

Report

Dr Paulina Trevena

BREXIT AND EU CITIZENS IN SCOTLAND:

Impacts, challenges,
and support needs.

18 January 2019

EU Citizens Rights Project would like to thank all the individuals and organisations who have contributed to and supported our research, including:

Citizens Advice Scotland
Cosmopolita Scotland
FENIKS: Counselling, Personal Development and Support Services Ltd
Grampian Regional Equality Council
Leith Conversation Cafe
Migrants Scotland
No Recourse, North East Partnership
Polish Cultural Festival Association
Polonez - Culture Bridging Group
Robert Gordon University
Shelter Scotland
The Bilingualism Matters Centre
The Language Hub Ltd
The Welcoming
The Author would like to thank Dr Anna Gawlewicz and Mr Rory McCulloch for their invaluable feedback on the earlier version of the report.

Cover Photo: Dorota Peszkowska, Design: Robert Motyka / Wee Dog Media

Dr Paulina Trevena

BREXIT AND EU CITIZENS IN SCOTLAND:

Impacts, challenges,
and support needs.

18 January 2019

EXECUTIVE SUMMARY

This report provides a comprehensive analysis of the impacts of the Brexit vote on EU citizens living in Scotland, and the challenges and support needs arising from the introduction of the EU Settlement Scheme. It is based on the results of a qualitative research study and desktop research carried out in November-December 2018 by Dr Paulina Trevena on behalf of and in collaboration with EU Citizens' Rights Project-Scotland. The research was conducted at a time of critical negotiations of the Withdrawal Agreement and political tensions around these. This was also a time of gradual introduction of tools related to the EU Settlement Scheme by the Home Office, such as piloting of the settled status app and publishing toolkits for community groups and employers, while the Scottish Government announced the introduction of a new advice service for EU citizens in collaboration with Citizens Advice Scotland (CAS). Therefore, while the report endeavours to include the most up-to-date information related to the EU Settlement Scheme possible, it is with the caveat that further developments may have taken place by the time of its publication. Notwithstanding, this report is the most comprehensive source of information on the effects of Brexit¹ on EU citizens currently available.

Scotland's demographic situation differs from that of England, with Scotland needing immigration to grow its population. EU migration has played a key role in Scotland's development since the early 2000s and the Scottish Government, as opposed to the current UK Government, supports Britain's EU membership and free movement of people. Moreover, the majority of voters in Scotland wished to stay in the EU. This along with the welcoming messages from Scottish policymakers has created a perception among EU citizens that Scotland is at present a friendlier country than England.

Notwithstanding, the report demonstrates that the Brexit vote has already had both emotional and practical impacts on EU citizens living in Scotland. Firstly, the negativity around immigration voiced by many British political leaders and the media, and to some extent reflected in societal attitudes, has made many EU citizens feel generally unwelcome and unvalued in the UK, even if less so in Scotland. Secondly, the prospect of losing their basic rights in the UK has caused a lot of worry and stress for EU citizens. This has affected their feelings of belonging but also their actions: many are

1 This report was written in December 2018, i.e. before Britain's actual exit of the EU ('Brexit'). Throughout this report we shall be referring to 'Brexit' understood as 'the Brexit vote' unless otherwise specified.

making contingency plans in preparation for Brexit, and some have already made the decision to leave the UK. Though formally no changes to EU citizens' rights have yet occurred, in daily practice discrimination based on sheer assumptions of change of status has been taking place. Therefore, the uncertainty created by the Brexit vote has already affected future plans as well as opportunities of EU citizens living in Scotland.



The introduction of the EU Settlement Scheme (which will fully open by 30 March 2019) has created a number of support needs among EU citizens. Firstly, there is currently a lack of reliable and sufficiently detailed information on applying for settled status; hence the need for more information as well as tailored advice and legal support, especially for EU citizens whose cases are complex. Secondly, many EU citizens are unaware of the obligation to apply for settled status while others are confused about eligibility and requirements. This calls for wide scope awareness raising of the EU Settlement Scheme, including outreach to less engaged and hard-to-reach groups. Thirdly, due to various barriers (such as access to technology, digital literacy, language issues, or disabilities) not all EU citizens will be able to fill in the online application by themselves. Therefore, they will need practical, hands-on support with making their

applications. Moreover, there is a need for financial support with covering application fees for destitute EU citizens. Finally, particularly vulnerable and anxious EU citizens may also need psychological support.

Apart from support linked to the introduction of settled status specifically, there is also a continued need for policy work around welcoming migrants and enabling them to become full members of the society.

This report aims to support EU citizens in getting their voice heard on the one hand and helping those (interested in) supporting EU citizens in understanding their concerns and needs related to Brexit on the other. It ends with recommendations for action by government, business, third sector organisations and civil society aimed at strengthening support for EU citizens in the Brexit process and beyond.

INTRODUCTION

There are currently near 3.7 million EU citizens who live and work in the UK,² and an estimated 223,000 live in Scotland;³ this amounts to 4% of the resident population and 62% of the non-British population of Scotland.⁴ Therefore, EU migration currently plays a significant role in Scotland's population and economic growth, especially in rural areas. The Scottish Government has stated it aims to continue growing its population through migration.⁵ Therefore, the Brexit vote of 23 June 2016 is seen as a rather unwelcome political development in Scotland, where the majority (62%) had voted to remain in the EU.⁶ Though the UK has triggered article 50 and is to exit the

2 ONS (2018). Population of the UK by country of birth and nationality: 2017 <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/ukpopulationbycountryofbirthandnationality/2017> [DOA: 16/12/2018]

3 NRS (2018). Population by country of birth and nationality, Scotland, July 2017 to June 2018 <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/population-by-country-of-birth-and-nationality/jul-17-jun-18> [DOA: 18/12/2018]

4 NRS (2018). Population by country of birth and nationality, 2017. <https://www.nrscotland.gov.uk/files//statistics/population-estimates/pop-cob-17/pop-cob-nat-17-publication.pdf> [DOA: 16/12/2018]

5 Scottish Government (2018a). Scotland's population needs and migration policy: Discussion paper on evidence, policy and powers for the Scottish Parliament, p. 3.

6 <https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past->

EU on 29 May 2019, the Scottish Government continues to argue that Scotland (and the UK) should remain in the European Single Market and maintain free movement of people.⁷ The time of writing this report (mid December 2018) is one of ongoing uncertainty around the Withdrawal Agreement, still subject to approval by Parliament and final decisions on Brexit.

The UK's decision to exit the EU has raised a number of issues for EU citizens. Following the Brexit vote, Theresa May refused to guarantee the rights of EU nationals living in Britain until she had achieved a satisfactory outcome for both EU nationals living in the UK and UK citizens living in the EU.⁸ This resulted in great uncertainty for EU citizens resident in the UK who had thus far enjoyed similar rights as British people (with the exception of voting in parliamentary elections). In June 2018 the EU Settlement Scheme was announced by the UK Government. This secures the rights of EU citizens in the UK providing they apply for 'settled status' by 30 June 2021.

'EU Citizens Rights Project-Scotland' originated in response to the need for information and advice for EU citizens in the wake of Brexit. The project was launched in February 2018 and was initially funded by the European Commission Representation in Scotland (February-May and September-October 2018), and next by the Scottish Government (September-December 2018). It is delivered by Public Policy Events, an NGO registered in Scotland. The project aims at raising awareness of EU citizens' rights after Brexit and delivers information and advice on these through public events in various parts of Scotland. The project has also produced multilingual factsheets available online and distributed at events and through networks. Since its beginning in February 2018 near 2,000 EU citizens who have taken part in the information and advice meetings.

This report is based on desktop research, data collected at EU Citizens Rights Project-Scotland's events between March and December 2018, and a research study carried out between 31 October and 28 November 2018. The study involved focus group discussions (n=7) and consultations (n=5) carried out as part of our information

[elections-and-referendums/eu-referendum/eu-referendum-result-visualisations](#) [DOA: 16/12/2018]

7 Scottish Government (2018b). Scotland's Place in Europe: An Assessment of the UK Government's Proposed / future Relationship with the EU.

8 Walker, Peter. (2016). Theresa May defends refusal to guarantee EU citizens' rights in UK, The Guardian, 30.11.2016. <https://www.theguardian.com/politics/2016/nov/30/theresa-may-defends-refusal-guarantee-eu-citizens-rights-uk> [DOA: 17/12/2018]

and advice meetings in Aberdeen, Dundee, Edinburgh, Glasgow, and Motherwell.⁹ Altogether around 400 people contributed to the research,¹⁰ including 46 focus group participants, 243 contributions to questionnaires, and people who had voiced questions during our events. The overwhelming majority of our contributors were EU citizens, with some contributions from non-EU EEA and Swiss citizens,¹¹ UK citizens with European links (e.g. an EU partner or parent), and representatives of the third sector (of various national backgrounds). Additionally, the Author drew on data related to Brexit from another recent research project which involved focus group discussions and individual interviews.¹² The preliminary findings and recommendations were presented and consulted on at a public event in Edinburgh on 10 December 2018, and the results of this consultation have also been incorporated into this report. It is important to note that the time of writing this report (December 2018) is one of new developments in terms of the UK policy landscape as well as dissemination of information about EU citizens' rights (e.g. the Home Office published toolkits for community organisations and employers in early December when the research had already been completed). Therefore, this report presents the most accurate and comprehensive data available at the end of 2018. As far as possible, new developments were noted in the report.¹³

The aim of this report is to present the impacts of the Brexit vote on EU citizens living in Scotland, awareness of and questions around the EU Settlement Scheme, and

9 In the focus group discussions, we asked participants whether and how Brexit had impacted on their own or EU citizens' they knew/were working with everyday lives and future plans; whether they knew how EU citizens' rights might change after Brexit; what the main concerns of EU citizens' related to Brexit were; what kind of support EU citizens needed; whether it was easy or difficult to get advice on EU citizens' rights; and what would be the best way to provide information and advice to EU citizens. The questionnaires distributed at EU Citizens' Rights Project-Scotland events included questions on participants' greatest concerns and opinions on how information and advice should best be provided.

10 Please note that this was a qualitative study and detailed information on research participants, such as nationality, age, year of arrival etc. was not collected. Therefore, we do not provide information on numbers of participants who have given particular responses or shared particular views and only refer to these in more general terms, e.g. 'some', 'a number of', 'the majority' etc.

11 All EU countries are part of the EEA (European Economic Area) and so are citizens of Iceland, Lichtenstein and Norway. Switzerland is neither an EU nor EEA member but is part of the single market which means Swiss nationals have the same rights to live and work in the UK as other EEA nationals. [<https://www.gov.uk/eu-eea>] For simplicity's sake and to protect our respondents' anonymity when quoting them, we shall refer to the non-EU countries EEA countries and Switzerland as 'EEA countries' throughout this report.

12 Trevena, P. (2018). Attracting and retaining migrants in Scotland: is a social integration strategy the answer? SPICe Briefing 18-44. Project Report. Scottish Parliament. It has been noted where quotes/data from this project were drawn on.

13 Please note the report was completed in December 2018 and only notes changes which occurred by the end of 2018 to the Author's best knowledge.

the support needs created by introducing settled status for EU citizens. The report is divided into three parts accordingly:

1. Impacts of Brexit on EU citizens. In this part we discuss how the Brexit vote has affected EU citizens' in Scotland, both in emotional and practical terms. We consider what feelings and concerns Brexit has created, how it has been shaping EU citizens' actions, how it has impacted on their plans for the future, and how it is already affecting their rights.
2. Issues around the EU Settlement Scheme. The second part of the report focuses on scoping current awareness and knowledge of settled status among EU citizens and third sector organisations in Scotland. We consider what questions, concerns, and challenges it raises.
3. Brexit and EU citizens' support needs. The third part explores support needs arising from Brexit and the introduction of the EU Settlement Scheme. We look at present availability of support, challenges for support providers, and best ways of delivering support.

Based on our analysis, we present recommendations and points for action by government, business, civic society and third sector organisations in Scotland with a view to facilitating support for EU citizens throughout the implementation period.

PART I: IMPACT OF THE BREXIT VOTE ON EU CITIZENS



'But we don't know what things are going to look like, the fact that we know they're exiting doesn't mean we'll know what this exit will look like.'

EU national, male, focus group participant, Glasgow

Although at the time of writing this report (December 2018) Brexit has not yet happened, the UK's decision to leave the EU has already had profound impact on EU citizens living in the UK and Scotland.¹⁴ Firstly, it has affected EU citizens in emotional terms. Secondly, it has impacted on everyday practicalities as well as future plans, giving rise to Brexit-related risk mitigation strategies. This section provides a comprehensive discussion of the emotional and practical impacts of the Brexit vote on EU citizens.

1.1 BACKGROUND: POLITICAL AND SOCIETAL RESPONSES TO THE BREXIT VOTE

In the years preceding Brexit, the UK Government had taken an anti-immigration stance which largely shaped the policy and media debate around immigration in the run up to the EU Referendum. Immigrants had been blamed for many of the UK's ills and largely portrayed as benefit scroungers, people taking 'British jobs' and creating

¹⁴ For impact of Brexit on EU migrants' future plans see for example: Lulle et al. (2018), McGhee et al. (2017), Moreh et al. (2016); for EU nationals' experiences of discrimination and xenophobia after the Brexit vote see for example: Khalili (2016), Rzepnikowska (2018); for emotional impacts of Brexit see for example: Brahic & Lallement (2018), Botterill (2018), Guma & Jones (2018); Lulle et al. (2018).

additional pressures on housing, schools, and the NHS. The Leave campaign was sending a powerful message that membership of the EU was against Britain's best interests, and immigration was harmful to the UK and its people.¹⁵ Their populist and misleading arguments had spurred anti-EU and anti-immigrant sentiment among many sections of the British society, which arguably contributed to the Brexit vote.¹⁶ The Brexit vote was followed by a sudden increase in racist and xenophobic hate crime across the UK, and in England in particular. These negative societal reactions were not targeted at EU citizens exclusively but extended to a wide range of people regarded as 'immigrants'.¹⁷

Since the Brexit vote and the beginning of the withdrawal negotiations there has been an increase in voices countering the negative view of migrants (and of EU membership) in the public space, in the traditional media and social media. Nevertheless, the UK Government remains firm in its views that (high levels of) migration does not serve Britain's interests. Therefore, the main policy message sent by the UK Government is that Britain needs to cut down immigration and leaving the EU is an important step in 'regaining control' of the UK's borders.¹⁸

While Scotland is often portrayed as being more positive than England in terms of attitudes towards migration, this does not mean it is entirely free from racism or xenophobia: attitudes in Scotland are somewhat more positive rather than completely different than in England.¹⁹ Indeed, a number of EU citizens living in Scotland mentioned encountering hostility here, and especially following the Brexit vote. As a Polish entrepreneur living in a rural area of Scotland recollected:

I never came across any hostility or any racial problems till the Brexit vote. That was the first time in my life, in all my life in Britain [includ-

¹⁵ Moore, M. and Ramsay, G. (2017). UK media coverage of the 2016 EU Referendum campaign. Centre for the Study of Media, Communication and Power, The Policy Institute, King's College London, May 2017.

¹⁶ Berry, M. (2016). Understanding the role of the mass media in the EU Referendum; in: Jackson D, Thorsen E and Wring D (eds). EU Referendum Analysis 2016: Media, Voters and the Campaign. Early Reflections from Leading UK Academics. Poole: Bournemouth University, p. 14.; Tammes, P. (2017). Investigating Differences in Brexit-vote among Local Authorities in the UK: An Ecological Study on Migration- and Economy-related Issues. Sociological Research Online Vol. 22(3) (2017).

¹⁷ Feniks (2016). Report on EU nationals' reaction and long-term consequences of the EU Referendum, p. 6.

¹⁸ Elgot, J. and Grierson, J. (2018). 'May says EU immigrants will lose priority status after Brexit' The Guardian, 2/10/2018 <https://www.theguardian.com/uk-news/2018/oct/02/eu-citizens-lose-priority-under-post-brexit-immigration-plans> [DOA: 18/10/2018]

¹⁹ Rolfe, H., & Metcalf, H. (2009). Recent Migration in Scotland: The Evidence Base. Scottish Government. <http://www.gov.scot/Publications/2009/02/23154109/0> [DOA: 26 June 2018]



ing living in England earlier] and because of where I work (...) I'm always surrounded with the nice people somehow, very rarely I meet aggravated and anxious people and really angry people. But straight after the Brexit vote (...) I have come across comments which I would never like to hear again. And it was the first two or three months [that] were horrible. I personally started to question the sense of why am I even bothering and trying [to develop my business here].

EU citizen, male, individual interview, rural Scotland²⁰

Similarly to the man quoted above, a number of EU citizens mentioned encountering hostility in Scotland for the first time following the Brexit vote. Such negative reactions had also spread into schools:



That was immediately after the Brexit vote. [My EU friend's son] wasn't bullied before, he was never bullied before. They had the Brexit vote and the next week that's when he started to say his son was getting bullied.

UK citizen, male, focus group, rural Scotland

Therefore, while official statistics on hate crime in Scotland do not record an increase following the Brexit vote,²¹ such incidents had been mentioned by our (and other)²² study participants. At the same time, however, a number of our respondents spoke about the spike in hate crime in England following the Brexit vote,²³ and stated they were glad to be living in Scotland rather than England at this time. The sheer fact that in Scotland the majority had voted to stay in the EU was interpreted as a sign of a more positive attitude to migration here. Moreover, some EU citizens mentioned being reassured by local people after the vote:

²⁰ This quote is taken from research data for the Author's other recent project: Attracting and retaining migrants in Scotland: is a social integration strategy the answer?

²¹ COPFS (2017). Hate crime in Scotland report, 2016-17. http://www.copfs.gov.uk/publications/equality-and-diversity#Hate_Crime_in_Scotland [DOA: 17/12/2018]

²² Sime et al. (2017). Eastern European Young People in Brexit Britain: Racism, anxiety and a precarious future. Research and Policy Briefing No.1.

²³ Home Office (2017). Hate Crime, England and Wales, 2016/17. Statistical Bulletin 17/17. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652136/hate-crime-1617-hosb1717.pdf [DOA: 22/10/2018]



[N]ot long after the vote we went to an optician with my son and it's owned by these two really nice Scottish guys. And they themselves started speaking to me and said they thought this was absolutely horrendous what happened. And they're on our side and they wanted us to stay and so on just to make sure that we knew that people in Scotland don't feel that way.

EU citizen, female, focus group, Glasgow

Another significant factor strengthening the feeling that Scotland is currently a better place to be was the supportive stance of the Scottish Government. Shortly after the Brexit vote the Scottish Government issued an official statement that EU nationals were important to Scotland and remained welcome here. This clear and strong political message was of huge importance to the EU citizens we spoke to, even if they were aware that immigration policy (and their fate) ultimately depended on the decisions of the UK Government. The positive take of the Scottish Government on migration was seen as greatly reassuring:



[After the Brexit vote] I thought - this is awful. This is actually awful. This is my home, you know, and I feel no longer welcome. Later [that day] the statement came out from Nicola Sturgeon and that changed things for me, at least one official figure who says something [Fellow discussant adds: She was the only one!] and I thought that was really nice.

EEA citizen, female, focus group, Glasgow

Equally, words of support issued by many Scottish local authorities and individual MSPs were greatly appreciated by EU nationals. Therefore, while EU citizens were upset or even shocked by the continued negativity to migration coming from the UK Government, the very different position generally taken by Scottish policymakers made a huge difference to their well-being:



The [UK] Government says, oh, you're all bad people. We don't value you (...). Scotland's not so much like that because Scotland and the Scottish Government, the SNP are saying the exact opposite, that they want us here. And they've said that they think of us as Scottish and that's it. But the Government in Westminster, they're just crazy people as far as I'm concerned and they clearly don't value me.

EU citizen, female, focus group, Glasgow

Importantly, the actions of the two governments have also greatly impacted on levels of trust towards them with a number of EU migrants declaring that while they trusted the Scottish Government to 'at least try to fight for us', they had completely lost trust in the UK Government. Some expressed the view that the UK Government had forged a plan to 'get rid of' as many migrants as possible and the 'hostile environment' and Brexit were simply part of this plan:

Deep down I hope it's going to be ok, I try not to worry too much. We'll see. People are really terrified. Our teacher, she's Polish, was the one who asked [at an advice and information session], who will cover the cost of shipping her furniture if she's made to leave... No one will make you do anything... If it comes to it, they will make your life here such a pain that you will be desperate to leave. Let's be honest, that's the plan.



EU citizen, male, focus group, rural Scotland²⁴

Regardless of belief in such a plan, Brexit has generally created a negative political and societal climate for EU citizens (and other migrants) in the UK which has affected everyone to some degree. Let us thus move to an analysis of the emotional impacts of the Brexit vote on EU citizens living in Scotland.

1.2 EMOTIONAL IMPACTS OF BREXIT ON EU CITIZENS

The UK's decision to leave the EU has repeatedly been described as a huge shock by EU citizens.²⁵ Not only has this unexpected decision put EU citizens' legal basis for living and working in the UK into question but also, and for some above all, it has created the impression that they were no longer welcome in Britain. This impression has been strengthened by the aforementioned 'hostile environment' created by the UK Government and its institutions as well as negative societal reactions to European and other migrants. Therefore, many EU citizens have taken Britain's decision to leave the EU highly personally as a sign of rejection, no longer being wanted or valued. While feelings of uncertainty, worry, anxiety, stress and concern²⁶ might have been strongest in the immediate aftermath of the referendum, they have not passed. As one of our focus group participants stated two and a half years after the vote:

I think about it every day. Every day. The first time I left the house after the Brexit referendum I was... I didn't want to speak. 'Cos you can't see I'm a foreigner but you can hear it. And I had to bring something back to John Lewis. I remember this day well, and I walked to John Lewis and I felt really uneasy about everybody. You know, they don't want me here. I stood there thinking: 'They're going to hear that I'm a foreigner, they're going to hate me.' (...) And then I walked out of there and I thought - this is awful. This is actually awful. This is my home, you know, and I feel no longer welcome.



EEA citizen, female, focus group, Glasgow

What the above quote demonstrates well is that for many EU citizens the feeling of not being wanted or welcome any more was extrapolated from the Brexit vote itself. Hence, even for those who had not experienced hostility directly, Brexit may have caused a massive rupture to feelings of belonging and even identity. This seems especially true for EU citizens who have lived in the UK most of their lives: adults who

²⁴ This quote is taken from research for the Author's other recent project: Attracting and retaining migrants in Scotland: is a social integration strategy the answer?

²⁵ Feniks (2016). Report on EU nationals' reaction and long-term consequences of the EU Referendum, p. 7.

²⁶ Ibid, p. 7; RSE Young Academy of Scotland (2017). Brexit: The impact on Scotland. Report, p.4.

settled here twenty or more years ago and young people who have grown up in Britain. For the latter the UK is the only home they know so being faced with uncertainty as to their future rights in their own country, from the basic right to stay to education and work, is particularly traumatic.²⁷ Moreover, the negativity around immigration has cascaded into school lives with an increase in bullying and feelings of being rejected on the grounds of national origin.²⁸ For example, some young EU citizens reported they had been told to 'go back home', a particularly painful experience for those for whom Scotland/the UK is the only home they know. Others reported going to greater lengths to make sure they fitted into their peer circles and were accepted, such as putting on a local accent, seen as a marker of identity and the right to belong (or not) in public places.²⁹ Therefore, for children of EU citizens growing up in the UK, but also adults who had built their lives here, Brexit is an especially traumatic event.



Another negative emotion arising from Brexit is the overwhelming feeling of uncertainty and anxiety about everything that relates to their everyday lives in the UK, and the right to remain above all. Significantly, which EU country people come from, how long they have been in the UK, what age they are, and what their employment, financial and family status is has no meaning in this respect. Both fairly recent arrivals and those who have lived in the UK longer-term feel equally worried about their rights post-Brexit:



[T]he fact that I'm married, that I've lived here for almost 10 years, that I have a son, that I have a business, that I have a house, that all this means nothing under this Government.

EEA citizen, female, focus group, Glasgow

27 RSE Young Academy of Scotland (2017). Brexit: The impact on Scotland. Report, p. 4.

28 Tyrrell et al. (2018). Eastern European Young People's Feelings of Belonging: Any place in Brexit Britain? Research and Policy Briefing No.2

29 C.f. <https://www.channel4.com/news/the-brexit-fears-of-the-children-of-eu-nationals> [DOA: 18/12/2018]



[And] this is the thing, this is how it's not fair because people like myself, you would've thought, surely after 27 years they're not going to boot me out. But then... in what way am I different from someone who's lived here for 4 years or 6 years or 12 months or...?

EU citizen, female, focus group, Glasgow

This general feeling of uncertainty and the resulting stress has been strengthened by the lengthy and still inconclusive Brexit negotiations:



We know there is a special day but we don't know what will happen next so can I stay here? Can I still work here? Can I study here? So I don't know. We don't know anything at all. We just know that there is a day, that they are dealing with things, they are discussing... for two years and a half they have been discussing but there is [still] nothing [set in stone], so...

EU citizen, female, focus group, Glasgow

As mentioned earlier, the Brexit vote has affected EU citizens across the board regardless of their length of stay. In fact, it is often longer-term residents who have lived in the UK for twenty, thirty, forty or more years (but had never applied for British citizenship) that feel most vulnerable. As opposed to younger people and/or more recent arrivals, these are people who have 'invested' their whole lives in the UK, whose children have grown up here, and who see no options for returning to their home countries or moving elsewhere. We shall come back to this issue in a later section.

EU citizens also feel betrayed or even cheated by the UK Government. They underline they had made the decision to come to the UK on the premise of its EU membership and the rights that come with it. Those arriving here in the 1990s also mentioned choosing to live here because Britain was 'a progressive country welcoming diversity' at the time. Now, however, 'everything has changed' and the reasons that informed their decision to move are no longer valid:

The worst thing is that everything has changed after these 10-13 years [since I arrived], the regulations have changed, everything has changed. Poland used to be this country where you can't plan anything, you can't plan five, ten years ahead and people would come here because here



everything was clear and set, you knew you'd be saving towards your pension, you have a bank account, there's continuity. And suddenly... There's this borderline and you don't know what's going to happen beyond it.

EU citizen, male, focus group, Glasgow

Consequently, as mentioned earlier, many EU citizens declare having no trust in the UK Government and its reassurances. They cite the example of the Windrush scandal³⁰ and feel there are no true guarantees of their legal status in the UK. Moreover, the feeling of betrayal does not stem from loss of rights exclusively but also from breach of ideals and beliefs, a certain worldview:



I'm a believer in the integrated Europe and it [Brexit] was a bit of a slap in my face because when I first came to the UK I had a trust that generally migrants were welcome here.

EU citizen, female, focus group, Edinburgh

Many EU citizens who took part in our study expressed feelings of confusion and 'feeling depressed about the whole thing'. Many were angry they had not been given the right to vote in a referendum which was decisive for their fate. They felt the decision was made for them and they were powerless under the circumstances. They also felt there was a lack of understanding on the part of the British society about what exactly Brexit meant for EU citizens and to what extent it was affecting them all. As one study participant stated:

*What would be really helpful would be if the people around me acknowledged that this is a s*** show and that I am in real despair and that it won't all be fine and that it doesn't matter that I'm married. And I think this is something that I'd like everybody to know, that the fact that I'm married, that I've lived here for almost 10 years, that I have a son, that I have a business, that I have a house, that all this means nothing under this Gov-*

³⁰ The 'Windrush generation' are Commonwealth citizens who arrived in the UK legally in following the Second World War and whose right to stay in the UK had been questioned in result of the introduction of the 2014 Immigration Act: https://www.amnesty.org.uk/blogs/yes-minister-it-human-rights-issue/seventy-years-after-windrush?&gclid=CjwKCAIA0uLgBRABEiwAecFnk_pcHdmFN3B4X66EMNeSJA8nxtX3tmDN-JWa4y2xCL1BGY7a40O8ihoCxBEQAvD_BwE [DOA: 5/12/2018]



ernment. And that is information that I would really like to have plastered on every wall. Because I'm tired of hearing that surely it will all be fine.

EEA citizen, female, focus group, Glasgow

Nevertheless, not everyone we spoke to felt as emotional. Some of our respondents remained rather stoic in the face of Brexit and decided to simply carry on with their lives without paying too much attention to Brexit for the time being. Nevertheless, this relative calm was often underpinned by limited understanding of Brexit-related developments and the potential changes ahead.

At this point it is important to underline that not all EU citizens are aware of what changes Brexit might bring and how it might affect their rights. On the one hand, this means they might not be as affected by the Brexit uncertainty as those in the know, but on the other it means they are more vulnerable in terms of securing their rights post-Brexit. These are typically more vulnerable EU citizens, for instance those with limited English and/or living rather isolated lives. It is hard to establish how large this group of EU citizens is but the issue of how to reach them and what happens if they do not register within the deadline remains an important one. We shall come back to this in later sections.

1.3 IMPACT OF BREXIT ON EU CITIZENS' PLANS

Brexit and the uncertainty created by it has motivated many EU citizens to defer various life projects and plans, such as seeking employment abroad, bringing family members over, travel/mobility plans, study plans, or business plans. For example, one of our study participants, a young man from Poland who had obtained his PhD at a Scottish University a few years ago, pointed out that Brexit had seriously limited his mobility and employment opportunities:

My partner is British. [T]he referendum has forced a decision on me to stay in this country so that I can get a settled status. If I moved to a different country for a post doc etc., I could



not return to this country, at least not on the same terms.

EU citizen, male, focus group, Edinburgh

A number of other study participants reiterated this point and mentioned deciding against earlier plans of temporarily moving to another EU country due to uncertainty around conditions of re-entry and re-settlement in the UK. Participants also mentioned putting travel plans on hold – either their own or their family members' and friends'. For instance Julia,³¹ a young woman from France, advised her mother against visiting Scotland right after the Brexit date as she felt unsure how this would affect entry requirements but also flight schedules. Moreover, Julia was originally planning to apply for a university course in Scotland in 2019 but suspended these plans due to uncertainty around her rights to stay, university fees, funding opportunities, etc. Some people mentioned changing plans for family re-unification or being joined by distant family members. One of our study participants was originally planning to invite his young nephew to Glasgow this year and give him the opportunity to learn English and gain work experience. However, with Brexit looming he was no longer sure he could do so. Brexit has also already impacted on occupational mobility within the British labour market with some EU citizens being reluctant to make 'risky' moves and change jobs or careers at this point. In some cases Brexit had also affected longer-term investment decisions, such as purchasing property in Scotland:



We had to move houses 4 months ago and our first idea was, we are quite happy here and we were thinking of buying a house. But in the end we thought: You know what? With all the Brexit stuff, better not do that and wait [what will] happen. We are renting a flat just because of that. We are very happy here, but we don't know what will happen [so it] is better to go for the short term and then we will see.

EU citizen, male, focus group, Dundee

Moreover, Brexit has hugely impacted on EU citizens running businesses in the UK (as well as British businesses employing EU migrants and/or doing business in the EU). As one entrepreneur whose staff as well as clients were largely EU citizens explained:

³¹ In the interests of anonymity and data confidentiality all the names used in this report are nicknames and not our respondents' real names.



I don't know if I'm going to be here, I don't know if any of my staff are going to be here, we don't know if our clients are going to be here. (...) And we can't make investments, we can't plan things...

EEA citizen, female, focus group, Glasgow

All of the so far mentioned uncertainties have greatly impacted on EU citizens' perceptions of the UK and have cast doubt on their future here. Many Europeans, even those settled here, have started questioning whether they should remain in Britain:



*You really have to ask yourself, well how desperate am I to be here? Let's face it, life isn't that great here. It rains all the time, you have single glazing, two taps, the worst pensions in Europe, maternity pay is an insult... And if you're old, they fast sell your house before you get any money to get into care! So really, if we look at it objectively it's pretty s*** here.*

EEA citizen, female, focus group, Glasgow

Others have already decided to leave:



I've met a lot of Poles who are mortified by Brexit (...). There is big uncertainty and a lot of people have rushed into decisions and went back already. Some have been thinking about it for a while and this situation has pushed them towards return.

EU citizen, male, focus group, rural Scotland³²

At this point, however, it should be underlined that leaving the UK is not an option available to everyone, particularly those who have spent most of their working lives here. While people in their 40s already think they might face barriers to finding work in another country, those in their 50s and of pre-retirement age do not think this feasible:

If you're young, say 40 or younger, you can still move. But if you're 60 you look at this differently because I as a 60-year-old... I can't go back to Po-

³² This quote is lifted from research for the Author's other recent project: Attracting and retaining migrants in Scotland: is a social integration strategy the answer?



land where I'd have to start from scratch again, that would make no sense, so I have to make it here till the end, till I get a pension, that's what I think.

EU citizen, male, focus group, Glasgow

On the other hand, some younger migrants who would have liked to move abroad refrained from doing so as this could jeopardise their opportunity for applying for settled status. Therefore, for them staying put was in essence a way of mitigating Brexit-related risk.

1.4 MITIGATING BREXIT-RELATED RISKS

Brexit has also spurred certain behaviours with many EU citizens developing strategies to mitigate perceived risks. This may take the form of refraining from making any longer-term plans or investments and/or preparing a 'back up' plan. Therefore, some Europeans who had arrived fairly recently are avoiding making any longer-term plans for staying in the UK until the details of their rights post-Brexit are known. Instead, they are focusing on the present and making short-term plans in case it appears they need to, or decide they want to, leave the UK:



I moved house recently, at the beginning of September, and when we were looking for a new flat one of my requirements is that it needed to be maximum a 6 month lease because this [Brexit] kicks in on March, is it? And I don't know what is going to happen.

EU citizen, male, focus group, Dundee

Some of those who have been in the UK longer and are settled here, in turn, have started making contingency plans in case it appears leaving Britain is the only or the best option for them. For example, one German citizen was considering re-registering with her local authorities in order to secure her position there:



I think it might actually be worth for me to register back home again. Because I own property in Germany. I can register there again, as a citizen, that I live there again. With all the bits and pieces you get with that second domesticity.

EU citizen, female, focus group, Glasgow

Moreover, some of our study participants registered with their diplomatic institutions in Scotland/the UK because 'if there is a crisis [following Brexit] they will get me out of here'.

Many EU citizens who have been in the UK longer-term and wanted to reduce uncertainty and secure their status have applied for permanent residency and/or British citizenship. This is borne out by statistical data: in the year ending March 2017, 108,590 documents certifying permanent residence and permanent residence cards were issued, mainly to EU citizens (88%). This is the highest recorded annual figure and more than 5 times the figure for the previous 12 months. Moreover, the year to March 2017 also noted the highest recorded annual figure for issuing registration certificates and registration cards: 88,838, which is more than double the previous 12 months (41,615). Again, most of the rise was attributed to EU nationals. Finally, applications for British citizenship from EU citizens rose by 35% between March 2016 and March 2017.³³ However, formalising stay through applying for either of these is not an easy step and includes lengthy and labourious applications as the applicant needs to evidence the whole history of their stay in the UK. An applicant also needs to send in their passport to the Home Office for the duration of the process, i.e. for up to 6 months. Applying for British citizenship is also costly with fees for adults currently amounting to over £1,200.³⁴ Significantly, in some cases applications for citizenship are rejected (in 2016 and 2017 the refusal rate was 8-9%)³⁵ and in this case the fee is not reimbursed. Therefore, leaving bureaucratic hurdles aside, for many applying for British citizenship is simply unaffordable. Furthermore, EU citizens from certain coun-

33 <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/summary-of-latest-statistics#how-many-people-continue-their-stay-in-the-uk> [DOA: 18/12/2018].

34 <https://www.gov.uk/government/publications/fees-for-citizenship-applications/fees-for-citizenship-applications-and-the-right-of-abode-from-6-april-2018> [DOA: 17/12/2018]

35 <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/how-many-people-continue-their-stay-in-the-uk#citizenship-grants-and-refusals> [DOA: 16/12/2018]

tries face additional formal barriers to applying as a number of EU states do not allow for dual citizenship. Hence citizens of these countries need to give up their original citizenship in order to acquire British citizenship. Other states put additional requirements in place:³⁶ for example, German citizens can only take on another citizenship of another EU country, and those who live outside Germany need to re-apply for their German citizenship every 24 months. Therefore, securing one's stay through applying for British citizenship may be a highly problematic option for a number of reasons.

Some research participants have mentioned taking other contingency steps such as investing in properties in other countries rather than in the UK, or making investments in other currencies.

Interestingly, a few EU citizens we came across had moved from England to Scotland following the Brexit vote or specifically chose to come to Scotland (and not other parts of the UK) simply because of the perception that it was friendlier and hence safer:



A lot of people asked me, why you're going to a country where no one wants you? I said I'm not going to [the] UK, I'm going to Scotland, I wouldn't like to be in England. The atmosphere there is a bit hysterical, people have English flags in their windows, they're complaining about migrants coming here, contributing to their economy [with irony]. Here in Scotland everyone's a bit sorry, the atmosphere is completely different.

EU citizen, female, focus group, Edinburgh

Summing up, many of the EU citizens in our study had taken various steps to mitigate Brexit-related risk. However, the main strategy was 'waiting it out' to see what the results of the Brexit negotiations would bring. The overwhelming majority of our study participants wanted to stay in the UK. Securing their rights to live and work in the UK was hence of crucial importance to them.

³⁶ For a short review of dual citizenship laws see: <https://www.mcgillandco.co.uk/blog/brexit/which-eu-countries-allow-for-dual-citizenship-with-the-uk-updated.html> [DOA: 17/12/2018].

1.5 IMPACT OF THE BREXIT VOTE ON EU CITIZENS' RIGHTS

Although formally there have been no changes to the rights of EU citizens in Scotland/the UK since the EU Referendum (and only if there is a deal, there will be no changes until 31 December 2020 which marks the end of the 'implementation period'), we note cases of discrimination on the basis of assumptions of change of status.³⁷

Brexit is already proving to impact on EU citizens' rights, such as access to employment or renting, and seemingly also access to mortgages. We have come across cases of EU citizens being asked to prove their eligibility for employment (and then being rejected when they could not present any paperwork) or landlords refusing to rent properties to EU citizens on the grounds of their uncertain immigration status. Moreover, it seems some lenders might have become more careful in granting mortgages to EU citizens (still, the evidence for this is only anecdotal as banks are not obliged to provide the reasons for refusing a mortgage). Also, there have been (unlawful) cases of EU citizens being asked to provide additional documentation, such as permanent residency, when registering with the GP or entering the UK.

We had earlier discussed a general rise in hostility towards EU nationals (and migrants in general) within the British society. There is also some evidence of further extension of the 'hostile environment' within British institutions to EU citizens. Third sector organisations have reported an increase in unlawful refusals of benefits, and deportations of EU citizens for homelessness or petty crime. Many EU citizens applying for permanent residence or citizenship have also had their applications refused for reportedly minor reasons. In 2017, refusal rates for EU citizens seeking permanent resident status were at 28%.³⁸ Whether this can be put down to the hostile environment is arguable yet the general feeling was that such actions were indeed part of it:

I think the idea of bringing down immigration to below 100,000, I think they're still trying to do that and I think that's part of the sto-

³⁷ Providing there is deal.

³⁸ Sime, D. (2017). Brexit and the future of EU -born young people living in the UK, in: RSE Young Academy of Scotland (2017). Brexit: The impact on Scotland. Report, p. 7.



ry. Incompetence, definitely, but I think there is an element of malice involved as well. Whoever had dealings with the Home Office knows they are a combination of incompetence and nastiness.

UK citizen, male, focus group, Glasgow

Therefore, even though there should be no changes to EU citizens' rights as yet, the sheer confusion around the issue has already affected practices on the ground with EU citizens facing growing barriers to employment, finding housing, and receiving benefits, while the most vulnerable, homeless EU citizens, face detention.³⁹

1.6 CONCERNS ARISING FROM BREXIT

Brexit has brought about huge concerns related to loss of rights afforded by EU membership along with worries about how it is going to affect the UK as a country on the one hand, and opportunities for British citizens on the other. In this section we shall discuss concerns related to loss of EU membership rights in particular.

At the moment EU citizens enjoy similar rights in the UK to British citizens (with the exception of voting in parliamentary elections) yet Brexit puts all of these into question. Therefore, Europeans are deeply concerned about losing their basic rights, such as right to reside, right to work and access employment on a non-discriminatory basis, family rights, free movement, access to education, to healthcare, to welfare, pension rights and portability of pensions, voting rights, taxes, and more. The questions raised time and time again at EU Citizens' Rights Project-Scotland information and advice meetings and group discussions were:

- Will we be able to stay here or will we have to leave the UK?
- If we can stay, will we be able to get work? Will employers have to apply for visas for us? Will we have the same employment opportunities as British citizens?
- If we can stay, will our family members and partners be able to join us? If so, will

they have to apply for visas and pay fees for this? How long will they be able to stay for? Will we be able to bring our elderly parents over to take care of them here?

- Will we be able to travel and stay outside the UK for longer periods of time or will we then not be allowed back in?
- Will our children be able to attend school, college, university? Will we have to pay international university fees?
- Will we be able to continue using the NHS or will we have to pay for private healthcare? Will we be able to use A&E (accident and emergency services)?
- Will we be able to claim benefits if we lose our jobs or fall sick? Will we be able to apply for social housing?
- Will we be able to claim our pensions in the UK? If we need to or decide to move, will we be able to move our pensions elsewhere?
- Will we still be able to vote in local elections? Will we be given other voting rights?
- Where will we be paying taxes? Will we be subject to double taxation?
- What will happen to our homes and mortgages? Will we be able to keep our property here if we stay? Will we be able to keep our property here if we leave the UK?

These are only some of the questions raised but there were many others. We need to underline that such concerns were shared by EU citizens across the board, regardless of length of stay, country of origin, socio-economic status or language skills. Therefore, whether in the UK for 2 years or 20 years, EU citizens were equally concerned about losing their rights and how this would impact on their lives.

Apart from uncertainty with regards to maintaining basic rights, a number of highly specific issues related to particular personal circumstances came up in the course of our research and advocacy work. For example, in view of the differences in LGBT rights between European countries, an LGBT respondent raised concerns around rights to adoption:



[I'm] concerned about losing the chance to get [British] citizenship as being in a LGBT relationship I would like to adopt a child [which British citizens have the right to do], and I can't do that in my country.

EU citizen, gender unknown, response to questionnaire

³⁹ Just Right (2018). StrEEt Aware: Challenging Destitution and Homelessness for EEA Nationals in Edinburgh. Project report. <http://www.justrightscotland.org.uk/our-work/scottish-refugee-migrant-centre/brexit-eu-citizens/street-aware-project/> [DOA: 10/12/2018]

Another of our respondents raised the issue of moving his cat to another country if need be – a perfect exemplification of the paradoxes of Brexit and how it can impact on even the smallest details of EU citizens' lives:



I have a cat and [it] is a Spanish cat and he [has] come with us [to the UK] because [it] is [the] EU. You know, (...) it is because of free movement. If I have to move the cat, and it needs to be for 6 months somewhere [because of a quarantine requirement], I would like to know now (...). We don't want to originate a trauma in the cat [and] it is important for me to know what [will] happen with free movement of cats.

EU citizen, male, focus group, Dundee

This somewhat amusing quote draws attention to broad effects of losing the multitude of rights which come with EU membership, such as travelling freely with pets, being able to access emergency healthcare for free across the EU with an EHIC (European Health Insurance Card), or the right to open a bank account in another EU country. Our study participants underlined that this would affect British people even more than it affected them, as they would still remain EU citizens free to move to other countries within the EU and exercise their EU membership rights outside the UK.

People were also worried about the future of organisations, institutions and businesses/economic sectors which largely depended on EU labour or international collaborations, such as the NHS, foreign cultural institutions (e.g. the Goethe Institute or Alliance Française), construction, agriculture, hospitality and the education sector:



Right now a lot of talent here is from abroad, and you are letting a lot of talent to go away. Nurseries, schools everything is going to be affected. So at the end of the day, services you get will be affected.

EU citizen, male, focus group, Dundee

One of the employment sectors particularly affected by Brexit due to its high degrees of internationalisation is higher education, a point raised many times by university staff as well as students. Major issues for the sector were: losing EU staff and prospective students due to legal hurdles and the negative atmosphere around immigration; losing

access to EU funding for research projects and international programmes; losing out on opportunities for staff and student international mobility due to issues of funding and legal constraints; losing out on international collaborations due to all of the above. Therefore, our study participants who were university employees expressed great worry about both their sector and the people working within it:



I'm thinking, so what's going to happen to half of my school at the end of March? I work in (...) one of the schools that has the highest number of EU nationals working. So there's lots and lots of Germans, Greek, Spanish, Eastern European countries, Poland, Czech, all over the shop (...). Are they all going to have to leave, are they going to shut down several (...) programmes because there won't be anyone to teach them? It's crazy!

EU citizen, female, focus group, Glasgow

Furthermore, one group of EU citizens worth singling out due to particular concerns around Brexit were EU students. Students expressed a lot of worry about the impact of Brexit on opportunities for further study in the UK but also on internships, work opportunities, student mobility, and access to EU funding. Students were also most confused as to what they were required to do to be able stay in the UK. They were unsure whether they would have to apply for settled status or would be subject to other regulations. This brings us onto the challenges of settled status and its implementation.

PART II: ISSUES AROUND THE EU SETTLEMENT SCHEME

2.1 BACKGROUND: THE EU SETTLEMENT SCHEME

The activities of the EU Citizens' Rights Project-Scotland between February and December 2018 involved informing EU citizens about the Settlement Scheme and their obligation to apply for settled status within the implementation period. Thanks to the Project's engagement with EU citizens throughout the process, we have learnt about their awareness of the scheme and main concerns arising from it.

As set out in the 'EU Settlement Scheme: Statement of Intent' document published in June 2018,⁴⁰ in order to secure their right to live in the UK after Brexit EU citizens will need to apply for 'settled status' by 30 June 2021. However, the implementation of the EU Settlement Scheme may still depend on the results of the final negotiations between the UK Government and the European Union. At the time of writing this report (December 2018), the EU Settlement Scheme had been tested among NHS staff, was being rolled out to universities across the UK, and was to open to all EU nationals by 30 March 2019.

The UK Government has stated their intention to make the process of applying for settled status as simple as possible. Hence applicants will need to meet only two basic requirements: to have lived continuously in the UK for five years by 31 December 2020, and to be free of serious criminal convictions. Applicants will need to prove their identity, and go through a criminal convictions and residence check. In most cases these will be carried out automatically through checking existing data records on employment and benefits. Where this is not possible, applicants will be asked to provide evidence of residence themselves and 'a wide range of documentation, reflecting

the variety of people's individual circumstances⁴¹ will be accepted. Those EU citizens who will not have fulfilled the 5 year residency requirement by 31 December 2020 will initially have to apply for 'pre-settled status' and next for settled status once they reach the five years. Applications will be submitted through an online app (ID and supporting documentation is to be scanned and sent over electronically) and will cost £65 per adult and £37.50 for children under 16 years of age. Those who already hold a valid permanent residence or indefinite leave to remain document will be able to swap it for settled status free of charge.

The UK Government has not yet fulfilled its promises of expanding 'wider communications to ensure that EU citizens and their family members living in the UK are aware of the EU Settlement Scheme and our plans for how it will operate'⁴². Nevertheless, at the time of writing this report (December 2018) the Home Office is publishing more information and toolkits aimed at people and organisations working with EU citizens (e.g. employers and community groups).⁴³ Although the application process as outlined above indeed appears straightforward, we note a lack of awareness of the scheme among many EU citizens and considerable misinformation and confusion about it among those who are aware of it.

In this part of the report we shall discuss issues arising in relation to the introduction of settled status.

2.2 QUESTIONS AROUND SETTLED STATUS

The questions that were raised at the EU Citizen's Rights Project-Scotland information and advice sessions and during focus group discussions pointed to high levels of confusion with regards to settled status requirements. The most frequently asked

⁴⁰ <https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent> [DOA: 12/12/2018]

⁴¹ Home Office (2018). EU Settlement Scheme: Statement of Intent, p.2. <https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent> [DOA: 12/12/2018]

⁴² *Ibid.*, p. 4.

⁴³ <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>; <https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit>; [DOA: 16/12/2018]

questions were:

- Whether it was obligatory for all EU citizens and what would happen if one did not apply;
- What would happen in case of rejected applications, whether people would then need to leave the UK;
- What kind of documentation will be accepted as proof of residence, would e.g. tenancy agreements or bank account statements be sufficient proof of residence?
- What requirements EU citizens need to fulfil for settled status: does employment status or financial status matter, do you need to have family ties in the UK, do you need to pass a language test, do you need to have comprehensive health insurance?
- What is the relation between settled status and permanent residency, can you apply for settled status if you do not have permanent residency? Will settled status automatically replace permanent residency or will you need to apply for it? If someone applies for permanent residency and is rejected, will that then affect their chances of being granted settled status?
- For those who will only fulfil the 5 year residency requirement by 31 December 2020, is it better to apply for pre-settled status as soon as possible or settled status at a later stage?
- Do students need to apply for settled status?
- Is settled status 'for life' or temporary? Can you lose settled status? If so, under what circumstances?
- Will all applicants have to pay for settled status or will there be any exceptions (e.g. retirees, unemployed)?
- What is the process of applying?
- Does settled status of one family member living in the UK provide rights for close family members (e.g. parents, siblings) to work in the UK?
- How does settled status relate to permanent residency and British citizenship? Can you apply for citizenship using settled status rather than permanent residency? Which is better under given circumstances?

The scope of these questions demonstrates how little is known about settled status at this stage and how big the need for further particulars is. This point was reiterated by organisations and institutions working with EU citizens: the lack of detailed information meant they could not provide any tailored advice to their clients. Hence, the general uncertainty around settled status eligibility and requirements might lead to

scaremongering as information is often shared through word of mouth and misinterpreted in the process. As third sector representatives in Aberdeen told us:



There are straightforward cases, people who have been in one job for 10 years, but if you move between jobs or have periods when you've been a student or your partner is a student... If you have a more complicated story, people are afraid. And if they apply and then get rejected... there is fearmongering. People are saying things like 'don't fill in your application forms' and 'you shouldn't apply for residence, you have the right to live here, so don't apply for anything or you will get kicked out.'

A lot of people that we work with don't have correct paperwork, no employment history. Their passports have expired and they have this fear 'what if I don't have any of that, will they just...'

Third sector representatives, focus group, Aberdeen

Third sector organisations working with destitute EU citizens also raised questions about financial support for those who will not be able to cover application costs, such as low-income families.

2.3 THE APPLICATION PROCESS – ARISING ISSUES

As mentioned earlier, the application for settled status is an online one. The EU citizens and third sector organisations we engaged with raised a number of concerns related to the technicalities of applying for settled status online, namely:

- Computer literacy – some, especially older or disadvantaged EU migrants, may not have the appropriate skills to make an online application;
- Language barrier – not all EU migrants know English well enough to be able to complete the application themselves, the fact that it is online and not on paper makes it more difficult for them;
- The app only works on android phones (version 6.0 or higher) and no other sys-

tems, hence those who do not own/have access to a device with the 6.0 Android (or higher) operating system need to seek alternative devices;

- Not all EU citizens have access to a personal computer or the Internet, and using publicly available computers (e.g. libraries) raises issues around personal data security (as the application involves scanning ID documents);
- The requirement to have an electronic passport (with a chip that can be scanned) – many people will not have it.



Some of the issues listed above will have been addressed (to some degree at least) by the time of opening the Settlement Scheme to all EU citizens in late March 2019. Significantly, since the time we gathered the data above (November-early December 2018), the Home Office has put forward a course of action aimed at EU citizens who need support with digital access.⁴⁴ This will be carried out through a collaboration with We Are Digital (the Home Office digital provider) and ‘an assisted digital service will be available to provide those who do not have the appropriate skills, access or confidence to complete the online application for the EU Settlement Scheme.’⁴⁵ We Are Digital are to provide support in three ways: over the phone, face-to-face in locally operating centres (such as a libraries or community centres), and through in-home tutors. At the time of writing this report, We Are Digital were looking for delivery partners across the UK, and within 10 days of publishing the call 19 local councils in Scotland had expressed an interest in providing the service.⁴⁶ We Are Digital is to provide full training to local partners. Moreover, community organisations will receive payment for every applicant they assist.

However, as mentioned before, at the time of carrying out the research (November-early December 2018) the We Are Digital programme had not yet been publicly

44 Information on We Are Digital is included in the Home Office ‘EU Settlement Scheme Community leaders and local authorities toolkit’ which was published on the Home Office website on 3.12.2018.

45 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761157/Toolkit_introduction_-_how_to_use_the_local_authorities_toolkit_in_your_community_or_network_.pdf (p.8) [DOA: 16/12/2018]

46 Information provided by COSLA through e-mail correspondence, 13.12.2018.

advertised. Hence, the EU citizens and third sector organisations we interacted with had not heard about the prospect of being offered such support once the Settlement Scheme is rolled out across the country. Nevertheless, while preparations for providing digital support are currently under way, at this point in time we cannot envisage how this is going to work in practice. We do not yet know whether all local councils across Scotland will sign up for the We Are Digital programme and whether the support offered through it will be sufficient and accessible to all EU citizens who might need it. Therefore, the issues raised by EU citizens and third sector organisations in the course of this study may well still need addressing in a few months’ time.

Furthermore, at this point in time the EU Exit app (the app for applying for settled status) is still being tested and we do not know how easy or difficult it will be to use in practice. A limited trial of the beta version of EU Exit app began on 1 November 2018 and has so far been piloted among NHS staff and is currently being piloted among university staff. Multiple issues connected with its use have been reported by participants of the pilot, such as:⁴⁷

- Difficulties with scanning electronic passports - the passport chip scanner does not work on certain phones and the app does not appear to work abroad;
- Difficulties with the automated residency checks – there have been reports of residency addresses not being recognised or previously issued proof of residency not being found on the system (e.g. in cases of people who have permanent residency);
- Difficulties with uploading additional documentation to prove residency due to file number and size limitations – applicants can only upload up to 10 files, no greater in size than 2MB each (apparently users only learn this mid-way through the application);
- Lack of clarity around the 5-year residency requirement and hence providing relevant proof. Although official guidelines only mention the requirement of a 5-year continuous residency without specifying a timeframe for this, i.e. any 5 years of residency should count towards this requirement,⁴⁸ the system automatically checks the last 5 years at the time of application, i.e. currently 2013-2018;

47 Information provided here is based on scoping opinion among university staff from a few different universities in Scotland and a Guardian article: <https://www.theguardian.com/politics/2018/dec/08/another-blow-brexit-app-eu-nationals-string-bugs-home-office> [DOA: 16/12/2018]

48 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753971/eu-settlement-scheme-pb2-v1.0-ext.pdf [DOA: 16/12/2018]

- Applicants are asked to upload their photo. It is not obvious from the beginning of the process that this is a photo that is going to be used for all future identity checks on the applicant and visible to e.g. prospective employers (and hence some applicants have uploaded photos they *'would not like to present to an employer'*).

Nevertheless, as the Home Office underline the point of the beta trial is to identify problems with the app and fix them before it is rolled out at the end of March so by that time these issues might be solved. Moreover, while some applicants encountered multiple problems with using the app others did not.

However, apart from strictly technical problems, a number of other issues with the settled status application were raised. These were:

- Objections on ethical grounds – for example, EU citizens who had been living in Scotland long term objected to the necessity of having to apply for settled status and/or having to pay a fee for it;
- Personal data security - uploading IDs onto public computers to fill in the application; the possibility of the database being hacked; the possibility of information phishing;⁴⁹
- Personal data use, e.g. having to permit the Home Office to share one's data with other public and private organisations at home and overseas; at the point of checking an EU citizens' immigration status online landlords, employers etc. have online access to sensitive data, such as photo or date of birth (which in the case of looking for work you would not normally put on your CV);
- Ease of use for those checking an EU citizen's immigration status – those digitally less skilled, e.g. elderly landlords, might find the checking system overly complex; employers might not wish to bother with the checks and this may lead to discrimination of EU citizens in the labour market.

As can be seen from the above analysis, even though the UK Government's goal is to make the application process for settled status as simple as possible, this may prove challenging in practice. There are still many unanswered questions around applying for

settled status, e.g. around documentation accepted as proof of residence.⁵⁰ Moreover, while the UK Government promises the Scheme to be flexible and aimed at accepting rather than rejecting applications, people's earlier experiences with the Home Office are often far from positive and lead to fears of their applications getting rejected, even for minor reasons. Therefore, there appears to be a huge need for further information and for support in relation to settled status applications. We shall discuss advice and support needs arising from Brexit in detail in the next section.

49 The system of proving one's right to work/rent works as follows: when asked for proof of immigration status by potential employer/landlord, the EU citizen logs into the UK Government website and clicks a button that sends an email to the employer/landlord. They have to click on the link in the email which takes them to the UK Government website. There, they put in the applicant's identification number plus some information (e.g. company name). They can view the applicant's profile, including their photo, D.O.B. and other sensitive information.

50 So far the Home Office has provided a list of documents considered satisfactory proof of residence in their guidelines for applicants of the pilot scheme published in November 2018 (pp. 69-71) but the guidance is 'not prescriptive or definitive': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753971/eu-settlement-scheme-pb2-v1.0-ext.pdf [DOA: 16/12/2018]

PART III: BREXIT AND EU CITIZENS' SUPPORT NEEDS

3.1 CURRENT AVAILABILITY OF SUPPORT FOR EU CITIZENS

So far, there is little support available for EU citizens. At this point in time (December 2018), there is still limited information on settled status (though more and more information is being made available as we write this report). At the time of carrying out the research (in November and early December) there was general agreement that there is a great need for reliable and detailed information but this was largely unavailable. A number of EU citizens we spoke to mentioned going to various information meetings: with Scottish ministers, with local authorities, with third sector organisations.

However, none of these were deemed particularly helpful as 'they were asking us not to ask detailed questions as they did not have answers to these'. Therefore, while EU citizens taking part in these meetings were hoping to get more information, their questions often remained unanswered. This led to further frustration, a point reiterated by third sector organisations.

On the other hand, some study participants received a lot of support from their employers. This was mentioned by university staff in particular:



We're super lucky that with Glasgow Uni, there's e-mails coming out all the time. Even to catch people who haven't been for advice yet. And there's lots of advice, meetings for groups of people, one to ones on immigration and so on. And these are things that cost like £100 and we just get them for free and I think that is amazing because lawyers are extremely expensive. (...) So I'm super grateful, I'm really lucky that I'm working there at the moment (...) because I probably would've been in a much less secure situation if I wasn't working right now or

was working for another employer who was not so supportive.

EU citizen, female, focus group, Glasgow

While this may not have been a universal experience for university staff across the board, they are still in a highly favourable position. Some universities have gone to great lengths to provide information and advice to their EU staff. Moreover, EU citizens employed in the sector can take part in the settled status pilot, and at some universities may have their fees reimbursed by their employer. However, most employers will not be able to provide this level of support to their EU staff. Study participants working in other highly-skilled sectors mentioned that while their employers were highly reassuring and doing their best to provide advice, they simply were not in the position to do so.⁵¹ Nevertheless, simply receiving reassurance from one's employer was also seen as a form of support:



I think it is different if your employer says 'I don't know' even if they don't know, and if they say: 'do not worry, we will take care of this,' which is supportive. So we got support.

EU citizen, male, focus group, Dundee

Smaller businesses as well as third sector organisations wanting to provide tailored legal support to EU citizens struggled with both accessing and funding such services. As a third sector representative from Aberdeen mentioned:



[There are] not enough immigration solicitors, [and] none on legal aid in Aberdeen. There's just a law clinic at RGU but these are students. [They have] cut funding to the ethnic minorities' law centre. CAB helps once a month. It's all sporadic and difficult to access. (...) We need to go to central belt [for legal aid]. And lots of people cannot travel say to Glasgow, they don't have any income to get that advice and support. They end up being isolated here, no legal advice available.

Third sector representative, focus group, Aberdeen

51 As an aside, none of our participants working in lower-skilled jobs mentioned receiving any kind of support from their employers.

Finally, national diplomatic institutions also provide information and advice to their citizens, though each operates differently and not all EU citizens are turning to their embassies and consulates for advice. Nevertheless, some of our study participants mentioned that they felt 'looked after' by their national diplomatic institutions and, as we mentioned earlier, some had even registered with these to have access to crisis support if need be.

Summing up, at the time of writing this report in mid-December 2018, there is still scarce support for EU citizens. This is partly due to the limited information and support available to individuals, organisations and agencies at present. Nevertheless, we note that preparations for providing wide-ranging support funded by the UK Government are currently under way. The EU Settlement Scheme Grant Competition ran by the Home Office is now open. This is aimed at voluntary and community sector organisations who want to support EU citizens in applying for settled status.⁵² Additionally, as mentioned earlier, We Are Digital (the Home Office digital service) will fund further support for digital access and is currently looking for partners within local authorities across the UK to become local centres for this programme. The Home Office has also now published toolkits on the EU Settlement Scheme for employers and community groups/local authorities.⁵³ Moreover, the Scottish Government has just announced launching a support scheme for EU citizens in collaboration with Citizens' Advice Scotland (CAS).⁵⁴ These are all recent developments and at this point in time we cannot say whether these efforts are sufficient and whether the schemes will be successful in covering all support needs. We may possibly also expect further support tools/schemes to be offered in the near future.

52 <https://www.contractsfinder.service.gov.uk/Notice/dcc90ff7-c416-465a-ad92-9dd7f15bce7> [DOA: 16/12/2018]

53 <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>; <https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit> [DOA: 16/12/2018]

54 <https://news.gov.scot/news/information-and-advice-for-eu-citizens> [DOA: 18/12/2018]

3.2 PRESENT AND ANTICIPATED CHALLENGES IN PROVIDING SUPPORT FOR EU CITIZENS

We mentioned the fact that at the time of carrying out the research (November-early December 2018) there was still scarce information available about the EU Settlement Scheme, and this was seen as a major barrier to providing reliable advice to EU citizens. Recently (early December 2018), the Home Office launched toolkits for community organisations and employers, making basic information on the EU Settlement Scheme more accessible (though this is still general rather than detailed information). Moreover, they publicised plans for supporting EU citizens through the We Are Digital programme – such plans were not known to the individuals and organisations we spoke to during the research. However, some third sector organisations were aware of the Home Office funding call for voluntary and community sector organisations and this was referred to during our research.

When asked about present and envisaged challenges in providing support to EU citizens, third sector organisations listed the following:

- Already overstretched resources – many organisations do not have the capacity to deliver new projects;
- Operational issues - this strand of work may not be included in the existing strategies of many organisations and hence they would not be able to deliver it;
- Lack of suitably qualified and trained staff to provide individual-level advice (which classes as immigration advice and requires OISC training and regulation) and lack of second-tier legal advisory services – access to tailored advice is hence problematic;⁵⁵
- Issues with applying for the Home Office Voluntary and Community Sector Grant Fund: as there is a 25% income cap on the funding, small and largely volunteer-based organisations cannot apply for sufficient funding; moreover, some organisations object to their support being funded by the Home Office due to widespread mistrust towards it among service users and concern for data

55 The new support scheme announced by the Scottish Government on 18 December 2018 mentions a second-tier advisory service linked to CAS so this may soon be in place: <https://news.gov.scot/news/information-and-advice-for-eu-citizens> [DOA: 18/12/2018]

confidentiality (the fact that trust is key in providing such services was underlined many times); meanwhile, there is no other funding available for the purpose of supporting EU citizens with settled status applications at this point in time;⁵⁶

- The language barrier and issues around translating/interpreting - lack of funding for translating/interpreting services but also issues with quality assurance of translation/interpretation (it was reported that currently many interpreters do not have 'proper' qualifications and are unfamiliar e.g. with immigration terminology - this could potentially impact on the assessment of applications); moreover, issues with using volunteers for the translating/interpreting, especially in small communities and/or where confidentiality of service is key;
- Issues around reaching out to and providing information and support to hard-to-reach groups, including EU nationals living in rural-remote areas;



Particularly the current issue is, and I don't think the Government knows about it... There is going to be a percentage of people who will not apply for the settled status at the end of the day. It could be a small percent... but they would become illegal migrants, that's something we need to address.

Third sector representative, focus group, Aberdeen

- Uncertainty as to how to support people who will not have relevant documents to register for settled status, especially most vulnerable groups such as victims of domestic violence or homeless people;
- Lack of access to funding to help cover application costs for destitute EU citizens and/or potential translation of documents (e.g. where further evidence on lack of criminal convictions from home countries will be needed);
- Opening times - many third sector organisations are only able to offer services Monday to Friday within usual working hours, a significant barrier to accessing support for many EU migrants, especially in certain areas and employment sectors.⁵⁷

56 Though the recently published toolkit for community organisations mentions that the We Are Digital programme is keen to co-operate with community organisations and they will be offered payment for every applicant they assist (p.8): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765075/EU-settlement-scheme-community-groups-introduction-Packard [DOA: 16/12/2018]

57 C.f. SSAMIS (Social Support and Migration in Scotland). (2016). Living and Working in Scotland: Employment, Housing, Family and Community. Second Interim Report. https://www.gla.ac.uk/media/media_500297_en.pdf [DOA: 14/12/2018]

Therefore, depending on what structures are put into place and how third sector organisations are supported, they may struggle to cater for EU citizens adequately due to the issues listed above. Again, we have to emphasize that at this point in time we have no grounds for evaluating the potential efficiency of the support mechanisms offered (but not yet implemented) by the Home Office and the Scottish Government.

3.3 HOW BEST TO DELIVER ADVICE AND SUPPORT?

Throughout the duration of our project, both at information and advice sessions and during focus groups, we asked EU citizens and third sector organisations how best to provide information and advice about the EU Settlement Scheme. We received a number of suggestions, such as:

- An intensive information campaign about settled status in the media, social media, and through letters from the Scottish Government or MSPs and local authorities (once detailed information is available);



Once everything is known, there should be an 'information attack' organised by the Government over the first 4 to 6 months. Meetings where everything will be explained from A to Z. Once the deal is signed and everything is clear. An 'information attack' through the internet, the press, local meetings. Then the community would calm down. But up till March, there is no sense [in organising meetings]. They're all just talk-talk.

EU citizen, male, focus group, Glasgow

- Information and advice meetings organised at various times during the day (within and outside working hours) and at weekends; also - information needs to be presented in a clear and accessible manner and supplemented with visuals (e.g. slides, print-offs) in order to cater for those who do not speak fluent English; information sessions and/or accompanying printed materials also provided in community languages;
- A reliable website with information and advice, FAQs and case studies EU citizens

- could be referred to, ideally with translation into all other EU languages;
- Through collaborations with existing community groups/organisations and trusted individuals within these; they are often key in passing on information to given communities;
- Through frontline staff of key agencies (who would need to be trained on EU citizens' rights);
- Through one-to-one meetings with language support for those whose cases are complex and/or who are most vulnerable;
- Through drop-in advice clinics in various locations across Scotland.

During the public consultation on our preliminary report (on 10 December 2018),⁵⁸ we also asked for ideas of how we could build on existing resources to better support EU citizens. The following ideas were put forward:

- Building on relationships with trusted key workers and trusted people within given communities as much as possible – the role of trust in accessing support was repeatedly emphasized;
- More partnership working across all sectors (local authorities, employers, NGOs, community organisations, and individuals managing local hubs, such as ethnic shops, etc);
- More awareness raising activities among EU citizens about the support available from their local elected representatives at all levels and especially their MSPs; encouraging EU citizens to approach their local elected representatives with issues they would like to raise; also - local organisations should approach elected representatives to support EU citizens by holding advice surgeries;
- Run a 'train the trainer' programme developed to inform frontline workers from all sectors about upcoming changes;
- Tap into Citizens Advice Scotland (CAS) resources – CAS has a well-developed and trusted network that could be built on;⁵⁹
- Involve GP surgeries and GP link workers in outreach e.g. putting up leaflets with key information for EU citizens and signposting people to support organisations;

58 Citizens' Rights Project-Scotland held a public engagement event in Edinburgh on 10 December 2018. At the event we presented the preliminary results of our research, asked for feedback on our recommendations and discussed what existing resources we could build on to better support EU citizens with regards to Brexit. 49 people took part in the consultation.

59 On the day of finalising this report, 18 December 2018, the Scottish Government announced launching an advice and information service for EU citizens in collaboration with CAS: <https://news.gov.scot/news/information-and-advice-for-eu-citizens> [DOA: 18/12/2018]

- Spreading information on the EU Settlement Scheme through local authority offices, libraries and social media (e.g. Facebook forums and webpages for EU citizens in Scotland);
- Build on experiences and networks of existing and past institutions providing advice and support such as Citizens Advice Scotland (CAS), local Scottish Regional Equality Councils, Scottish Legal Aid Board (SLAB).

One key point raised many times was making sure that people who are trusted within different EU communities are involved in sharing information and/or providing advice and support. Third sector organisations, those working with vulnerable groups in particular, mentioned the importance of having a trusted contact people can go to:



Retaining (case) workers is very important. These people [migrants who face multiple barriers] have trust issues, they don't go to the organisation but to a worker they trust. A worker lost may mean an entire community falls out.

Third sector representative, focus group, Aberdeen

This view was also borne out by EU citizens with limited levels of English who predominantly depended on trusted organisations for advice and support.



From my own experience, if I wanted to learn anything, and this is something I've checked out and is 100% reliable, Weronika and Anna [from a local support organisation] are great at helping out so if I needed any help, that's exactly where I would go.

EU citizen, male, focus group, Glasgow

This point is particularly worth bearing in mind considering the earlier raised issues around accessibility of the Home Office Voluntary and Community Sector Grant Fund, the key funding for small community organisations for providing support for EU citizens. However, there might also be other options for funding given aspects of such support, such as signing up as a delivery partner to provide digital assistance. The Home Office states that in this case: 'Full training will be provided, and community organisations will receive payment for every applicant they assist'.⁶⁰

60 Home Office (2018b). EU Settlement Scheme. Community leaders and local authorities toolkit. Introduction

4. SUMMARY AND CONCLUSIONS

Although Britain has not yet exited the EU, Brexit has already had profound impact on EU citizens in Scotland, both in emotional and practical terms. Brexit generally came as a shock to Europeans living in the UK. The anti-immigrant Leave campaign, and sometimes directly experienced hostility, has made many feel unwelcome and unvalued in Britain. In this context, the welcoming messages received from the Scottish Government, elected members and local authorities, as well as the general friendliness of the Scottish society have been especially appreciated by EU citizens. Notwithstanding, the prospect of losing their basic rights to stay and work in the UK in result of Brexit is causing a lot of worry and stress. Therefore, some EU citizens are taking actions to mitigate Brexit-related risks while others have made the decision to leave the UK. Despite the fact that no changes to EU citizens' rights have yet been introduced, discrimination of EU citizens on the basis of assumed change of status is taking place in practice. Hence, Brexit has already impacted on EU citizens' rights, as well as opportunities and future plans.

There is general uncertainty about the EU Settled Status scheme which is to fully open by 30 March 2019. Significantly, there appear to be many EU citizens in Scotland who are not aware of the Settlement Scheme. The EU citizens we engaged with were the more aware and up-to-date with Brexit developments but still knew very little about the settled status application process, and were considerably confused about eligibility requirements. At the time of carrying out the research, the scheme had not yet been widely advertised. The Home Office started advertising the scheme towards the end of 2018, however, this is far from the intensive information campaign suggested by our research participants.

The forthcoming introduction of the EU Settlement Scheme has created a number of support needs among EU citizens. Firstly, the need for detailed information on the scheme and tailored advice, especially for those whose cases are not straightforward. Secondly, the need for awareness raising with regards to the obligation to apply for

settled status and eligibility requirements. Thirdly, the need for practical and financial support for the most vulnerable EU citizens: those who are not computer-literate or do not have computer/internet access; those whose English is not sufficient to fill in an online application by themselves; those who do not have IDs and other required documentation; those who cannot afford to pay settled status fees for themselves and their families. Particularly vulnerable EU citizens may also need psychological support (further research on this topic is required). Apart from support linked to the introduction of settled status specifically, there is also a continued need for policy work around welcoming migrants and enabling them to become full members of the Scottish society:



For me [it] is like a feeling. I need to feel that I am one more, not someone different. With Brexit you feel you have to do different kind of things just because you are not from here and for me that is really wrong. It is like they are building walls around you.

EU citizen, male, focus group, Dundee

Based on the results of our study, we make a number of recommendations for government, business, third sector organisations and civil society aimed at strengthening support for EU citizens throughout the implementation period and beyond.

for community leaders, p.8. <https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit> [DOA: 11 12 2018]

5. RECOMMENDATIONS

Based on the analysis presented in the report, we would like to make recommendations for action by government, business, third sector organisations and civic society.

As follows from our analysis, the main issues which need addressing in relation to EU citizens and Brexit in Scotland are:

1. Lack of (a single source of) reliable and sufficiently detailed information on the EU Settlement Scheme and applying for settled status. Access to such information (and awareness of where to find it) is needed by EU citizens as well as the third sector organisations and public institutions aiming to support them;
2. Lack of awareness of the need to apply for settled status, particularly among vulnerable groups of EU citizens, e.g. those who are isolated and/or have poor knowledge of English. Therefore, there is a need to raise awareness of settled status and the application process among EU citizens, especially hard-to-reach groups;
3. The need for practical support with settled status applications, especially for the more vulnerable groups of EU citizens, including: help with filling in applications for EU citizens with poor knowledge of English, poor computer skills, or lack of access to a computer/the internet/an android device, and help with covering application fees for destitute EU citizens who cannot afford them;
4. Addressing broader divisions and anti-immigrant attitudes within Scottish society. The increase in hostility experienced by EU citizens (and other immigrants) after the Brexit vote demonstrates the Scottish Government needs to continue promoting their vision of an inclusive Scottish society in a variety of ways (including within the education system) and take stronger measures to support integration of people of all backgrounds within the society. There is also a need for wider education on why migration is beneficial for Scotland and why it is important for its future development.

In order to address the above issues, we put forward the following recommendations for action:

RECOMMENDATIONS FOR THE UK GOVERNMENT:

1. The UK Government (through the Home Office) should as soon as possible clarify (and share information on) some aspects of the Settled Status scheme such as: criminal convictions, the appeal process, and what happens to EU citizens who do not apply for settled status in due course, and any other matters which are still unclear but may impact on many individuals' applications.
2. The UK Government should provide EU citizens, on request, with documentation providing physical evidence of their right to settled, or pre-settled status, once that has been granted.
3. The UK Government (in collaboration with local authorities and the Scottish Government) should establish a website with clear, detailed and reliable information for EU citizens living in the UK, for organisations and institutions supporting them, and for public services (e.g. the NHS), employers, and landlords. It is essential that there is a single go-to, trustworthy source of information for EU citizens and individuals and organisations working with them. Information about its availability should be shared widely.

The website should contain detailed information and resources on:

- Brexit – clear and concise information on what it means for EU citizens and for the UK; clear information on what EU citizens are required to do to secure their status in the UK post-Brexit;
- Settled status: an explanation of what it is exactly and who needs to apply for it; how it relates to permanent residency and applying for British citizenship; eligibility requirements; documents needed/accepted; case studies of EU citizens who have different life circumstances and how they evidenced their stay in the UK; advice for EU citizens who do not have relevant documentation; an explanation of what happens if one's application is rejected; an explanation of what happens if EU citizens fail to apply for settled status within the implementation period; an explanation of what rights are ensured by settled status;
- A directory of support available to EU citizens – for making the settled status application but also other forms of support, e.g. mental health support;
- EU citizens' rights post-Brexit – information on any changes to EU citizens' rights entailed by Britain's exit from the EU. This information should be provided both for EU citizens and for organisations/individuals dealing with them who need to

understand their immigration status and what it entails, such as public services, employers and landlords (e.g. explaining terms of access to the NHS, formal requirements for employment, renting property, etc.). This information could be developed in the form of a toolkit.⁶¹

In order to be fully accessible for all EU citizens, the website should provide information targeted at them in all languages spoken in EU-27 countries.

4. The UK Government should launch a large-scale information campaign raising awareness of EU citizens' rights and responsibilities after Brexit aimed at EU citizens as well as individuals and organisations dealing with them, such as employers, landlords, and frontline staff in public services; the campaign should use as many channels of communication as possible, including traditional media, social media, printed materials, briefings sent out to key agencies etc. and point to sources of further information and advice.

5. The UK Government should provide financial support to assist with the provision and distribution of information and advice through other channels, such as:

- A second-tier independent advisory service providing information and legal advice to third sector organisations and frontline staff in public services working with EU migrants (the Scottish Government has recently announced the launch of such a service for Scotland);⁶²
- A directory with links to available support for EU citizens, especially local support, in collaboration with local authorities across the UK and the Scottish Government; prepare clear 'where to go for' information sheets for both online and offline distribution;
- A network of trained link workers with knowledge of English and other EU languages whose role would be providing training (a 'train the trainer' programme), information and advice to third sector organisa-

61 As mentioned earlier in this report, the Home Office have recently (3 December 2018) published toolkits on the EU Settlement Scheme for employers and community organisations. However, firstly - there is little awareness of these at this point in time, and secondly - all the advertising materials (such as leaflets, posters etc.) aimed at EU citizens included in the toolkit are available in English only.

62 On 18 December 2018 (International Migrants Day), the Scottish Government announced launching an advice and information service for EU citizens in collaboration with CAS (CAB). CAS will 'advise on rights, entitlements and requirements (...) which are affected by an individual's immigration status. As an additional support to advisers, a solicitor-led helpline will also be established for difficult and complex cases.' <https://news.gov.scot/news/information-and-advice-for-eu-citizens> [DOA: 18/12/2018]

tions, public services, and interested employers, and engagement with hard-to-reach communities (e.g. those living in rural and remote areas). This could be done through running information and advice sessions in community languages across the UK, engaging with community groups and key 'trusted persons' on the ground, community groups on social media, ESOL providers etc.;

- Local advice centres for EU citizens - one-stop shops providing information, advice and support with filling in applications (this could potentially be done building on already existing resources), reviewing applications before submission, and other hands-on support; look into the possibility of building on and supporting already existing resources for this purpose, such as CAS;⁶³
- A series of outreach activities, such as information and advice sessions for EU citizens.
- Partnership working across different sectors (third sector, local authorities, businesses, civil society etc.) should be encouraged and supported.

6. The UK Government (in collaboration with local authorities across the UK and the Scottish Government) should develop ways of supporting EU citizens who may not be able to access information or make an application due to issues such as literacies, mental health problems, and disabilities.
7. The UK Government should allocate additional funding to devolved administrations in the UK, including the Scottish Government, to allow them to provide increased funding for translation and interpreting to public services and third sector organisations supporting EU migrants in the process of applying for settled status.
8. The UK Government (and possibly the Scottish Government in the case of Scotland) should establish a fund for destitute EU citizens who cannot afford paying settled status application fees, such as low-income families.
9. The UK Government should endeavour to address issues of misinformation around migration at policy level and work towards combatting negative societal attitudes.

63 See note 64.

RECOMMENDATIONS FOR THE SCOTTISH GOVERNMENT

1. The Scottish Government should endeavour to support and supplement the above listed actions for the UK Government within the capacity it has, e.g. by establishing its own initiatives addressing EU citizens' needs (such as the recently announced collaboration with CAS to provide an advice and information service for EU citizens), running outreach activities, ensuring sufficient availability and quality of translation/interpreting services, encouraging and supporting partnership working across different sectors (third sector, local authorities, businesses, civil society etc).
2. The Scottish Government should ensure there is a single go-to source of information on Scotland-specific matters related to Brexit, such as a directory of local support available to EU citizens across Scotland, or clarification on voting rights of EU citizens in Scotland following Brexit and eligibility for standing for office in Scotland.
3. The Scottish Government should engage with EU citizens throughout the Brexit process and create a platform for discussing and addressing Brexit-related issues as well as clarifying the powers of the Scottish Government vs. the UK Government within the Brexit process and beyond.
4. The Scottish Government should ensure EU citizens' (and other residents') rights are respected by taking steps to create a national-level Scotland-wide platform for reporting all forms of discrimination, e.g. in accessing work, in the workplace, at school, hate crime, etc. This could be done by establishing a new independent agency for this purpose, or by providing resources for an existing body to provide such a platform.
5. The Scottish Government should endeavour to address current divisions within Scottish society around migration through:
 - Promoting an inclusive vision for Scotland through campaigns and the education system: there is a need to educate Scottish society on why Scotland needs migration and how it benefits from it, and a need for myth-busting around migration;⁶⁴
 - Continuing to make positive statements about migration to Scotland, both aimed at EU (and other) migrants and Scottish society;
 - Supporting the social integration of migrants (from within and outside

⁶⁴ Research indicates that the demographic argument for supporting immigration to Scotland voiced by Scottish

the EU) by designing an integration strategy and/or securing funding for key projects working towards this aim; (current footnote 64, with new number: ⁶⁵

- Ensuring school bullying based on nationality and race is tackled appropriately.

ADDITIONAL SUGGESTIONS RELATED TO MIGRATION FOR THE SCOTTISH GOVERNMENT'S CONSIDERATION⁶⁶

- Build on Scotland's positive image within the UK and abroad in order to encourage more EU citizens to move to Scotland from other parts of Britain and from abroad;⁶⁷
- Set up longer-term stable support structures for people from other countries coming to live and already living in Scotland;⁶⁸
- Raise awareness on how EU (and other foreign-born) citizens can engage with their local elected representatives at all levels, and especially their MSPs and MPs; raise awareness on how foreign-born residents of Scotland can become more involved in shaping local policies.

RECOMMENDATIONS FOR BUSINESS

1. Make sure business has access to reliable information on EU citizens' rights after Brexit through using existing resources⁶⁹ and establishing contacts and partnerships with local authorities and/or third sector organisations;
2. Support EU staff, especially where there is a language barrier or work in isolated conditions, in accessing information on their rights and the need to apply for

policymakers does not resonate with the wider society in Scotland, c.f. Trevena (2018), Rutter and Carter (2018).

⁶⁵ A detailed analysis of the idea of introducing an integration strategy for Scotland has been presented by the Author in an earlier publication and can be found here: <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2018/6/28/Attracting-and-retaining-migrants-in-post-Brexit-Scotland--is-a-social-integration-strategy-the-answer--1>

⁶⁶ Based on ideas voiced by EU citizens and third sector organisations throughout the research.

⁶⁷ This idea has also been voiced by the participants of the Author's previous research, see Trevena, P. (2018). Attracting and retaining migrants in post-Brexit Scotland. Is a social integration strategy the answer? p. 40.

⁶⁸ Ibid, p. 40.

⁶⁹ Such as the recently published Home Office toolkit for employers: <https://www.gov.uk/government/>

- settled status by 30 June 2021;
3. Make sure the employee database is up to date to ensure effective communication with EU (and other) staff;
 4. Reassure EU staff you will continue to employ them post-Brexit.

RECOMMENDATIONS FOR CIVIL SOCIETY AND THIRD SECTOR ORGANISATIONS

1. Reassure EU (and other) migrants they remain welcome in Scotland;
2. Prepare a list of key information sources/contacts to be able to refer EU staff to; try to establish partnerships with other third sector organisations and agencies providing advice and support for EU citizens;
3. Build on trusted contacts to facilitate accessing information and support;
4. Raise awareness of different types of support available (including emotional support);
5. Support broader integration of EU (and other) migrants, e.g. by organising events aimed at whole local communities.

USEFUL INFORMATION LINKS:

Toolkit for employers:

<https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>

Toolkit for community organisations and local authorities:

<https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit>

Home Office information on the EU Settlement Scheme

<https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent>

BIBLIOGRAPHY

Berry M (2016) Understanding the role of the mass media in the EU Referendum, in: Jackson D, Thorsen E and Wring D (eds) EU Referendum Analysis 2016: Media, Voters and the Campaign. Early Reflections from Leading UK Academics. Poole: Bournemouth University, p. 14.

Brahic, B. and Lallement, M. (2018). From 'Expats' to 'Migrants': strategies of resilience among French movers in post-Brexit Manchester. *Migration and Development*, <https://doi.org/10.1080/21632324.2018.1503486>

Botterill, K. (2018). Rethinking "community" relationally: Polish communities in Scotland before and after Brexit. *Transactions of the Institute of British Geographers* 43.

COPFS (2017). Hate crime in Scotland report, 2016-17. http://www.copfs.gov.uk/publications/equality-and-diversity#Hate_Crime_in_Scotland

Elgot, J. and Grierson, J. (2018). 'May says EU immigrants will lose priority status after Brexit.' *The Guardian*, 2/10/2018 .

Feniks (2016). Report on EU nationals' reaction and long-term consequences of the EU Referendum.

Guma, T. & Jones, R. D. (2018). "Where are we going to go now?" EU migrants' experiences of hostility, anxiety and (non-)belonging during Brexit. *Population, Space & Place*. <https://doi.org/10.1002/psp.2198>

Home Office (2017). Hate Crime, England and Wales, 2016/17. *Statistical Bulletin* 17/17. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652136/hate-crime-1617-hosb1717.pdf

Home Office (2018a). EU Settlement Scheme: Statement of Intent <https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent>

Home Office (2018b). EU Settlement Scheme. Community leaders and local authorities toolkit. Introduction for community leaders. <https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit>

Home Office (2018c). EU Settlement Scheme. Introduction to the employer toolkit. <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>

Just Right (2018). StrEEt Aware: Challenging Destitution and Homelessness for EEA Nationals in Edinburgh. Project report. <http://www.justrightscotland.org.uk/our-work/scottish-refugee-migrant-centre/brexit-eu-citizens/street-aware-project/>

Khalili, L. (2016). After Brexit: Reckoning With Britain's Racism And Xenophobia. Poem. *International English Language Quarterly*. Volume 5, 2017 - Issue 2-3: Women on Brexit.

Lulle, A, Moroşanu, L. and King, R. (2018). And then came Brexit: Experiences and future plans of young EU migrants in the London region. *Population, Space and Place*. <https://doi.org/10.1002/psp.2122>

McGhee, D., Moreh, C., Vlachantoni, A. (2017). An 'undeliberate determinacy'? The changing migration strategies of Polish migrants in the UK in times of Brexit. *Journal of Ethnic and Migration Studies*, Volume 43, Issue 13.

Moore, M. and Ramsay, G. (2017). UK media coverage of the 2016 EU Referendum campaign. Centre for the Study of Media, Communication and Power, The Policy Institute, King's College London, May 2017.

Moreh, C., McGhee, D. and Vlachantoni, A. (2016). Should I stay or should I go? Strategies of EU citizens living in the UK in the context of the EU referendum. *CPC Briefing* 35.

NRS (2018). Population by country of birth and nationality, Scotland, July 2017 to June 2018 <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/population-by-country-of-birth-and-nationality/jul-17-jun-18>

NRS (2018). Population by country of birth and nationality, 2017. <https://www.nrscotland.gov.uk/files/statistics/population-estimates/pop-cob-17/pop-cob-nat-17-publication.pdf>

ONS (2018). Population of the UK by country of birth and nationality: 2017 <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/ukpopulationbycountryofbirthandnationality/2017>

Rolfe, H., & Metcalf, H. (2009). Recent Migration in Scotland: The Evidence Base. Scottish Government.

RSE Young Academy of Scotland (2017a). Brexit Observatory: Listening to the voices of those affected by the Brexit vote, in the research, innovation and tertiary education sectors. Report. https://www.youngacademyofscotland.org.uk/images/downloads/publications/BREXIT_observatory_Oct_2017.pdf

RSE Young Academy of Scotland (2017b). Brexit: The impact on Scotland. Report. <https://www.youngacademyofscotland.org.uk/news/brexit-the-impact-on-scotland-report.html>

Rutter, J. and Carter, R. (2018). National Conversation on Immigration, an interim report to the Home Affairs Committee. London: British Future and HOPE not Hate. <http://nationalconversation.uk/wp-content/uploads/2018/01/national-conversation-interim-report-2018-01-v4.pdf>

Rzepnikowska, A. (2018). Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote. *Journal of Ethnic and Migration Studies*, Volume 45, 2019 - Issue 1.

Scottish Government (2018a). Scotland's population needs and migration policy: Discussion paper on evidence, policy and powers for the Scottish Parliament. <https://www.gov.scot/publications/scotlands-population-needs-migration-policy/>

Scottish Government (2018b). Scotland's Place in Europe: An Assessment of the UK Government's Proposed /future Relationship with the EU.

Sime, D., Käkelä, E., Corson, S., Tyrell, N., McMellon, C., Kelly, C., and Moskal, M. (2017). Eastern European Young People in Brexit Britain: Racism, anxiety and a precarious future. *Research and Policy Briefing* No.1.

Sime, D. (2017). Brexit and the future of EU –born young people living in the UK, in: RSE Young Academy of Scotland (2017). Brexit: The impact on Scotland. Report

SSAMIS (Social Support and Migration in Scotland). (2016). Living and Working in Scotland: Employment, Housing, Family and Community. Second Interim Report. https://www.gla.ac.uk/media/media_500297_en.pdf

Tammes, P. (2017). Investigating Differences in Brexit-vote among Local Authorities in the UK: An Ecological Study on Migration- and Economy-related Issues. *Sociological Research Online* Vol. 22(3) (2017).

Trevena, P. (2018). Attracting and retaining migrants in Scotland: is a social integration strategy the answer? SPICe Briefing 18-44. Project Report. Scottish Parliament. <https://sp-bpr-en-prod-cdnep.azureedge.net/published/2018/6/28/Attracting-and-retaining-migrants-in-post-Brexit-Scotland--is-a-social-integration-strategy-the-answer--1/SB%2018-44.pdf>

Tyrell, N., Käkelä, E., Corson, S., Sime, D., Kelly, C., McMellon, C. and Moskal, M. (2018). Eastern European Young People's Feelings of Belonging: Any place in Brexit Britain? *Research and Policy Briefing* No.2

Walker, Peter. (2016). Theresa May defends refusal to guarantee EU citizens' rights in UK, *The Guardian*, 30.11.2016. <https://www.theguardian.com/politics/2016/nov/30/theresa-may-defends-refusal-guarantee-eu-citizens-rights-uk>

