

Rt. Hon David Davis MP
Secretary of State for Exiting the EU
9 Downing Street
London
SW1A 2AS

10th July 2017

Dear David,

I am writing further to my letter of the 21st June regarding the rights of EU national children in the Britain. I am pleased that since I wrote, the Government has made a substantial offer to EU nationals who wish to remain in the UK. I have written to Michael Barnier, urging him to respond constructively to the offer in the interests of EU children in the UK, and UK national children living in the EU.

While I welcome much of what the Government has announced, a number of questions remain unanswered about how the proposals will apply to children.

1. Will children be eligible for settled status in their own right or will their eligibility be dependent on a parent's eligibility?
2. If only adults can apply, will time spent in Britain prior to the age of 18 be able to support an application post 18?
3. If children have 5 years' residence but their parents do not – or if the adults' right to reside in Britain derives from being a parent of a child in education in this country – what will be the provision for these children and their parents under the 'settled status' scheme?
4. What will be the evidential burden required to establish residency for a parent and a child? Will it be presumed that where parents have been resident for five years, the child has also been resident, or will the child need to prove residence in their own right? Will children be able to use schools admissions data to support their application?
5. Will children born in the future to EU nationals with settled status automatically obtain British citizenship? What will be the provision for children born to parents yet to obtain settled status?
6. Will children now growing up in Britain with an EU passport, who go abroad to study as many plan to do, lose the right to return, and after how long?
7. Will children who have already obtained permanent residency in Britain, but who are not currently resident here, be able to apply for settled status?
8. Where a child is an EU national and the parent a third-country national whose right to reside in the UK derives from the Zambrano judgement, will either the child or parent be eligible for settled status? As the court pointed out in that case, a theoretical right of residence is of very little practical value to a child if its parent/carer is refused permission to remain in the UK, and the child effectively has no choice but to leave as well.

I hope you will be able to clarify these points as soon as possible, and I would urge you to continue to make residence rights your top priority in the negotiations.

Best wishes,



Anne Longfield OBE

cc. Rt. Hon Amber Rudd MP, Home Secretary

Children's Commissioner for England: [Anne Longfield OBE](#)