as a family member/ as a family member who has kept their residence rights after the permanent breakdown of their relationship due to domestic abuse.

The date the period of continuous residence under the EUSS starts is the date a person commenced their residence in the UK as a family member or as a joining family member not the date a person is granted pre-settled status.

Pre-settled status is granted for a period of 5 years, regardless of how long the applicant has been living in the UK at the time that they apply.

Example

Maria is an Argentinian national married to Juan, a Spanish national. Juan came to live in the UK in December 2019 and Maria came to join Juan in the UK in June 2021.

Maria and Juan both applied to the EUSS in June 2021 and were both granted pre-settled status on 1 January 2022. As pre-settled status is granted for 5 years, they were both granted pre-settled status valid until 2 January 2027.

Whilst Maria and Juan both have pre-settled status valid until 2 January 2027, the date they will be eligible for settled status will be different as this is determined by the date they started their period of continuous residence in the UK and is not related to the date they were granted pre-settled status.

Maria started her period of residence in June 2021. This means that by the time Maria was granted pre-settled status, she had been resident in the UK for around 6 months. As Maria started her period of residence in June 2021, if she remains continuously resident in the UK, she will be eligible for settled status in June 2026.

Continuity of residence – when is it broken?

When the Home Office assesses whether someone has been resident in the UK for a continuous period, they need to be satisfied that the person has been resident in the UK for at least 6 months of every 12 months for 5 years consecutively (in a row).

Ordinarily, if you spend more than 6 months outside of the UK when you have pre-settled status, you will be treated as having broken the continuity of your residence. This includes when someone spends more than 6 months in a row outside the UK or when someone spends a total of more than 6 months outside the UK in any 12 month period when you add together all of the time they have spent outside the UK in that 12 month period.

If you break the continuity of your residence, it means your period of residence is treated as having ended and re-started again when you came back to the UK. This can be a problem as it may mean that you cannot complete a continuous period of five years' residence and qualify for settled status.

In some circumstances, it is possible to have a single absence of up to 12 months, which the Home Office will not treat as having broken the continuity of your residence.

The Home Office will only treat an absence from the UK for more than 6 months, and less than 12 months, as counting towards someone's 5 years' continuous residence, if the Home Office accepts that the absence was for an important reason.

The Home Office guidance includes some examples of circumstances that they will accept as amounting to an important reason for an extended absence, these include: pregnancy, childbirth, serious illness, study, vocational training or an overseas posting, or due to domestic violence or abuse, or because of COVID-19.

If the Home Office accepts that your absence did not break the continuity of your residence, they will treat the time you were outside of the UK as counting towards your 5 years' continuous residence.

Additionally, where someone was outside of the UK for more than 12 months, but they were absent for more than 12 months for a reason / reasons arising from the Coronavirus epidemic, the Home Office may be willing to accept that the continuity of your residence was not broken by the time you were outside the UK.

If you are unsure when you will complete 5 years' continuous residence and be eligible for settled status or if you have spent more than 6 months outside the UK since you started your residence in the UK as a family member / joining family member, it is very important that you get legal advice before making an application to the Home Office. You can obtain legal advice from [Rights of Women's immigration advice lines](#).

Example

Amelie is a national of Cameroon. She is married to Francoise, a French national. Amelie and Francoise married in Cameroon in 2018 and came to live in the UK together in November 2018. Amelie and Francoise were both granted pre-settled status.

In January 2019, Amelie was offered the chance to house-sit in Martinique for a year. Amelie had friends in Martinique and decided to take the opportunity to house-sit. Amelie left the UK in January 2019 and returned to the UK in November 2019.

In April 2022, the relationship between Amelie and Francoise broke down permanently due to the domestic abuse to which Francoise was subjecting Amelie.

Amelie first came to live in the UK with Francoise in November 2018. This is when her first period of residence in the UK started. However, when Amelie left the UK in January 2019 and spent more than 6 months outside of the UK, Amelie broke the continuity of her residence. In November 2019, when Amelie returned to the UK, she was still married to Francoise and still qualified for pre-settled status as his family member. When Amelie returned to the UK in November 2019, her period of residence started again as the family member of an EEA national. The period Amelie spent in the UK from November 2018 until January 2019 is not relevant to her period of continuous residence as she broke the continuity of her residence by spending more than 6 months outside the UK. Although Amelie's relationship with Francoise has now broken down due to domestic abuse, she does not need to inform the Home Office at this time. Amelie continues to be entitled to her grant of pre-settled status and can continue to live in the UK as she can keep her right of residence because her relationship broke down due to the domestic abuse to which Francoise subjected her.

When Amelie has completed 5 years' continuous residence in the UK, she can apply for settled status and, at that time, explain that she is applying as a family member who has kept her right of residence following the permanent break down of her relationship due to domestic abuse, providing evidence in support of her application.

In this case, as Amelie started her period of continuous residence in November 2019, if Amelie remains continuously resident – not spending more than 6 months in any 12 months outside the UK – she will complete a period of 5 years' continuous residence in November 2024. In November 2024, Amelie can apply for settled status and, in her application, explain that she is applying as a family member who has kept her right of residence following the permanent break down of her relationship due to domestic abuse. Amelie can explain in her application that she was in the UK as a family member from November 2019 until April 2022, when her relationship broke down permanently due to domestic abuse, and from April 2022, she has been relying on being a family member who has kept her right of residence following the permanent break down of her relationship due to domestic abuse.

Note: the Home Office has stated that they will extend people's pre-settled status by 5 years before their initial 5 years expires (if they do not already have settled status). This means that Amelie will continue to have pre-settled status for at least 10 years after she is first granted pre-settled status.

Residence as a family member / joining family member AND residence as a family member who has kept their residence rights due to the permanent breakdown of your relationship due to domestic abuse

When you apply for settled status as a victim of domestic abuse, you will be applying on the basis that you have been continuously resident in the UK for a period of 5 years and that throughout that 5 year period you were either a family member / joining family member or a family member who has kept your UK residence rights after your relationship has ended because of domestic abuse.

Your period of 5 years' continuous residence will, therefore, be made up of two parts: the period when you were a family member or a joining family member and the period, since your relationship has broken down permanently due to domestic abuse, when you were a family member who has kept your UK residence rights after your relationship has ended because of domestic abuse.

Example

Sylvie is a Nigerian national. She came to the UK to live with her husband, Sean, an Irish national, in December 2018. In early 2020, Sylvie applied to the EUSS as a family member. In July 2020, Sylvie was granted pre-settled status as a family member. Sylvie has only left the UK for brief periods for holidays since she came to live in the UK. In July 2022, Sylvie fled her husband due to the domestic abuse he was subjecting her to.

Sylvie started her period of continuous residence in December 2018 when she came to live in the UK as the family member of an EEA national. As her period of residence started in December 2018 and she has not spent any significant periods of time outside of the UK, Sylvie completed 5 years' continuous residence in December 2023 and has been eligible to apply for settled status since then.

Sylvie can rely on having been a family member for the period from her entry to the UK in December 2018 until July 2022 and, from July 2022 when her relationship broke down permanently due to domestic abuse, she can rely on being a family member who has kept her residence rights following the permanent breakdown of her relationship due to domestic abuse.

This will be significant in terms of the evidence Sylvie is expected to provide in support of her application for settled status as a victim of domestic abuse.

Sylvie's residence

December 2018

Sylvie starts residence as a family member.

July 2022

Sylvie's relationship breaks down because of domestic abuse.

December 2023

Sylvie has lived in the UK for 5 years continuously since she started residence as a family member.

Sylvie was a family member of an EEA national

Sylvie relies on having kept her residence rights as a family member whose relationship has broken down permanently because of domestic abuse

Point of relationship breakdown due to domestic abuse

December 2018

to

December 2023

5 years' continuous residence

Children and settled status under the EUSS

Under the EUSS, 'children' includes children under the age of 21 and also includes children over the age of 21, where they are financially dependent. Once a child has been granted pre-settled status, they do not need to continue to meet the requirement that they are dependent, even when they are over 21 years of age

Eligibility for settled status

Children will be eligible for settled status once they have completed 5 years' continuous residence in the UK in the same way as adults, including as a family member who has kept their residence rights following the permanent breakdown of their relationship – or, in some cases, their parents' relationship - due to domestic abuse. In these cases, an application should be made for settled status as a family member who has kept their residence rights following the permanent breakdown of the relationship due to domestic abuse, as explained in this guide.

Additionally, in certain situations, children under 21 years of age may qualify for settled status before they have themselves completed 5 years' continuous residence.

Eligibility for settled status in less than 5 years

Children under the age of 21 years will be eligible for a grant of settled status when one or both of their parents is granted settled status.

Note: This doesn't apply where the child is a joining family member and the parent with settled status is a step-parent.

Where a child is applying for settled status based not on their own residence, but on their parents' eligibility for settled status, an application should be made for the child linked to the application of the parent – including the Unique Application Number (UAN) of the parent's application – and providing evidence of the relationship between the child and parent, such as a birth certificate and, as necessary, a marriage certificate. An application will need to be made for each individual child.

Example

Anders is from the Philippines and is aged 16 years. Anders' mother is also from the Philippines. Anders' father is Danish and came to live in the UK in June 2020. Anders did not come to the UK with his father as he stayed with his mother in Denmark to finish his exams. Anders and his mother joined his father in the UK in January 2024 and they have both been granted pre-settled status as joining family members. If Anders and his mother remain resident in the UK continuously, Anders will be eligible for settled status based on a continuous period of residence of 5 years in January 2029. However, Anders' father, an EEA national, has been resident in the UK since June 2020 and, if he remains continuously resident, he will complete 5 years' continuous residence and be eligible for settled status in June 2025. As Anders' father – one of his parents – is eligible for settled status and he will still be under 21 years of age when he qualifies, Anders is eligible to apply for settled status at the same time as his father applies. If Anders' father is granted settled status, Anders should also be granted settled status when he applies. A separate application will need to be made for Anders and should include his father's Unique Application Number – the reference number of his application to the EUSS for settled status – and evidence they are related, such as a birth certificate naming his father as his father.

In cases where a child is eligible based on the settled status of one of their parents, an application can be made for the child with reduced evidence, which can be easier and more straightforward than an application based on 5 years' continuous residence.

Additionally, where a child's parent has pre-settled status but is switching routes to apply for indefinite leave to remain as a victim of domestic abuse under the immigration rules relating to victims of domestic abuse, it may be possible for a dependent child to be included on the application. Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA', and the [separate guide Rights of Women has prepared relating to applications for indefinite leave under the domestic abuse rules](#).

Child born in the UK

You may need to make an application for your child to stay in the UK even if he or she was born in the UK. This is because a child is not British simply because they are born in the UK.

You don't have to make an immigration application for any of your children who are British.

A child is automatically British if they were born in the UK and one of their parents was British or had settled status or indefinite leave at the time of their birth. For further advice about whether your child is British or not please call Rights of Women's advice lines.

NOTE: If your child was born in the UK and does not have a British passport, you should seek legal advice as to whether your child is British or otherwise needs to make an immigration application.

Example

Sam is 2 years old and was born in the UK in 2022. Sam's mum and dad are both Romanian. Sam's father came to live in the UK in 2018 and was granted settled status in 2023. Sam's mum came to the UK in December 2020 and has pre-settled status. Sam's father subjected Sam's mum to domestic abuse and Sam's mum has fled from Sam's father. Sam and his mother are now living in a refuge for victims of domestic abuse. The refuge support worker has supported Sam's mother to contact the Home Office and it has become apparent that Sam does not have status under the EUSS and no application has yet been made for him.

An application needs to be made for Sam as soon as possible. If he has a valid passport with a biometric chip, this should be straightforward. If he does not have a valid identity document, legal advice should be sought before any application is made. As it is known that Sam's father has settled status, Sam should be eligible for settled status in line with his father. In this case, whilst the child's father is named on his birth certificate, the child's mum, the main caregiver, does not have evidence of the settled status of her child's father or his Unique Application Number, this would need to be explained in the application and the Home Office asked to check their own records to confirm that Sam's father has been granted settled status and Sam should be granted settled status in line with his father.

Note: if Sam had been born in the UK after his father was granted settled status, Sam would have automatically been British and would not have needed to make an application to the EUSS.

Flow charts

Immigration options for family members with pre-settled status who are victims of domestic abuse:

- Family members
- Partners
- Children

There are three separate flow charts – please ensure you look at the flow chart that applies to you. The family members' chart applies to everyone with pre-settled status as a family member whose relationship has broken down due to domestic abuse. The partners and children charts only apply to partners or children and contain additional immigration options not available to all family members.

These flow charts are for people who have pre-settled status as the family member or joining family member of an EEA national or of a British national. If you do not have pre-settled status, but you think that you may be eligible for status under the EUSS because you are or have been the family member / joining family member of an EEA national these diagrams are not relevant to you but you should get urgent legal advice.

These flow charts refer to people who have pre-settled status as family members of EEA nationals – this reference includes people who have pre-settled status as joining family members. In certain situations, family members of British nationals may also qualify – if you have pre-settled status as the family member of a British national, these flow charts are relevant to you and you should consider the flow chart that is relevant to you.

If you have pre-settled status as the family member or joining family member of an EEA national or a British national and your relationship with your family member has broken down for a reason other than domestic abuse, these flow charts are not relevant to you but you should get urgent legal advice.

Family members - immigration options for family members with pre-settled status who are victims of domestic abuse

Reminder: a 'family member' is a partner, a child (up to the age of 21 or over the age of 21 and dependent), a parent or another dependent relative.

Do you have pre-settled status as a family member AND your relationship with your family member has broken down because of domestic abuse?

YES

Have you lived in the UK continuously for 5 years since you started your residence as the family member / joining family member of an EEA national?

Note: continuous means without any absences from the UK for more than 6 months in any 12 month period. It is possible to have a single absence of up to 12 months for an important reason or longer if you were unable to return to the UK because of Covid-19.

YES

NO

You can apply for settled status – also known as indefinite leave – under the EUSS.

When you apply you will need to explain that your relationship has broken down because of domestic abuse and you are relying on keeping your residence rights as a victim of domestic abuse.

This guide explains how to apply for settled status under the EUSS as a victim of domestic abuse. Please see the section of this guide entitled, 'How to apply for settled status under the EUSS as a victim of domestic abuse', for further information.

You cannot apply for settled status until you have lived in the UK for 5 years' after starting your residence as a family member / joining family member.

You can, however, keep your residence rights following the breakdown of your relationship because of domestic abuse. You do not need to make an application at the time of relationship breakdown. Please see the section of this guide entitled, 'Relationship breakdown and pre-settled status', for further information.

Partners - immigration options for partners with pre-settled status who are victims of domestic abuse

Do you have pre-settled status as a partner AND your relationship with your partner has broken down because of domestic abuse?

YES

Have you lived in the UK continuously for 5 years since you started your residence as the family member / joining family member of an EEA national?

Note: continuous means without any absences from the UK for more than 6 months in any 12 month period. It is possible to have a single absence of up to 12 months for an important reason or longer if you were unable to return to the UK because of Covid-19.

YES

You can apply for settled status – also known as indefinite leave – under the EUSS.

When you apply you will need to explain that your relationship has broken down because of domestic abuse and you are relying on keeping your residence rights as a victim of domestic abuse.

This guide explains how to apply for settled status under the EUSS as a victim of domestic abuse. Please see the section of this guide entitled, 'How to apply for settled status under the EUSS as a victim of domestic abuse', for further information.

NO

You cannot apply for settled status under the EUSS until you have lived in the UK for 5 years' after starting your residence as a family member / joining family member.

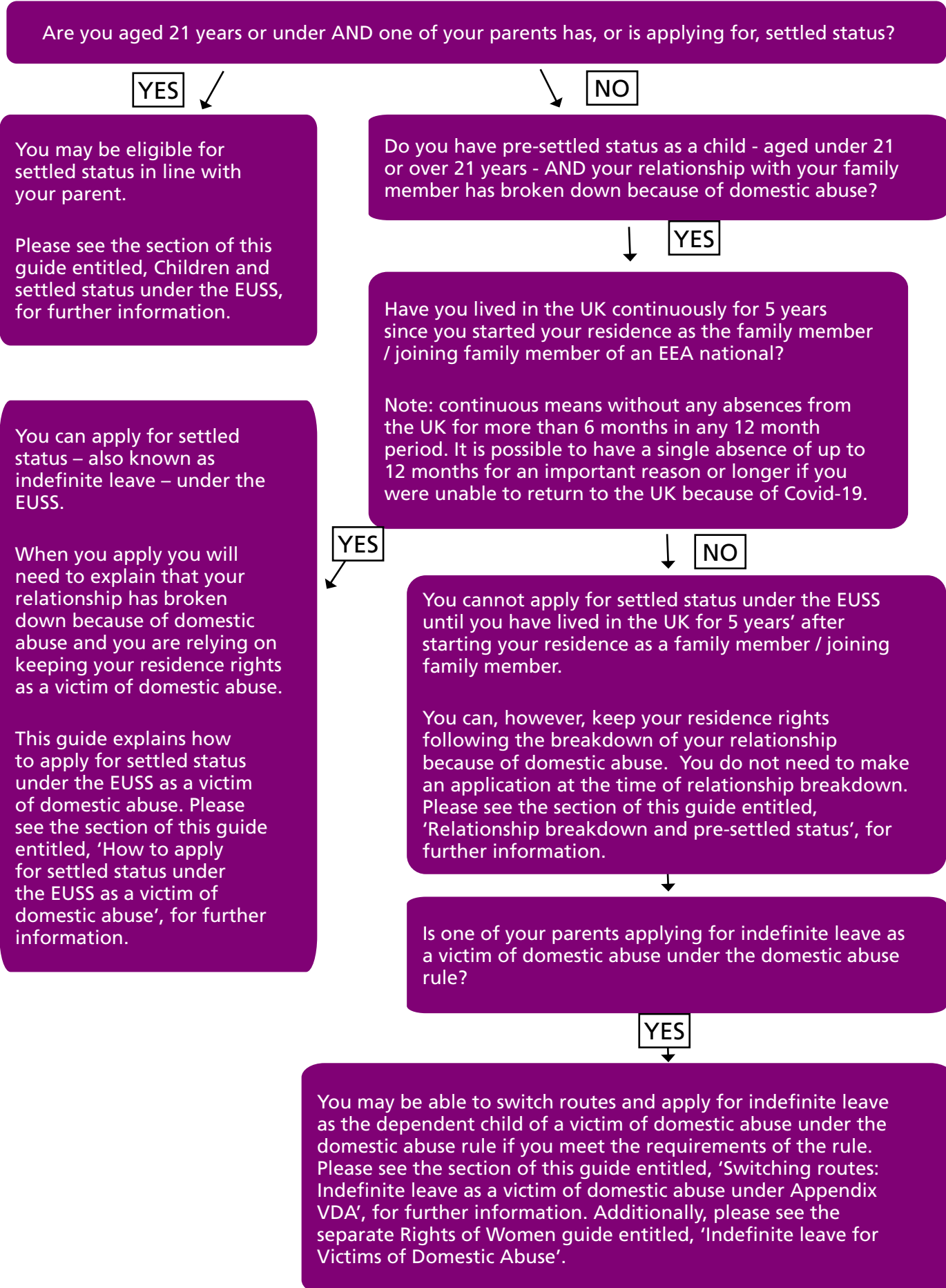
You can, however, keep your residence rights following the breakdown of your relationship because of domestic abuse. You do not need to make an application at the time of relationship breakdown. Please see the section of this guide entitled, 'Relationship breakdown and pre-settled status', for further information.

Note: it is very important to get legal advice before applying for immigration status outside of the EUSS. Giving up pre-settled status may have significant consequences. This is because there are enhanced rights that people with pre-settled status may have because of the unique nature of these rights deriving from the agreement made between the UK and the EU and giving up pre-settled status risks losing some of these rights. Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA', for further information.

As a partner, you can switch routes and apply for indefinite leave as a victim of domestic abuse and, if you need urgent access to public funds, such as benefits, and you are not otherwise able to access them, you can apply for the Migrant Victims of Domestic Abuse Concession.

Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA', for further information. Additionally, please see the separate Rights of Women guide entitled, 'Indefinite leave for Victims of Domestic Abuse'.

Children - immigration options for children with pre-settled status who are victims of domestic abuse



What you need to apply for settled status under the EUSS as a victim of domestic abuse

Once you have established, using the information in the sections above, that you qualify for settled status under the EUSS as a victim of domestic abuse, you now need to think about how you will prove to the Home Office you qualify.

Note: the position can be different for children aged under 21 years – please see the section of this guide ‘Children and settled status under the EUSS’, for more information about the ways children may be eligible for settled status under the EUSS.

Your application will be decided by a caseworker at the Home Office in the UK.

Showing the Home Office that you meet the requirements of the immigration rules is the most important part of the application and it can also be the hardest part of an application.

The caseworker will look at what you have written in your application form and any supporting documents you have provided with it to see if the requirements of the EUSS are met and you qualify for settled status. You will not be able to speak to your caseworker and so you will need to explain everything in writing.

The caseworker needs to be satisfied that, based on the information and documents you have provided, it is more likely than not that your relationship broke down permanently because of domestic abuse.

The caseworker will follow [Home Office guidance](#) when deciding your application.

The caseworker may contact your legal adviser or you directly, if you do not have a legal adviser, for any further information that they need to make a decision.

We will explain how to make the application later in the guide, but first we will consider the evidence - the information and documents - that you might use to show the Home Office that you qualify for settled status under the EUSS as a victim of domestic abuse.

Evidence - information and documents

You should provide evidence to support your application as far as possible. It is particularly important to provide evidence that you have suffered domestic abuse.

You should provide evidence that you meet each of the requirements of the EUSS to qualify for settled status as a victim of domestic abuse set out above as far as possible.

You will need to satisfy the Home Office of the following:

1. Your identity and nationality;

AND

2. You were a family member / joining family member – this requires you to satisfy the Home Office of:

- your relationship to an EEA national / relevant British national; AND*
- the nationality and identity of your family member; AND*
- the residence of your family member in the UK for the period you were their family member;*

AND

3. Your relationship has broken down permanently because of domestic abuse;

AND

4. You have been resident in the UK for a continuous period of 5 years in a relevant category or combination of categories.

We have set out below the requirements and the evidence that might be used for each requirement.

1. Evidence of your identity and nationality

EEA National	Non-EEA National
Valid Passport or national identity card	Valid passport or Biometric Residence Card

Note: valid means it has not expired.

In most cases you won't have to send your document to the Home Office. EEA passports and identity cards, and Biometric Residence Cards can be scanned using the [Home Office's mobile phone app](#). Non-EEA nationals applying with a passport cannot use the app but will have their passport scanned when they go to a biometric appointment.

If you don't have a valid document, get advice as it is sometimes possible to apply without an identity document if there is a good reason you don't have one.

2. Evidence that you were a family member/joining family member

a. Evidence of your relationship to an EEA national/relevant British national

We have included examples of evidence in relation to the most common family relationships relied upon under the EUSS.

Spouse / civil partner	Marriage certificate / civil partnership agreement If you are divorced / your civil partnership has been terminated, you should provide relevant Court Orders / documents
Durable partner	Evidence of cohabitation for two years or other significant evidence of a durable relationship – for example, birth certificates of children
Child	Birth certificate
Parent	Birth certificate
Other dependant relative	Documentary evidence showing relationship – this will depend on the nature of the relationship
Step-child / step-parent or otherwise through marriage	As well as evidence for children and parents as above, additional evidence relating to the marriage between the relevant connecting parties.

b. Evidence of the nationality and identity of your family member

British national	Valid passport
EEA national	Valid passport or valid national identity card

c. Evidence of the residence of your family member in the UK for the period you were their family member

Evidence of residence should be provided, as far as possible, from the time your residence as a family member started until your relationship broke down permanently because of domestic abuse.

You do not need to provide evidence of residence for every month, but to satisfy the Home Office of continuous residence you should aim to provide evidence of residence for 6 months out of every 12 month period, as far as possible.

<p>Evidence of residence</p> <p>Examples:</p> <p>Council Tax bills</p> <p>Utility bills</p> <p>Pay slips</p> <p>Bank statements showing transactions in the UK</p> <p>Please see the Home Office guidance for further information on types of evidence of residence that might be provided.</p>	<p>Documents in your family member's name and documents in the name of you and your family member jointly can be relied upon.</p> <p>A document in joint names – in your name AND the name of your family member – can be treated as evidence of residence for both of you for the relevant period.</p> <p>The Home Office expects to see documents covering any 6 months in each year.</p>
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Lack of evidence relating to your family member

If you do not have some or all of the documentary evidence the Home Office expects you to provide in relation to your family member, you should explain this and explain any reasons you do not have the documentary evidence, in particular if the reasons you are unable to provide documentary evidence are connected to the domestic abuse you have suffered you should explain this – for example, if your family member held the relevant documents and did not give you access to them and this was part of the domestic abuse you were subjected to by your family member.

The Home Office guidance makes clear that where someone is applying as a family member who has kept their UK residence rights after their relationship has ended because of domestic abuse, they can agree to accept alternative evidence of the identity and nationality of the family member where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons.

The Home Office caseworkers must take a flexible and pragmatic approach and consider each case on its merits as to whether they are satisfied that the applicant cannot obtain or produce the required document, having made every reasonable effort to do so or having shown why it is not possible for them to do so.

The Home Office guidance refers to the fact that caseworkers, in consultation with a senior caseworker, can, where necessary and appropriate, make reasonable enquiries on behalf of an applicant in order to obtain the required evidence where an applicant is having difficulty in proving their eligibility.

Documents relating to your family member, including in relation to their identity and nationality and in relation to your relationship, will have been provided to the Home Office in relation to your application for pre-settled status. Additionally, if your family member has settled status, the Home Office will have been satisfied of the continuous residence of your family member for a 5 year period and your family member will be treated as resident for 5 years after the grant of settled status. If you are not able to provide all or any of the documents the Home Office expects you to provide in relation to your family member, you can remind the Home Office that they will have copies of documents and information relating to your family member on your file in relation to your application for pre-settled status and any other applications you have made in relation to your family member in addition to any documents and information that will be on the Home Office file of your family member if they have status under the EUSS or otherwise.

You can ask the Home Office to make reasonable enquiries, including checking their own records as they relate to you and / or your family member. If you know that your family member has had contact with the police, social services or other UK authorities, you can make the Home Office aware of this and ask the Home Office to check relevant

government records for evidence of your family member's residence, as necessary. Additionally, if you know that your family member has been working and / or receiving benefits, you can make the Home Office aware of this and ask the Home Office to check HMRC tax records and DWP benefit records for evidence of your family member's residence, as necessary.

If you cannot provide evidence relating to your family member and you are asking the Home Office to perform checks, you should provide as much relevant information about your family member as you can to enable the Home Office to check the relevant records.

The information you should provide to the Home Office includes:

Your family member's:

- *Full name;*
- *Date of birth;*
- *Nationality;*
- *Passport number and / or Home Office reference number, as appropriate;*
- *National insurance number;*
- *Address – this can be the last address you have for your family member;*
- *Employer – this can be the last employer you have for your family member; and*
- *Any police / social services / government department your family member might have had contact with.*

You may not be able to provide all of this information, but you should provide as much as you can.

3. Evidence that your relationship has broken down permanently because of domestic abuse

In an application to the EUSS being made as a family member who has kept their UK residence rights after their relationship has ended because of domestic abuse, evidence of domestic abuse is very important.

It is important to provide evidence that you have experienced domestic abuse as far as you can.

The [Home Office guidance](#) contains information about the type of evidence that the Home Office might expect to receive with an application made as a victim of domestic abuse. The Home Office guidance includes a table of evidence, which includes examples of the types of evidence that might be submitted.

The table of evidence is [here](#).

The table indicates how a caseworker at the Home Office might consider each type of evidence. There are some pieces of evidence that the Home Office guidance indicates will be treated as 'Conclusive' evidence. This means that this piece of evidence alone is likely to be enough for the Home Office to accept that you have suffered domestic abuse. The Home Office guidance indicates that other types of evidence might be found compelling, less compelling or, in some instances, have little weight given to them. Whether the Home Office accepts a piece of evidence to be compelling or less compelling usually depends on the information contained within the document, considering how much detail is provided and who is providing the information.

The evidence listed in the table is not mandatory evidence. What this means is that you do not have to provide evidence in the form of all or any of the examples given by the Home Office. It is, however, worth being aware of the evidence that any caseworker at the Home Office might expect to receive and how they might consider the evidence.

You should provide the best evidence that you can to confirm that you have experienced domestic abuse.

This is extremely important as, if the Home Office does not accept that you are a victim of domestic abuse, they may refuse your application for settled status.

Depending on your circumstances, there might be a number of people and / or organisations that are able to provide evidence that would help to satisfy the Home Office that the domestic abuse that caused your relationship to breakdown permanently did happen.

Type of evidence	Document	How the Home Office will consider the evidence
Criminal proceedings and the police	<p>Criminal conviction</p> <p>Caution OR</p> <p>Decision by the Crown Prosecution Service (CPS) to charge</p> <p>Any of the above being given to your partner in relation to abuse towards you.</p> <p>Note: You may not have evidence that your partner was given a caution or convicted or charged by the CPS.</p> <p>In this case, you should tell the Home Office:</p> <ol style="list-style-type: none"> 1. The full name, date of birth and nationality of the person who was cautioned or convicted or charged by the CPS. 2. His address at the time of the incident and, if different, his address now. 3. The date, time and place of the incident(s) for which the charge was brought, the caution was issued or the court at which your abuser was convicted (e.g. Manchester Crown Court), when and what for (e.g. sexual assault or common assault). <p>The Home Office can use this information to check that your abuser was convicted or cautioned for a relevant offence.</p>	Conclusive evidence.
	A Domestic Violence Protection Order – made in a Magistrate’s Court on the application of the police.	May be compelling evidence.
	<p>The police arresting or investigating your partner or the police attending an incident in relation to abuse towards you.</p> <p>This might be confirmed in a letter from the police or a domestic abuse support worker or through provision of a crime reference.</p>	Not compelling evidence on its own – the weight given to this type of evidence will be highly dependent on its contents and the circumstances of the victim.
Criminal / Family	A Domestic Abuse Protection Notice or Domestic Abuse Protection Order – can be made in both the criminal and family court in certain areas.	May be compelling evidence.
Family Court There is information on Orders in the Family Court available on the Rights of Women website	A Final Court Order stating that a judge found that domestic abuse occurred or admission by the perpetrator.	Conclusive evidence.
	A Prohibited Steps Order, Contact Order, Specific Issue Order, Disclosure of Whereabouts Order, Port Alert Order, Securing a Child’s Passport Order, Order to Recover a Child, as well as High Court Orders using the Court’s inherent jurisdiction.	May be conclusive evidence if there has been a finding of fact after a hearing in the Court. Otherwise, the weight depends on the details provided.
	An Order, such as a Non-Molestation Order or an Occupation Order or mention of domestic abuse in the proceedings, but no finding has been made by a judge that domestic abuse occurred.	May be compelling evidence – it must be assessed in the round with other evidence submitted.
	A Forced Marriage Protection Order.	May be compelling evidence.

Type of evidence	Document	How the Home Office will consider the evidence
	An Ex parte Order (a decision made by a judge without requiring all the parties to be present), for example, an Ex parte Molestation Order or Occupation Order.	Not compelling evidence.
	Interim Order – an Interim Order may be imposed during a civil case when the hearing has started but the case is not yet concluded.	The weight given to an Interim Order will depend on how far the case has progressed and the terms of the Order.
	Undertaking to Court.	Not compelling evidence without an admission of guilt – further information may be needed to establish the weight to be given to the Undertaking.
	NOTE: There are strict rules around sharing Family Court Orders, including with government bodies such as the Home Office. You should obtain legal advice before submitting any Family Court Orders to the Home Office. Rights of Women Family Law advice line can be contacted for advice on Family Law matters.	
MARAC and domestic abuse support organisations	A letter from a MARAC member – confirming your case has been referred for a Multi Agency Risk Assessment Conference.	May be conclusive evidence – depending on the information contained in the letter.
	A letter from a specialist domestic abuse organisation – confirming that you have been assessed to be a victim of domestic abuse and that they are providing support to you as a victim of domestic abuse, including details of the support they are providing to you, or explaining why, although they have assessed you to be a victim of domestic abuse, they are not providing support to you.	May be compelling evidence depending on the contents of the letter.
	A letter from a specialist domestic abuse organisation, advice agency or refuge – repeating your account without confirming that you have been assessed as, or are being treated as, a victim of domestic abuse.	Not compelling evidence on its own – must be considered in light of the rest of the evidence.
Medical evidence	Medical report from UK hospital – where the report confirms you have injuries or a condition consistent with domestic abuse or reveals a pattern of injuries or reports from you about domestic abuse.	May be compelling evidence – the weight given to this type of evidence will be highly dependent on its contents.
	Medical report from GP or medical professional employed by HM Armed Forces – where the report confirms you have injuries or a condition consistent with domestic abuse.	May be compelling evidence – the weight given to this type of evidence will be highly dependent on its contents.
Social services and welfare officers	A letter from social services or welfare officer connected to HM Forces – confirming that they have relevant experience and have assessed you to be a victim of domestic abuse, including details of any support they have offered to you as a result of the domestic abuse or relationship breakdown.	May be compelling evidence.

Type of evidence	Document	How the Home Office will consider the evidence
<p>Witness evidence and your account</p>	<p>A letter or statement from a professional or another independent witness – confirming they witnessed an incident of domestic abuse firsthand and have no personal stake in the case – i.e., they are not related to you.</p> <p>Any letter should explain who is writing the letter, how they know you and your partner and what they witnessed, including when and where it happened. If the person writing the letter holds a responsible job, such as a doctor, teacher or lawyer, or otherwise might be expected to be truthful because they hold a position in the local community, such as being an Imam or Pastor, they should explain this in their letter.</p>	<p>The weight given to this type of evidence depends on whether it can be verified that:</p> <ul style="list-style-type: none"> – the person witnessed an incident of domestic abuse first hand and – has no personal stake in the case.
	<p>A statement or letter from you setting out your experiences of domestic abuse.</p> <p>The guidance makes clear that any statement or letter you provide setting out your experiences must be considered with other information and evidence provided, in the round.</p> <p>Where the Home Office find that the information you have provided is reasonably detailed, consistent and plausible, they will consider whether the information you have provided about your experiences might be sufficient evidence. When they are considering this, they will consider any reasons you have given for the absence of further or other evidence.</p> <div data-bbox="357 1207 1023 1581" style="background-color: #f0f0f0; padding: 10px;"> <p>Note: whilst the Home Office does not give enough importance to the testimony of an individual regarding their experience of domestic abuse and, for this reason, it is unlikely to be enough for you to only provide a statement setting out the abuse that happened to you, this does not mean that you should not provide a statement or letter explaining your experiences.</p> </div> <p>We explain later in the guide the information you should include in any statement or letter you provide.</p>	<p>The weight attached to your statement will depend on the level of detail and relevant information in the statement.</p>
	<p>Documents, including emails, texts or photos confirming your account of domestic abuse –</p> <p>Contemporaneous emails, texts, social media conversations or photos could be compelling evidence if they outline incidences of abuse or back up other evidence provided.</p> <p>Any correspondence with one or more of the abusive parties that reveals threatening or abusive behaviour may also be compelling if the source of the communications can be verified.</p>	<p>May be compelling evidence – the weight given will depend on the evidence provided and the contents of the evidence – evidence that repeats your account will be given little weight.</p>

If you are able to provide evidence which will be accepted as conclusive evidence that you have suffered from domestic abuse, such as evidence your partner has been convicted of a criminal offence relating to abusive behaviour towards you, a single piece of evidence would be enough.

If you are only able to provide evidence which the Home Office guidance indicates they will treat as less compelling or give little weight, but you have more than one piece of this type of evidence – for example, a medical report relating to injuries sustained through domestic abuse and a witness statement from someone who saw your partner behaving in an abusive way towards you – you should submit all of the evidence.

The Home Office considers all of the evidence submitted in an application ‘in the round’. This means that the Home Office will consider all of the evidence you submit together and can consider it cumulatively, which means that if you have a number of less compelling pieces of evidence, the Home Office might accept that together they are enough to show that you have suffered domestic abuse.

When the Home Office considers the evidence, they will consider whether the information in different pieces of evidence and your application form (for example, dates or details of domestic abuse incidents) is the same. If there is different information in different documents, it may cause the Home Office to question which account, if any, is correct. If you have any concerns about differences in the information contained in different documents or otherwise about the accuracy of the information contained in different documents, you should not submit the documents without legal advice.

If you do not have any of the evidence listed above, you can explain why in your application form and any supporting letter.

If you were prevented from leaving your home or contacting people for help, you may not have any evidence of the domestic abuse you experienced before your relationship broke down and you should explain this in your supporting letter.

What you say about what happened to you during your relationship is evidence of domestic abuse.

You can make an application as a family member who has kept their residence rights following the permanent breakdown of your relationship with no evidence other than a letter from you explaining what happened to you.

If you are in this situation you may want to contact a domestic abuse support organisation. They may be able to help you get services, such as counselling or other support. They may also be able to provide you with a supporting letter. A letter from a domestic abuse support organisation explaining that isolating someone and preventing them from getting help are forms of domestic abuse would be useful evidence that could support your application.

4) Evidence that you have been resident in the uk for a continuous period of 5 years

If you are able to satisfy the Home Office that you were a family member or a joining family member, that your family member was resident up until the time your relationship broke down and that your relationship broke down due to domestic abuse, the final requirement is that you satisfy the Home Office of your continuous residence throughout a 5 year period.

This means that you need to satisfy the Home Office that you have been resident – living in the UK - for 5 years since you started your residence as a family member or joining family member.

Continuous simply means that there has not been a break in your residence when you have been outside the UK for more than 6 months in any 12 month period. If you have spent more than 6 months outside the UK in any 12 month period during the 5 years you have been living in the UK, you may still be eligible for settled status, but you should legal advice to confirm whether you are eligible for settled status at this time.

Any time that you spent in the UK before you were a family member / joining family member will not be considered as counting towards the 5 year period.

Evidence of your continuous residence in the UK for 5 years	
National Insurance Number	<p>If you provide your national insurance number when you apply, the Home Office will check your tax and benefit records in the previous 7 years for any evidence of your residence.</p> <p>If this check proves your residence in the last 5 years, you will not be asked to provide additional evidence of your residence. This is not common unless you have been working for the last 5 years or more.</p> <p>If this check does not prove your residence in the last 5 years, you will be asked to provide evidence of your residence in the last 5 years.</p>
<p>Evidence of residence</p> <p>Examples:</p> <ul style="list-style-type: none"> - Council Tax bills - Utility bills - Pay slips - Bank statements showing transactions in the UK <p>Please see the Home Office guidance for further information on types of evidence of residence that might be provided.</p>	<p>Documents in your name and documents in the name of you and your family member jointly can be relied upon.</p> <p>A document in joint names – in your name AND the name of your family member – can be treated as evidence of residence for both of you for the relevant period.</p> <p>The Home Office expects to see documents covering any 6 months in each year.</p>

Applications for settled status by children

As explained in the section of this guide entitled, 'Children and settled status under the EUSS', in addition to being eligible for settled status once they themselves have completed 5 years' continuous residence in the UK, in certain situations, children under 21 years of age may qualify for settled status before they have themselves completed 5 years' continuous residence.

Children under the age of 21 years will be eligible for a grant of settled status when one or both of their parents is granted settled status. Note: This doesn't apply where the child is a joining family member and the parent with settled status is a step-parent.

This means that if your child's other parent has settled status, your child may be eligible for settled status before your child – or you – has lived in the UK for 5 years. It also means that when you are applying for settled status, you can apply for your child / children at the same time and rely on your evidence of residence.

Where a child is applying for settled status based not on their own residence, but on their parents' eligibility for settled status, an application should be made for the child linked to the application of the parent – included the Unique Application Number (UAN) of the parent's application – and providing evidence of the relationship between the child and parent, such as a birth certificate and, as necessary, a marriage certificate. An application will need to be made for each individual child.

In cases where a child is eligible based on the settled status of one of their parents, an application can be made for the child with reduced evidence, which can be easier and more straightforward than an application based on the child's 5 years' continuous residence.

Evidence to provide in an application where a child under the age of 21 relies on their parent's settled status	
Requirement	Evidence
Child's identity and nationality	Passport or, if non-EEA national, Biometric Residence Card, or, if EEA national, national identity card If no valid document is held – seek legal advice before applying to the EUSS
Child's relationship to the parent	Birth certificate naming parent If the parent is a step-parent, a marriage certificate
Identity and nationality of the parent	Passport or national identity card of EEA national parent
Settled status of the parent	Unique Application Number – to be provided in the application

Note: Where a child’s parent has settled status, but the child is not in contact with the parent as the parent is a perpetrator of abuse, the situation can be explained to the Home Office and evidence of the relationship – such as a birth certificate naming the father – and evidence of the domestic abuse provided with a request that the Home Office perform checks in relation to the father’s status and, if the checks show the father to have settled status, grant the child settled status in line with the father. For more information on the information to provide to the Home Office when requesting they perform checks, please see the section of the guide entitled, ‘What you need to apply for settled status under the EUSS as a victim of domestic abuse’.

Supporting letter – explaining how you meet the requirements of the Immigration Rules

If you have a lawyer or legal adviser, they will help write a letter to the Home Office supporting your application.

If you don’t have a lawyer, you can write the letter yourself.

The letter should explain that you qualify for settled status under the EUSS as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse.

You will need to complete an application form to make your application and there is further information on the forms later in this guide. You should answer the questions in the relevant application form as best you can.

Any letter you provide does not need to be long.

You do not need to provide information about the abuse you were subjected to in detail.

We have set out the information that we recommend be included in any letter below. If you are writing the letter yourself, you should get legal advice or support before you submit it.

You can contact [Rights of Women’s immigration advice lines](#) for advice on your supporting letter or your application more generally.

In any letter, try to include:

Your details	– provide your name, date of birth and nationality and the Unique Application Number (UAN) of your application
Your family member's details	– provide the name, date of birth and nationality of your family member
Your relationship with your family member	– explain your relationship with your family member, explain how you are related to them and when the relationship started
Your family member's residence and immigration status in the UK	– explain when your family member started living live in the UK – if you know – provide details of your family member's immigration status and / or their Unique Application Number (UAN) if you know these
Your residence, your immigration status in the UK and your relationship breakdown due to domestic abuse	– explain when you started living in the UK as a family member, your immigration status and when your relationship broke down due to domestic abuse – you do not need to provide detailed information about the abuse you suffered
Absence of information and / or evidence relating to your family member and where the Home Office might find the evidence	– explain any information or evidence you are unable to provide - you should provide as much of the relevant evidence as you can (please see the section of this guide entitled, 'What you need to apply for settled status under the EUSS as a victim of domestic abuse), but if there is evidence you cannot provide, in particular, relating to your family member, you should explain this and any reasons, especially if you cannot provide the evidence for reasons connected to the domestic abuse. – explain where you think the Home Office might find any evidence you cannot provide – for example, if your family member has been working or claiming benefits, there may be tax and / or benefits records relating to them and if your family member has been arrested, there may be information about them in police records. – provide information the Home Office might need to find evidence relating to your family member, such as: <ul style="list-style-type: none"> • your family member's national insurance number; • your family member's address (this can be the last address you have for them); • your family member's employer (this can be the last employer you know they had); • any dates they were arrested or had contact with the police, social services or other UK officials and any details about the location.

In any letter, try to include:

Your children

– if you have children in the UK, you should also provide information about your children, including:

- your children's names;
- your children's dates of birth;
- your children's nationality; and
- your children's immigration status and Unique Application Number – if they have one and you know it.

Note: If your children are not British and do not already have settled status, it is likely you will need to make an application for your child / applications for your children. You will need to make a separate application for each child - please see the section of this guide entitled, 'Children and settled status under the EUSS', for further information.

If you do not have a lawyer and you are writing the letter yourself, you can [call Rights of Women](#) for advice on your letter.

How to apply for settled status under the EUSS as a victim of domestic abuse

Once you have made sure that you are eligible for settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse, you must make the application in the way the Home Office requires you to.

Note: this guide is written for people who have pre-settled status as a family member / joining family member. This section of the guide, therefore, explains how someone with pre-settled status can apply for settled status as a family member who has kept their UK residence rights after their relationship has ended because of domestic abuse. If you have an EUSS Family Permit as a joining family member or if you have not been granted any status under the EUSS, but you think you may be eligible for status under the EUSS as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse, you should seek urgent legal advice.

This guide will now cover how to make the application.

Note: The guide has already covered who will be eligible for settled status as a family member who has kept their UK residence rights after their relationship has ended because of domestic abuse and the evidence that might be provided in support of the application in detail.

Application process

Most applications to the EUSS are online, including applications as a victim of domestic abuse.

Paper application forms

In certain cases, it is necessary to apply using a paper application form rather than applying online. You will need to apply using a paper application form if you are or were the family member of a British citizen.

Additionally, if you do not have a valid document to confirm your identity and nationality, you may still be able to apply, but you will have to apply on a paper application form. If you do not have a valid document to confirm your identity and nationality as explained in the section of this guide entitled, 'What you need to apply for settled status under the EUSS as a victim of domestic abuse', you should seek legal advice before making a further application to the EUSS.

To make a successful application for settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse, you need to make sure that the following is done:

Online application process	Paper application process
<p>1) Scan your identity document using the Home Office EU Exit ID document check app</p> <p>You can use the identity document check app if you are:</p> <ul style="list-style-type: none"> – Non-EEA national with valid Biometric Residence Card; OR – EEA national with national passport or identity card with biometric chip <p>If you cannot use the app because you do not have a compatible chipped document or you cannot use the app for some other reason, go straight to number 2.</p>	<p>1) Call the Resolution Centre to request a paper application form</p> <p>If you cannot use the online service, you will need to contact the Resolution Centre at the Home Office to request a paper application form. There is information on how to contact the Resolution Centre at the Home Office here.</p>
<p>2) Complete the application form – online</p>	<p>2) Complete the paper application form, sign it and include a passport photograph</p>
<p>3) Upload documents in support of your application</p>	<p>3) Prepare and copy documents to send with your application form. You will need to post your original identity document. The rest of your supporting evidence can be sent as copies.</p>

Online application process	Paper application process
<p>4) If you cannot use the app because you do not have a compatible chipped document or you cannot use the app for some other reason, you will also have to complete Step a or Step b.</p> <p>Step a: Send your document to the Home Office</p> <p>You will be required to send your identity document to the Home Office by post if you applied online and were not able to use the EU Exit ID document check app. This will be the position if you are an EEA national who was unable to use the EU Exit ID document check app because you do not have a compatible chipped document or you were unable to use the app for another reason or if you are a non-EEA national who has a valid Biometric Residence Card, but you were unable to use the app for some other reason. You will be provided with the relevant information and address to send your document to when you submit the online application form.</p> <p>OR</p> <p>Step b: Arrange and attend an appointment to provide your fingerprints and photograph</p> <p>If you are a non-EEA national and you do not have a valid Biometric Residence Card when you apply to the EUSS, you will be required to arrange and attend an appointment to provide your fingerprints and photograph. If you are required to attend an appointment, you will be required to take your passport which will be scanned and returned to you during the appointment.</p>	<p>4) Arrange and attend an appointment to provide your fingerprints and photograph</p> <p>If you are a non-EEA national and you do not have a valid Biometric Residence Card when you apply to the EUSS, you will be required to arrange and attend an appointment to provide your fingerprints and photograph. If you are required to attend an appointment, you will be required to take your passport which will be scanned and returned to you during the appointment.</p>

A separate application must be made for each applicant applying. This means that, if you are applying for yourself and three children, you will need to complete the above process for each child, including completing an application form for each child.

Note: the information and evidence you need to provide for children aged under 21 years may be different – please see the section of this guide entitled, ‘Children and settled status under the EUSS’, for further information.

Form

All the relevant sections of the application form must be completed as fully as possible – whether you are completing the online form or a paper application form.

If there are parts of the form that you cannot complete because you do not have the information, you can explain this in the form or you can write a letter explaining this and, in the form, refer to your letter.

You may find that the space on the form is not large enough for what you need to write. If this is the case, you can explain this in the form and write a letter providing more detail and, in the form, refer to your letter.

If you are completing the form online, the online application process generates the form as you complete it and the questions you are asked will be different depending on the information inputted into the form.

We have included below guidance on the type of information you will need to provide in the application form. The application forms can be different depending on the answers you provide as you go through the form. This means that we cannot provide information about all of the questions you might be asked, but we have tried to set out below the key information you will be expected to provide within the online application form if you apply for settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse.

Section of form	Information required
Applicant's details	<ul style="list-style-type: none">– Name, date of birth, nationality;– Document number and issue and expiry dates;– Contact information (phone number and email address); <p data-bbox="416 1301 1465 1491">Note: when you apply to the EUSS with the document connected to any grant of pre-settled status or you scan your document using the app, you will not need to enter these details as this information will be taken from your EUSS account or otherwise from your document and the app.</p>

Section of form	Information required
Application section	<ul style="list-style-type: none"> – Whether you were in the UK by 31.12.20; – Whether you have 5 years' continuous residence in the UK; – Whether you have left the UK for more than 5 years since you completed 5 years' continuous residence; – Whether you have pre-settled status and, if so, your Unique Application Number for the pre-settled status application; – Basis on which you are applying – this gives you the option to select that you are applying in reliance on retained rights – you should select this box when completing the form; – Whether your family member has applied to the EUSS; – Your family member relationship; – Your family member's name; and – Your family member's Unique Application Number
Residence section	<ul style="list-style-type: none"> – Whether you are in the UK at the time of application; – Your address in the UK – postal and residential if these are different; – Date you arrived to start your residency; – Any other names you have been known by; – Your national insurance number, if you have one;
Criminality section	<ul style="list-style-type: none"> – Whether you have committed any criminal activity; – Whether you have committed any extremist activity. <p style="background-color: #f0f0f0; padding: 10px; margin-top: 10px;">Note: if you have committed any criminal offences or been involved in any extremist activity, you should seek legal advice before applying to the EUSS in case your application might be affected.</p>

You should provide information in the form as far as you can. If you cannot provide some of the information, you should explain this and the reasons why.

If, for example, you do not know exact dates when something happened, you should explain this and try to work out the date as far as you can, for example, the month it happened. It is important that if you do not know exact dates, but you think it was in a particular month, for example, December, that you explain this within the form or within any letter provided in support of your application.

NOTE: If you do not have a legal representative and you are concerned about how to explain your experiences and the information you are providing, you should get legal advice. You can contact Rights of Women's [Immigration and Asylum lines](#) or otherwise seek legal help with your application. There is information on how to find legal help in the 'Help to apply' section of the guide.

Fee

No fee is payable for an application under the EUSS.

Note: if you are required to attend an appointment to provide your biometrics, there may be a fee payable for any appointment if you choose to book an appointment for which a charge is made. You do not have to pay for a biometric appointment. Free biometric appointments are available and you should scroll through all the dates on the booking website to find them.

Documents

The online application process outlines the documents that you are expected to provide in support of your application.

If you have completed the online application and you have provided your national insurance number within the application, the process will have performed automated checks against your national insurance number and your tax records and benefits' records. If the automated checks have confirmed your residence for a full 5 year period of continuous residence, the online process will inform you of this fact and you will not be required to provide any evidence of your own residence. If the automated checks have not confirmed your residence for a full 5 year period of continuous residence, the online process will inform you of this fact and you will be required to provide evidence of your own residence to cover the 5 year period or any of the period not covered through the automated checks.

If you are applying through the online process, you will be given the opportunity to upload the documents in support of your application before you submit your application online. Alternatively, you can submit your application online and, later, you can log into your online application to upload evidence in support of your application.

The online application process will only let you upload documents in certain formats – PDF and JPEG are permitted. If the online system will not let you upload a document in one format, you may have to save it in another format to upload it to your application.

The online application process will not let you upload documents over a certain size - the maximum is 6MB. If the online system will not let you upload a document or a bundle of documents because they are too large, you may need to save the document(s) in a different format or, if it is a bundle of documents, save documents individually.

You should upload photographs of documents rather than photocopies of documents wherever possible, as the Home Office will not always accept photocopies of documents.

If you are applying on a paper application form, you should send any documents in with the paper application form by post. You should send your original identity document, but you can send copies of other documents. It is important that you keep a copy of everything that you send to the Home Office and, if you send anything to the Home Office by post, you send it tracked so you have a record of postage and delivery. You can find out more about tracked delivery by asking at your local Post Office or by looking at their [website](#).

You should ensure that you have as much of the evidence ready as possible so that you are able to submit it to the Home Office with your application. All documents must be in English or translations must be provided. If you are unable to submit all of the evidence at the time of your application, it is important to explain any further evidence that you will provide, why you cannot provide it at the time of the application and when you think you will be able to provide the evidence. You can explain this in the application form or in any letter you provide in support of your application.

If you cannot provide any / all of the documents, you will need to explain this in any covering letter you are providing in support of the application.

Submitting the form

The form asks you to confirm that you consent to the Home Office performing verification checks regarding your identity and details.

You will be asked to make a declaration that, by submitting the application, you confirm that to the best of your knowledge and belief the information relating to the application and the supporting evidence are correct. The declaration states that you understand that if false information is given, the application can be refused and you may be prosecuted, and may be banned from the UK.

It is very important that the information included in the form and any supporting letter and documents are correct and that any documents provided are genuine. If you have any concerns about the information contained in the form or any supporting letter or any documents or about the genuineness of any documents, you should seek legal advice before submitting your application to the Home Office.

Before submitting the form, check that you have filled it in correctly and that you have all of the required documents ready to provide to the Home Office.

If you do not complete the application form properly, the Home Office may treat the application as invalid and reject the application without considering it.

You can download a copy of the application form once you have completed it. It is very important that you do this and keep a copy of the application form and a copy of all of the documents you provide to the Home Office.

Providing your identity document to the Home Office

If you cannot use the app because you do not have one of the compatible chipped documents or you cannot use the app for some reason, you will have to provide your identity document in one of these ways.

Send your document to the Home Office

You will be required to send your identity document to the Home Office by post if you applied online and were not able to use the EU Exit ID document check app. This will be the position if you are an EEA national who was unable to use the EU Exit ID document check app because you do not have a compatible chipped document or you were unable to use the app for another reason or if you are a non-EEA national who has a valid Biometric Residence Card, but you were unable to use the app for some other reason. You will be provided with the relevant information and address to send your document to when you submit the online application form.

OR

Arrange and attend an appointment to provide your fingerprints and photograph

If you are an EEA national, you will not be required to provide your fingerprints and photograph (biometrics) to the Home Office.

If you are a non-EEA national with a valid Biometric Residence Card, you will not be required to provide your fingerprints and photograph (biometrics) to the Home Office – whether you have used the EU Exit document check app or you have sent your physical document to the Home Office.

If you are a non-EEA and you have applied with a national passport, you will be required to attend an appointment to provide your fingerprints and photograph (biometrics).

This requirement also applies to any children applying as a non-EEA national with a national passport. If a child is under 5 years old at the time they apply, they will not be required to provide their fingerprints. A child under 16 cannot attend a biometric appointment alone and would need to be accompanied by a responsible adult. A parent or legal guardian is considered to be a responsible adult.

If you do not provide your fingerprints and a photograph when you are required to do so, your application might be rejected so it is very important that you complete this step. The Home Office will not consider your application until you have provided your fingerprints and your photograph if you are required to do so.

If you are required to provide biometrics, you will be informed of this requirement in the course of your application.

If you are applying on a paper application form, you will receive a letter inviting you to arrange a biometric appointment. If you are applying online, you will be informed that you are required to book an appointment online. You will be able to do this following the submission of your online application form by selecting 'Book an appointment online' within the online application. You will then be taken to the UKVCAS website where you will be required to create an account and you will then be able to book an appointment: you will need to select the centre you would like to attend for your appointment from the list provided and you will then be able to view a calendar of available dates and times.

The process for attending an in-person biometric appointment is as follows:

Non-EEA national without a valid Biometric Residence Card

1. Book an appointment online following submission of your completed application form.
2. Choose location, date, time and type of appointment (e.g. extra scanning service). Free appointments are available, but are booked quickly. New appointment slots, including free appointments, are released each day around 9am. Paid appointments are available and may be preferable to book if the date and time is more suitable. You will be given a deadline to attend the appointment. If you are unable to attend an appointment by the deadline or at all, you should [contact the Home Office](#) to seek guidance.
3. Upload your evidence in support of your application to your EUSS online application before you attend your appointment.
4. Attend your biometric appointment and take:
 - Identity document, e.g. passport;
 - Appointment QR code (which will be sent in an appointment confirmation email).

Once your application has been made

Once you have:

1. Completed and submitted the online (or paper) application form and uploaded (or provided by post) evidence in support of your application, including any letter your lawyer or you have written; and

2. You have attended a biometric appointment if you are a non-EEA national and you have been required to do so.

You should simply be waiting for a decision on your application.

It is possible that the Home Office may contact your lawyer, if you have one, or you, to ask for further information or evidence.

It is very important that you check your emails, including your spam or junk folder, regularly, as the Home Office will usually contact you by email if they need further information or to give you any decision.

If the Home Office contacts you asking for further information before they make a decision, it is important you understand and respond to their email as fully as possible. It can be difficult to understand Home Office emails and exactly what you need to do – if you need help to understand a Home Office request, seek legal advice. The Home Office will ask you to respond within a specific period of time (usually 7 or 14 days). If you are unable to respond within this timeframe, you should contact the Home Office through the [Resolution Centre](#) to ask for more time and explain why you need it.

It is very important you are aware of any decision as soon as possible. This is particularly important if the Home Office decides to refuse your application because you will need to get urgent legal advice.

The Home Office currently indicates on their [website](#) that a decision on an EUSS application may be received within a month of the application and all relevant documents being received by the Home Office. It may, however, take longer to receive a decision if the Home Office asks you to provide further information or evidence.

Reasons an application for settled status under the EUSS might be refused

Applications can be refused for different reasons.

The most common reason is because the person has not provided enough evidence to prove to the Home Office that they meet all of the requirements of the EUSS rules.

When you apply for settled status as a victim of domestic abuse, it is very important that you do everything that you can to explain to the Home Office and show them, with evidence, that you meet the requirements of the EUSS relating to victims of domestic abuse. It is best to get legal advice about your evidence before you submit your application so you can reduce the risk of your application being refused.

If you do not satisfy the Home Office that you are eligible for settled status as a victim of domestic abuse, the Home Office will consider whether you are eligible for settled status under another category within the EUSS – this is why it is important you explain all of the reasons you think you may be eligible under the EUSS when you apply.

If you do not satisfy the Home Office that you are eligible for settled status under the EUSS, as a victim of domestic abuse or otherwise, your application will be refused.

The Home Office can also refuse people because of their behaviour. For example, the Home Office might refuse an application if someone has a criminal conviction or if they have given false information or documentation to the Home Office to get a status they are not in fact eligible for.

These are not the only reasons the Home Office might think an applicant should not be given permission to live in the UK permanently and refuse an application.

If you think the Home Office might refuse your application for one of the reasons explained above or for another reason they might think you should not be given permission to live in the UK permanently, it is even more important that you ensure that you tell the Home Office about any reasons that you need to live in the UK.

If you have a criminal record or otherwise have concerns that any application you make may be refused because the Home Office thinks you should not be granted permission to live in the UK permanently, it is important to get legal advice before you submit your application. You can call the [Rights of Women's Immigration and Asylum line](#) or seek alternative legal advice before applying if you have questions about this aspect of your application.

Decision and next steps – grant of status / refusal of application

This section provides information on the outcomes of applying for settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse.

Grant of status – settled status

If your application is successful, you will be granted settled status – also known as indefinite leave. This is the right to live permanently in the UK.

Note: although it is permission to live in the UK permanently, settled status may be lost if you are outside of the UK for more than 5 years (4 years if your EEA family member is a Swiss national) or may be taken away if you are convicted of a criminal offence.

Under the EUSS, status is online.

This means that, generally, applicants are not given a physical document confirming the grant of status.

If you are granted settled status, you will receive a letter telling you that you have been granted settled status and that proof of your status is online and can be viewed [here](#).

Until 31.12.24, non-EEA nationals who do not have a valid Biometric Residence Card when they apply to the EUSS will be issued a card following their application. Additionally, non-EEA nationals who are not issued a Biometric Residence Card following their application because they had a valid card when they applied to the EUSS can apply for a new Biometric Residence Card to confirm their settled status in the UK. Rights of Women have prepared a guide on how to do this, which is available [here](#).

Note: the Home Office has committed to moving away from physical immigration documents by 31.12.24 and any Biometric Residence Card issued since the Home Office committed to move away from physical documents will have an expiry date of 31.12.24 – this is the date the card expires NOT the date any permission to be in the UK expires.

If you have settled status you can work, study and access welfare benefits and housing support.

If you need access to benefits and you are not yet in receipt of benefits, you will need to make a separate application for benefits. If you are already receiving benefits, you may be required to inform the benefits' agency that you have been granted settled status.

Refusal of application

If your application is refused, the Home Office will write to you explaining the reasons they have refused your application.

The letter will also explain your right to challenge the refusal decision.

If your application for settled status is refused, you will have a right of appeal.

If you have pre-settled status, you continue to have lawful status in the UK and it is possible to apply to the EUSS again for settled status.

If your application is refused, it is very important that you seek legal advice as soon as you can.

Any appeal must be lodged **within 14 days** of the date you (or your legal representative) received the refusal decision from the Home Office.

It may be important for you to prove exactly when you received the decision, so make sure you keep the envelope if the decision was sent to you in the post or the email if the decision was provided to you by email.

An appeal can be lodged online.

Note: for further information about appealing and to access the online form, see <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-within-the-uk>

There is a fee to pay to apply to appeal. Information about the current fee is available [here](#).

If your application is refused, you should seek legal advice urgently. If your application is refused and you do not have a lawyer, you can contact [Rights of Women's immigration lines](#) for legal advice.

Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA

The protections for victims of domestic abuse explained in this guide apply to all family members and joining family members with pre-settled status, including partners, parents, children and other dependent relatives.

This section is only relevant to people who have pre-settled status as the partner of an EEA national or relevant British national.

Appendix Victim of Domestic Abuse – indefinite leave as a victim of domestic abuse for partners and dependent children

If you have pre-settled status as a partner and your relationship with your partner has broken down due to domestic abuse, in addition to the protections available to you under the EUSS as explained in this guide, you are also eligible to switch routes and apply for indefinite leave as a victim of domestic abuse at the time your relationship breaks down due to domestic abuse regardless of how long you have been living in the UK. This application is made outside of the EUSS under a separate immigration route for victims of domestic abuse found in Appendix VDA of the immigration rules. Rights of Women has prepared a separate guide on applying for indefinite leave as a victim of domestic abuse under Appendix VDA, which can be found [here](#).

It is important to understand that if you have pre-settled status as a partner, whilst you are eligible to switch routes and apply for indefinite leave as a victim of domestic abuse as soon as your relationship breaks down due to domestic abuse, as explained in the separate Rights of Women guide, you do not need to. You do not need to make any immigration application when your relationship breaks down because your pre-settled status is not affected by the relationship breakdown.

You can decide whether to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA after your relationship has broken down. There are important factors to consider before you make this decision and it is important to get legal advice before making any application outside of the EUSS if you have pre-settled status.

In this section of the guide, we highlight factors that are relevant to a decision whether to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA when you have pre-settled status. These factors also apply to the decision to switch routes and apply first to the Migrant Victims of Domestic Abuse Concession (MVDAC).

Note: only people with pre-settled status as partners will be eligible to apply for indefinite leave as a victim of domestic abuse at the time their relationship breaks down due to domestic abuse regardless of how long they have been living in the UK.

This route is not available to people with pre-settled status as an EEA national resident in the UK since 31.12.20 or people with pre-settled status as a family member other than a partner.

If you have pre-settled status, your immigration status, which is online, will simply state that you have pre-settled status – it will not confirm whether you have status as a partner or not. If your partner is an EEA national or a British national and you have pre-settled status and you know it has been granted to you because of your relationship with your partner, you will be eligible to apply for indefinite leave as explained here.

If you are not sure of the basis on which you have been granted pre-settled status, you should seek legal advice from [Rights of Women's advice line](#) or another legal adviser.

Pre-settled status holders are in a different position to people who have been given permission to live in the UK under other parts of the immigration rules.

People with pre-settled status as a partner:

- are not required to inform the Home Office of relationship breakdown;
- they retain their pre-settled status; and
- remain on a free route to settlement.

Under the EUSS, generally, a person is not eligible for settled status (settled status is another name for indefinite leave) until they have lived in the UK for 5 years. This includes people who have pre-settled status as partners and whose relationship has broken down permanently due to domestic abuse.

This means that whilst some people with pre-settled status may be eligible to apply for settled status under the EUSS at the time their relationship breaks down due to domestic abuse because they have lived in the UK for 5 years by the time their relationship breaks down, other people with pre-settled status may not be eligible to apply for settled status under the EUSS for many months or years after their relationship breaks down due to domestic abuse.

In the case of people who have pre-settled status as a partner, they will be eligible to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA after their relationship breaks down due to domestic abuse regardless of how long they have been living in the UK. This application is made outside of the EUSS under the separate immigration rule for victims of domestic abuse found in Appendix VDA of the immigration

rules. Rights of Women have prepared a separate guide on applying for indefinite leave as victim of domestic abuse, which can be found [here](#).

Accessing public funds

People with pre-settled status do not have a 'no recourse to public funds' restriction on their visa. People with pre-settled status are permitted to access public funds, but when they apply for welfare benefits or social housing they have to meet what is called a 'right to reside' test. Many people with pre-settled status can satisfy the 'right to reside' test, but it can be complicated and accessing public funds can be a challenge for some people with pre-settled status.

For those people who cannot access public funds with pre-settled status, changing their immigration status to indefinite leave can resolve this problem.

Note: for people granted pre-settled status as a partner who are unable to access public funds, it is open to them to apply for a 3 month period of leave under the Migrant Victims of Domestic Abuse Concession to enable them to access public funds quickly whilst they prepare their application for indefinite leave as a victim of domestic abuse. Any application for indefinite leave as a victim of domestic abuse must be made before the 3 month period of leave expires. Please see the separate [Rights of Women guide on the Migrant Victims of Domestic Abuse Concession](#) for more information.

Children

The child of a victim of domestic abuse can apply for indefinite leave under Appendix VDA alongside their parent if they are dependent on them. Children cannot qualify if their parent has not applied.

Dependent children under the age of 18 can apply. Dependent children who are 18 years and older may be able to apply if they were last granted permission in the UK as the dependent child of their parent or parents.

Dependent children can qualify if they meet additional requirements including:

- they are not leading an independent life;
- they can be financially supported and accommodated without the parent having additional recourse to public funds;

Where a child is aged 18 years or older, the child must also:

- meet additional requirements on English language;
- pass a Life in the UK test; or

- show exceptional circumstances apply such that these requirements do not have to be met.

Please see the separate guide prepared by Rights of Women for further information on the eligibility of children for indefinite leave as the dependent child of a victim of domestic abuse under Appendix VDA.

Note: whether children are eligible to apply as dependent children and whether it is the right thing to do in a child’s case is complicated and legal advice should be sought. You can get legal advice from [Rights of Women's immigration advice lines](#).

Factors for pre-settled status holders to consider when deciding whether to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA

Aspect of the route	Appendix EU - EUSS route	Appendix VDA - indefinite leave as a victim of domestic abuse
Eligibility	Must be a family member / joining family member / a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse.	Must be a partner and have pre-settled status granted to you as the partner of an EEA national or relevant British national.
Access to benefits and social housing	May be eligible for welfare benefits and social housing with pre-settled status – often depends on whether the applicant can satisfy the right to reside test. If granted settled status, you will have access to welfare benefits and social housing.	Can apply for Migrant Victims of Domestic Abuse Concession for access to welfare benefits and social housing before you apply for indefinite leave If granted indefinite leave, you will have access to welfare benefits and social housing.
When you can apply for indefinite leave	Once you have completed 5 years continuous residence as a family member / joining family member / a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse.	Immediately on relationship breakdown due to domestic abuse. Note: whilst an application can be made immediately on relationship breakdown due to domestic abuse, it may take time to engage a lawyer, prepare and submit an application. Once the application has been submitted, it is likely to take the Home Office some time to consider any application.
Fee to apply for settled status / indefinite leave	Free	Fee payable unless a successful fee waiver application is made.

Factors for pre-settled status holders to consider when deciding whether to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA

Aspect of the route	Appendix EU - EUSS route	Appendix VDA - indefinite leave as a victim of domestic abuse
Children	<p>Children can be eligible in their own right as a family member / joining family member / a family member who has kept their UK residence rights after their relationship has ended because of domestic abuse AND apply for settled status on any of these basis when they have completed 5 years' continuous residence</p> <p>AND / OR</p> <p>Children under 21 years of age, may be eligible for an early grant of settled status once their parent(s) have been granted settled status</p>	<p>Children can be included as dependent children IF they meet the requirements of the rules. There are a number of requirements that children need to meet to succeed with an application for indefinite leave as the dependent child of a victim of domestic abuse, including that there is financial support and accommodation available to them without relying on benefits or social housing</p> <p>Note: whether children are eligible to apply as dependent children and whether it is the right thing to do in a child's case is complicated and legal advice should be sought. Please see the separate guide prepared by Rights of Women for further information</p>
Support with applications	<p>Rights of Women and other organisations with expertise in supporting individuals with EUSS applications can be contacted for free legal advice and assistance around EUSS settled status applications as a victim of domestic abuse.</p>	<p>Legal aid is available, subject to financial resources.</p>
Indefinite leave under the route	<p>Settled status is indefinite leave.</p> <p>Settled status can be lost if the holder spends more than 5 years outside the UK.</p> <p>Or, more than 4 years, if the holder is a Swiss citizen or the family member of a Swiss citizen.</p> <p>Settled status can be lost if the holder is convicted of a criminal offence and the UK authorities take steps to remove them.</p>	<p>Indefinite leave which is not granted under the EUSS can be lost if the holder spends more than 2 years outside the UK.</p> <p>Indefinite leave can be lost if the holder is convicted of a criminal offence and the UK authorities take steps to remove them.</p>

Factors for pre-settled status holders to consider when deciding whether to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA

Aspect of the route	Appendix EU - EUSS route	Appendix VDA - indefinite leave as a victim of domestic abuse
Withdrawal agreement rights	There are enhanced rights that people with pre-settled status may have because of the unique nature of these rights deriving from the agreement made between the UK and the EU and giving up pre-settled status risks losing some of these rights.	If an application is made as a victim of domestic abuse under Appendix VDA and indefinite leave to remain is granted you have given up your pre-settled status. It is advisable to apply for settled status under the EUSS, as explained in this guide, once you have completed 5 years' continuous residence in the UK given the additional protections afforded to holders of settled status.

Application for indefinite leave as a victim of domestic abuse – impact on pre-settled status

If you have pre-settled status as a partner under the EUSS and you are not yet eligible for settled status under the EUSS at the time your relationship breaks down due to domestic abuse and / or you are not able to access public funds, it may be that switching routes and applying to the MVDAC and for indefinite leave as a victim of domestic abuse under Appendix VDA is the right thing for you to do.

It is important to understand that if you have pre-settled status and you successfully make an immigration application that is not under the EUSS, your pre-settled status will be replaced by any permission you are granted to live in the UK, including any grant of 3 months leave under the MVDAC or any grant of indefinite leave to remain as a victim of domestic abuse under Appendix VDA.

Giving up pre-settled status may have significant consequences. This is because there are enhanced rights that people with pre-settled status may have because of the unique nature of these rights deriving from the agreement made between the UK and the EU and giving up pre-settled status risks losing some of these rights.

It is, therefore, extremely important that anyone with pre-settled status gets legal advice before they make an application that might change their immigration status – this includes an application for indefinite leave as a victim of domestic abuse under Appendix VDA and an application under the Migrant Victims of Domestic Abuse Concession.

If you have pre-settled status under the EUSS and you have suffered domestic abuse and would like advice on your immigration options, you can contact Rights of Women through our advice lines. You can find information about our immigration advice lines [here](#).

Examples of situations when you are not eligible to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA

If you do not have pre-settled status as a partner because you have not yet been granted pre-settled status, you will not be able to switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA, even if you have an EUSS Family Permit as a partner or otherwise are married to an EEA national.

Anaaya who is Pakistani came into the UK last month to join her husband Darain who is an EEA national. Anaaya came into the UK with an EUSS Family Permit. Darain has been abusive to Anaaya since she entered the UK and she cannot take any more. Anaaya will not be able to apply for indefinite leave as a victim of domestic abuse under Appendix VDA as, although Darain is an EEA national and Anaaya is a victim of domestic abuse, she has an EUSS Family Permit and this is not one of the specified types of leave under the immigration rule for victims of domestic abuse. Anaaya may be eligible for indefinite leave as a victim of domestic abuse once she has applied for, and been granted, pre-settled status based on retained rights as a victim of domestic abuse. Anaaya should get legal advice urgently about applying for pre-settled status as a victim of domestic abuse.

If you have pre-settled status as an EEA national rather than pre-settled status as a family member, you will not be able to apply for indefinite leave as a victim of domestic abuse, even if you are married to an EEA national and they have been abusive towards you. This is because if you are an EEA national who has pre-settled status based on their own nationality and residence as you were resident in the UK by 31.12.20, your immigration status is not connected to your relationship with anyone else and is, therefore, not impacted by the breakdown of your relationship. You will remain eligible for pre-settled status as an EEA national so long as you maintain the continuity of your residence and you will be eligible for settled status based on your own nationality and residence once you have been resident in the UK for a continuous period of 5 years.

Sofia who is Italian came to the UK in August 2020 with her husband, Marco. Marco is also Italian and both Sofia and Marco have pre-settled status. Marco has been violent towards Sofia and she has recently left him. Although Marco is an EEA national and Sofia is a victim of domestic abuse, Sofia will not be able to apply for indefinite leave as a victim of domestic abuse under Appendix VDA. Sofia continues to qualify for pre-settled status based on her own nationality and residence.

Note: the situation would be different if Sofia's husband had come to the UK in August 2020 and Sofia had come to join him in the UK later, after 31.12.20 – in that situation, if she entered the UK as a joining family member to join her husband after 31.12.20, her EEA nationality would not be relevant to her eligibility for pre-settled status – she would only have been granted pre-settled status as a joining family member if she entered the UK after 31.12.20 and so would be eligible to rely on the protections for victims of domestic abuse under the EUSS when her relationship broke down permanently due to domestic abuse and to apply for indefinite leave as a victim of domestic abuse under Appendix VDA.

If you have been granted pre-settled status as a family member, but not as a partner, you will not be able to apply for indefinite leave as a victim of domestic abuse.

Mary, who is Ghanaian, has an adult daughter, Jenny, who is an Italian national. Mary came to the UK with her daughter in November 2020. Both Jenny and Mary applied for pre-settled status under the EUSS and were granted this status in May 2021. In September 2023, their relationship broke down because Jenny was being abusive to Mary. Mary cannot apply for indefinite leave as a victim of domestic abuse under Appendix VDA as, although she has pre-settled status, this was granted to her as a parent. She qualifies under the EUSS as a family member of an EU national who has kept her rights of residence after the permanent breakdown of her relationship due to domestic abuse and can apply for settled status under the EUSS in November 2025.

Help to apply

This legal guide explains the law and policy relevant to women from abroad who are in the UK with pre-settled status and are experiencing domestic abuse.

This legal guide is not legal advice. If you think you have pre-settled status as a family member or joining family member and your relationship has broken down due to domestic abuse, it is very important that you get independent legal advice.

You can contact our advice lines for free, confidential legal advice. Details of our advice lines and their opening times are available on the [Rights of Women website](#).

You may be able to get advice and / or assistance with an application under the EUSS from an organisation funded by government to support vulnerable people. Information about funded organisations that may be able to advise and / or assist with an EUSS application can be found [here](#).

You can also contact a solicitor or immigration adviser for advice. Depending on your financial circumstances and the details of your case, you may be able to make an application for exceptional case funding to enable you to access public funding for legal assistance (also known as legal aid). Public funding allows some people to get legal advice and representation free of charge if they cannot afford to pay. However, not all legal representatives do publicly funded work. For further information about public funding and getting legal advice, contact the Legal Aid Agency on 0345 345 4345.

You can look for a legal representative in your area by searching for a Legal Aid provider at <http://find-legal-advice.justice.gov.uk/>

If you are not financially eligible for legal aid because your income or capital is too high, you can look for a legal representative in your area through the [Law Society website](#).

You should always make sure that the person you see for immigration law advice is professionally qualified and allowed to help you. You can get immigration advice from a solicitor or from an immigration adviser. A solicitor is a qualified lawyer. Solicitors are represented by the Law Society www.lawsociety.org.uk and are regulated by the Solicitors Regulation Authority (SRA) www.sra.org.uk. You can check that a solicitor is regulated by the SRA by using the 'find a solicitor' search engine on the Law Society website <http://solicitors.lawsociety.org.uk/> or by contacting the SRA directly on 0370 606 2555.

An immigration adviser is someone who is not a lawyer but who has the knowledge and skills necessary to give advice on immigration law. For information about immigration advisers contact the Office of the Immigration Services Commissioner (OISC) www.oisc.gov.uk. You can check whether an immigration adviser is regulated by the OISC by

contacting the OISC directly on 0345 000 0046 or go to the UK government website and check the list of regulated advisers.

If you are supporting a woman experiencing abuse it is vital that you assist her to get legal advice: you should not give her immigration advice if you are not allowed by law to do so. It is a criminal offence under the Immigration and Asylum Act 1999 for anyone to provide immigration advice or services in the UK unless they are regulated by the Office of the Immigration Services Commissioner (the OISC), a regulated solicitor, barrister or legal executive or exempted by Ministerial Order.

If you are not able to find a legal representative, you can make your own application for settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse. This guide explains the application process. However, we would strongly advise you to seek advice from [Rights of Women's immigration lines](#) or from a [law centre](#) or a [Citizens Advice Bureau](#) if you are completing the application yourself.

Frequently asked questions

I have status under the EUSS, but I am not sure what kind of permission I have to live in the UK and whether any permission was given to me as a partner or on another basis – how can I find out?

You can find out your immigration status by logging in to your online UKVI account. UKVI online accounts can be accessed [here](#).

You will need to enter the number of any document connected to your online status. This will usually be the document you used to apply to the EUSS and could be your national passport, your Biometric Residence Card or, for EEA nationals, your national identity card. If you did not have a valid document when you applied to the EUSS, you may need to enter the reference number on any letter you were sent informing you that you had been granted status. You will need to enter the reference number as though it was a passport number. You will then need to enter your date of birth.

If you have EUSS status connected to the document, you will be offered the opportunity to be sent a security code and shown part of a mobile phone number and part of an email address. If these are your contact details and you can access them, you can have the code sent, enter the code and access your status.

If the contact details are not yours or you can no longer access them, you may need to contact the Home Office to regain access to and control of your online account.

Alternatively, if you cannot find an online UKVI account connected to any of your document or reference numbers, you may need to contact the Home Office to confirm the status you have been granted or otherwise seek legal advice.

Information on how to contact the relevant department of the Home Office is available [here](#).

You may wish to seek legal advice before contacting the Home Office if you are unsure whether you in fact have status under the EUSS. You can contact Rights of Women on our [immigration advice lines](#).

In terms of the basis on which you were granted status, online EUSS status does not state the basis on which it was granted and the letter that you were sent confirming your grant of status will not expressly state the basis on which you were granted pre-settled status.

The starting point for establishing the basis on which you were granted pre-settled status is understanding the basis on which you applied to the EUSS and your circumstances as explained to the Home Office in any application. If you have a copy of your application, you

should look at this to try to understand the information put forward to the Home Office. If you do not have a copy of your application, you may be able to view it online if you applied relatively recently.

If you do not have a copy of your application and are no longer able to view it online, you can apply for a copy of your Home Office file, which should have a copy of your application in it. You can request a copy of your Home Office file by making a Subject Access Request. There is information about how to apply for a Subject Access Request [here](#).

If you do not have a copy of your application, you may be able to establish the basis on which you were granted pre-settled status based on your circumstances.

If you are not an EEA national yourself, any grant of pre-settled status must have been granted to you as a family member / joining family member. If the only family member that you have in the UK who is an EEA national and was resident in the UK by 31.12.20 is your partner, this would suggest that you have been granted pre-settled status as a partner.

If you are an EEA national who came to live in the UK after 31.12.20, any grant of pre-settled status will have been granted to you as a joining family member. If the only family member that you have in the UK who is an EEA national and was resident in the UK by 31.12.20 is your partner, this would suggest that you have been granted pre-settled status as a partner.

If you are an EEA national who was yourself resident in the UK by 31.12.20, any grant of pre-settled status will have been granted to you as an EEA national not as a partner or other family member. If you have been granted pre-settled status as an EEA national this guide is not relevant to you.

If you are unsure of the basis on which you have been granted pre-settled status, it is important to get legal advice before you make a further application to the EUSS or another immigration application.

I have pre-settled status because I am married to an EEA national. My relationship with my husband has now broken down due to domestic abuse. Can I just separate from my husband and stay in the UK with my pre-settled status and apply for settled status when that is due to expire?

Yes – as you have pre-settled status as the family member of an EEA national, when your relationship breaks down due to domestic abuse, you do not have to do anything at the time of relationship breakdown. You can rely on being a family member who has kept your right of residence due to the permanent breakdown of your relationship due to domestic abuse from the moment of relationship breakdown. Your pre-settled status is not impacted

and you do not need to notify the Home Office of the change in your circumstances at the time of relationship breakdown. When you apply for settled status, you will need to inform the Home Office of the breakdown of your relationship due to domestic abuse and the fact you rely on being a family member who can keep your residence rights after the permanent breakdown of your relationship due to domestic abuse. You may find it easier to get evidence of domestic abuse at the time of relationship breakdown so you may want to try to gather any evidence now and keep it safe for future use. Please see the sections of this guide entitled, 'What you need to apply for settled status under the EUSS as a victim of domestic abuse'.

Note: as it seems that you have pre-settled status as a partner, you may be eligible to switch routes and apply for indefinite leave to remain as a victim of domestic abuse under Appendix VDA at the time of relationship breakdown. Please see the section of this guide entitled, 'Switching routes: Indefinite leave as a victim of domestic abuse under Appendix VDA'.

I was granted permission to enter the UK with an EUSS family permit as my husband is an EEA national. My EUSS Family Permit is still valid, but my relationship with my husband has broken down permanently due to domestic abuse. Can I keep my residence rights as a victim of domestic abuse? Can I apply for indefinite leave as a victim of domestic abuse?

You can keep your residence rights as a victim of domestic abuse if you have an EUSS Family Permit as a family member and your relationship has broken down due to domestic abuse since you entered the UK with the Family Permit. As you have a Family Permit, this will only be valid for 6 months and you will need to apply for pre-settled status within 3 months of your arrival. You can apply for pre-settled status as a family member who has kept your right of residence after the permanent breakdown of your relationship due to domestic abuse.

You cannot switch routes and apply for indefinite leave as a victim of domestic abuse under Appendix VDA with an EUSS Family Permit as this is not one of the types of immigration status specified within the relevant immigration rule. If you have pre-settled status as a family member or as a family member who has kept your right of residence due to the permanent breakdown of your relationship due to domestic abuse and your family member was your partner, you may be eligible for apply for indefinite leave as a victim of domestic abuse.

This guide does not explain the law for people with EUSS Family Permits – it explains the law as it applies to people with pre-settled status as the family member or joining family member of an EEA national.

If you have an EUSS Family Permit and your relationship has broken down due to domestic abuse, you should get legal advice urgently. You can get legal advice from [Rights of Women's immigration advice lines](#).

I am outside the UK – my husband has taken me back to my family and taken my UK immigration document from me – can I apply for a new UK immigration document and return to the UK?

If you have pre-settled status as a partner and remain married to your husband, you may be able to apply for an EUSS Travel Permit to travel to re-enter the UK.

If you do not have pre-settled status but were married to your EEA national husband before 31.12.20, you may be able to apply for permission to enter the UK under the EUSS through an application for an EUSS Family Permit.

Applications from outside the UK made following the permanent breakdown of your relationship due to domestic abuse can be complicated and it is very important that you get legal advice before you make any application. You can get legal advice from [Rights of Women's immigration advice lines](#).

Do I have to have experienced physical violence in order to be able to apply under the domestic abuse rule?

No - any behaviour that fits within the definition of domestic abuse, as set out within this guide, is domestic abuse. If you have experienced sexual, psychological, emotional, verbal, financial abuse or controlling behaviour and this has caused your relationship with your family member to permanently break down you can keep your residence rights as a family member who has retained the right of residence following the permanent breakdown of your relationship.

My relationship with my husband has broken down due to domestic abuse, but it was not my husband who was abusive towards me – it was my husband's family who were abusive towards me. Can I still keep my residence rights as a victim of domestic abuse?

Yes – if you have or had pre-settled status as a family member and your relationship with your family member has broken down permanently due to domestic abuse, you can keep your residence rights as a victim of domestic abuse. The reference to domestic abuse within the immigration rules does not say anything about who the perpetrator of abuse must be. What is needed to make a successful application is evidence that the relationship between you and your family member has broken down permanently because of domestic

abuse. It may be that the abuse was not perpetrated by your family member but by other members of his family, for example, your parents-in-law or his siblings. If this is the case and your family member has not protected you from the abuse and, as a consequence, your relationship with him has broken down permanently you can keep your pre-settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse.

My husband was not abusive towards me, but he was abusive towards my child and this led to the breakdown of my relationship with my husband. Would I be able to keep my residence rights as a victim of domestic abuse?

Yes – the reference to domestic abuse within the immigration rules does not say that you must have suffered abuse, but states that your relationship must have broken down permanently due to domestic abuse. The guidance makes clear that you do not have to have been the victim of domestic abuse, but the domestic abuse must have led to the permanent breakdown of your relationship. For example, if your partner has been abusive towards your child, this may have led your relationship with your partner to breakdown even if your partner was not abusive towards you directly.

I am a child and my parent(s) have been abusive towards me, can I keep my residence rights as a victim of domestic abuse?

Yes – the protections for victims of domestic abuse under the EUSS apply to all family members. If you have pre-settled status as a family member – whether it is as a child, parent, partner or other family member – and your relationship breaks down permanently due to domestic abuse, you can keep your residence rights as a victim of domestic abuse.

Note: under the separate non-EUSS protections for victims of domestic abuse children cannot apply independently – they can only apply if a parent has or is applying as a victim of domestic abuse and the child is dependent and meets the relevant requirements of the rule. Please see [Rights of Women’s separate guide, ‘Indefinite leave for victims of domestic abuse’](#).

Can I get a lawyer to help me make my application?

You can get legal advice on making an application to the EUSS as a victim of domestic abuse from [Rights of Women’s immigration advice lines](#).

You may be able to apply for public funding (also known as legal aid) - depending on your financial circumstances and the details of your case. Public funding allows some people to

get legal advice and representation free of charge if they cannot afford to pay. However, not all legal representatives do publicly funded work. You can look for a legal representative in your area by searching for a Legal Aid provider at <http://find-legal-advice.justice.gov.uk/>.

If you are not financially eligible for legal aid because your income or capital is too high, you can look for a legal representative in your area through the [Law Society website](#).

I have separated from my partner due to domestic abuse, but I have nowhere to live and no money as he was financially supporting me. I have been told that because I have pre-settled status I am not allowed to claim benefits. Is this right?

No – if you have pre-settled status there is no prohibition on your claiming benefits – you do not have a ‘no recourse to public funds’ restriction on your visa.

You will be eligible for benefits, such as Universal Credit, if you can pass the right to reside test. Pre-settled status will not enable you to pass the right to reside test, but it will not stop you from passing the right to reside test if you pass it in another way. If you have pre-settled status as a family member or joining family member, it is very important that you get advice from a benefits’ specialist if you need access to benefits.

My husband is an EEA national and our child was born in the UK. I have pre-settled status, but I do not think any application has been made for my child as he was born in the UK. I cannot find out the situation from my husband as I have had to leave him because he was abusive and my child and I are living in a refuge for victims of domestic abuse.

It is often necessary to make an immigration application for a child even when they were born in the UK. A child born in the UK is not automatically British simply because they were born in the UK. If a child is not British, an immigration application will need to be made for them.

A child is only British automatically on being born in the UK in certain situations, most commonly when one of their parents is British or has settled status / indefinite leave.

If you have a child born in the UK and they do not have a British passport, it is important to get legal advice to be clear whether they are a British national or need to apply for immigration status. You can get legal advice from [Rights of Women’s immigration advice lines](#).

I have pre-settled status as my husband is an EEA national. I have had to leave my husband due to domestic abuse. I have been told that I can apply for the Migrant Victims of Domestic Abuse Concession and for indefinite leave as a victim of domestic abuse. Is this right?

Yes – if you have been granted pre-settled status as a partner and your relationship has now broken down permanently due to domestic abuse, you can switch routes and apply for the Migrant Victims of Domestic Abuse Concession and for indefinite leave as a victim of domestic abuse.

It is important to understand that you do not need to make these applications – you can keep your pre-settled status as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse without making an application at the time of relationship breakdown.

You may not need to make an application to the Migrant Victims of Domestic Abuse Concession, as you may already be able to access benefits without making an application to change your immigration status.

It is important to understand that giving up pre-settled status may have significant consequences. This is because there are enhanced rights that people with pre-settled status may have because of the unique nature of these rights deriving from the agreement made between the UK and the EU. Giving up pre-settled status risks losing some of these rights.

It is extremely important that anyone with pre-settled status gets legal advice before they make an application for the Concession or for indefinite leave to remain as a victim of domestic abuse or otherwise applies for immigration status outside of the EUSS. You can contact [Rights of Women's immigration advice lines](#) to talk about your options in further detail.

I have pre-settled status as my adult son is an EEA national. I have had to leave my son's house due to domestic abuse. I have been told that I can apply for the Migrant Victims of Domestic Abuse Concession and for indefinite leave as a victim of domestic abuse. Is this right?

No – switching routes to apply to the MVDAC and for indefinite leave as a victim of domestic abuse is only available to people granted permission to be in the UK as a partner. You do not qualify under these other routes because your pre-settled status was not given to you as a partner.

As you have pre-settled status granted to you as the family member of your son, if your relationship with your son has broken down permanently due to domestic abuse,

the protections available to you are those under the EUSS. As a family member whose relationship has broken down permanently due to domestic abuse, you can keep your pre-settled status as a victim of domestic abuse as explained in this guide.

The matter of whether you can access benefits as a pre-settled status holder may be complex. As you have pre-settled status, there is no prohibition on your claiming benefits – you do not have a ‘no recourse to public funds’ restriction on your visa. You will be eligible for benefits, such as Universal Credit, if you can pass the right to reside test. Pre-settled status will not enable you to pass the right to reside test, but it will not stop you from passing the right to reside test if you pass it in another way. If you have pre-settled status as a family member or joining family member, it is very important that you get advice from a benefits’ specialist if you need access to benefits.

What is the process for keeping your residence rights as a victim of domestic abuse?

If you have pre-settled status as a family member and your relationship has broken down due to domestic abuse, you should get legal advice.

You do not have to make an application at the time your relationship breaks down to keep your pre-settled status as a victim of domestic abuse.

When you are eligible for settled status – once you have lived in the UK for a continuous period of 5 years as a family member and / or as a family member who has kept their UK residence rights after your relationship has ended because of domestic abuse, you can apply for settled status and explain within your application that you are applying on the basis that you are a family member who has kept your residence rights after the permanent breakdown of your relationship due to domestic abuse. The general process is that there is an application form to complete (this is usually, but not always online), evidence to provide, usually by upload to an online system, and you may need to attend an appointment to have your fingerprints and a photograph taken. For further information on the application process, please see the ‘How to apply’ section of this guide.

How long does an application for settled status as a victim of domestic abuse take to be decided?

The Home Office currently indicates on their [website](#) that a decision on an EUSS application may be received within a month of the application and all relevant documents being received by the Home Office. It may, however, take longer to receive a decision if the Home Office asks you to provide further information or evidence.

What happens if my application for settled status as a victim of domestic abuse is refused?

If your application for settled status is refused, it is important to know the reasons why it has been refused. The Home Office will write to you with these reasons. A common reason applications are refused is because insufficient evidence was provided in support of the application. There is a right to appeal the refusal decision and there are strict deadlines to submit an appeal as described in this guide, and you should seek legal advice as soon as possible once you receive your decision from the Home Office and it is a refusal.

If your application for indefinite leave to remain as a victim of domestic abuse is refused, it is important to know the reasons why it has been refused. The Home Office will write to you with these reasons. There is no right to appeal the decision, however, there is a right to ask for an administrative review. An administrative review is an application that you can make to the Home Office to ask them to review their decision to refuse your application. There are strict deadlines to submit an administrative review as described in this guide, and you should seek legal advice as soon as possible once you receive your decision from the Home Office and it is a refusal.

Checklist

Can you apply for settled status under the EUSS as a victim of domestic abuse?

- Do you have pre-settled status as the family member or joining family member of an EEA national or a British national?
- Has your relationship broken down permanently due to domestic abuse?
- Have you lived in the UK for a continuous period of 5 years since you started your residence as a family member or joining family member?

Do you have the following documents?

- Passport or Biometric Residence Card
- Marriage certificate or other evidence of relationship
- Evidence of your family member's identity and nationality and residence for the relevant period, as far as possible
- Evidence of your residence for a continuous period of 5 years
- Evidence of domestic abuse
- Letter prepared in support of your application

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice. Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

EU settlement scheme advice line

This line is for women who have experienced violence against women and girls.

We do not advise on issues unrelated to the EU Settlement Scheme on this advice line.

Call: 020 7118 0267

Immigration and asylum law advice line

This line is for women who need advice on their immigration status and who do not need advice on the EUSS.

For further information, including telephone numbers and opening times, about our advice lines and a full list of Rights of Women's legal guides go to www.rightsofwomen.org.uk

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