



Home Office

Kevin Foster MP  
Minister for Future Borders and  
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Mr Luke Piper  
Head of Policy and Advocacy  
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DECS Reference: MIN/0176206/21

27 September 2021

Dear Mr Piper,

Thank you for your letter of 3 September about extended family members following the closure of the EEA family permit route.

In line with the Withdrawal Agreement, the EEA family permit route closed on 31 December 2020 to applications for extended family members (other than durable partners), and on 30 June 2021 to other applications, and EEA family permits ceased to be valid for travel to the UK after 30 June 2021.

However, we recognise Article 10(3) of the Withdrawal Agreement requires the facilitation of entry and residence for extended family members whose application for an EEA family permit, made by the end of the transition period, was successful, including on appeal. Consistent with this, we have therefore, since 1 July 2021, issued an EU Settlement Scheme (EUSS) family permit to those family members qualifying for it who could not be issued with an EEA family permit because the route had closed.

This arrangement has not so far covered extended family members (other than durable partners) because, as the Withdrawal Agreement does not require the ongoing facilitation of their entry to the UK, such family members are not currently within the scope of the relevant Immigration Rules in Appendix EU (Family Permit). However, as you indicate in your letter, this has created a lacuna in respect of Article 10(3) of the Withdrawal Agreement.

I am therefore pleased to be able to inform you, pending the next appropriate set of Rules changes, we are creating a concession outside Appendix EU (Family Permit), which will be set out in the published EUSS family permit guidance. This will enable an EUSS family permit to be granted to an extended family member who applied for an EEA family permit by 31 December 2020 and would have been granted this, including on appeal, had the route not closed.

We will be in contact accordingly with those extended family members you mention who have received a letter following a successful appeal advising they would have qualified for an EEA family permit had the route remained open but are ineligible for an EUSS family

permit.

We will also make arrangements, pending the next appropriate set of Rules changes, to enable an extended family member issued with an EUSS family permit on this basis to apply to the EUSS once they have arrived in the UK if they wish to remain here.

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a flourish at the end.

**Kevin Foster MP**  
**Minister for Future Borders and Immigration**