

EU SETTLEMENT SCHEME

Citizen Report

CITIZENS
RIGHTS
PROJECT

JULY 31, 2020

CITIZENS RIGHTS PROJECT

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EU Settlement Scheme: Citizen Report

Introduction

The Independent Chief Inspector of Borders and Immigration (ICIBI) has issued a ‘call for evidence’, which will make recommendations to the Home Secretary regarding the EU Settlement Scheme’s overall governance, efficiency and communication.

The Citizens’ Rights Project has investigated the experiences of EU citizens whilst applying for the EU Settlement Scheme. This report describes the findings of that exercise, which were obtained via a combination of direct communication and an online survey (see section titled ‘Let’s Settle This’). The mixed approach was preferred to enhance participation from service users and appeal to their preferred method of communication with us through our normal activities: face-to-face, telephone, email, online website interaction and social media.

This report gives a valuable insight into how participants have experienced the EU Settlement Scheme process for participants, some of whom are vulnerable or have faced challenges due to a lack of service provision or awareness of those challenges.

‘VULNERABLE’ PRIMARILY (BUT NOT EXCLUSIVELY) REFERS TO DOMESTIC ABUSE, HOMELESSNESS, LANGUAGE BARRIERS, DIGITAL EXCLUSION, YOUNG PEOPLE UNDER 16, ELDERLY AND THOSE IN FINANCIAL HARDSHIP

The Citizens Rights Project? [1]

What is the Citizens Rights Project (CRP)?

The Citizens Rights Project is a non-for-profit organisation that was set up to provide information, advice and support for EU citizens in Scotland by connecting groups and organisations working within European communities.

Our aim is to assist EU/EEA/Swiss nationals, and their family members, living in Scotland, in accessing information and advice on citizens' rights, and to encourage and facilitate their contacts with public sector and government organisations. We want to inform EU nationals about opportunities available to them in Scotland, but also to promote awareness of their concerns and needs, especially those raised by Brexit.

Citizens Rights Project involvement with the EU Settlement Scheme

We have been funded by the Scottish Government since autumn 2018, as part of their Stay in Scotland campaign, to raise awareness about the scheme across Scotland.

Our main activity has been the organisation of outreach sessions about the EU Settlement Scheme, Brexit and citizens' rights for EU/EEA/Swiss citizens and their family members. This might take the form of presentations with opportunity for questions and/or drop-in sessions where attendees can either arrange an appointment with an OISC Level 1 (limited to the EUSS) adviser or get help with their application.

We also organise briefing sessions with more specialised content for third sector and local government workers, elected representatives, as well as employers, so they are aware about the scheme and the sources of support available for the people they support, represent and employ.

Although not exclusively, we mainly focused on reaching out to vulnerable groups, citizens living outside the Central Belt of Scotland, and those needing interpretation services nationwide.

Since the lockdown in March 2020, we have started providing multilingual Q&A and information sessions and webinars online. We have also launched an online 1-2-1 support service in different languages provided by volunteers who have been trained and have OISC Level 1 (limited to the EUSS) accreditation.

Our volunteers are based across Scotland, speak different languages and are involved in EU communities locally, have experience in activism or work/collaborate for third sector organisations. Once the lockdown is over, they will also provide face-to-face support.

The Citizens Rights Project [2]

We also produce online and offline materials in multiple EU languages in the form of videos, infographics, leaflets, posters, etc. We distribute this in our social media channels and with our contacts. This includes: EU community groups, NGOs, different departments in local authorities, other organisations providing EUSS support and employers. We have a database of more than 3000 contacts.

Moreover, many EU citizens get in touch with us via phone, email, social media and our website with queries about the scheme.

We work in close collaboration with Citizens Advice Scotland, our partners from Feniks, sister organisations such as Settled in England and Wales, and multiple partner agencies around the country.

Our experiences raising awareness about the EU Settlement Scheme

Although we currently offer 1-2-1 support to citizens needing help with their EUSS application, most of our experience with the scheme comes from our awareness activities. Since the current project was launched in 2018, our small staff, and our volunteers, have spoken to hundreds of EU citizens, representatives, advisers and employers at almost 100 free events across Scotland and also online.

Through our work and conversations, we have become aware of the level of awareness that people have, where information is needed, as well as misinformation and misconceptions around the EU Settlement Scheme. Below are some examples of this:

- Many people who get in contact with our organisation believe that to be able to apply to the EUSS they need to have a National Insurance Number, be employed and/or earn a minimum amount of money annually. Some also think that having your own business or property can help with the application.
- When promoting events with universities, we have come across departments dealing with international students that were completely unaware of the scheme. They also believe this is not something within their remit. Moreover, many EU students think the EUSS do not apply to them because they are not planning on staying in Scotland long term.
- There are still many elderly people who believe they don't need to apply to the EUSS because they have been in the country for a long time. This concern has been raised in our events by people working in local authorities.

The Citizens Rights Project? [3]

- We have also been approached by other organisations asking us to raise awareness about children. Many parents think that their children's status automatically changes when they register in the scheme.
- Some citizens that are lacking awareness or have misconceptions about the scheme are people with a high level of educational qualification, with a good grasp of the English language who might be expected to be more likely to be well informed. This raises even major concerns about vulnerable people's access to information about their immigration status.

Reaching vulnerable people during the lockdown

The coronavirus outbreak has limited our outreach activity to online events and support. This means that there are many vulnerable people that we have not been able to reach and help, either because they don't have access to the Internet or other devices, they are not active in social media, or they simply do not feel comfortable or confident online.

The pandemic has also limited the services to applicants. Many have contacted us to raise the following concerns:

- Inability to reach the EUSS Resolution Centre: despite the excellent service delivered by the resolution centre: its closure during the height of the lockdown means that many have had to wait to solve queries that might be complex and delay their application process which in some cases could be risky considering the deadline.
- There is also a delay dealing with applications. This can have a negative impact for those who might have to challenge the decision of the Home Office.
- People who do not have a passport or a national ID document issued by the state of their nationality, or have to renew it, have not had access to consulates for a considerable period of time. These are starting to reopen, but waiting times will be longer than usual.
- Some people with pre-settled status have been stranded abroad during the lockdown and have either broken the continuous residency rule or are at risk of breaking it. This means that they won't be able to apply for Settled Status before their pre-settled status expires. The Home Office has not said anything yet about including this as an exception, which is creating a lot of stress and uncertainty for many people.

Survey Let's Settle This: 148 respondents

THIS VOLUNTARY AND CONFIDENTIAL SURVEY ASKED PARTICIPANTS TO ANSWER QUESTIONS REGARDING THEIR EXPERIENCE WHILST APPLYING FOR THE EU SETTLEMENT SCHEME. THE SURVEY WAS OPEN FOR A LIMITED PERIOD DUE TO THE TIME LIMIT FOR RESPONDING TO THE ICIBI CALL FOR EVIDENCE AND WAS ONLY AVAILABLE ONLINE, WHICH AUTOMATICALLY EXCLUDED SOME VULNERABLE GROUPS FROM PARTICIPATION.

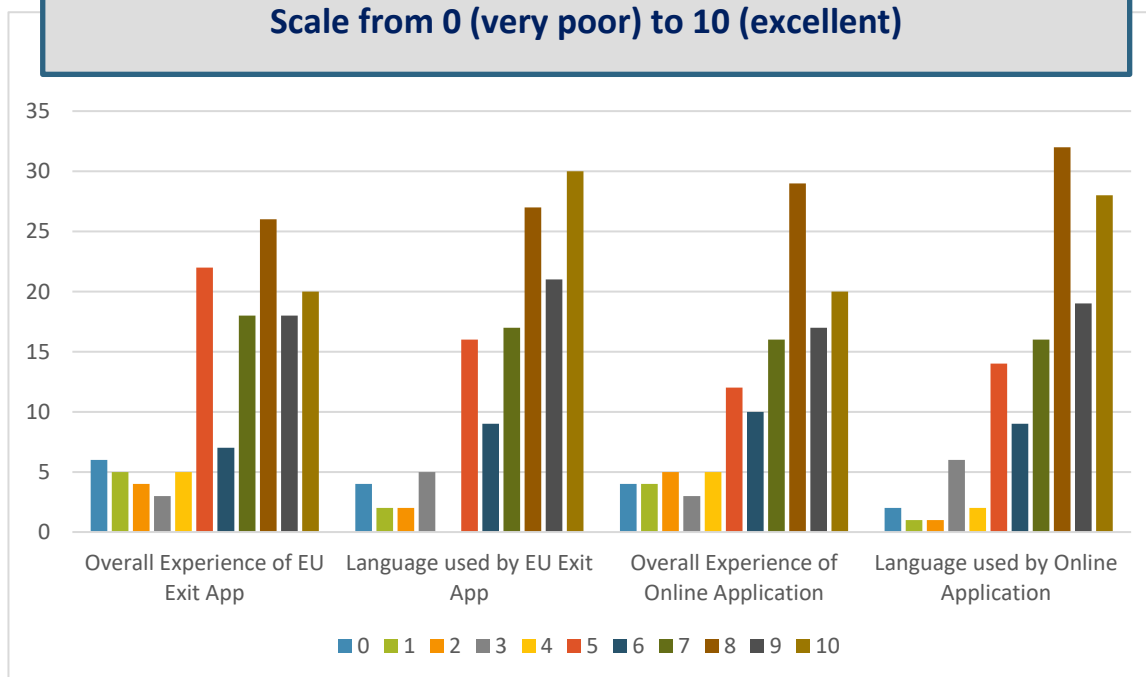
WHERE ARE YOU BASED?

Scotland	95.9%
Northern Ireland	0.7%
Wales	0.0%
England	3.4%

AGE GROUP

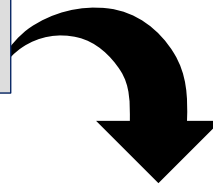
under 16	0.0%
16 - 18	0.0%
18 - 29	20.9%
30 - 39	39.9%
40 - 49	20.9%
50 - 59	10.8%
60 - 69	4.7%
70 +	2.7%

Service User Experience Scale from 0 (very poor) to 10 (excellent)



HAVE YOU APPLIED FOR THE EU SETTLEMENT SCHEME?

Yes - 85.8%
No - 14.2%



“I object to having to allow the Home Office to share my private data with whomever they choose all over the world”

“I wasn’t bothered to actually apply yet because I was aware that you can do so until June or July 2021. However, I did attempt to apply for it recently, but the app would crash at the end of it and it doesn’t let me run it at all. Also, what was stopping me is I don’t have a valid passport and I have old style National ID card that doesn’t have a biometric chip.”

WHY HAVE YOU NOT APPLIED

I do not intend to stay 3.8%
I do not know where to find help 0.0%
I should not have to 15.4%
I was unaware I had to 7.7%
I do not know how 0.0%
I might be rejected 0.0%
Other 73.1%

“I just want to lodge my protest at how shamefully people are being treated”

“It stresses me out”

“I am waiting to accrue and collect evidence of 5 years residency, will apply closer to the deadline”

“I was hoping the situation would change because I should not have to apply. I strongly resent it, I feel it’s offensive and diminishing. I was also hoping for Scotland’s independence in advance. However, I will apply before the deadline, because my life is here now. I fear complications because I was a student for many years and used my savings, so I don’t have a record of continuous work. But I never asked for benefits or support! This whole process feels punishing and reduces me to a B list type of citizens. It’s appalling.”

“I find it unacceptable that you can not refuse the clause that the Home Office can sell your information to 3rd parties and countries”

“Issue was I couldn’t use my iPhone to apply as the app wasn’t for Apple devices”

“I moved back to Germany”

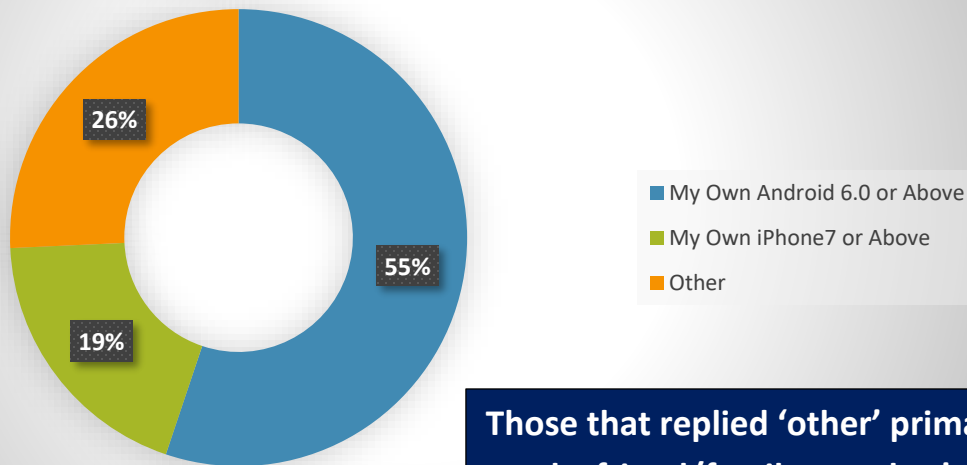
How did you find out about the Settlement Scheme and how to apply?

- Social Media
- The News
- University Newsletter
- Word-of-mouth
- Online Advertisements
- GOV.UK/Home Office
- Community Newsletter/Forum
- Radio
- External Support Services
- Scottish Government Announcements
- Communication at workplace
- I never knew about it

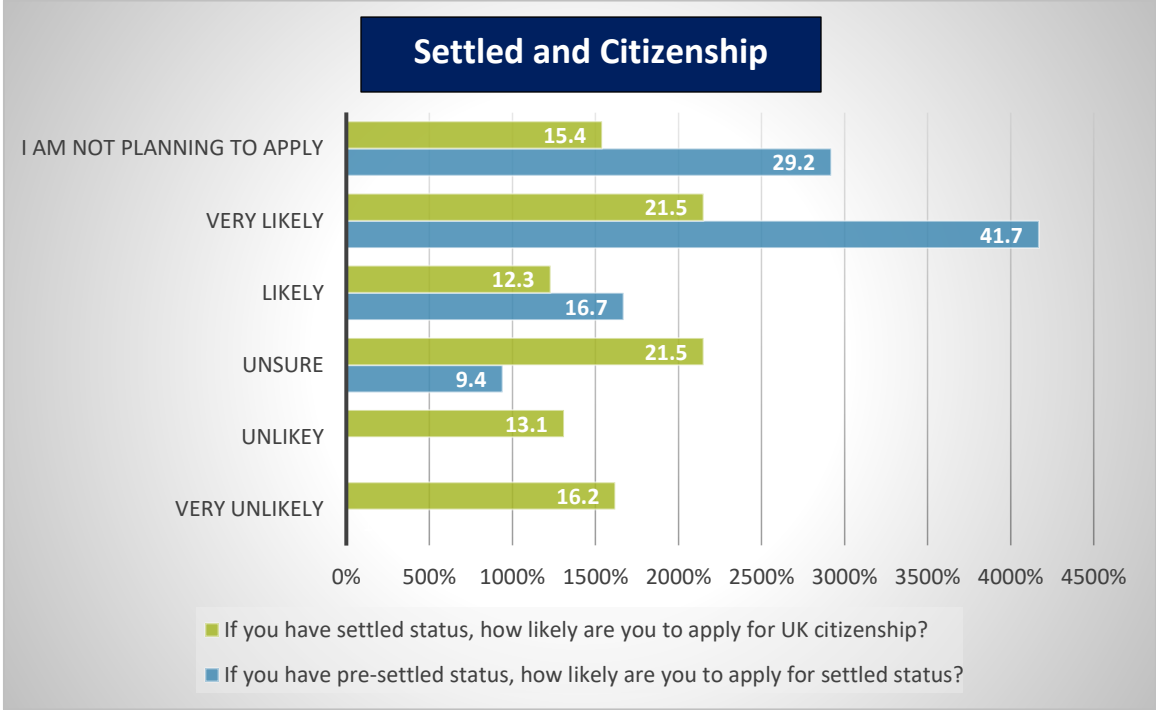
Nationalities that took part

🇷🇴 Romanian: 11	🇮🇹 Italian: 16	🇩🇪 German: 18	🇬🇧 United Kingdom: 7
🇦🇹 Austrian: 1	🇿🇦 South Africa: 1	🇬🇷 Greek: 6	🇲🇰 North Macedonian: 1
🇵🇱 Polish: 21	🇺🇸 USA: 1	🇱🇹 Lithuanian: 5	🇲🇹 Maltese: 1
🇪🇸 Spanish: 34	🇫🇷 French: 8	🇳🇱 Netherlands: 5	🇧🇬 Bulgarian: 1
🇵🇹 Portuguese: 7	🇸🇰 Slovakia: 1	🇮🇪 Irish: 1	🇧🇪 Belgian: 1
🇭🇺 Hungarian: 2	🇫🇮 Finnish: 1	🇸🇪 Swedish: 1	🇦🇱 Albanian: 1

Type of Device Used



Those that replied 'other' primarily used a friend/family member's phone or devices made available by external support services



Children in Care: A Major Concern [1]

In January 2020, the Children's Society, a charity supporting children across the UK, published a report of research carried out in order to identify the number of EU/EEA/Swiss children that are in the British care system who may risk becoming undocumented immigrants, without any legal right to remain residing in the UK as a result of Brexit. These children may have lived in the UK almost all their lives and have grown up here, but like all EU/EEA/Swiss citizens must apply for settled or pre-settled status (under the UK's 'EU Settlement Scheme' – EUSS) if they are to have a legal right to remain for the long-term in the UK after the end of the transition period. If they do not obtain that status, they will become undocumented migrants on 1 July 2021, and will risk deportation from the UK.

The report by the Children's Society had shown that in many cases, nothing appeared to be being done by those responsible for the care of these children to make sure they obtained settled or pre-settled status. The report pointed out that only 11% of the children in the care system identified as EU/EEA/Swiss nationals had had their applications for settled or pre-settled status processed by the date of that survey in January 2020.

The charity submitted a 'Freedom of Information' request to all British local authorities. In Scotland, local authorities identified 956 EU/EEA/Swiss children concerned (including care leavers) in their care system. However, only 14 applications for settled/pre-settled status had been made on behalf of the children by that stage. 11 had been awarded pre-settled status awards, and 3 settled status awards.

As a result of this report, our organisation made contact with the departments of Children and Families of the 32 Local Authorities in Scotland, to find out if anything has been done since the report was published and if they were aware about the new Home Office guidance for local authorities to enable social workers responsible for EU children in care to apply for status on the children's behalf without the OISC accreditation.

Our findings raised a number of concerns:

- There appeared to be widespread lack of awareness amongst many local authority staff of the EU Settlement Scheme, and the need to ensure that eligible children apply for settled/pre-settled status before the deadline, to stop them becoming undocumented immigrants with no right to continue to live in the UK.

Children in Care: A Major Concern [2]

- Some councils do not hold a record of the nationalities of children in their care. It is therefore extremely likely that if a local authority is not aware of their nationality, they will not be taking steps to ensure that they acquire valid immigration status for the EU/EEA/Swiss children in their care.
- Most of the children concerned are unlikely to possess valid national identity documents from the relevant EU state, which the UK requires them to have to commence the application process. These looked after children will often have more complex cases due to their chaotic life circumstances, so therefore obtaining their identification documents may prove difficult or even impossible. An added difficulty is that during the current situation caused by the Covid-19 most of the consulates and embassies have been closed for lengthy periods, and therefore processing documents for children in care may be a lengthy process itself.

To help address tackle this lack of awareness among relevant staff , our project is planning another briefing session at the end of August, beginning of September and we will be aiming to reach social workers and officers in other relevant departments who are likely to have contact with children in care, or with other vulnerable EU citizens (for example, the elderly) We will also publicise this webinar widely to all our network and it will be also open to people working in NGOs and other third sector organisations.

We would also urge the Home Office makes further efforts to ensure that the relevant staff and departments within local authorities, and NGOs who care for children, are aware of the need for children in care to apply for settled status, and of its guidance for local authorities in such cases.

Findings Summary [1]

WHAT WORKS

- According to our survey, most users find the functionality and language used in both the EU Exit App and online application straightforward (except for passport scanning)
- Those who do not face any vulnerability or have complex cases, tend to find the application process straightforward not only technically, but also because of the fact that you only need to prove your residence in the UK. Finding out that you do not need to have a minimum annual earnings or a job, is a major relief for many people who get in touch with us.
- Based on our experience talking to advisers and applicants, the EUSS Resolution Centre is regarded as very helpful and reliable.

HURDLES

Overall, there is a lack of adapted information to the different audiences that need to know about the new migration system. This includes those who need to apply, but also case workers and organisations supporting vulnerable people, employers and representatives.

There is no continuous flow of information about the scheme from the Home Office, which results in lack of awareness among many groups. The fact that we are trying to roll out information about a migration system that affects millions of people in a limited amount of time, does not help. On top of that, the digitalisation of the process presents a challenge and a worry for many people.

Some of these challenges and concerns have appeared in the replies to our survey (this content have been taken directly from the words of the participants):

- Many do not have a device that corresponds with the app or found the tech difficult if they were not IT literate.
- When scanning to the app fails, the content populated cannot be amended or changed, which creates frustration when it is incorrect or unable to scan.
- People are unsure what 'settled status' is, what their rights are and how to use it when there is no physical evidence, despite it being issued.
- Sourcing ID documents during the lockdown, i.e. all consulates and embassies were closed.
- Gaps in work history, zero-hour contracts and fixed-term tenancies have made it difficult to apply.
- Documents in different names, e.g. married or double-barrelled names are often not recognised and do not correlate across all documents.

Findings Summary [2]

- We noted a similarity in some feedback that the process was an emotional, upsetting and stressful experience, especially as the application is so cold and inhumane. People have had lives, families, jobs and friends in the UK (often for decades) and suddenly are stripped of the status and safety they had. This is particularly the case where people have already been through a process (e.g Biometric Residence Permits) that had to be repeated to stay together as a family.
- People who reside in the UK but work offshore (e.g. oil rigs) spend more time out of the country than is permitted and there is no clause to protect them that can be found in the online information.
- Nothing for the visually impaired.

VIEWS EXPRESSED ABOUT THE HOME OFFICE OR GOVERNMENT

Many respondents to the survey also expressed views about the Home Office, the government more generally, or settled and pre-settled status, and we set out typical example of those views here:

- Very different turnaround times regarding the length of time applications take, which caused anxiety amongst people from the same household or social groups. Many instances where an application that was submitted later arrived back sooner.
- Many people unhappy about data sharing and that there is no opt-out and queries as to whether this meets GDPR guidelines.
- Lack of trust in government and the Home Office, references made to Windrush and the 'hostile environment' created. Many would rather leave than be part of a two-tiered system where they are identified as having a 'status', which leaves them at a detriment compared to 'citizens'.
- There is a real sense of 'what next' as people applying for the Settlement Scheme were not required to before, i.e. they adhered to the set of circumstances expected of them on arrival. Will they always be treated as foreign and undeserving?
- The 'status' doesn't mean much as there is no evidence of it and the "unpredictable" government/Home Office have "attacked" EU citizens. There could be a new set of expectations/goal posts (as in this instance), as such there is no sense of security. People will always be treated as visitors or as conditional residents.
- Very difficult to talk to a person at the Home Office and some have given up and will see what happens.
- People who reside in Scotland feel they want to coordinate with a local agency rather than the Home Office in London, which is seen as far removed from Scotland.
- Lack of clarity around applications by children and those who do not work.

Findings Summary [3]

- Application for varied individuals is impractical, stressful (because of the possibility of different outcomes) and time consuming, why can't there be a family application rather than attaching one application to another?
- Whole process is humiliating

SUPPORT AVAILABLE

- Both Citizens' Rights Project and Citizens' Advice Scotland have been identified as being of great assistance when there were specific challenges to an application. This is especially the case for children, where there is an absence of clarity and people are completely reliant on external support services.