



*Helping the South East Monitor Trends, Address Challenges,
Maximise Opportunities and Inform National Policy*

ICIBI 3rd Inspection on EU Settled Status - SESPM contribution

A) INTRODUCTION

The South East Strategic Partnership for Migration (SESPM) welcomes the opportunity to contribute to the 3rd ICIBI Inspection on EU Settled Status. The South East hosts around 12% of the UK's migrant population including an estimated 457,000 EU migrants, of which 428,660 have applied for EU Settled Status (EUSS). Whilst these numbers are encouraging, as a migration partnership we are keen to support all efforts to reach EU vulnerable citizens who may be at risk of not obtaining EUSS for a variety of reasons which are covered within this report. The South East covers 7,400 sq. miles and 71 local authorities.

B) BRIEF

To consult with local authority colleagues in the South East and feedback collective responses to the Independent Chief Inspector of Borders and Immigration (ICIBI)'s third inspection of EUSS. On the 23rd July SESPМ hosted a webinar consultation with South East stakeholders involved in assisting EU Citizens to obtain Settled Status. The webinar was joined by twenty participants from local authorities, NGOs, the DWP as well as EUSS grant funded and non-grant funded OISC accredited Level 1 advisors. In particular, this report focuses on how the scheme is working for vulnerable groups, such as children under local authority care, victims of domestic violence or of modern slavery, and those who are digitally or socially excluded and hardest to reach. In addition to this report, SESPМ encouraged local stakeholders to submit their individual contributions to the ICIBI.

RESULTS

1. What is working well and why, with examples (“success stories”)

1.1 Respondents were particularly grateful for the following.

- I. Flexibility. The flexibility built into the scheme regarding accepting alternative forms of evidence of presence in the UK was appreciated. One respondent gave the example of a client she had supported who had little means of being able to provide the standard means of evidence but was able to prove that she had been volunteering with a charity which was accepted as proof of evidence.
- II. Funding. The face to face support funded under the Grant scheme was seen as a very positive addition to the scheme. Respondents commented on the difference they had witnessed from when the scheme was first launched without that support and after its introduction. One individual commented that their local advisor funded under the scheme had provided “a level of advice which is invaluable. The knowledge brought has just made it so much easier to navigate and understand the process”.

2. What is not working, practical difficulties, concerns and recommendations

2.1 Practical difficulties. The following practical difficulties were observed.

- I. Evidence – OISC accredited Level 1 advisors commented that it was difficult to find appropriate evidence of residence at times. In their experience the national insurance database could be unreliable at times in terms of whether it retrieves an applicant’s records. They also commented that whilst it was useful to be able to use GP’s records as evidence of presence, these are not accepted as evidence for the entire five year period.
- II. Translation – Several respondents felt that it would have been helpful if the App had been translated into other languages. Some felt the lack of sufficient understanding had caused people to accept Pre-settled status in error.
- III. ID documents – If the original ID document used to apply for EUSS expires, it is hard to update with the new ID. The initial EUSS application App has an ID scanner, however, this cannot be used to update with new passport details etc. Consequently, if an ID expires some people are needing to submit their new ID physically which means being without that document whilst the EUSS is being updated. Many people are nervous to be without their official ID.

2.2 Concerns. Many of the concerns are covered within [Section 4. Lived Experiences of vulnerable individuals and groups](#). In addition, respondents mentioned the following.

- I. There are concerns that people still do not realize that children need to apply for EUSS.
- II. Queries arose as to how the data captured on the App is stored. It is mentioned within the App that data can be shared with public and private organizations. Due to the fact that the App holds biometric data such as face scans, some respondents felt they would like to know who this is being shared with and for what purpose.
- III. Comments arose as to the connection between EUSS and Universal Credit (UC). Whilst not entirely within the remit of this inspection, several respondents noted that the decision in 2018/19 to restrict automatic entitlement to UC to those with EUSS has impacted negatively upon EU Citizens during Covid-19 who have become unemployed. Those with pre-settled status can still apply for UC, however, they need to pass the Habitual Residency Test (HRT) which can be difficult for many.

2.3 Recommendations

- I. Collated recommendations are included at the end of this report, click [here](#) to jump to this section.

3. Consistency and usefulness of advice from the Home Office

3.1 Some respondents commented that if automatic residency checks fail and the applicant is required to provide further information, there can be the following inconsistencies or areas where Home Office advice could be strengthened.

- I. Evidence timeline. One Level 1 advisor noted that whilst the guidelines on requesting evidence of residency asks applicants to evidence six months of residence for each of the five years covered, often the actual request will ask for a time period which can be much longer than six months. This is inconsistent with the guidelines.
- II. Similarly, another Level 1 advisor noted that evidence is sometimes requested for 2013 or 2014 for an applicant who arrived in 2015. The advisor had followed this up with the EUSS team and been told it was likely a glitch in the system.

- III. Some respondents felt that specific requests from applicants were met with generic replies from the Home Office which did not fully address the question asked. This was deemed problematic for more complex cases outside of the remit of Level 1 advisors where it was difficult to access Level 2 expertise.

4. Lived experience of vulnerable individuals and groups

4.1 Respondents had the following comments to make about the scheme and more vulnerable individuals and groups.

- I. Evidence is hardest to find for the economically inactive, stay at home parents, the homeless, the elderly and those who may have worked predominantly in the gig economy, such as Roma communities.
- II. Third Country Nationals (TCN). Delays appear to be longest for TNCs entitled to EUSS as a family member. Two level 1 advisors, working for different organisations in two different sub-regions both cited this cohort as having applications take the longest. One application had taken seven months and numerous others had taken three to four months to resolve. There were concerns that this cohort could increase in the months prior to the closure of EUSS due to anecdotal evidence from one respondent that many of the migrants they spoke to had family members intending to join them next year.
- III. Elderly EUSS Citizens. The elderly face additional difficulties with the online nature of the application process. This includes issues surrounding limited or no digital literacy and not having email accounts.
- IV. Roma communities. Roma face multiple challenges when it comes to obtaining EUSS. Evidence of residence in the UK is often harder to come by for these communities due to a high prevalence of working within the gig economy or being a stay at home parent. For various reasons, predominantly (but not exclusively), cost related, many Roma parents may not have obtained passports for all their children. This means EUSS involves a significant capital outlay before beginning the process. Equally, Roma communities have been hit particularly hard by Covid-19

due to the shrinking of the gig economy and their lack of EUSS meaning that it is considerably harder to access Universal Credit (UC).

5. Factors preventing individuals from applying or delaying the progress of applications

Key factors included

- I. ID Documents – EU Citizens may not have ID documents or realize that they need updating. For example, many are unaware that biometric residency permits need updating. Others may be put off by the cost of obtaining new or replacement documents.

6. The support support, including funding, training and guidance, provided by the Home Office to those assisting applicants

- I. Funding. There was some concern and uncertainty as to which grant funded organisations would be providing support in the lead up to the June deadline for EUSS applications. The understanding of those participating in the webinar was that funding for this support had been extended until March 2021, but that it was likely that the most complex cases would concertina ahead of the June deadline.
- II. Training. One Level 1 respondent commented on a very useful training which had been provided by 'Here for good' and wished that this training had been available for all grant funded organisations at the beginning as it would have enabled them to get up to speed far quicker.
- III. Guidance. The guidance states clearly what Level 1 advisors can assist on, after this it is mandatory that any further advice be received from an OISC Level 2 accredited advisor. Unfortunately, access to Level 2 advisors is very hard to come by and has decreased over the course of the last few months as demand has outstripped supply.

Recommendations from SESPM partners

Section	Recommendation
2.	<p>Possible practical recommendations include:</p> <ul style="list-style-type: none"> • Translate the App into other languages (if permitted). • Expand the function of the ID scanner to accept new/updated IDs the App so that original copies do not have to be sent in. • Increase targeting of messages within communication activities to highlight that children need to be registered for EUSS too. • Clarify how data is being shared and for what purpose • Scrap/reduce indirect costs for applications (appointment fees to provide biometrics. Very limited locations where this can be done free of charge).
3.	<ul style="list-style-type: none"> • Increase coherence between the guidance and the time frames applicants are asked to evidence as proof of their residency. • Provide more honed advice to EUSS enquiries, especially in cases where Level 2 advice is needed. • Provide clarity on what repercussions individuals will face if they are late to submit applications. The guidance does not say what will be considered a good reason for late applications. • Provide clarity on how the system will function for family members after 2021 June deadline.
4.	<ul style="list-style-type: none"> • Look into what is causing delays for TCNs and consider what might be done to prepare for additional TCN family member applications in 2021.
5.	<ul style="list-style-type: none"> • Help publicize that biometric residency permits need to be updated before they can be used to support an EUSS application.
6	<ul style="list-style-type: none"> • Consider the continuation of funding for grant funded organisations working with the most vulnerable so that the period leading up to the June 2021 deadline can have assistance. • Help to facilitate greater access to Level 2 advisors in this last year leading up to the June 2021 deadline.