

Citizens Rights Project – Our experience providing EU Settlement Scheme outreach and support after the deadline

August 2022

In July 2020, Citizens Rights Project produced the document “[EU Settlement Scheme: Citizen Report](#)”¹, to respond to the Independent Chief Inspector of Borders and Immigration (ICIBI) call for evidence to make recommendations to the Home Secretary regarding the EU Settlement Scheme overall governance, efficiency and communication.

This report looks back to that document to analyse whether the issues identified, and the recommendations made are still relevant today.

Our experiences raising awareness about the EU Settlement Scheme

On the previous report, we highlighted the following issues:

- **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.**

This is now relevant for EU citizens who lived in the UK in the past and are now considering going back. Many believe that they are entitled to apply to the EUSS because they still have a NIN, or they have the intention to buy a house or open a business. This means that many people are still not aware that the EUSS is based on residency.

- **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 does not apply to them because they are not planning on staying in Scotland long term.**

No longer the case. The problem with students now is that many left the country during the pandemic and have been absent for more than 2 years. Many want to know if they can re-apply, if they have lost their pre-settled status and how this applies in practice (many can still see their status online), especially if you have evidence showing that on top of Covid-19 restrictions you could not come back due to health issues, doing an Erasmus year, etc. The only advice we can give them now is to bring as much evidence as possible at the border, as this will be the place where they may get stopped when trying to enter the country.

- **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 at our events by people working in local authorities.**

Could still be a problem. It is difficult to know how many vulnerable people may have been left behind. Hence why awareness raising about the scheme is still needed. The elderly is one of those groups. On top of this, one of the major concerns with this cohort is their limited IT skills and understanding of how their digital profile works. This is, however, not an exclusive issue for this vulnerable group.

- **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.**

An issue we have currently noticed with children's applications is the very difficult task that parents face in order to get all the paperwork in time to apply for the status of the new-born within three months. On top of the paperwork demanded by EU governments, there is the issue of delays in consulates that are themselves struggling with lack of staff and resources, and delays after the pandemic. As for the elderly, it is difficult to know how many children have been left behind and may still not have their status because their guardians (parents, local authorities, etc) lack awareness of the settled status scheme. There is also a lack of understanding about when children born in the UK are entitled to a British passport. Moreover, more awareness is needed about the need for new-born/adopted children to apply within three months of their birth/adoption

- **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.**

This is still an issue, especially when it comes to accessing, updating and proving the status. We have come across EU citizens 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, not fully interiorising those things after Brexit has changed. Some are unaware about how things work at the border after Brexit, what the code that you can generate in the profile is for or how to use it (e.g.: we have a client that thought that they needed to generate a code to enter in the UK), or that they have the obligation to keep their status updated (e.g.: When they renew the ID linked to their status)

This lack of awareness becomes more concerning for those with limited English and IT skills, and other kinds of vulnerabilities.

When it comes to misconceptions, there are currently many EU citizens entering the UK as if Brexit hasn't happened, and/or thinking they are entitled to apply to the EUSS because they are from the EU or someone has told them they can do this. In this area, there are people who do not meet the requirements to apply who have applied, received a COA and consequently settled in the UK: finding a job, renting a flat, contracting services, enrolling their kids in school, etc. The issue here is that the HO is, in most cases, taking more than 6 months to solve these applications, giving time for people to settle and then having to leave the country and leave all that behind within days. This puts citizens in a difficult situation, and some may decide it is easier to remain in the UK despite not being documented, and therefore, having any rights.

Reaching vulnerable people during lockdown

On our previous report, we explained how the coronavirus outbreak limited our outreach activity to online events and support. This meant that there were many vulnerable people that we were not able to reach and help. Either because they did not have access to the Internet or other devices, they are not active in social media, or because they have limited IT skills.

We believe we are still affected by the consequences of the limitations imposed during the pandemic, and the fact that steps such as moving the deadline and/or providing increased publicity and resources weren't taken to deal with that.

The level of work, despite what many believe, has not decreased after June 30, 2021. We still face the problems arising from the fact that the EUSS is an only digital scheme, affecting millions of people, and new problems appear as time moves on. From 1st July 2021, we have helped 225 clients, on top of our existing clients (many of whom we still help) and have also answered more than 450 queries.

These are some of the issues we highlighted in our 2020 report to the ICIBI:

- **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.**

Many clients still complain about the waiting times to get through to a representative at the resolution centre.

- **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.**

This is, still, one of the major issues. There are not only delays on solving applications, but also, in sending Certificates of Applications. This means that many people's lives are put on hold. Many clients have reached out to us because without a COA they are unable to work, get benefits, and others.

A new problem that has arisen since the end of the transition period, are EU citizens who have moved to the UK and applied to the EUSS because they thought they were eligible. Many have started a new life in the UK: they have rented properties, signed contracts with Internet companies, mobile companies, etc, started a new job, and even enrolled their children in school... to learn after 6 months or even a year that their application was rejected because they were not eligible to apply to the scheme. We have had cases of people that have been asked to leave the country after a couple of days. Some of these people rely on information from friends or do simply not understand what Brexit means (mainly because not much awareness raising has been done outside the UK).

We do not think, however, that the delays at the Home Office are due to people who are not eligible submitting applications. We think that is a consequence of the Government not anticipating what it meant releasing a scheme of this scale.

There is a risk that some of these people who have left their previous life behind, or have moved because they are looking for opportunities, may decide to stay in the UK. They will need immigration and welfare support and now there is a lack of resources and understanding and how they can be supported.

- **People who do not have a passport or a national ID document issued by the state of their nationality, or must renew it, have not had access to consulates for a considerable period. These are starting to reopen but waiting times will be longer than usual.**

This is an ongoing issue. Consulates are still struggling. They still lack resources to make up for the time they were closed, which result in a long waiting time to get an appointment. We collaborate closely with many of them, and they are usually very accommodating with the most vulnerable. Nevertheless, the tight deadlines of the scheme, and the problems arising from not having a status makes consulate limitations a big issue.

For instance, parents of new-born babies have three months to apply for their pre-settled status. For many, this is not possible due to the bureaucracy involved in registering their child in the consulate and limited appointments to apply for a new passport.

- **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.**

This has been mitigated with the Covid-19 exceptions release by the Home Office. Many have been able to apply to the scheme and get a status despite of breaking their continuous residence. Nonetheless, there is an issue, for instance, with students that were able to study online and decided to stay back home with their families during the pandemic. Some have been outside for more than 2 years. This means that they have potentially lost their pre-settled status. However, many are not sure how this will materialise. There is nothing in the rules, and it will really depend on the Border officers, their knowledge about the EUSS, and the type of evidence they accept.

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

At the end of 2021 we launched the survey “*Would EU citizens benefit from a physical proof of their pre-settled or settled status?*” Nearly 90% of the participants who completed it said that they would like to have a physical proof of their pre-settled or settled status to reside in the UK.

Most respondents described feeling stressed and anxious, with fears they could be discriminated against using a digital-only migration system. They stated that physical evidence will make the process of proving their right to live, work and study in the UK faster and easier and would give them a greater sense of security and peace of mind. Fear of website glitches and technology, as well as lack of trust in the Home Office and the UK Government are some of the other reasons listed by the participants. Many even fear another Windrush Scandal.

This is not an unfounded fear. Many citizens with pre-settled or settled status have already reported issues with their digital profile. In the survey, 38% of participants confirmed having experienced problems due to the lack of physical proof of their status. These include losing their employment or job opportunities; problems when accessing benefits, housing or healthcare; being removed from their accommodation; having to pay for medical care; or issues when travelling or crossing the border.

It is important to highlight that most of the people who participated in the survey and demands physical evidence of their status confirmed having good English and IT skills. The position of those who don't possess those skills, particularly vulnerable people who are most likely to face issues when using their digital profile and would benefit greatly from having a physical document, are likely to be even more serious.

You can read the full report [here](#)² and a summary in [this link](#)³.

Conclusion

As it has been pointed out, many of the issues highlighted by EU citizens, lawyers and advisers involved in raising awareness about the EU Settlement Scheme when the scheme was launched, during the implementation, and after the deadline, have not disappeared. Most are still there or have evolved, and new ones have arisen.

In the past, we identified 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 was no continuous flow of information about the scheme from the Home Office, which resulted 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, did not help. On top of that, the digitalisation of the process presents a challenge and a worry for many people.

Now, as we move away in time from the deadline, information and resources will continue to decrease. We welcomed the guidance on late applications. However, the people who are left to apply are usually the most vulnerable and difficult to reach out to. They also tend to have complex cases. This means that, although we have less clients, we need a similar level of resources as before the deadline. We cannot forget either, that those who had barriers in applying for pre-settled status, are likely to have them again applying for settled status in the future. And that many have limited English and IT skills and struggle when accessing, updating and proving their status.