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A physical proof for EU citizens with pre-settled or settled status

Findings of the survey "Would EU Citizens benefit from a physical proof of their pre-settled or settled status?"

Citizens' Rights Project provides information, advice and support for EU citizens in Scotland by connecting groups and organisations working within European communities. We are a group of third sector workers, researchers, legal experts and volunteers.

Citizens Rights Project not only establishes a forum for European communities to voice their concerns, but also provides a platform for collective action to drive positive social change.

Our aim is to assist EU nationals 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.



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Introduction

On 16th November 2021 we launched the survey “Would EU citizens benefit from a physical proof of their pre-settled or settled status?”

Based on our experience providing information, advice, and support with applications under the EU Settlement Scheme (EUSS) since it was introduced in March 2019, we have come across strong indications that the lack of physical confirmation of status under the EUSS is causing difficulties to EU citizens in Scotland.

Currently, EU citizens who have secured settled or pre-settled status have no physical document to prove that they have the right to reside in the UK (United Kingdom). Everything is done online through a digital profile. A physical proof would mean having something like an ID card, passport or visa stating the status.

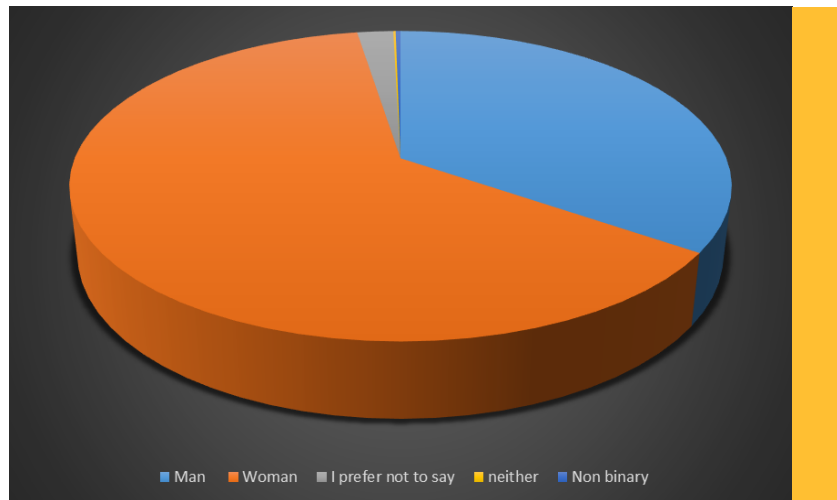
The survey was available in Bulgarian, English, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Romanian, Russian and Spanish.

We have received a total of 752 responses. Of those, 35 participants were British nationals or citizens with a visa and therefore, are not relevant for the purpose of this report. The findings of this report are therefore based on the other 717 answers.



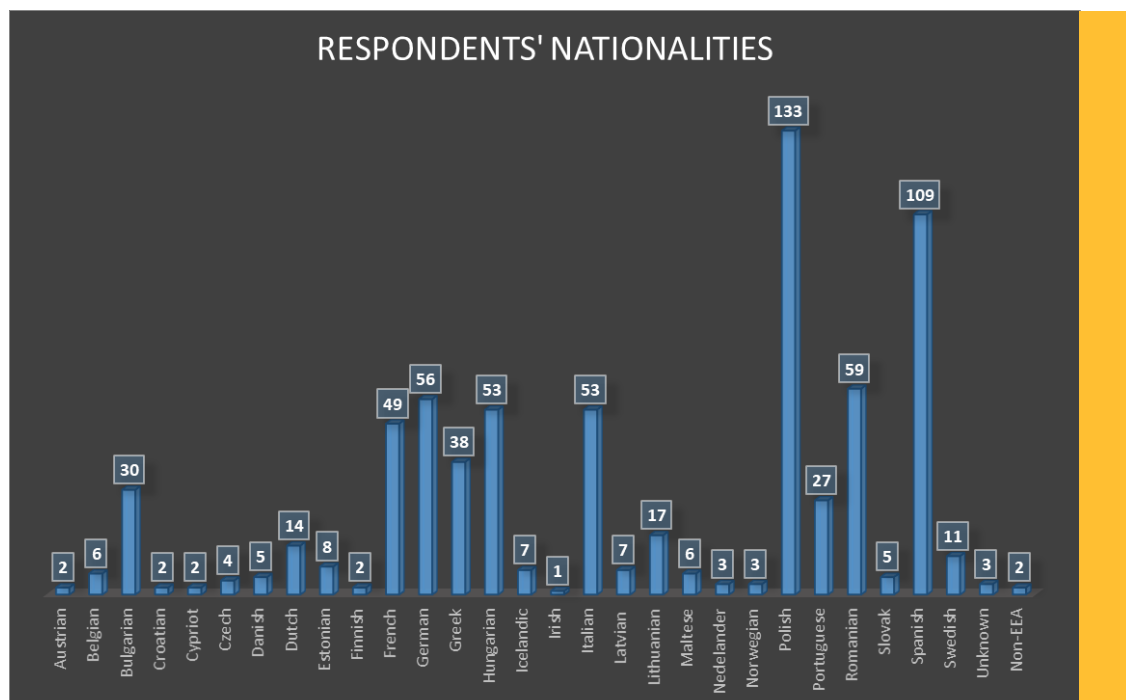
Profile of survey participants

63% of participants identified themselves as a woman, 35% as men and the rest either prefer not to say (2%) or identify themselves as non-binary or neither woman nor man.



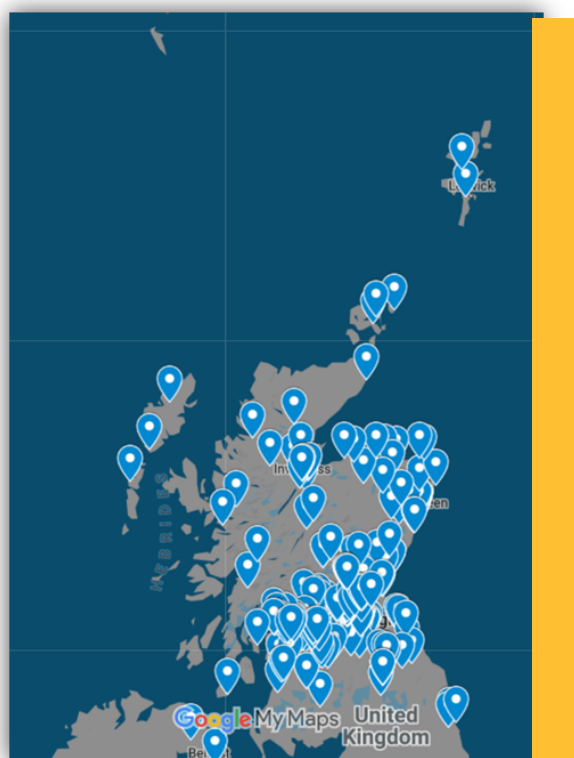
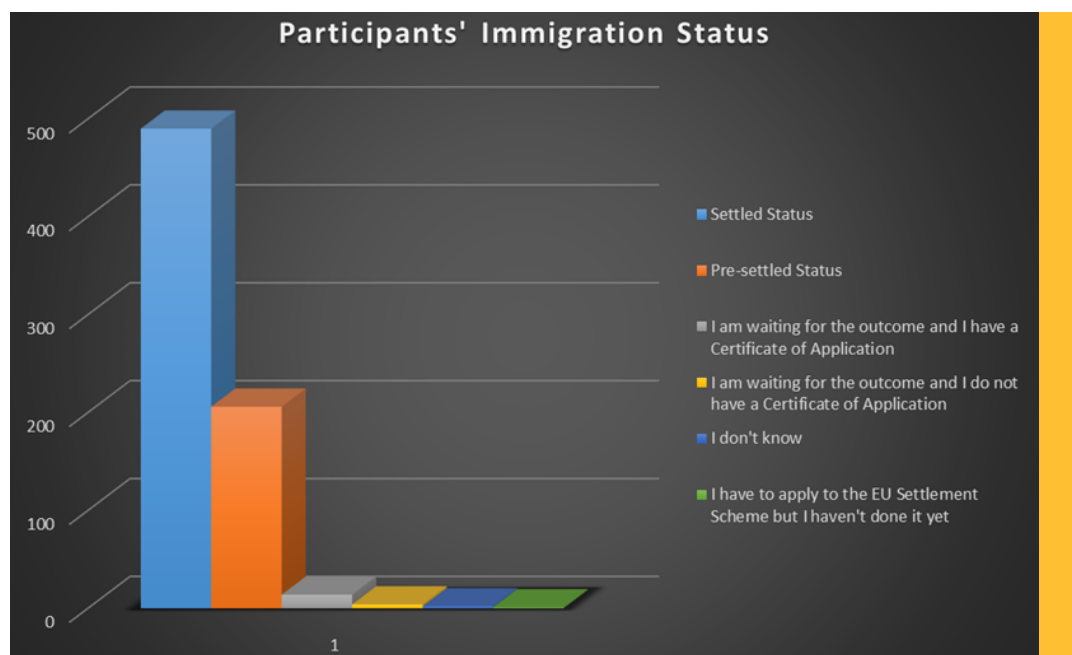
We were able to get responses from nationals across most EU (European Union) and EEA (European Economic Area) countries except for Liechtenstein, Luxembourg, and Slovenia.

The top five nationalities with most responses are Poland, Spain, Romania, Germany, and Italy and Hungary ranking almost similar to the top five nationalities by EUSS applications received in Scotland (Poland, Romania, Italy, Spain, and Bulgaria), according to the Home Office latest quarterly statistics from December 2021.



Profile of survey participants

Most of the people who answered the survey have either pre-settled (206) or settled status (490). Of the remaining, 18 have applied but are waiting for the outcome, 1 still has to apply, and 2 are not sure if they have immigration status.



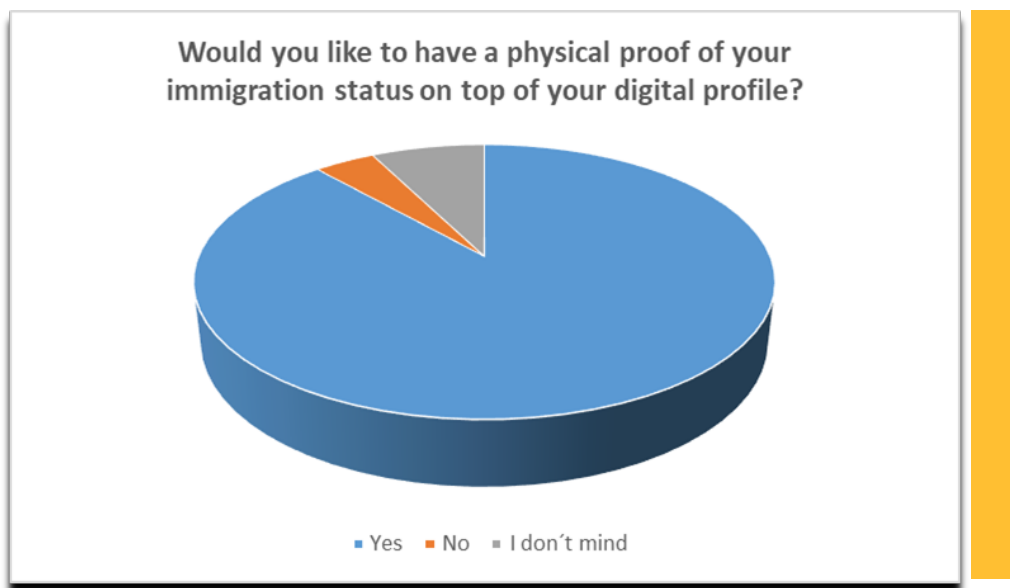
Moreover, as you can see from the map on the right, we gathered answers from most areas in Scotland, including rural zones and some of the islands.

Most participants are concentrated in the Central Belt of Scotland.

Reasons to demand a physical proof of status

A vast majority of the people who responded to the survey – 634 or 88.4% - have stated that they would like physical proof of their immigration status on top of their digital profile.

Only 29 answered that they don't want one (4.1%). The rest indicated that they don't mind -7.5% of the total or 54 respondents-.



People expressed several reasons why they would like to have physical proof of their status. Many described feeling stressed, anxious, and discriminated against, and feel especially concerned about having problems when crossing the border to enter the UK. Below is a summary of the reasons listed in favour of getting physical proof of the status.

- Physical proof is easier to carry and retrieve.
- It would avoid delays. It will be quicker and easier to show when needed, for instance at the border, applying for a job, etc.
- It is reassuring, it gives them a higher sense of security and peace of mind.
- Technology and the Internet are not 100% reliable. They can fail, have connectivity issues, or be hacked.

Reasons to demand a physical proof of status

- Fear of website glitches.
- Lack of understanding and trust on the system internationally - Some countries might not recognise online digital form of settled status and may still ask for physical proof.
- No access to the Internet when needed to show the status.
- No access to a smartphone when needing to show the status, for instance at the Border, either because you don't have one, it is broken, it has no battery or it has been stolen.
- Cumbersome process - having to log in to the website to get a code is a hassle.
- Lack of trust in the UK Government and the Home Office. Some participants mentioned the possibility of another potential Windrush Scandal in the future.
- Loss of details to access the digital profile – some participants fear not remembering the process or the information needed to access the status, as this is not something use daily.
- Potential loss of job, accommodation, and other opportunities due to decision makers who must check a person status wanting to avoid the digital hassle. Some manifested that employers are often uncomfortable with using the share code and might filter out EU job applicants.
- Struggling with IT, technology, and the Internet, especially people who are not 'digitally native'.
- Lack of knowledge and familiarity of some decision makers around the new system and process who may end up asking for physical proof (i.e: border control agents, airline staff, council staff, DWP, etc.)

Reasons to demand a physical proof of status

In their answers, some described contradictions, and glitches in the system:

"I feel defenseless without a proper way of proving my status when I cross the border for example. There is a way of getting a QR code or similar, but it is temporary and only valid for specific situations. I applied for my citizenship and in the form, when it says 'prove your status' I had to attach a letter from the government, and the first line of the letter says 'this is not a proof of your status'"

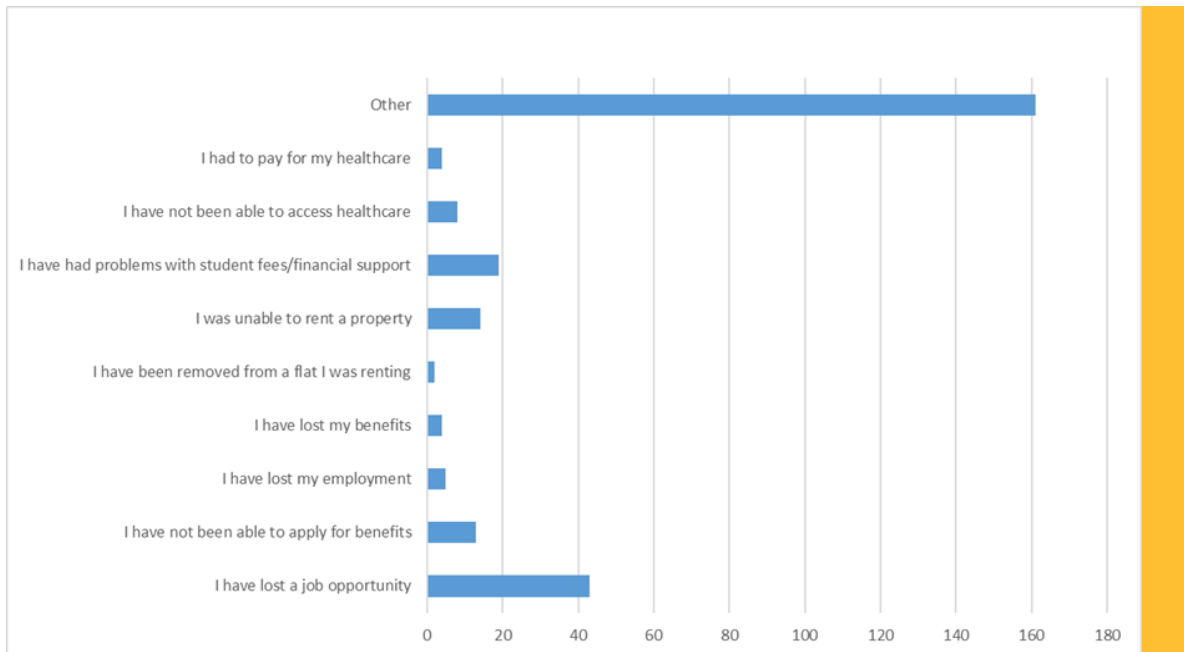
"To be able to provide an accepted proof of status (as any other country is delivering), especially when going through UK custom. Too many people have been retained at the border despite having settled or pre-settled status as some immigration officers do not seem to accept any currently available documentation/letter as it is written on it "this is not proof". How can you pass through a custom where it is clearly indicated that you cannot use your mobile phone, and at the same time, trying to show your status online, when often the government website and/or internet does not work? In addition, it will probably be more and more required to prove status, including for health care."

Others, a form of control and power-dynamics that they find unfair

"I don't trust only online official documents. If someone hacks the system, I won't be able to prove my status. Besides, having to get a code every time I need to prove my status is humiliating. I feel it as a display of power over me by the Government, a reminder of them controlling my right to stay."

Problems experienced

38% of participants said to have had issues due to the lack of physical proof of their status. As you can see below, many selected issues when accessing rights such as benefits, employment, housing, or healthcare.



Under other, many reported issues when **travelling and crossing the border**:

I was travelling back to the UK via Istanbul airport, and for some reason, they asked at the boarding gate if I had "a visa" to go to the UK (not that EU nationals need a visa to enter the UK anyhow). So, imagine what an unpleasant bother it was to try to explain the absurdity of not having physical proof (BRP card equivalent) to a clueless and impatient staff member. I almost missed my flight.

If I change my passport while in Bulgaria, I will have difficulties to enter UK with my new passport. The status can be proven with the old passport, but the Bulgarian authorities won't allow me to keep it. My English is basic, also my computer knowledge. Also, while in Bulgaria I have limited access to Internet.

Problems experienced

I had a problem in Edinburgh airport, when I was travelling back from Spain after renewing my son's passport. I updated my son's digital profile adding the new passport before travelling. When I got to security, the officer at the border told me that my child's details were not updated in the system and that they could not let me in the country. Although I explained the situation, they only let me because they were unable to tell me how long it takes for the new details to appear in the system. I was also confident that I should let in because I have a friend providing EUSS support and she has helped me updating the details and knew what my son's rights were, but it was a very unpleasant experience.

On Monday 29th of November 2021 my 16 years old son was refused entry on our flight back to Scotland because we could not prove his settled status. He has just got a new passport and there were technical difficulties in changing the password to his digital proof. As he travelled with his new passport, we had no access to digital proof. The request for proving his settlement status by the Lisbon Airport worker was absolutely unlawful, however there was no time to argue that and no way to prove my son's status. We were left at the airport in complete distress, facing additional costs of travel and accommodation for two unplanned days. I have developed a stressful reaction to similar situations where any incompetent person can prevent my safety coming back home to Scotland now.

I had big issues at the airports (on both sides) when I travelled between Edinburgh and Paris this winter (over the Christmas period 2021/22). My passport is expired so I only had an ID card and couldn't present any proof of my status to the airline staff and police border control - and none of them seemed to be aware of what they were supposed to be asking. We definitely need a physical proof and staff at borders to be briefed and trained!!

Problems experienced

Participants also reported issues in other areas such as, employment, housing, benefits, studying, and others.

Employment

Anxiety about applying and waiting for outcome became overwhelming and unhealthy, I had to leave my job as a result.

As a self-employed person, the process of proving my status every time I work with a new client becomes a lengthy one and I have had contracts and payments delayed because of this.

A lot of jobs aren't available because it's difficult for employers to use it.

*It was waiting time for someone (eventually my employer) to see my status which for me is classifying as discrimination.
It does not feel secure to have only digital proof. It is vulnerable to all sorts of attacks, just like the NHS was attacked last year. Also, if I could have attached physical proof of my status to the application of my current job (delivery driver), I wouldn't have lost money. I was accepted on the 4th of August 2020, but because of procedures I did not start until 29th of April. I lost circa £1600 because I couldn't provide physical proof of my status with my application.*

At work, they could not verify the code from my pre-settled that you must give to your employer. I had to go to Human Resources and use my mobile to enter the web to show my status and speed up the process.

Problems experienced

Housing

I live in a rented flat. I felt it was more difficult to find accommodation when I moved town in July. Many private landlords refused non-British citizens as they could not be bothered with checking immigration status. Also, it causes me anxiety to not have a physical proof as this government has shown over the last few years that they have little regards for immigrants.

I know one case (mother with a child) was transferred from their council house in Aberdeen as she couldn't provide her status, even though she has a pre- settlement status and people from housing departments didn't help her in any way to find that shared code...

They told me the code was giving them an error and they decided to give the house to another person.

I was able to rent a property eventually but had three denials were elderly landlords said they would not be able to check immigration status.

Benefits

I applied in 2019 but I am still waiting. I was sent a COA (Certificate of Application) in my emails when I first applied. The DWP asked me for a share code but when I got my support worker to log in there was no share code. We contacted the Home Office many times and explained this to the DWP but no one could explain to me how to get a share code. The DWP have closed my benefit claim because I cannot get a share code and they did not accept the PDF version of the COA

Problems experienced

Studying

I had registration problems with my university's immigration compliance team of having shared 6 different codes to prove my status. I also shared my screenshots of information available to me, stating that I have a Settled Status, copies of my passport and various other sensitive details.

Others

There are some disadvantages of not having physical proof. For example, while applying for a provisional driving license my daughter was asked to supply settled status code, the code is valid only for 30 days, so her application was not completed by DVLA due to delays. Generally, holders of British passport are in favorable position as their identity can be checked by government institutions based on their passport number, it saves money and trouble. As a taxpayer I consider it an unequal treatment.

Important reflections and recommendations

Most of the people who have replied to this survey have either used the English version (628 replies – 87.6%) or stated that they feel comfortable communicating and accessing information in English (an average of 4.4 over 5, where 1 is very poor and 5 proficient).

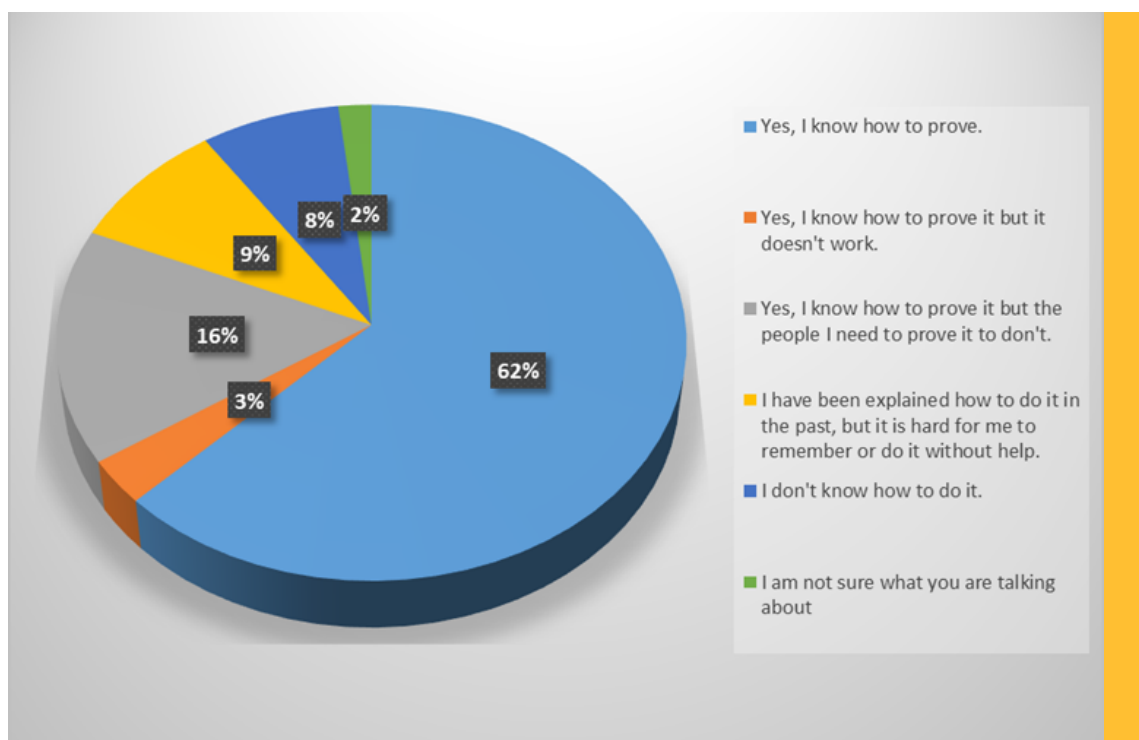
89 respondents, that is 12.4%, answered the survey using one of the translations: Spanish (37), Polish (27), Hungarian (16), Greek (3), Lithuanian (2), Romanian (2), Bulgarian (1), Russian (1)

We also asked respondents how confident they feel using computers, the Internet, and modern mobile phones. More than half, 59.2%, answered that they are “an expert and can easily log into their various online accounts and use new technology.” An additional 28.6% selected the option “I am confident, but I need to work things out before I feel like an expert.” Only 12.2% (a total of 88) responded .

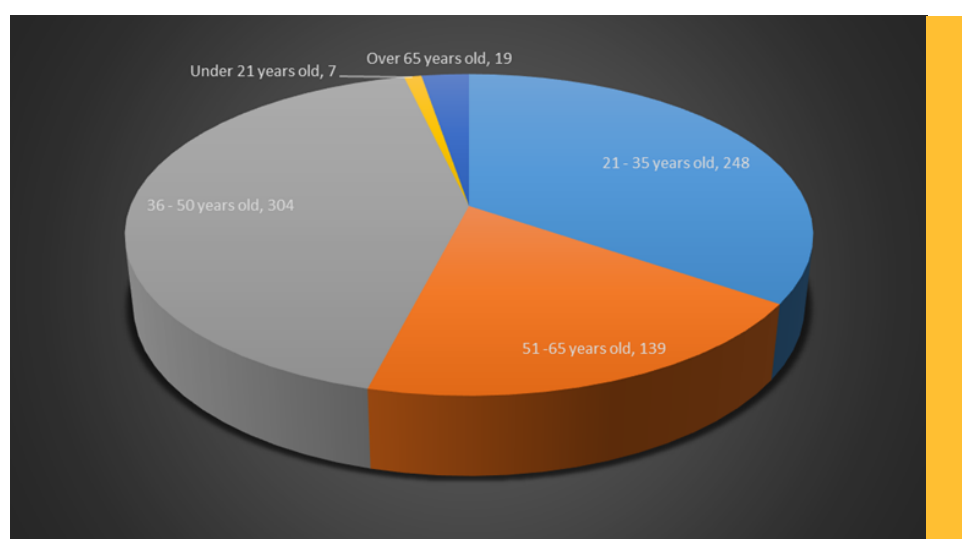
- I am ok, but sometimes I lose my login details and new technology may be confusing (72 responses)
- I have an email address, but I often forget how to access it and I need to create a new one (7 responses)
- I do not have an email account or a modern phone or computer, and I would not know how to use them (5 responses)
- Or something similar (3 responses)

Important reflections and recommendations

In fact, as you can see in the graphic below, most participants –81%- stated that they know how to prove their status.



Moreover, in terms of age, we did not get a wide representation of people aged 21 or less and 65 or more, only 1% and 3% respectively. Most respondents were 36-50 years old (42%), 21-35 years old (35%) or 51-65 years old (19%).



Important reflections and recommendations

It is important to highlight the above because it indicates that we may have not reached the most vulnerable.

In our experience, those with limited English and IT skills struggle to access and update their digital status, as well as using it to prove that they have the right to live and work in the UK. For instance, most elderly clients contact our project because they struggle with technology and do not have access to a laptop and/or smartphone, they don't understand how to use the app and/or do not have an email address. The same occurs with those who struggle to navigate and read information in English.

If the results of the survey are striking, we can anticipate that reaching more people facing the barriers explained above would have meant more answers in favor of physical proof of the status.

Therefore, we urge the UK Government to provide a physical proof to citizens with pre-settled and settled status to minimise the risk of discrimination and the difficulties that EU nationals and their family members face as a consequence of using a digital-only migration system, which was never tested before. They should, at least, have the choice to get one.

It is unrealistic to rely on the support provided by the third sector in this area long term, especially when EU Settlement Scheme cases reaching organisations are more and more complex, while resources are become more scarce as we move away from the deadline.

Questions? Contact us.



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