

## EU Settled Status: Lessons from Scotland



### Context

There are currently near 3.7 million EU citizens who live and work in the UK, and an estimated 223,000 live in Scotland; this amounts to 4 per cent of the resident population and 62 per cent of the non-British population of Scotland.

In March 2017, the UK government triggered Article 50 of the Treaty of the European Union, setting the UK on course to leave the EU. The UK was scheduled to leave the EU on 29 March 2019. However, due to the House of Commons's failure to pass the Withdrawal Agreement, in March 2019 the European Council extended the deadline to 31 October 2019.

From 21 January 2019, EU citizens resident in the UK have been able to apply to the Home Office for EU Settled Status. This is a new immigration status, created to give EU migrants who are resident in the UK under EU free movement rules status within the domestic UK immigration system. The system launched as a test phase between 21 January and 30 March 2019, after which it became fully operational.

### About this paper

The insights from this paper derive from the work undertaken by the Citizens Rights Project in Scotland between February 2018 and April 2019.

The Citizens Rights 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). 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 Citizens Rights Project undertook a range of work across Scotland in advance of 30 March 2019, when the Settled Status scheme became fully operational. Our work involved three key strands:

- Firstly, we undertook outreach to key groups of EU migrants in Scotland. We produced factsheets and online resources, translated into the main EU languages. We held public events for EU citizens giving them background on how to apply for EU Settled Status. These were translated into EU languages and held in areas where existing evidence and networks suggested high likelihood of take-up from the existing community of EU citizens.
- Secondly, we undertook outreach to those groups of EU citizens we identified as being particularly unlikely to access the necessary information about the Settled Status scheme, and with very hard-to-reach who are in general not engaged with civic life and public events. For example, we ran outreach for Roma families in Glasgow, and people with poor English in rural Scotland (Dingwall, Brechin) who did not engage with other advisers. This outreach was structured through working with existing community and local leaders.

- Thirdly, we held outreach events for those who worked with EU citizens in the course of their current job. These information sessions were targeted at local councillors, parliamentarians and their staff, council officials, and council housing, education, integration and outreach workers. Additionally, we targeted third sector and civil society groups who were likely to have interaction with EU citizens: charities, foodbanks, citizens' advice bureaux, women's groups, etc. These sessions sought to provide these 'advisers' with an overview of the information they would need and an understanding of the resources available and points of further contact to which they could direct EU citizens.

As a result of the Citizens' Rights Project work across Scotland, we have developed the following key insights into how the EU Settled Status Scheme is working on the ground. These have been developed following our work in a range of different localities: from highly urban to highly rural, in all areas of Scotland and in all major cities. These are drawn from our experience working with EU citizens themselves, and their 'advisers', that is, those people who work with EU migrants, such as civil society workers, local authority officials, local volunteers and public service staff.

## **Key insights on the functioning of the EU Settled Status scheme in Scotland.**

### ***Complexity***

The complexity of individuals' circumstances makes it difficult for many individual EU migrants to correctly assess their requirement for EU settled status.

Most advisers who worked with EU migrants recognised the online system for registering for EU Settled Status was relatively simple, particularly in comparison to other Home Office immigration systems. This simplicity, however, did not survive contact with individual cases. Many advisers noted that a small proportion, but still significant number, of EU citizens in the UK has complexities in their cases that led to difficulties understanding what was required of them. This was particularly true for those who met some criteria clearly but had complex cases: those who had minor convictions, those who had left (or planned to leave) the UK but had family resident, and non-EU family members of EU citizens resident in the UK.

There were also concerns about how the Settled Status scheme interacted with the existing immigration system, which is highly complex. We heard from several EU migrants (generally from the A8 countries) who were unsure whether their registration under the Workers' Registration Scheme, or Permanent Residence, would be required to complete the form. We heard many people comment that they thought they had e.g. Permanent Residence, only to discover during the application for Settled Status that they did not. Furthermore, some of the terminology added to further confusion: we heard repeated examples of people suggesting they had a "home office" paper and therefore did not need to apply (clearly confusing the name for the government department with the name of a document).

### ***Ongoing uncertainty***

The ongoing uncertainty as to when exactly Brexit would take place, and whether a no-deal scenario is a plausible outcome. We heard of concerns that EU Settled Status would not be valid if a no-deal Brexit came to pass. Furthermore, the possibility that the UK may eventually remain in the EU was seen as encouraging some EU citizens to put off registering for the scheme, in the hope that it may never be required.

We encountered many advisers and EU citizens who noted that the uncertainty over the date of Brexit, which had originally been scheduled to coincide with the rollout of the Settled Status scheme, had led to uncertainty among EU citizens as to whether their applications were still valid. At the time of writing, there is widespread comment that the current deadline of 31 October is unlikely to be met, and no-deal remains a possibility being put forward by some candidates in the Conservative leadership election and by the Brexit Party.

Similarly, the decision to charge a fee, and then not charge a fee, added a further layer of complexity.

The lack of clarity around the date of Brexit added a layer of complexity, making it harder for many EU citizens and those who work with them to grasp exactly what action was required on their part.

### *Language barriers*

It is well established that the language barrier among migrants without a fully fluent command of English can cause significant problems in their interaction with the state bureaucracy in their country of residence. This is well documented both in the UK and internationally. While steps have been taken to address this regarding the Settled Status scheme, we heard throughout our work that language barriers were proving a significant obstacle to the Scheme's effective roll-out.

Beyond the simple and well-established fact that the language barrier can complicate migrant understandings of their rights and responsibilities, we heard four particular concerns relating specifically to EU citizens and the Settled Status scheme.

Firstly, the patterns of migration relating to EU citizens in the UK, particularly from the A8 countries, mean they are less likely than most migrant groups to have understandings of UK bureaucracy and the terminology associated with British immigration statuses. The pattern of A8 migration to the UK has been much more transient than historical migrant flows (the availability of cheap flights, for example, has been suggested as making it more common for migrants to spend a few months in the UK and a few months in their home country cyclically). This means that some EU migrants return home for key "life events", meaning their English does not necessarily improve in these subject fields. Come the rollout of Settled Status, some migrants do not have the technical vocabulary they need.

Secondly, because most EU citizens have never needed to apply for any migration status, or even register that they are here, many lack the core understanding that would be required to grasp straightforwardly their new rights and responsibilities. Unlike non-EU migrants, EU citizens will likely never have engaged with the Home Office. This makes their language barrier more significant - as this domain is completely unfamiliar to them.

Thirdly, not all EU migrants speak the official language of their member state of origin as their first language. A particular example is Russian-speaking Latvians, some Roma, and Ukrainian/Belarus family members of EU27 citizens. While obviously there is a capacity limit on the translations the UK Government can provide, there are more complexities to the language issue than it seems have been considered.

Finally, there is a community of EU citizens in Scotland who rely on British Sign Language (BSL). We held an outreach event for BSL migrants. Notably, a significant portion of the session had to be

dedicated to explaining particular terms, and allowing the interpreters to develop a common sign for each concept (such as 'permanent residence', 'qualified person' or 'settled status'). There is a need for information in this community. There were concerns about how the Settle Status helpline would work with Contact Scotland, a service that deaf people uses to contact landlords, banks, utility providers, etc, as only Scottish numbers are allowed in this service. Beyond the deaf community, we have heard similar concerns relating to visually-impaired migrants and other groups.

### *Vulnerable groups*

A significant concern among many advisers we encountered was how EU citizens who could be considered vulnerable would interact with the EU Settled Status scheme. In almost all our engagement with council officials and charity workers, severe concerns were raised

Even in small local authorities, or areas without large numbers of EU migrants, these concerns consistently figured highly among our interlocutors. The EU citizen population in Scotland is now sufficiently heterogenous that concerns around vulnerable citizens are anticipated in all areas. This particularly related to the elderly, poorly educated, mental health issues, addiction, and sexually and economically exploited groups. In some localities, there were further concerns about specific groups: there was significant concern that the Roma population in Glasgow, for example, would not see high levels of registration for Settled Status.

A further concern among council and charity staff was the potential interaction between the change to EU citizens' immigration status, issues relating to vulnerability, and ongoing cuts to local budgets. Services dealing with vulnerable adults have seen cuts across Scotland, and there is concern that the capacity to deal with any issues is already under high pressure.

A specific remit of our project was to reach into groups we identified as particularly hard-to-reach, such as the Roma community in Glasgow and EU citizens in rural Northern Scotland. While we were largely successful in reaching citizens from these groups, we remain concerned that significant numbers of them, and other hard-to-reach or vulnerable EU citizens, will still not be aware of the requirement to register for the scheme.

### *Rurality*

Over the past decade or so, EU migration to Scotland has increased significantly, particularly from the A8 and A2 countries. Unlike previous patterns of migration, this migration has not been centred only in Scotland's cities. Many EU citizens have moved to Scotland to work in rural areas, predominantly to work in tourism, agriculture, forestry and the hotel industry.

We heard from many of those who work with EU citizens that they were concerned EU citizens in rural areas may struggle to hear of what is required of them under the EU settled status scheme, and furthermore may struggle to access any support they need (for example, if they do not have an android phone or have a complex case). Outreach to these EU citizens is very hard: we found that outreach to local centres of population was not seen as sufficient to reach the EU migrants in the surrounding rurality.

### *Hardware*

That the Settled Status Scheme could not be accessed via iPhone was repeatedly emphasised to us as a significant hindrance. This was particularly so for charities and small organisations that work

with migrant groups or vulnerable groups that could include migrants. They do not have the overhead to purchase additional hardware to facilitate migrant registration for the scheme, and so their capacity to provide EU citizens with android hardware was effectively dependent on luck. We heard of long queues of migrants waiting to use a Citizen's Advice Bureau android phone, or having to book appointments to access the hardware. This added a further obstacle in the path of EU citizens, and undoubtedly some were put off by the additional complexity. We understand the UK Government has pledged to introduce accessibility on iPhones, which will go some way to addressing the problem.

It is worth noting that hardware accessibility issues for older migrants, particularly socially isolated EU citizens and those with limited or no digital literacy skills will persist as a problem.

### *Self-selection*

A key problem we encountered in trying to facilitate the rollout of the Settled Status scheme was the likelihood that those who engaged with us (or other services) were among the groups already predisposed to seek further information and clarity. There is a clear self-selection bias. This was also echoed by other organisations working in the field. The real challenge is to reach those groups who need support, but do not typically engage. Uniquely among migrant groups, EU citizens are not otherwise registered or identifiable through other sources, so there can be no certainty of where these groups are or where they should be targeted.

The next census, while not for a while, represents one of the only real opportunities to identify where EU migrants in Britain are, and if the registrations for EU settled status are capturing them all. Based on our experience of events in Scotland, we believe that it is highly likely that there are groups of EU citizens who have not engaged at all with the Settled Status scheme. It is impossible to estimate how large this group is.

### *Interest level in wider Brexit-related issues*

Linked to the previous point, we found that many of those who engaged with our work on the Settled Status scheme were actually keen to obtain more information on Brexit in general. The fact that the Settled Status scheme was being introduced in March 2019, at the same time as significant public discussion as to the implications of Brexit and the potential of a no-deal, meant many people were keen to find more information on the potential implications. This overlapped with, but was not the same as, keenness to understand the Settled Status Scheme.

This makes it difficult to evaluate how well the Settled Status scheme is understood among key stakeholders, particular the advisers who work with EU migrants. At almost all our sessions, people requested further information and clarity, however it was not clear whether this was about the Brexit process more widely or about the Settled Status scheme in particular.

In retrospect, it seems a mistake to have introduced the Settled Status scheme at the point at which the possibility of a no-deal was likely to be at its peak.

### *Compound barriers*

A significant issue we encountered was the interaction of compound barriers to an EU citizen's capacity to register for Settled Status.

While Settled Status is, on the face of it, relatively straightforward for those who speak good English, can provide the documentation, access the hardware and complete the application, for others it can be more difficult. Those in rural areas, with poor English, with chaotic lifestyles, who have no documentation for periods of time, who have mental health issues, or any other issues, will find the process harder.

It became clear to us in our work that the presence of compound barriers can make the process significantly harder. For example, having poor English and mental health issues makes all parts of the process harder. It is clear to us that the group of EU citizens who have yet to apply for Settled Status (and who may never proactively do so) is highly likely to disproportionately feature those people with a complex compound of different barriers.

It was repeatedly stressed to us in our programme of work that the fact of being a migrant is itself very frequently a barrier. Lack of familiarity with the English lexicon used by the Home Office and the culture of UK officialdom makes the process estranging even for those without complex needs.

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These insights demonstrate the most significant lessons on the rollout of EU Settled Status, based on the experience of the Citizens' Rights Project in Scotland. The change from an immigration status based on EU Free Movement regulations to the Settled Status enshrined in domestic immigration rules is one of the most significant changes to Britain's migration system in the post-war period.

Based on the factors set out in this paper, the Citizens' Rights Project has significant concerns about the rollout of the Settled Status Scheme. It seems to us highly likely that groups of EU citizens are falling through the gaps, and that these citizens are disproportionately likely to have complex needs.

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