

I want to be the one
to decide *my* future



How do European citizens experience
the process of applying for

the permanent residence certificate





“I want to be the one to decide my future”

How do European citizens experience the process of applying for the permanent residence certificate?

About this report

This report was produced on behalf of **the3million** by Anne-Laure Donskoy, independent researcher, co-founder and co-chair of **the3million**.

the3million is the largest grassroots organisation created by EU citizens living in the UK in the aftermath of the June 2016 referendum¹. It campaigns to preserve and guarantee their existing rights in a post Brexit context, provides a support network to the estimated three million EU citizens living in the UK and its online Forum² currently has a membership of over 33,000 members. The organisation regularly publishes policy documents as part of its lobbying and campaigning work in the UK and in the EU³.

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¹ www.the3million.org.uk

² <https://www.facebook.com/groups/Forum4EUcitizens/>

³ See Annex page with list of links to 3m docs

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[the3million](#) “village” through [the3million](#)’s Facebook Forum for EU Citizens

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FOREWORD

The Home Office owes a debt of thanks to the3million and all those who participated in the research for providing such comprehensive, detailed ‘customer feedback’ on a particular application process, for the permanent residence certificate. The careful quantitative research is illuminated by the qualitative work and those surveyed have been eloquent and comprehensive in describing their experiences.

What emerges is a picture of people who have put many hours into the application process, over a period of months, made good use of all the material available, but still have no idea whether they have got the application right. Having submitted it they experience all that work, and their valuable documents, disappearing into what one applicant vividly describes as a ‘black box’, with no communication from the Home Office. That the bureaucracy surrounding the UK process is unnecessary is illustrated by the comparisons with other member States.

It is all very well the Home Office urging persons not to apply for permanent residence documents. They are now a prerequisite for citizenship applications. The ‘hostile environment’ requires increasing numbers of document checks, although few who responded to the survey have been exposed to these to date. The Immigration (European Economic Area) Regulations 2017 were the latest expression of Home Office positions at odds with EU law; imposing requirements nowhere to be found in EU law and reducing protection for EU nationals. With no certainty as to how having had permanent residence will weigh in whatever application process is put in place as part of the UK leaving the EU, many would rather assert their rights while the UK is still obliged to abide by the rulings of the European Court of Justice. It is striking when reading the report that the survey respondents who have had the most difficulty in meeting the UK requirements are overwhelmingly women.

Immigration law practitioners are seeing an increasing number of EU nationals. Some have concluded that they would rather pay for help than endure the uncertainty and stress involved in going it alone with no clear sense of what is required. Others tried to do it themselves but received the shock of a rejection and have sought help to sort the matter out. The bewilderment, fear, bureaucracy, unreasonableness poor communication and experience of hostility described by EU nationals is familiar to practitioners from their work with third country nationals, those going through the UK’s mainstream immigration system, the system that it is proposed that EU nationals will join post Brexit. The experiences captured in these pages are a timely reminder of why not just permanent residence applications, but that system as a whole, needs to improve.

Alison Harvey,
Legal Director, Immigration Law Practitioners’ Association, Somerset

Five days before the referendum, I was hosting my first Brexit meeting in London, one of many to follow. The objective was to give advice on what people could do to protect their rights to stay in the UK post Brexit. It covered the Permanent Residence, nationality and

Registration Certificates. I had no idea then that in the year to come, I was going to travel all around the UK, to talk to thousands of Europeans about the same topics.

On 30 June, I had organised to a public meeting in Edinburgh with Senator Olivier Cadic because some of the functions of the French Consulate were being transferred to London. This became a Brexit meeting. People came from everywhere. Some from as far as the Shetland Islands. Why? Because they did not understand what their fate was going to be. Were they going to have to leave? Where they going to lose their house, their business? What about if their children were British and they were not? What about university fees? What if they were retired and their husband or wife were dead? Would they still have access to the NHS, to their pension? You could feel the tension, the panic even.

We were in the process of organising a similar meeting in Central London because no one was explaining anything to anyone. The room we had booked was for up to 100 people and we circulated the details of the meeting to nearly 100,000 French nationals. I received thousands of emails and I quickly realised that we were going to need a much bigger room. This time we were going to have immigration lawyers to answer questions.

Our next meeting was to take place in Bristol with one of my colleagues, Nicolas Hatton. Nicolas called me to ask if we could open the meeting to other Europeans because no one from their government was doing anything. At the end of the day, we were all in the same boat. Little did I know that this was going to lead to the launch of the3million and all that they have achieved.

From Plymouth to Aberdeen, the questions have been the same. But what I have found most distressing has been the sight of elderly people being frightened because they did not know what was going to happen to them. A lady cried telling me: “My British husband has died a few years ago but I have lived in here for 65 years, my children are British. However, I want to die here and be buried with my husband. Do you think I am going to have to leave?” The lawyer who was with me at the time could not assure her that he was 100% sure she was going to be ok.

One of the stories that has also stuck in my mind was that of a woman who had travelled all the way from Cornwall to Exeter to meet us. She was French and had been married to a British farmer for 15 years. Like many farmers wives, she had worked on the farm without a salary and no CSI. This made it impossible for her to obtain a PR. The distress in her eyes was symbolic of what 3 million Europeans were going through.

Over the last few months, I have met those who wanted to be certain that they were going to be able to stay and so filled in the paper-work, people who basically shouted that they would never do the paper-work and that if the government wanted to come and find them so be it, and people who said they would go if the UK did not want them anymore. Others who just decided to wait and see before doing anything. It turns out that the later may be proved right given what Theresa May is now offering EU citizens.

Patricia Connell,
Elective representative for the French Living in the UK.

EXECUTIVE SUMMARY

In the year that followed the vote to leave the United Kingdom, an estimated 150,000 EU citizens applied for documentation certifying their 'permanent residency rights', the 'permanent residence certificate' which EU citizens can apply for if they have lived in the UK continuously for five years and exercised their 'treaty rights'.

They have been urged by events, by employers, by friends, by families, by immigration experts and commentators to apply. They were also urged to apply out of a new and deep sense of insecurity which encouraged them to seek to consolidate their rights and entitlements in a new political landscape and an unprecedented uncertainty as to the nature of their resident status in the UK post Brexit.

This research aimed to explore the process of applying for the documentation certifying the right to permanent residence. It was initiated and conducted by the3million, the largest grassroots organisation which was created in the aftermath of the referendum and which has been lobbying and campaigning since July 2016 for EU citizens in the UK to be able to keep their indivisible rights post Brexit. **the3million** also cooperates frequently with British in Europe, the largest coalition of British citizens in Europe.

The research was granted ethics approval by the University of the West of England and was conducted through on-line questionnaires using Qualtrics between 24 February and 1 March 2017. 2,784 respondents participated in survey 1 which consisted of three distinct sample groups: EU citizens who were holding off from applying or had decided not to apply (the largest sample), and EU citizens who had decided to apply for the 'permanent residence certificate'. The research also reached out to immigration lawyers and specialist advisers (survey 2) in order to gain their professional perspective on the issues encountered by applicants.

The main findings from this research are:

- The process of applying for permanent residence is not fit for purpose:
 - It is extraordinarily onerous for the applicant in terms of time, energy, stress and cost;
 - It is inflexible and incapable of dealing with real life, non-linear or complex situations;
 - In some instances (e.g. issue of comprehensive sickness insurance or minimum income threshold), it does not follow the correct interpretation of EU law, leading to number of applications being turned down.
- The system needs replacing:
 - It must be user friendly, easy to access and use, free and local;
 - It must make use of already existing information resources which the UK government holds about applicants, such as Her Majesty's Revenue and Customs and tax, Department for Works and Pensions, local councils, electoral roll, national insurance numbers etc.;

- It must be properly funded and furnished with enough staff trained to the highest standard to be able to assess applications competently, especially the more complex ones;
- It must be available for all EU citizens currently living in the UK, not just those who will have accrued five years of residency in order to avoid a residency 'cliff-edge' scenario and prevent some people from, for instance, continuing to gain access to employment opportunities or being allowed to rent a property.
- The process is discriminatory towards certain groups of EU citizens such as stay at home parents (usually women), people with a non-linear life or employment history (often on low wages); people on low income generally; persons with disabilities and their carers:
 - these EU citizens are often vulnerable and not able to 'exercise their treaty rights'
- Immigration lawyers and specialist advisers not only confirmed the nature of the difficulties encountered by applicants but were also able to highlight the case of the more invisible kinds of applicants (for instance homeless EU citizens in work but unable to apply easily for the documentation).

The study attracted vast amounts of comments through open dialogue boxes. Only a very small selection was used in the report. Many of the (anonymised) remaining comments will appear on [the3million](#)'s website as a separate document.

PART I THE STUDY

Part I describes the background and methodology of the study

1. Background

The announcement of a referendum in February 2016 to decide whether the UK should remain in or leave the European Union (EU) dramatically changed the lives of most of the 3 million EU citizens currently living in the UK, of whom about 1.8 million have been living here for five or more years, have acquired permanent residence under EU law and are eligible to apply for a document certifying their permanent residence in the UK⁴.

While politicians in charge have been at pains to repeat that, officially, “nothing has changed”, and that nothing is set to change until the time the UK leaves the EU through a process nicknamed “Brexit”, it seems that things have indeed changed. For example, many immigration and EU law specialists⁵ as well as prominent legal figures, have been encouraging EU citizens and their family members to apply for documents evidencing their permanent residence⁶, specifically a document certifying permanent residence in the case of nationals of countries in the European Economic Area (EEA). Non-EEA family members can also apply for a residence card and, after five years of continual residence in the UK, a permanent residence card, as further proof of their right to reside, work and access benefits in the UK.

1.1 Legal framework for residence

Until 2004, EU citizens established in the UK could either apply for a residence certificate, Indefinite Leave to Remain (ILR) or citizenship. In 2004, the EU established the principles of ‘permanent residence’ which are defined under the EU Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁷. Different categories of people who have been living in the UK for five years or more, and exercising their treaty rights, can apply for ‘permanent residence’ (PR): they are usually EU citizens, their children, their EU and non-EU spouses.

“Under European law, EEA nationals do not need to obtain documentation confirming their right of residence in the UK. However, EEA nationals and their non-EEA family members can apply in the UK for a registration certificate (issued to EEA nationals),

⁴ <http://www.britishfuture.org/publication/report-inquiry-securing-status-eea-nationals-uk/>

⁵ For instance: <https://www.freemovement.org.uk/eu-nationals-must-apply-for-permanent-residence-card-for-british-nationality-applications/>

⁶ Helena Kennedy, who chairs the Lords committee that recently reported on acquired rights, suggested it would be sensible for EU citizens to start putting together documentary evidence of their time in Britain, including proof of employment and residence, appointment letters and even references. <https://www.theguardian.com/politics/2016/dec/14/eu-citizens-collect-proof-of-living-in-uk-helena-kenney-qc-lords-brexit-reports>

⁷ 29 April 2004: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>

residence card or derivative residence card (issued to non-EEA family members) to confirm rights of residence”⁸

Five broad categories of “qualified” EU citizens and their non-EU dependants (family members of a qualified person who derive EU citizenship rights by virtue of being married to an EU citizen) or people who have a retained right of residence⁹, can apply for permanent residence. They can do so if they have been ‘exercising their treaty rights’, and are able to demonstrate that they have been living “lawfully” in the UK. Furthermore, applicants must fall within one of the following five categories and be:

- working, studying, self-employed, self-sufficient, looking for work¹⁰

Obtaining a document certifying permanent residence represent not only the preferred way of proving a right to residency, but it is also now the mandatory first step towards applying for British Citizenship¹¹.

1.2 The referendum effect

Even though EU and their non-EU dependants are not legally required to apply for or carry proof of their residency status, the outcome of the referendum on leaving the EU held on 23 June 2016 created a significant surge in the number of applications as officially acknowledged by the Office for National Statistics;

“In the year ending March 2017, 108,590 documents certifying permanent residence and permanent residence cards were issued. This is the highest recorded annual figure and more than 5 times the figure for the previous 12 months (20,514”)¹²

For months since the referendum, the media and social media have been recounting many tales of increasing anxiety, woe and rejection from people who have either thought about applying or who have applied for documents certifying permanent residence the PR card. Many of these anecdotal stories describe harrowing experiences and a highly complex bureaucratic process and many report giving up even before they have even started, or waiting to see what the future holds. Furthermore, on 5th December 2016 Home Secretary Amber Rudd confirmed to the Parliament that “[t]here will be a need to have some sort of documentation” for the 3 million of EU nationals in the UK, although detailed arrangements are yet to be worked out¹³.

These stories and the interest in the political and media sphere for the rights of EU nationals to be allowed to remain in the UK post Brexit, the participation of the 3 million as an expert

⁸ <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/summary-of-latest-statistics>

⁹ <https://www.gov.uk/eea-registration-certificate/overview>

¹⁰ <https://www.gov.uk/eea-registration-certificate/permanent-residence>

¹¹ Since November 2015

¹² <https://www.gov.uk/eea-registration-certificate/permanent-residence>

¹³ See <https://hansard.parliament.uk/commons/2016-12-05/debates/A5285145-6CE0-4AF8-B680-439A890D670E/UnskilledMigrationEmploymentLevels>, accessed on 14 December 2016.

witness organisation at the Commons Select Committee on Exiting the EU^{14 15} as well as the widespread consensus that the process of applying for permanent residence needs reforming¹⁶, suggested that this was a very strong topic for investigation.

It was also felt that such a study would provide a more accurate picture of the situation by going beyond anecdotal evidence and collecting quantitative and qualitative information using a research framework.

1.3 Aims and objectives

The aim of the study was to produce useful evidence as part of the3millions’s lobbying and campaigning work to:

- preserve and guarantee the existing rights of EU citizens to reside in the UK in a post Brexit context;
- implement a much-simplified process for the application of the ‘permanent residence’ card;
- highlight specific issues reported by certain categories of applicants (e.g. those deemed “self-sufficient”, students, and people on low income)

To describe the experiences of having to prove the right to residence for EU citizens post referendum through the application for the ‘permanent residence’ card:

- to describe and analyse the impact of the complexity of the application process for the PR card;
- to make policy and practical recommendations based on identified difficulties towards a simplified application and assessment process.

1.4 Methodology

Two online surveys were administered using Qualtrics, a survey tool. The first survey was aimed at EU citizens who had been residents in the UK for five years or more and was administered using links published on various on-line platforms. The second survey was aimed at immigration lawyers and advisers who have experience of dealing with applications for permanent residence. Both surveys were reviewed and had input from stakeholders prior to administration. They aimed to elicit mostly quantitative information with open text options to draw in a more detailed picture.

Analysis:

Raw data from the self-completion of on-line questionnaires was process through a statistical package (SPSS). The quantitative data was then subjected to a descriptive analysis using confidence intervals. Comments entered by respondents were organised and structured

¹⁴ 18 January 2017 <http://www.parliament.uk/business/committees/committees-a-z/commons-select/exiting-the-european-union-committee/>

¹⁵ <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmexeu/1071/1071.pdf>

¹⁶ Brexit Acquired Rights:

<http://www.publications.parliament.uk/pa/ld201617/ldselect/ldcom/82/8202.htm>

British Future report: <http://www.britishfuture.org/publication/report-inquiry-securing-status-eea-nationals-uk/ibid>

using MAXqda, a Computer Assisted Qualitative Data Analysis (CAQDAS) software which facilitates the process of sorting, structuring, and analysing data material. An independent researcher checked the coding. Ms Stevens read most of the responses and created her own, then checked those against the existing ones. A concordance was found with the researcher's own coding.

1.5 Recruitment of respondents

Survey 1: There were three distinct sample groups:

- EU citizens who were thinking about applying for the 'permanent residence' card and those who had decided not to apply;
- EU citizens in the process of putting their application together;
- EU citizens who had already applied since the 2015 General Election (the referendum being an item of the Conservative Party manifesto).

These respondents were recruited online via a link on the the3million's two Facebook pages (Forum for EU Citizens and The 3 Million) where potential respondents could find more information about the project and the participant information sheet. The link also was shared with other Facebook groups such as UK Citizenship European Nationals -UKCEN, as well as other networks such as the National Pensioners Convention, so as to reach EU citizens not engaging with social media or who are not familiar with the3million's campaigning work.

Survey 2: A short second online survey was aimed at immigration lawyers dealing with applications for PR. A for survey 1, a link to the3million's website, information about the survey and the information sheet was made available. It was shared through the Immigration Law Practitioners Association (ILPA)¹⁷ and the AIRE Centre¹⁸.

1.6 Ethical approval

This study received formal approval from the University of the West of England's Ethics Committee.

1.7 Structure of the report

- Part I introduces the study: background and methodology
- Part II looks at the experiences of applying for permanent residence from the perspective of EU citizens and from the perspective of immigration lawyers
- Part III explores the emerging themes from these different perspectives, offers some reflections and makes some recommendations for policy change.

¹⁷ www.ilpa.org.uk

¹⁸ www.aire.org

PART II FINDINGS

2,784 EU citizens took part in survey 1 and 46 immigration specialists took part in survey 2 which were administered using Qualtrics between 24 February and 31 March 2017.

A - EU CITIZENS WHO HAD NOT YET APPLIED OR HAD DECIDED NOT TO APPLY FOR THE PERMANENT RESIDENCE CERTIFICATE

Who were these EU citizens?

72% of respondents were female and 21% male (8% did not give a gender). The majority of respondents, 52%, were aged 26-44, with 28% aged 45-54, and only 2% 18-25 (7% did not provide an age). 26% of respondents had lived in the UK for between 5-10 years, 23% for 10-15 years, 19% for 15-20 years, and 13% over 25 years (7% did not state). The majority of respondents, 59%, were working either full or part time, 16% were self-employed, 7% self-sufficient, 4% students, 3% were retired, and 3% unable to work (6% other).

45% of respondents started thinking about applying since the referendum (June 2016) 39% in the last few weeks or months, 9% since the announcement of the referendum (February 2016) and 6% since the General Election (May 2015).

47% were not sure they would apply, 40% thought they would apply, and 13% thought they would not apply.

2 Reasons for holding off from applying or deciding not to apply

The main reasons exposed by respondents were varied. There was often more than one reason at play.

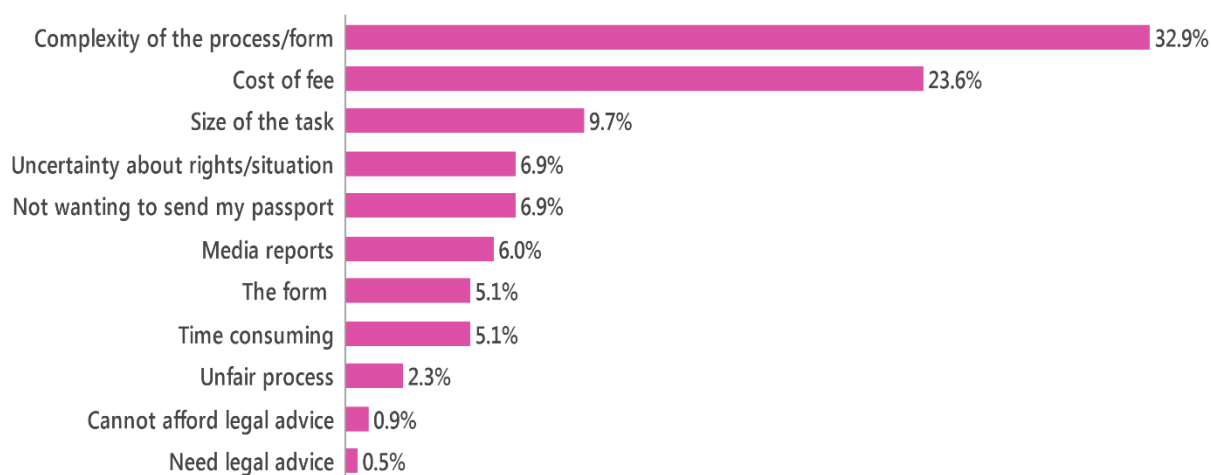


Fig.1 Foreseen difficulties engaging with the process

2.1 The size of the task and complexity of the process

Respondents highlighted the size of the task and the complexity of the process as the main reasons for holding off or not applying for permanent residence. They describe engaging with the process as a complex, cumbersome, lengthy, and bureaucratic off-putting, daunting, prospect.

This perception was arrived at through:

Hearing about the process: The size of the task, which potential applicants surmised either from friends, relatives, social media and the press about people who had already been through or were contemporaneously engaging with the process: it was off-putting for some “Having heard about some of the details required I feel I won’t be able to answer some of the questions” (Q9/469). So was hearing about the rejection rate ““Maybe this skewed by the media, but it seems like so many applications get rejected for really petty reasons” (Q9/496) confirmed their resolution not to engage with it.

Looking at the form: Although applying for PR involves tackling an 85 pages long form, potential applicants did not have to fill all parts. However, “The 85 page long application form is really daunting and need to do it for both myself and my husband” (Q9/760). The length of the form was just as off-putting: “Too much paperwork, not willing to fill in 85 pages” (Q9/662)

The guidance :75% of respondents had looked at the official guidance about applying for the PR card, 23% had not (2% did not respond). Of those who had read the guidance, 82% had read the guidance published before 1st February 2017. Of those who had read the guidance, the majority, 60% found it to be not clear or easy (3 or lower) only 12% found it to be clear and easy (6 or higher). Only 15% found it helpful.

2.2 Thinking about the process of applying

The process involves locating the right form, guessing from the guidance and other sources what is required to meet the process requirements, filling the form for oneself and or for others too (e.g. a spouse, children etc.), locating and gathering all the necessary documentation and information, making enquiries about aspects of the application form or process, seeking or using help, scanning and printing documents, checking the final application bundle and sending it etc.;

“I am confused about the daunting process, but cannot afford to seek legal advice [...] Also seems to be a problem getting the documents together” (Q9/74)

“The current form is diabolical and needs reform. Therefore I am hoping the government will simplify it!” (Q9/568)

Several respondents were worried that they might not do it right and, in turn were worried about seeing their application rejected and, in turn again, were worried about the consequences;

“I need advice on some questions on the 85 page PR application form- I saw some people were turned down due to missing/incorrect documentation” (Q9/204)

2.3 Gathering the necessary documentation and information

The process of applying was often described as cumbersome, especially when people were confronted with the prospect of gathering the documentation which seemed to confirm their impression that the process was very involved, daunting and complex.

It was also deemed to be an unnecessarily bureaucratic and time-consuming task. Respondents often felt that, since they were actively engaged in UK life and were registered with a number of state organisations such as Her Majesty’s Tax and Revenue, the Department of Work and Pensions, Councils, the NHS, etc., simple checks could be made with these institutions to prove their active residence in the country. They were clear that this would lessen the burden of proof on the applicant and simplify the process;

“Also I refuse to complete 85 pages long form asking for unnecessary information. HO can liaise with DWP/ HMRC to get all the information they need to grant a PR or ILR” (Q9/10/16)

“I do not wish to complete a lengthy form asking me for information that is available from my national insurance number, tax reference number and National Health Service number” (Q9/502)

Looking at the form and the guidance, many potential applicants realised that this would not only be a considerable task but also one fraught with potential difficulties. Many were unsure what paperwork was necessary, they felt that there was “too much conflicting advice at the moment about what paperwork I would need to produce” (Q9/329) and that they would need professional legal help understanding the process.

Unsure about being able to locate or gather historical documents: Many people reported that they do not keep old bills, either because many service providers such as utilities and banks now offer on-line statements, or because they did not believe they would ever need to keep them. Sometimes documentation was no longer available due to life events such as divorce, or employers no longer existing;

“I didn't keep any of the paperwork and it would be too difficult to try and get it all back” (Q9/307)

“I have not kept all my paperwork as I never expected to need it” (Q9/85)

“Paperwork. I divorced and most of my paperwork got ‘lost’”(Q9/643)

“I have to provide too much paperwork which I no longer have - it's all shredded so I fear I will not get PR” (Q9/154)

“I have also realised that I don't have most of the proof required as I need detailed documentation on anything for up to five years in the past, but as even the most personal records only need to be kept for up to 4 years, I don't have any of these” (Q9/495)

Enough evidence? This was of concern for some respondents, who were unsure they either had “enough evidence to support the application” (Q9/767) or the right sort of evidence, “I am on disability benefits since 1991 after 1 year as student and 4 years in work and I only have N.I contributions to show as work evidence and not p60” (Q9/582) or if they were self-employed;

“I don't know if I can produce all the evidence they want, I have lived here for 25yrs but I am self-employed and my business is online, which makes applying particularly complicated” (Q9/577)

2.4 The cost of applying

Many respondents complained about the cost of the process. The reported it as being “prohibitive as I am on a low wage” (Q9/312) or if they to apply for a family “A bit expensive to do it for family of four” (Q9/400). If they were applying for PR as part of applying for citizenship, it was “very expensive)” (Q9/655). Some wondered if the expense of putting the application together and the fee was even worth it.

2.5 Being without a passport

The process of applying for permanent residence involves including either an original passport or ID card. This was something that concerned respondents who worried about being with a crucial document for an undefined period of time, especially those who had no alternative document to fall back on, either because their country of origin did not offer both a passport and an ID card, or because they only possess one form of ID. Their concern was often related to work or family issues or commitments and some were concerned that if their passport was to be compromised in some way, such as being lost in the post;

“And I'm not sending my original passport without knowing when I'll get it back.” (Q10/28)

“I don't want to send my actual passport to the Home Office” (Q9/302)

2.6 The rejection rate

The rejection rates released on a quarterly basis by the Office of National Statistics had the effect of putting respondents off from applying;

“High rejection rate despite people trying to get it right” (Q9/501)

“Rejection rates too high based on what I view as trivial technical matters” (Q9/703)

2.7 Fear of rejection

The fear of an application being rejected was a powerful motive for holding off or not applying for permanent residence. There were different aspects to this concern.

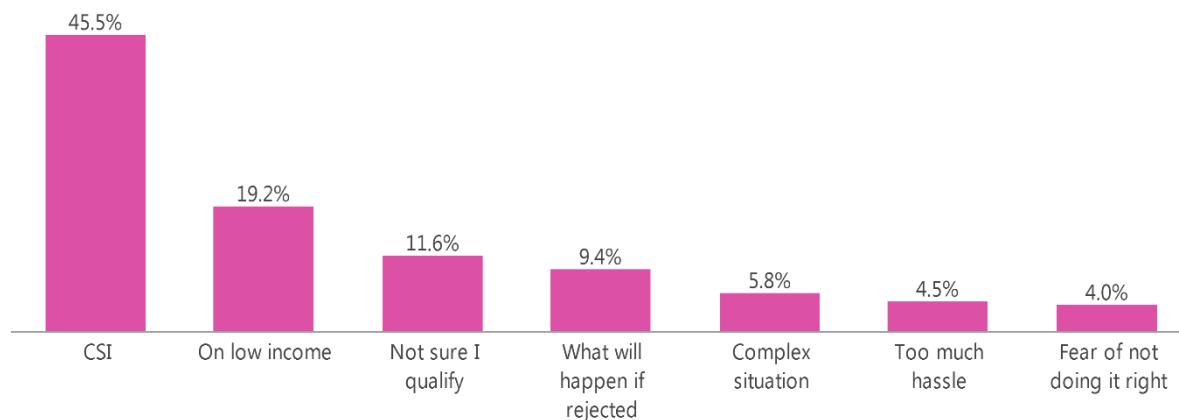


Fig.2 Specific concerns linked to fear of rejection

---The issue of comprehensive sickness insurance (CSI)

Of the 1,744 respondents of this sample group (people who had not applied for permanent residence), 445 (26%) reported that comprehensive sickness insurance (CSI) was an issue, for instance that they would need CSI. 78% were female (9% did not state). 45% were aged 26-44, 27% 45-54, 16% were over 54, and 4% were 18-25 (9% did not state). 20% were employed either full or part time, 11% were self-employed, 24% were self-sufficient, 13% were students, 7% were retired, 8% were unable to work, and 3% were job-seekers (12% did not state). 27% had lived in the UK for 5-10 years, 18% 10-15, 18% 15-20, and 14% over 20-25 years, and 14% over 25 years.

Answer	%
At the time of filling the form	20
In the news	23
On a website or social media	42
An immigration lawyer told me	7
Someone else told me	15
I looked up the legislation	9

Note. Respondents could select more than one answer.

68% thought that that the European Health Card was enough (5% did not respond). 26% report that they were told that the European Health Card would be enough (6% did not respond). 69% did not seek advice about different kinds of health insurance and which kind qualifies as CSI (6% did not respond). 79% did not purchase CSI (6% did not respond). Of those

who did not buy CSI and gave a reason for not purchasing it, 71%, said they did not know about it, while 15% could not afford it, 8% got it through their partner or spouse, 5% could not afford the premiums for their health condition, and 1% were excluded on health grounds.

---Not knowing or not having CSI

The main fear of rejection was overwhelmingly linked to the issue of so-called 'comprehensive sickness insurance' (CSI), a requirement by the UK government for certain categories of EU citizens (students, self-sufficient individuals, etc.) to exercise their treaty rights;

"I do not have Private Health Insurance because I have always been able to use the NHS. I am therefore not a qualified person because the Home Office interprets CSI to mean private health insurance" (Q9/680)

"I have lived in the UK for 23 years as a self-sufficient person and did not know about CSI" (Q9/747)

"The comprehensive sickness insurance, I don't have it, didn't know about it until a few weeks ago" (Q9/163)

"I have spoken to Home Office advisers and they have said my application will be declined as I am "defined" as self-sufficient but I do not hold Comprehensive Health Insurance. When I asked if buying private health insurance will help they said they did not know" (Q9/386)

"The fact that I am retired and it seems that means I would have to take out private medical insurance. That is most likely to be unaffordable on my level of income (Q9/402)

Students were sometimes given no information, or the wrong information, about the need for CSI by their higher education institution, resulting in their being potentially disqualified. Stay at home parents too, usually women, were also often affected by the lack of CSI;

"Despite having lived here for almost 27 years, I currently don't seem to qualify. No CSI while studying/looking after kids" (Q9/179)

"I have been a student for the full 5.5 years that I have been here, but I didn't have CSI as no one informed me about it. If I apply under the current rules, I will be rejected" (Q9/190)

"I came to the UK as a PhD student in September 2011. I asked at my faculty, at the research degrees office, whether I needed to get medical insurance, and I was categorically told that I did not need it, as the fact that I was a student entitled me to use the NHS" (Q9/126)

Other categories of citizens were also affected, specifically carers, for instance this person who commented that she was "a homemaker, then carer for my son and husband) and volunteer for a charity. I never had CSI" (Q9/618)

---Not sure I qualify

73 respondents (3%) were worried they would not qualify for permanent residence. This fear was based on a variety of concerns, mostly a plain fear of rejection, the process, for instance

not being able to answer questions or “not doing it right” or not being able to gather all the required documents, to not having CSI, therefore worried that they had not been “exercising their treaty rights”;

“Having heard about some of the details required I feel I won't be able to answer some of the questions” (Q9/469)

“I have been in England since 1999, have entirely British family, haven't been Phd student, stay at home mum and self-employed author with small income. I do not have CSI, so not sure if I will qualify” (Q9/702)

“not sure if I qualify for it and if so, because the ridiculous amount of documents required” (Q9/294)

Sometimes this fear of not qualifying was mixed with a similarly strong fear of coming to the attention of the government if they applied and were rejected on this ground, and what the consequences of this would be;

“Fear of not qualifying, i.e. being rejected, but then being on the Home Office radar so to speak, when not applying might mean they will not be aware of me. But this is also a head-in-the-sand position that may be futile. Not doing anything won't save me either” (Q9/289)

---Being on low income

Being on a low income was the third most important concern that people had in relation to their application being potentially rejected. Some respondents were aware of the minimum income threshold imposed on EU citizens and did not think they met the requirements, especially when they were self-employed or on a low wage;

“The nature of my freelance work means I am unlikely ever to meet the residence quota or the income threshold” (Q9/247)

“I am self-employed and with periods of being a stay at home mother and even my current work doesn't make me more than 115£ a week” (Q9/404)

“I worked for 4 different workshops which have all closed down and been self-employed on a small income” (Q9/469)

“Not sure my wage is high enough” (Q9/500)

“Requirement minimum earnings” (Q9/581)

---Gaps in exercising treaty rights

Respondents' concerns related to the eligibility criteria, mostly the lack of Comprehensive Sickness Insurance, gaps in employment and low income;

“Fear that my application will be rejected. I don't have CSI and I was not made aware of this rule” (Q9/173)

“I am afraid my application will be rejected, because even though I've lived in the UK for the past 18 years, my employment has been sporadic and my earnings quite low.” (Q9/339)

2.8 Wondering what would happen if my application gets rejected?

Scared of the outcome: Respondents were worried about the way their application would be assessed and potentially rejected on a technical issue, such as not being able to produce all the required paperwork or if their answers were wrongly interpreted.

“The possibility of the application being rejected because of some technicality (I know I qualify) and possible consequences of this e.g. problems re entering the UK” (Q9/43)

“Don't tend to keep old bills, didn't always work (but wasn't on benefits), afraid of getting rejected as a result” (Q9/112)

“Am I sure to get it?”: Respondents were worried they would be rejected in the current climate about foreigners and this raised further concerns about their future in the UK;

“Simply petrified we will be turned down” (Q9/132)

“Fear of an hostile process. Fear of being told to leave as criteria might not be met due to me being a wife, mother and home maker” (Q9/428)

“I am worried I will get rejected. I also am angry that our status is declared 'suspicious' having to prove that we belong here after making this country our home for years without being questioned” (Q9/428)

Respondents worried about what would happen if their application was rejected; specifically they were concerned that they would be asked to leave. This was sometimes fuelled by reports they had heard in the media of people being asked to leave or of being deported;

“My British husband is frighten it can be refused and deported, better do nothing” (Q9/306)

“I am worried I will not be eligible for PR, and I will be told I have to leave the UK” (Q9/525)

“I am concerned I would fail and be given notice to leave” (Q9/677)

Sometimes respondents expressed a lack of confidence in being treated fairly in the way the Home Office would assess their application;

“I don't entirely trust the Home Office to deal with the application in good faith. I've lived here for over 25 years, under different "qualifying" conditions, and I see a risk of entering a detail at some point that might give them a handle to decline” (Q9/477)

“There is a lot of pressure to get this exactly right or have the threat of being deported” (Q9/203)

2.9 Objecting on moral grounds

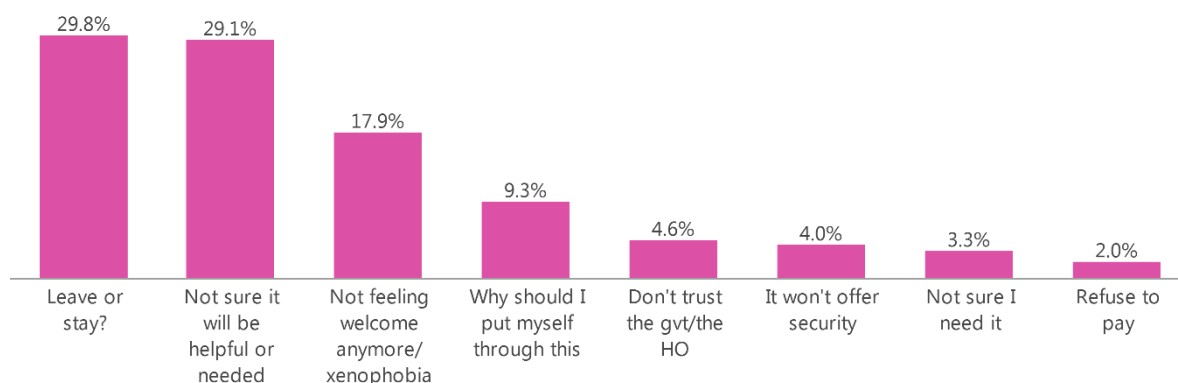


Fig.3 Moral reasons for not applying

There were several reasons why people were holding off or had decided not to apply for permanent residence on moral grounds:

---Stay or leave?

Respondents expressed mixed feelings about staying in the UK while some had already decided to leave. The outcome of the EU referendum presented respondents with a reason to rethink their life plans in the UK. This was partly due to a perceived change in attitude towards foreigners since the referendum or having to prove their acquired rights;

“Living in an area with a strong UKIP support and having observe some of the local behaviour since the referendum, i strongly question if this is the right environment to raise my daughter- don't want her to be ashamed of her French root” (Q9/295).

“As soon as my wife gets a job offer from a university on the continent, we will leave UK” (10/6)

“I resent having to obtain, prepare and supply a mountain of paperwork in order to obtain a piece of paper that confirms the rights I have acquired in 25 years living and paying taxes in what I considered my home until now. I will only do it if I decide to apply for citizenship, but the further the country is going in the direction it has taken, the more I have been asking myself if I really want to live in such a country” (Q9/121)

---Not sure applying will help me

Respondents reported uncertainty about the benefits of applying for permanent residence.

“I'm not sure if having PR will gave me guarantee about my rights to remain after Britain leave EU i think they will give us chance to stay here with permanent visas i have PR status all ready i think will wait until they announced some negotiations with EU” (Q9/181)

---An issue of principle: Why should I put myself through this?

These respondents had often been residents in the UK, built lives in the country and reported they did not see why they should have to prove their status further They felt let down by their host country in which they had invested in different ways. They often expressed feelings

of annoyance and sometimes anger at the process. This led them to consider their future in the UK while others objected purely on principle;

“Primarily: why should I? I came here 17 years ago, I'm a tax payer, I run a successful business, and applying for residence would be, for me, accepting lesser terms than those under which I first relocated to the UK” (Q9/505)

“I don't see why I should apply for rights I have had so far. In my mind they cannot take away what was granted when I first came” (Q9/193)

“I resent having to obtain, prepare and supply a mountain of paperwork in order to obtain a piece of paper that confirms the rights I have acquired in 25 years living and paying taxes in what I considered my home until now” (Q9/121)

“Complicated and unjust. If they do not want me here without filling ridiculous forms and paying for that privilege, then there are 27 other countries I can pay taxes in too” (Q9/537)

2.10 How the process makes me feel

Respondents who were holding off from applying or who had decided not to applying were asked to reflect on how the application process for permanent residence made them feel.

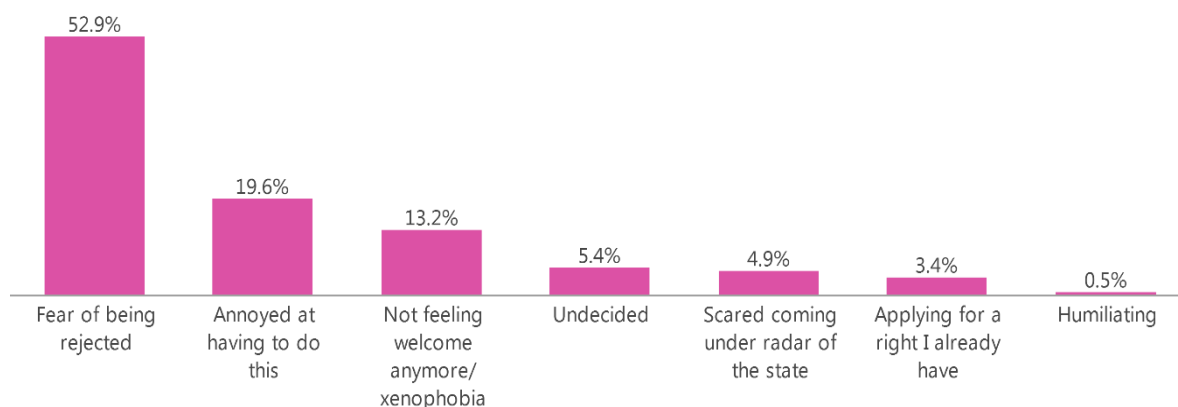


Fig.4 How the process makes me feel

---Unwelcome! : The UK is changing

A number of respondents felt that the country they had lived in, often for a long time, was changing and they did not feel welcome or at home anymore.

“I don't like what the UK is becoming and I am considering moving elsewhere” (Q9/674)

“Wondering everyday, have I served my purpose here? No longer needed. Not wanted. Lost my sense of direction” (Q9/334)

“Not sure I want to beg to be a part of society that rejects me. I have two masters and a PhD, I can make a home anywhere! I just loved Britain because they were about 'acceptance', not tolerance! The Nazis were tolerating, at least in the beginning” (Q9/450)

Perceived changes in how EU citizens are treated

“Feel hugely let down by the country I grew up, studied in and is my home. I am highly skilled (research scientist and now training to be a teacher) and have already faced discrimination. I will take my talents where they are wanted. The diversity of the UK is a huge asset and this is a huge step backwards” (Q9/331)

“Also, the increasingly xenophobic atmosphere in the UK makes me reconsider whether I really want to call this country my home” (Q9/782)

Preferring to live in a European country

“I want to live in UK as I lived here in the last 16 years as a EU National. I don't want to fill in lots papers that allows me to stay. I don't want to have to live with the label Migrant. I found it gets too complicated I'd rather move back into the Eurozone.” (Q9/740)

---Anger and annoyance at the process

Some respondents expressed annoyance or anger at the prospect of applying for permanent residence. They often reported that they did not feel they should have to apply and their reasons focused mainly around having to justify themselves (proving an existing right or status, and/or in terms of worthiness).

“The behaviour of the actual gouvernement regarding immigration and their way of dealing with it. I'm a human being, not a thing. I have a family. We all have a lot to loose. But I am not going to bend or beg because I certainly would not have move here, if those conditions and permit were in place already. Their immigration is now based on salary cap. What happen if you can't? You pack and go, and leave everything and your family behind?” (Q9/507)

“It's below my dignity to fill such a bureaucratic document providing information the British state should keep in its files anyway” (Q9/187)

“The unfair and bureaucratic issues of it all as no questions of rights to residency has never been voiced before” (Q9/411)

---Uncertain: waiting to see what happens

Many respondents were ‘waiting to see what happens’ as a reason for holding off from applying. This finding echoed their reported uncertainty about the whole process, whether to make the decision to apply or not;

“Not sure it will be needed, still waiting to hear. For now, the UK is still a member of the EU, for another 2 years at least” (Q9/487)

“There is a strong chance that doing nothing for the moment is the best option” (Q9/627)

“It is a lot of work for 37 years in this country, and would like to wait to see what is going to happen before I make the effort” (Q9/665)

Some respondents felt that PR might be replaced with another process since it was not designed for the current situation, referring to the logistics of the process and the political situation;

“Not sure what status the current PR will have after Brexit as it seems not designed for this situation” (Q10/7)

“No guarantees that PR will have any relevance post-Brexit” (Q9/9)

“Since the PR application is based around EU laws I'm not sure how relevant it will be once the UK leaves the union” (Q9/139)

Some respondents also reported they did not want to apply since PR was not a legal requirement and did not want to apply for rights they felt they already had;

“Currently legally not required to apply. Don't like to show pre-emptive obedience to an assumed rule. Hope that UK Gov will eventually come up with a sensible regulation” (Q9/88)

Others were just undecided and the following comments offer a good summary of how many respondents felt about applying or not applying for permanent residence;

“Some days I am sure I will apply; on other days I think I should wait and see what is going to happen” (Q9/98)

“There is a part of me that just do not want to do it and sit to watch what is happening” (Q9/117)

Main issues with the process of applying for the permanent residence certificate for EU citizens who were holding from applying or had decided not to apply:

Respondents were deeply critical of the process for the following reasons: The process was perceived as being:

Extremely onerous on the applicant:

- not user-friendly, time and energy consuming
- stories about rejections undermined their trust in the assessment process and their faith in being able to qualify

A process that questions their identity as resident EU citizens in the UK:

- a feeling that their identity as EU citizens in a changing country and society was brought into question
- the vast amount of reported difficulties associated with the process of applying seemed to confirm this feeling of alienation
- linked to this, many of the these EU citizens were objecting on moral grounds and did not see why they should put themselves through this process when they no longer felt welcome in their chosen country and home.

B - EU CITIZENS IN THE PROCESS OF SUBMITTING OR WHO HAD SUBMITTED THEIR APPLICATION

As the number of respondents who were in the process of putting their application together was relatively small, this section presents, as much as possible, combined findings with those who had already submitted their application.

Who were these EU citizens?

599 respondents were either in the process of applying (53) or had already applied (546). 70% were female, 20% male (10% did not state).

The majority, 57%, of respondents were aged 26-44, with 25% aged 45-54, 7% 55 or over, and 2% 18-25 (10% did not state).

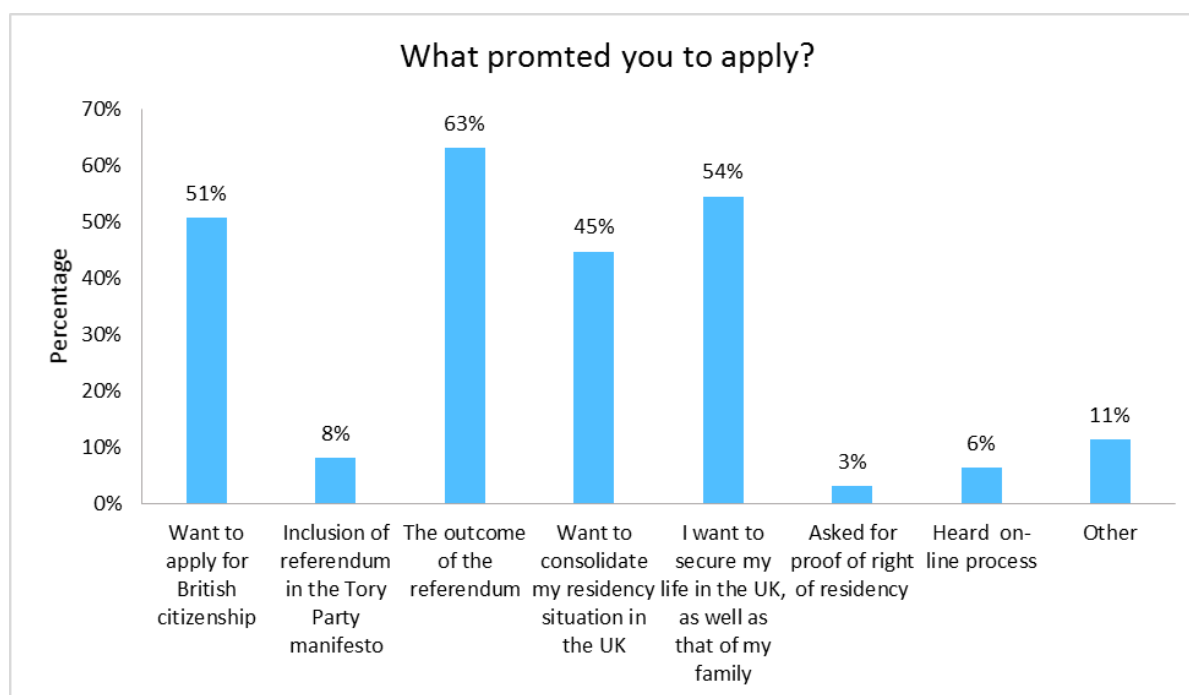
26% of respondents had lived in the UK for between 5-10 years, 27% for 10-15 years, 16% for 15-20 years, and 11% over 25 years (10% did not state).

The majority of respondents, 70%, were working either full or part time, 12% were self-employed, 4% self-sufficient, 4% students, 2% were retired, and 2% unable to work (5% other).

When did they start applying?

Of those who had submitted the application 32% had done so in the last few months, 25% had done so since the referendum (June 2016), 9% after the referendum announcement (February 2017), and 6% since the General Election (May 2015; 11% did not state).

3 Reasons for applying



Note: N = 586. Respondents could select more than one response.

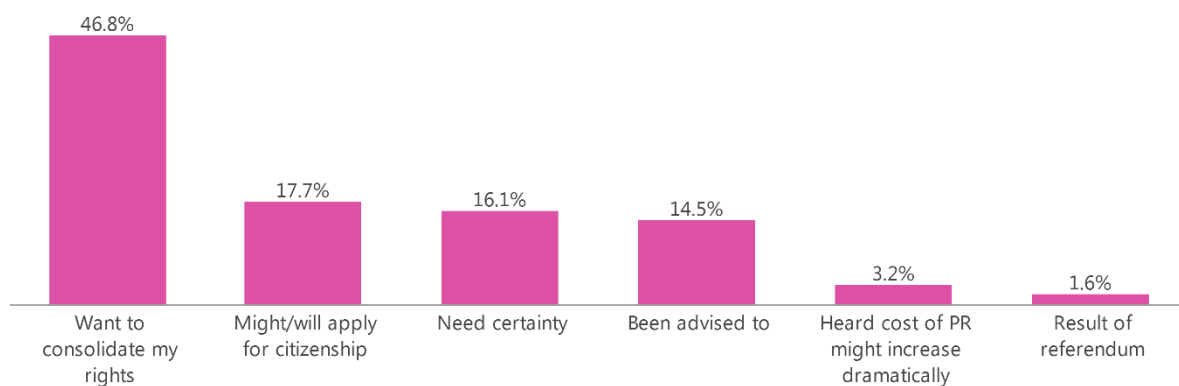


Fig.5 Other reasons for applying

“I want to be the one to decide my future”

3.1 Protecting and consolidating one’s rights

The main reason for applying was to consolidate their rights and that of family members; some of this concern was influenced by the political rhetoric or climate:

“To ensure that my 12 year old son who lost his British Dad to cancer in 2015 has some reassurance with regards to his non-British mother” (Q65/17)

“I will need to reapply to include my 5 year old son “ (Q65/3)

“My wife is non-eea and I'm self employed. We feared her losing her rights, esp right to work, as well as fearing we may be asked to leave if we don't prove our status. After 20 years here - I also feel I should consider citizenship in case after Brexit they don't honor our current rights or don't honor permanent residency” (Q65/50)

“I want to be the one to decide my future”(Q65/54)

“After the referendum I got a bit nervous. After working and living in the UK for 15 years, for the first time I felt very insecure. All off a sudden my status of living legally in another EU country on the basis of free movement became very insecure. I feel I am delivered to whatever the Government is going to decide about my future here. I decided to do whatever I can do to have proof that I have been here before the referendum. I know it is a gamble and the PR-card might not be valid after Brexit, but it gives me peace of mind at the moment” (Q65/43)

Some people wanted to protect their rights;

“I want to protect my rights as a worker with regards to Working in the UK, Health cover, Sickness and Pension Benefits when retiring” (Q65/9)

“I want to make sure I can still exercise my right as a EU citizen living in the UK . I've been in country for 13 years. teaching for 10 years - 1 child with an English national” (Q65/13)

“Concerned about my status since 24th June 2016, increasingly feeling vulnerable. Scared by the rhetoric used by politicians at the Tory conference in October 2016.” (Q65/35)

For some respondents, the main other reason for applying for permanent residence would allow to apply for citizenship which they felt would give them full voting rights and also as a means of protecting their rights;

“I felt majorly disenfranchised before the referendum campaign, and after the results were known. I don't want this ever to happen again. I want to be able to have a voice; I have been paying taxes for over 10 years, and I should have done this much earlier” (Q65/34)

“I have felt voiceless and vulnerable since the referendum, I felt like a ghost - like people could talk about me as if I wasn't there and couldn't hear them. I have felt like I couldn't stand up for myself and that people could potentially do anything they wanted to me and my future” (Q65/49)

“I wanted to make my feelings on national identity official, become a citizen with equal rights in the country that I have called home for most of my adult life, and vote in General Elections” (Q65/9)

“I do not want to be in an employment position where I may be disadvantaged in future job opportunities due to my nationality, I also want to try and secure my pension rights for the future as well as the above and above all, I want to be able to vote at the next elections!” (Q65/44)

I may apply for British citizenship if my rights become threatened or I constantly have to prove I have the right to be here. My husband and kids are British and leaving isn't an option” (Q65/51)

“I may need to leave the UK for a year or two with work and I wanted to make sure I was going to be treated the same way when I return. I am now thinking of applying for citizenship for the same reason” (Q65/33)

Others had decided to apply after being advised to do so;

“I was advised by my university to apply as this may influence whether i am able to continue living in the UK” (Q65/21)

“My employer (UK subsidiary of a German company) HR manager strongly encouraged me to apply. I had been thinking about this for several years anyway, as my wife and children are British” (Q65/6)

“Been advised by my employer that it was recommended to start the process” (Q65/40)

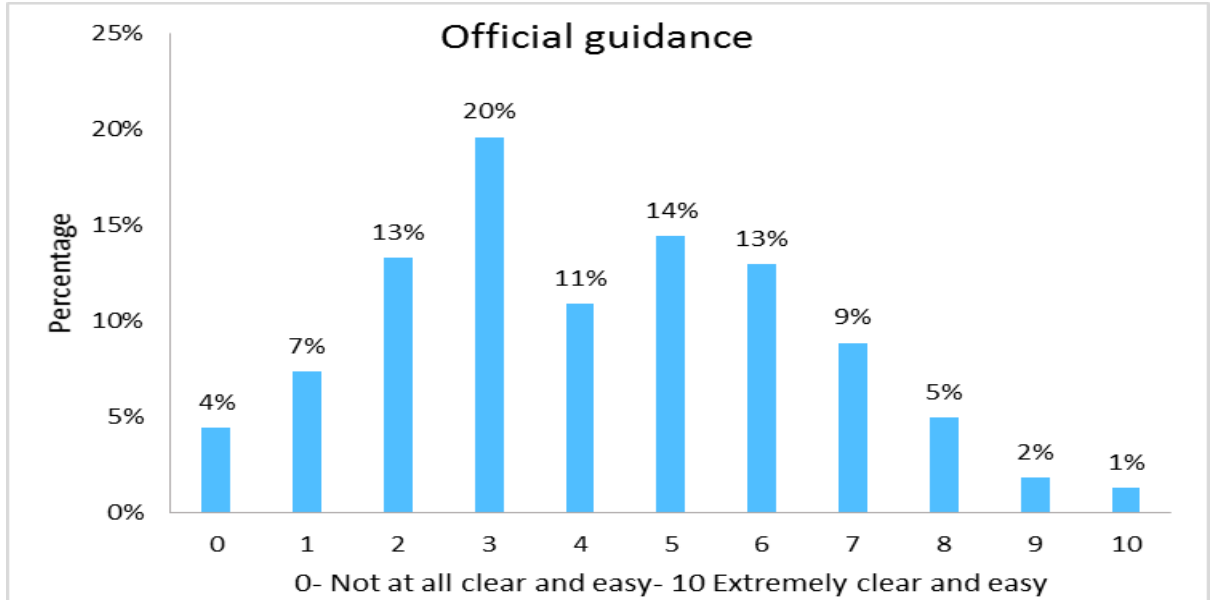
“A friend of mine is an immigration lawyer, he strongly recommend applying for PR” (Q65/8)

3.2 Experiencing the process: main reported difficulties

---Following and using the official guidance

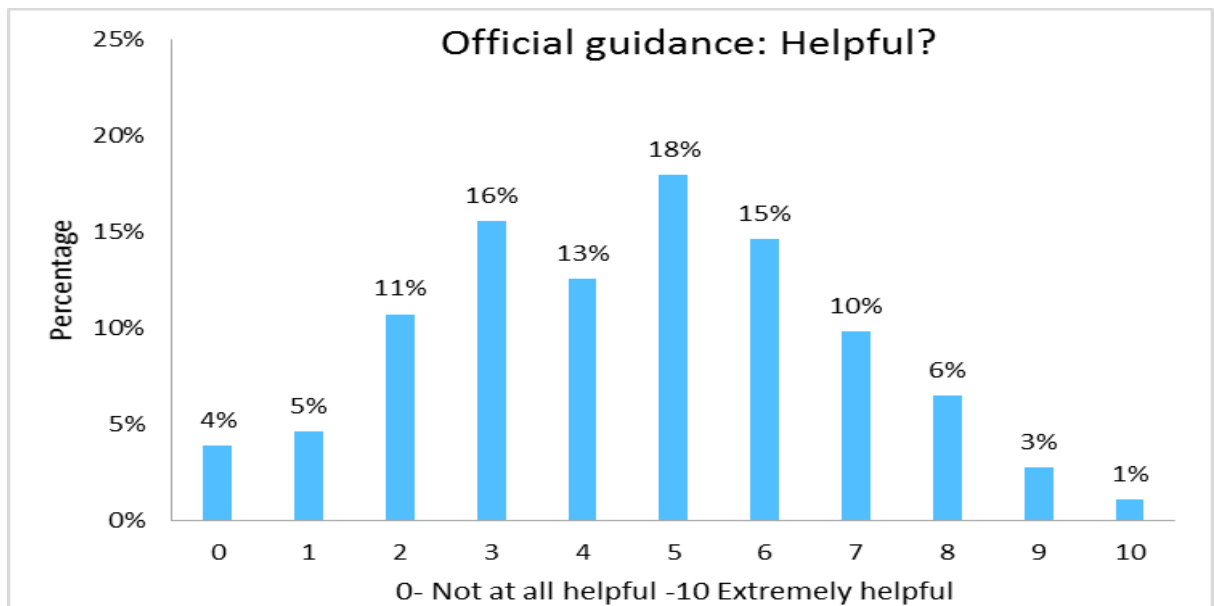
The majority of respondents (92%) had read the official guidance.

When asked on a scale 0 to 10, 0 representing not at all clear and easy and 10 very clear and easy, most respondents, 56%, reported that they did not find the guidance clear or easy (0-4).



Note N = 541.

Likewise, when asked if they found it helpful, 47% found it unhelpful (0-4).



The guidance published by the Home Office to support potential applicants attracted numerous negative comments touching on all its aspects. Their main reasons were that they

found the guidance confusing, too vague regarding the type of documents requested. Some were not sure if they had to, or why they had to provide documents over and beyond the chosen five-year period. They worried that this could lead to the Home Office misinterpreting their information or being turned down on a technicality. Some felt that the questions lacked nuance or asked questions that were irrelevant to their situation. Others found the language used too technical;

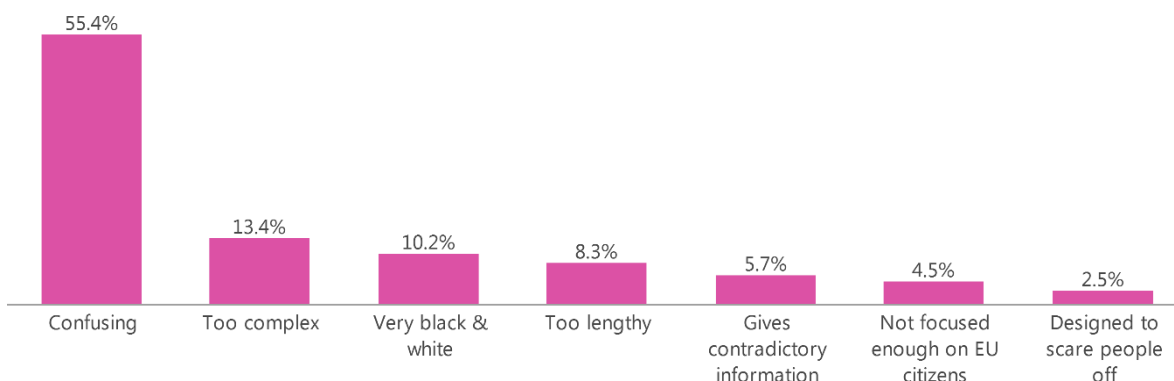


Fig.6 Experience of the guidance

The guidance was experienced as “too vague and open to interpretation”, and confusing

“Way too complicating, had to read it several times and consult with the lawyers, really difficult to orientate in the 85 pages of the application” (Q76/34)

“Some of the sections were pretty ambiguous and explained poorly. It almost felt like they were trying to confuse the applicant into making a mistake to give reasons to HO to refuse the application” (Q76/56)

“Confusing and not clear as to what they were looking for” (Q76/92)

“The guidance doesn't make it clear whether evidence required needs to apply solely to the 5 year qualifying period or the whole time in the UK. For example, it asks whether you e undertaken training since entering the UK. I was a student for 5 years in the early 90s but not since then. Yet, if I click yes, to be factually correct, I am then asked to provide evidence of the comprehensive health insurance etc. that I had at the time, even though it is not relevant to the qualifying period” (Q53/10)

“Does not tell you what they want. It can be interpreted in several ways. It asks for irrelevant information too many times” (Q53/5)

The guidance was felt to be deliberately confusing

“The language is clearly designed to confuse and deter people from applying, and encourages easy mistakes” (Q76/142)

“It is designed to be unclear and confusing” (Q76/13)

“Confusing and meant to scare people” (Q76/141)

“Not helpful, because it turns out there's gotchas and other issues like european health insurance that can completely block your application” (Q76/188)

Respondents were not clear about the type and amount of documents required;

“I'm self-employed, I did not find it easy to find out what documents they wanted to see, if they had to be authorised by anybody to be authentic because at the end of the day I could only print out copies. All in all very unclear what proofs I needed to send it to proof my income and business” (Q76/22)

“The official guidance asked me to provide evidence without being specific. It seemed to imply I needed three types of proof of employment without explicitly saying so.” (Q76/27)

“It is not clearly explained which documents to include as evidence for employment and residence” (Q76/47)

“The amount and exact nature of documents to send was unclear. I am still unsure if I sent the right ones” (Q76/83)

“The evidence required wasn't clear ie do you need to submit P60s AND letters from employers AND bank statements? How many bank statements -every month of each year?” (Q76/87)

Respondents were not clear which parts of the form they should complete

“I wasn't sure which parts to fill in, as I used to work then I had my children and then I stopped my employment” (Q76/150)

“Very confusing all in all, I wasn't sure what needed to be completed for my circumstances” (Q76/192)

“I was confused by the different sections, I was not sure if, and in which section, I had to explain that my husband receives child benefits as we have a joint bank account” (Q76/96)

Providing information outside of the 5 qualifying years

“It was not clear if you only needed to supply evidence for the last 5 years, or the whole period since you started living in the UK” (Q76/61)

“It was not clear in many respects, for example absences and other things only for a five year period or entire time one has lived in the UK” (Q76/78)

“The main problem with the form is that it does not distinguish in its questions between the required five year period and the actual time of the applicant being resident in the UK, which may be much longer. This means questions have to be answered factually incorrect in order to make a sensible application, which is highly stressful, because otherwise documents have to be submitted for all the time, which I have been told is not required.” (76/152)

“The guidance doesn't make it clear whether evidence required needs to apply solely to the 5 year qualifying period or the whole time in the UK. For example, it asks whether you e undertaken training since entering the UK. I was a student for 5 years in the early 90s but not since then. Yet, if I click yes, to be factually correct, I am then asked to provide evidence of the comprehensive health insurance etc. that I had at the time, even though it is not relevant to the qualifying period” (Q53/10)

It does not explain clearly what is meant by sponsorship

“The guidance was not clear enough, as I applied for PR on the grounds of having a sponsor. However, I thought I could use my British husband as a sponsor, which is, in fact, not possible, unless you have lived together in a EU state directly before coming together to the UK, which does not apply to my case. This is not made clear in the guidance notes” (Q76/150)

“I definitely could not easily understand whether my husband (British) could/should sponsor me or not - different sections of the form seemed contradictory” (Q76/182)

It gives contradictory information

“Questions were vague and open to interpretation. Sometimes the guidelines offered conflicting information” (Q76/103)

“The guidance material is labyrinthine, ambiguous, and often downright contradictory” (Q76/32)

It does not make it clear that applicants can choose any 5 qualifying years

“It was not clear what documents had to be submitted, what range of dates was required, whether the information required related to the whole period of residence in the UK or to the 5 qualifying years” (Q76/185)

“Too vague in many points - it wasn't clear at all which time periods would need to be evidenced: the entire stay since first moving to the UK, the last 5 years, any 5 year period? Evidence required is also not always clear” (Q76/115)

“It is not clear that the 5 years qualifying period can be any time in the past. Some questions refer to that period but others are in the present. Like "do you get benefits" which is in the present tense but if you qualifying period is in the past it should refer to that period” (Q76/145)

It does not explain clearly what answers are expected

“It did not explain clearly what answers it expected” (Q76/49)

“Confusing and not clear as to what they were looking for” (Q76/92)

“Does not tell you what they want. It can be interpreted in several ways. It asks for irrelevant information too many times” (Q53/5)

It is not clear which form to use

“It felt overly cumbersome and inconsistent in places - I even debated with a number of friends which form we should actually be filling out, and based on friends who had previously filled it out, I was able to advice some of my friends who were starting the process” (Q76/147)

“It was not clear which form or what process to apply for; there are other types of residencies and was not quite sure which one is the right one” (Q76-/183)

“On the website I still could not find the right form to download and had to complete the form for non-EEA citizens. That was extremely confusing” (Q76/193)

It does not match the online form

“There's no specific guidance available for the online form, thus reading the notes for the paper version if you're applying online is a bit confusing” (Q53/31)

“There's a difference between what the guidance says and what the online form says. For example, according to the checklist I got after filling in the online form submitting original P60s is enough, but the guidance doc lists other things as well. I'm worried now I didn't send enough evidence” (Q76/238)

“The guidance seems to be done for the paper document, which wasn't exactly the same for the online version. Some things didn't make sense” (Q76/25)

“Guidance contradicts requirements outlined in online form” (Q76/28)

The language used in the guidance was felt to be either vague, unclear, poor, or too technical

“The guidance is very verbose and does not make clear for every step which documents/proof are acceptable” (Q76/6)

“Very bureaucratic, difficult to understand, far too complicated” (Q76/85)

“The term "exercising your treaty rights" was difficult to understand” (Q76/126)

“Too much legal jargon, too long (it feels overwhelming). My application is quite straight forward, so it was easy for me to navigate, however people with more complex situation will struggle” (Q76/228)

“Too much jargon that even a British citizen would find difficult to understand” (Q76/237)

The guidance lacks flexibility to reflect individual or complex situations

“It does not cover anything that is not 'tick-the-box' easy” (Q76/46)

“It also doesn't take into consideration personal circumstances - people don't all have a straightforward working/studying background, so if you don't it is very unclear what you have to provide and even when you send it off it is very uncertain whether you will obtain status” (Q76/142)

“The guidance is extremely black and white. It's extremely lacking in all details, and I don't trust it” (Q53/13)

“Not clear and doesn't touch on topics relevant to my situation” (Q53/9)

No information re applying for children docs

“I did not get the role of the Sponsor in an application of a whole family and it was not really clear to me, what documents were expected, especially for the children” (Q76/86)

“Confused by the form, not sure how to use this for the 3 family members. Main applicant sponsoring spouse and child” (Q76/109)

Not told exactly how much information was needed for the self-employed

“For self-employed applicants it wasn’t clear how much detail needed providing for proof of residence, p. of self-employment, p. of earnings, how much these could overlap etc. Also, it sounded like every little absence from the UK had to be documented, was this really the case as this was extremely time-consuming? Also I had lived here for longer than 5 years (29) and there was no way of including this – which matters as you can apply for citizenship only 1 year after PR status is confirmed” (Q76/59)

---The form

Of the respondents who had applied 63% used the paper version, of those in the process of applying 73 % were using the online form which had recently been made available (1st February 2017).



Most respondents (96%) used the official application form. Out of the few who did not, 12 had used a covering letter and seven had been told they did not need to use the application form.

Of those who used the online application form, about a third (32%) reported that they did not have enough space for the following information:

Explaining more complex situations

“To be eligible to apply to PR the following is required: 1. worker status 2. job seeker status 3. student status 3. self-sufficient 5. 5 years residence in the UK for each point, there is either a lack of space to to provide the information, or no relevant section at all” (Q82/3)

“The problem is that you often have to give "dishonest" answers to some questions in order not to mis-describe your situation. For example you might have to say you have "never" been student when what you mean is that you have never been a student *during the qualifying 5 years*. There is no space on the form to clarify your answers and so you have to give a false answer on line and add an handwritten note when you have printed the form out.” (Q82/5)

“Explanation of the specific personal situation” (Q82/11)

“Explaining why I answered no to certain questions and the answered related to my qualifying period only, i.e. study in the UK, benefits and looking for work. I had to explain this in my 2 page covering letter” (Q82/19).

Explaining employment, benefits and travel issues

“Employment and gaps” (Q82/15)

“Doesn't allow to introduce different periods of time just a single period with same benefits/tax credits” (Q82/13)

“The online application form, which I used in November, requested me to detail all my trips but the application would not let me enter all of them (there was a cap at about 15-20 trips). I submitted an appendix in paper form.” (Q82/16)

Having to answer certain types of questions:

Some respondents felt that some questions were irrelevant or intrusive;

“Some of the questions were rather intrusive, and the fact that so much depends on correct putting together a mass of evidence and information, was extremely stressful too. In addition to that, mid process we realised that our youngest child is too young to apply, and will be for a while, so his status remains unclear to us, and that adds to the stressful experience ((Q107/197)

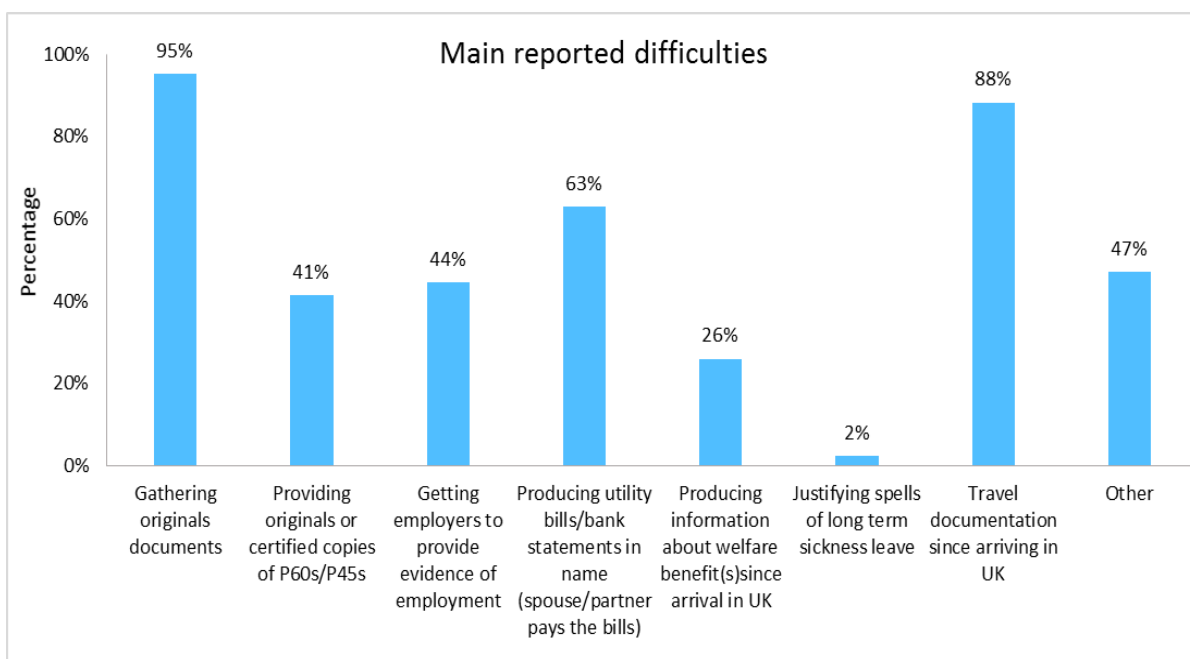
“Being asked if one is a terrorist is also not a nice feeling. Surely, a database with terror suspects would be better employed instead of putting useless question on the questionnaire. One just starts to wonder how sane any of the questions are and if one has overlooked a hidden meaning behind the question” (Q107/219)

“Having lived here for 17.5 years, during which time none of this application process or documentation was needed, I found it very intrusive and irritating” (Q107/308)

“I was frustrated with invasive nature of the form, unrealistic, and even illegal requirements” (Q107/322)

---Gathering the requested documentation

A majority of respondents (61%) reported experiencing difficulties putting their application together. The range of these reported difficulties was wide ranging;



Note. N = 297. Respondents could select more than one response.

Gathering the necessary documentation for people in a self-employment situation

These respondents commented on being unsure about the type and amount of documents required and on their difficulties gathering it;

“Basically collecting any kind of information - whether bank statements, payslips, utility bills, tenancy agreements etc. - that relate to a time 7.5 - 12.5 years back (my qualifying period). Companies/institutions in the UK are generally only required to store records for five years, then they are destroyed” (Q59/14)

“Providing invoices etc. from as far as 5 years back for items I had bought as a self-employed person. Tallying invoices sent to clients with the corresponding admittance advices (often in emails from years ago many of which I had deleted) and bank statements - required as proof of self-employment/earnings” (Q85/34)

“As I am self-employed I needed three different documents (invoice/work orders) from clients per each month of the 5 (6) years” (Q85/72)

“Enormous amount of documentation needed for self employed people. Lots of overlap, i.e. asking for same type of documents for several sections” (Q85/84)

“I am self employed. I had to gather almost 6 years of bank statements for all of my accounts as well as documents from HMRC. HMRC was very slow and even forgot to send the documents I requested, on one occasion . . . It took me several months of continuous work to get everything together in original copy and in order. A LOT of paperwork. A lot of working hours. A lot of stress and grief” (Q85/109)

Finding out about previously unknown requirements

At the point of gathering the necessary documentation to support the application process, some respondents found out about previously unknown requirements

“I'm still hugely stressed now, because I've been a student in the past, but had no CSI (I didn't know about it, like pretty much everybody else), and now I'm worrying that this could be used as a reason to deport me, because who knows what this government will stop at” (Q107/207)

“I didn't have CSI either (something that is not well advertised either!) so I was told I am a 'potential drain on the system' - that's the words used in the letter from Home Office” (Q107/254)

“Even though I was self-sufficient, I was unaware of any requirement for comprehensive sickness insurance. Being covered by the NHS should be considered comprehensive sickness insurance!” (Q107/320)

“Finding out problems with WRS requirements, which I wasn't aware of that were needed for PR” (Q107/66)

“I'm not able to apply for naturalisation because I didn't change my employment on the WRS form before 2011 because I didn't know about it” (Q107/15)

Not keeping old bills

Some respondents reported difficulties putting their application together due to not keeping old bills and other documents; some respondents were also under the impression that they were required to prove evidence for the whole time that they had lived in the UK;

“A lot of the evidence consists of documents any normal person would throw away (bills, old insurance cards, etc.). It is fairly unreasonable to expect people to keep all of that, and it is not clear how else you can prove many of these things” (Q85/71)

“I had had a clearout before the referendum and didn't have evidence of working for 5 consecutive years” (Q85/81)

“I have lived here since 1972 and moved frequently, never thinking I would have to hang on to utility bills, bank statements and official letters to my address. I spent weeks trying to get hold of medical records, bank statements, employment evidence, proof of house purchases, school records of my children etc.” (Q85/86)

“Needing to find divorce papers from my divorce of over 25 years ago” (Q85/95)

Proof of self-sufficiency

Respondents who did not work reported difficulties proving they were ‘self-sufficient’

“I don't work so had to send in all my husband's P60s and our joint bank accounts, very private stuff and this worried him” (Q85/66)

“It was difficult because it took 2 months to gather all the documents, it's a very lengthy process. The main thing I found disruptive and difficult is that I had to get my mother to write a letter and provide HER financial records to prove that I was being financially supported by her and not claiming benefits during my time volunteering/interning for free, and I wasn't sure they would accept that, as again no clear guidance on this sort of situation” (Q85/74)

“Justifying my 10 months maternity leave between contracting jobs” (Q85/114)

Proof of children residence status

Respondents wanting to apply for permanent residence status for their children experienced difficulties gathering proof of residency documentation for them

“Daughter's proof of residence (we sent school letters) that were requested extra on top of everything else was the lowest point. We had to dig primary school letters for more than 5 years ago! We found school letters with annual school attendance at 99 to 100%. They cannot argue with those letters! Appalling. We had EEU Documents of Residence issued by Home Office back in 2007 and they were not taken into account and each of us was issued with permanent residency calculated differently! Calculated years of residency differ significantly” (Q85/24)

“We found that most of our utility bills are not in joint names. When asked for children's proof of residence we struggled to get documents as they don't really receive that many 'official' documents ... for the simple reason that they are children” (Q85/27)

“I have applied for myself and my children aged 16 and 20 both are in full time education. I have provided letters from school and university but they don't have

many bills in their name. The other difficulty was to work out the period for my 20 year old daughter as she is at Uni and has no CSI so I decided to use the time while she was in secondary school” (Q85/38)

Other areas respondents mentioned in their comments where they had difficulties gathering documentation for included: getting documents translated, getting hard copies of bills since many utilities and companies such as banks now online offer electronic statements, proof of residence when you move around a lot for work, producing documents in own name when all the bills are in the spouse or partner’s name, providing proof of multiple short jobs.

Overall, respondents commented on how stressful the task of locating and gathering the requested documentation had been. Specifically, a large number of comments centred on the sentiment that the process could be made easier by using the information governmental agencies already hold about them;

“For heaven's sake, why can't different government departments talk to each other: HMRC would have all my employment details anyway! Employment proof seems crazy: if I have payslips and P60s and bank statements WHY on earth do I need to also have a LETTER from the same employer?” (Q107/77)

“The process is clearly framed against the individual and with the onus on the applicant, while Home Office has access to NI records and should be able to issue residence permits with nothing else needed as evidence” (Q107/105)

“Most of the information was already available in several government databases (i.e. Home Office, UK Border Agency, HMRC, etc.). Why did I have to spend weeks to retrieve it?” (Q107/122)

Some respondents also commented that they were worried they might not have provided enough documentation to support their application, especially when they are self-employed or have held a number of jobs or have;

“I found very difficult to gather all the paperwork related to my self-employment! My application + supportive evidence were 2.8 kgs! I found the whole process distressing and depressing” (Q85/1)

“The process was very confusing, clearly not set up for people who have been here 25 years, evidence was a mini nightmare to get all the P60's and payslips, I also included payslips of my 25 years exercising treaty rights, still not quite sure if I was submitting the right paperwork” (Q107/316)

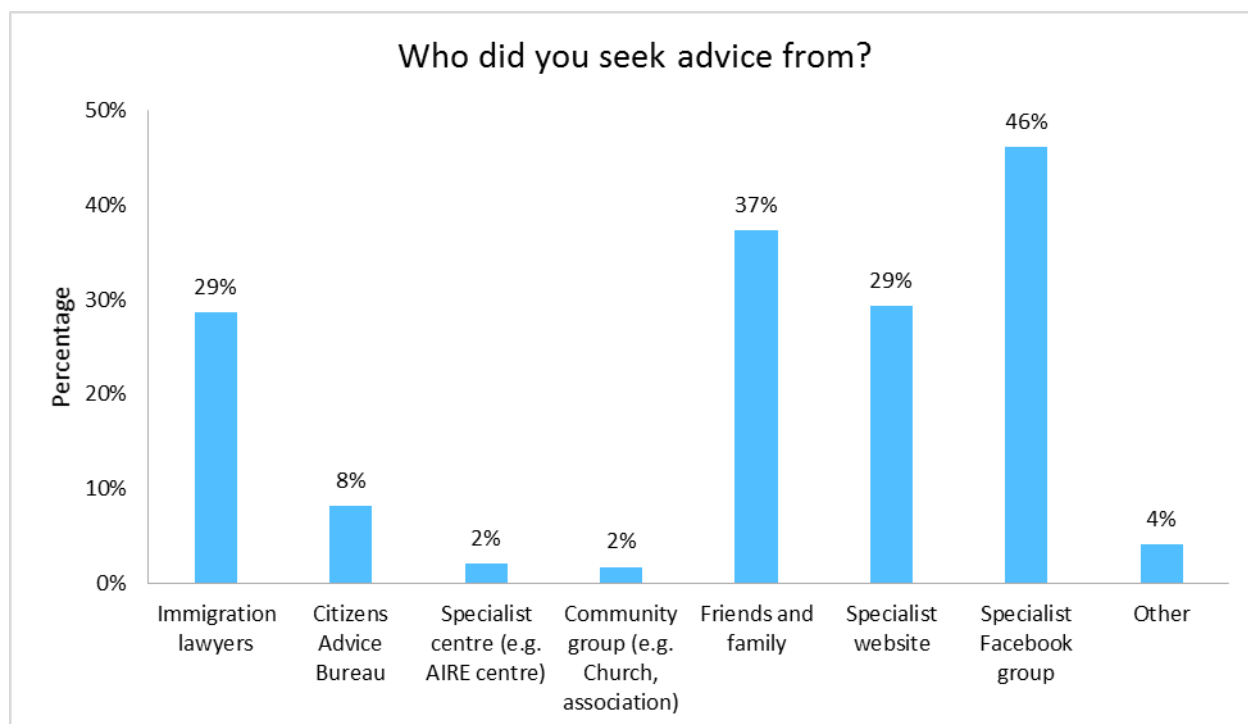
---Time invested in putting the application together

Length of time collecting the documentation so far



Respondents were asked how long it had taken them so far to put their application together, specifically how long it had taken them to gather the necessary documentation. On average it took over 5 weeks to collect the documentation, with 70% taking between 1 and 6 weeks, with 25% taking between 7 and 40 weeks.

3.3 Seeking advice about the process of applying



Note. N = 297. Respondents could select more than one response.

In terms of seeking advice about the process, respondents mostly relied on social media, mainly a Facebook group that specialises in immigration issues, such as UK Citizenship for EU Nationals (UKCEN) and [the3million](#).

Respondents were also asked if they had reached out to a specialist law centre such as the AIRE Centre or a community group such as a church group, but none had. Other sources of help cited included:

“My workplace has organised Brexit seminars where legal advisors answer questions from EU citizens about PR application procedures” (Q54/3)

“UK citizenship for EU nationals- with lawyers who have compiled FAQs and clear guidance- forum linked to the 3 million forum” (Q54/11)

In terms of seeking advice about the process, respondents mostly relied on social media, mainly a Facebook group that specialises in immigration issues, such as UK Citizenship for EU Nationals (UKCEN) and [the3million](#).

“There is nowhere that gives you advice. If you can't afford an immigration lawyer, then you are on your own. Especially as hardly anyone at the time had done the application, as it is not a legal requirement for Europeans to have it. I had no one to talk to” (Q107/234)

“At the time I had no access to facebook groups helping with the process and felt alone” (Q107/119)

Respondents were also asked if they had reached out to a specialist law centre such as the AIRE Centre or a community group such as a church group, but very few had.

---Using an immigration lawyer or specialist adviser



Only 10% of this group of respondents resorted to the services of an immigration lawyer to help them through the application process. Reasons for not using a lawyer varied: while many (45%) had not felt the need to use an immigration lawyer, 35% reported they could not afford their services, 10% did not know how to choose the right kind of immigration lawyer and 9% did not know where to find one.

Reasons for seeking help and advice from a lawyer mostly focused on the guidance and the process

“I found the form and the guidance notes to be contradictory and was not clear- I had to seek legal advice to get clarification on many parts of the form and English is my first language!” (Q76/48)

“I did not understand the terms, the language, what evidence I had to submit, though I have an MA and perfect English. Nor could the Citizens Advice Bureau, a lawyer friend. I paid an immigration barrister” (Q76/165)

“My British husband and I (both highly educated) spent hours trying to understand how to tackle my application. In the end, decided to pay immigration lawyer a huge amount of money to preserve our sanity” (Q76/172)

3.4 Using the passport return service

The majority of respondents (72%) did not use the ‘Passport return service’ which is available to certain categories of applicants.

Answer	%
I did not know about it	42
I tried but the council refused to do it	1
The nearest council that offers this service is too far away	10
Other reasons	47

Many respondents reported that they had either sent ID Card if they had one, or their passport as a reason for not using this service. For others, it was the fact that the service was not yet available at the time of applying or, in some areas, the service had only recently been made available;

“I don't think this was available at the time (August 2016) but maybe I am wrong on this” (Q89/ 39)

“This was not available at the time when I applied. To my knowledge this possibility was only introduced at a later stage” (Q89/165)

“I applied in October 2016 and at this time the service was not yet in place in Cambridgeshire. I believe it has only been in place since January 2017” (Q89/87)

Another main reason why some respondents did not use the service at the time of applying was that the service was not available for all types of applications, for instance:

If applying as a family



“Applying with family doesn't allow use of the online system” (Q89/93)

“It was not available if one applied with children” (Q89/17)

“I did not qualify because had dependant some on application” (Q89/118)

If applying using the paper form

“Not applicable to paper form!” (Q89/107)

“Not available for paper applications I was told” (Q89/162)

If using the paper form due to complex situations

“I applied just before this became available, besides as I did not use the online form due to the complexity of my application, which i was told would not make me eligible for using the passport return service” (Q89/97)

“I wanted to use this service but the online application was not suitable for me, I had to use the paper application and sent my ID card with it so that I could keep my passport. The 5 years qualifying years I chose was when I worked and I had all the documentation to prove that. A few years after my qualifying period, I became self-employed. When filling in the online application, it asked whether I had been self-employed since I ENTERED the country (NOT for the 5 qualifying years). So I said yes and then, it asked me to evidence this and provide all the required documentation for self-employment. It isn't necessary to provide this information because it is outside of my chosen 5 year qualifying period. But the online form hasn't been thought through properly and it says that if the required documentation is not supplied, the application will be rejected. I didn't want to supply documentation for self-employment because it was not required for PR, no did I want my application to be rejected because this documentation was missing, so I had to fill in the paper form instead” (Q89/136)

Most of the respondents who did use the passport service (73%) reported that it was an easy or very easy service to use. However, they had some comments to make when they experienced difficulties;

The main issue was over the lack of a local service, which meant travelling, time and associated costs;

“I live in the Scottish capital but the closest centre is Glasgow, 1 hour of train (£22 return ticket) and 15min underground away, having to take my toddler with me made it somewhat cumbersome” (Q88/3)

“Not enough councils offer the service so had to take time off work to travel to the nearest one” (Q88/5)

“I had to travel 130km round trip to the town” (Q88/7)

“The local office were as helpful as they could be, but they are basically forbidden from providing any real help or advice. At least, unlike the Home Office, they are kind rather than hostile towards applicants. Attending our "local" office meant a 30 mile round trip for me and a day off work and a number of atpts to get in touch and arrange an appointment” (Q88/8)

“I was told I needed to submit my application before booking an appointment, and when I did, no appointment was available within the 5 next working days. I had to travel to another county to use the service” (Q88/9)

“I live in Newquay Cornwall, there is no such service in Cornwall. I had to travel to Exeter and back (3h30 journey)” (Q88/11)

“Nearest was 45 minutes in train so I had to take half a day off work, their website didn't indicate address clearly so I turned up at wrong building and had to walk across town, I didn't know until submitting application that I had to use service within 5 days (I thought it was 10 days, which is deadline to send application)” (Q88/26)

“The service was very easy and helpful, but I had to travel 4.5 hours to get to my nearest one” (Q88/40)

The other main issue reported by respondents was about the information relating to the process, at local/council or national level. Specifically information about the practicalities of using the service was lacking or contradictory;

Not told people have so many days between making the appointment and submitting their application

“From saving my application you need to have had an appointment within 5 days. This is not made clear before you press safe. I bullied my way into a registry office for which I was grateful. It would have been helpful if they had had some training to be able to ask questions” (Q88/31)

“I submitted my application on a Saturday night and I went to Swindon registration office on Friday. They almost were not able to process my application because it was 6 days since it was submitted online. This is not clearly explained when finalising the process online. I didn't know that my application could have been rejected, simply because I couldn't travel from Bristol to Swindon any earlier than Friday” (Q88/32)

“It stated on the website that the service was a drop in service open during office hours. However, when I got there i was told there was a 1 hour lunchbreak and I could not be seen. I had to drive home again due to another appointment and come back later. Also there was ambiguous information about the time scale. The online forms

states within 10 days I have to attend to the office but the office told me it was 5 days" (Q88/36)

Not told to make a note of the tracking number provided at the time of submitting

"Just that I had to count up each type of document and add this to the list of paperwork. Apparently Home Office request this, but this is not clear on any guidance" (Q88/19)

"They asked me to make a note of the number of each type of documents but that information was not in the official guideline" (Q88/20)

"Just that they told me to write down a log of all the supportive paperwork, where there was hardly any space on the on-line paper printed form, but that was not their fault" (Q88/38).

Information was sketchy, unclear or contradictory

"Because I was still required to send original documents (except the passport), I then had to go across the street and buy a tracked mail enveloped at the post office since the council did not offer the possibility to pay a bit more to have all my original documents returned by registered mail. However, there is no mention of this anywhere in the instructions" (Q88/30).

"Information provided over the phone was not very clear and I had to turn up on two separate occasions to be seen, during working hours, and there was no explanation about the breakdown of the fee I had to pay. I also was not able to check that the envelope was containing all the info required before I paid and it was sent by the registry office services" (Q88/34)

"Telephone inquiries about its existence, operation and detailed requirements were sketchy. On the day, extremely disappointing way of communication (eg no explanations for the additional requests made, no information what happens next)" (Q88/39)

Making an appointment was not always easy

"No phone number to reach so making an appointment was very difficult" (Q88/33)

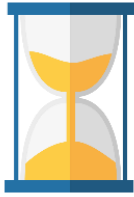
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"It took 39 calls to make an appointment" (Q88/41)

"The two most convenient councils were not able to provide an appointment on time to send the paperwork" (Q88/44)

"Still awaiting callback to get appointment" (Q88/4)

3.5 The waiting game



Once respondents had sent their application bundle through the post or submitted it using the passport return service, the waiting game started. For some, this proved stressful;

“Long wait (almost 5 months now) with an uncertain outcome. No passport” (Q107/79)

“Having to wait four months without any further communication about the status of the application, made me feel nervous and anxious about my future” (Q107/97)

“The lack of communication from HO and the long process (I am 2 weeks close to the 6 month deadline and I have not received any news from HO about my application) have put a lot of unnecessary stress on my shoulders” (Q107/101)

“Waiting for 7 months knowing there was no way of tracking progress was terrible. HO had every piece of identifying paperwork of ours for 7 months! Could do absolutely nothing as we had no proof of who we were!!!” (Q107/139)

3.6 Dealing with the Home Office

Respondents commented on the lack of communication or the lack of help from the Home Office especially when they wanted to know about the progress of their application or if they wanted to ask a question about the application process;

“Initially called the Home Office to obtain advise on the process. The employees at the Home Office could not have been ruder or more unhelpful if they had tried. The basic tenor was "We are not here to help you with your application" just download the form its all online". From 5 different calls I got 5 different sets of info none of them was conclusive and I was still left with questions. I was quite often in tears and it was difficult to ask anyone for advise bar spending a huge amount of money on a solicitor” (Q107/368)

“Very difficult to obtain help filling out the documents and when calling the HO the information given was like simply reading the guidance notes” (Q107/199)

“There is nobody available when you call to give you advise. They are not polite nor helpful. If they were more friendly and kind on the phone, the number of rejected applications drop down immediately” (Q107/337)

“It was outrageously stressful to feel so out of control and not be able to speak to anyone in the Home Office about my case. They only accepted letters, and those were ignored” (Q107/296)



A long time to be without a passport

Respondents commented on the annoyance or stress of being without a passport for a long time while their application was being processed. This was particularly stressful for those whose passport was the only form of identification they possessed, and the consequences of being without it;

“Passport sent off and not knowing when I get it back (I travel for a living)” (Q107/10)

“Having sent off my passport and not seeing it for 5 months made me feel very vulnerable” (Q107/37)

“The most stressful things was letting go of my passport: It took me almost seven weeks to get it returned when I had to travel. All my requests for return were ignored and there was obviously some confusion as no one at the Home Office knew where my passport was and whether my passport or my partner's was being returned. Every request/call was met with a wall of silence” (Q107/301)

“They still (6 weeks after application) hold my passport and I am finding that very stressful. I have elderly relatives in my home country and couldn't go back if anything happened” (Q107/344)

“I had to send my original passport knowing that my father in France has a terminal cancer and that he can pass away anytime and that I would not be able to travel. I got my passport after 4 months” (Q107/221)

“We had to forgo a full family holiday because our passports could not be retrieved (not even in person!) before the application had passed a certain stage of processing. No insurance covered this circumstance i.e. on top of the disappointment, we lost £1500” (Q107/250)

“Had to send original ID and this later caused my property purchase to fall through, as no solicitor would act for me without proof of ID” (Q107/332)

Uncomfortable sending away precious documents

Respondents shared a sense of unease and concern at having to send originals of precious documents, in particular that they would get lost or damaged;

“The entirety of my life justification were away (my passport, all my Original P60s etc... any kind of paper that will be used to live in the U.K. was gone), into a system that barely acknowledged reception ... lost in a black box, a limbo, without being able to see what was happening. Quite troubling to put the application together, to wait for an outcome and having no port of call if things did not go according to plan” (Q107/277)

“I almost cried in the post office, handing over all the documents I meticulous put together, the poor clerk dealt with it really well, putting extra packaging over my box in case it got wet & some of the documents could get illegible” (Q107/93)

“Applied over 3 months ago, heard absolutely NOTHING from them, they have my only original documents, are they lost in transit? I can't contact them as they say no to bother them for 6 months from applying. I won't be able to apply again if they are lost” (Q107/151)

“It was a real worry that my paperwork may go missing on the way there or on the way back. Plus I needed some of the documents I sent away” (Q107/197)

“Sending off ALL original documentation at a time in my life when there were many changes in my circumstances. The most stressful things was letting go of my passport: It took me almost seven weeks to get it returned when I had to travel. All my requests for return were ignored and there was obviously some confusion as no one at the

Home Office knew where my passport was and whether my passport or my partner's was being returned. Every request/call was met with a wall of silence. There were many sleepless nights. Eventually my passport arrived just days before I was travelling" (Q017/301).

"I sent my 'whole life' by post, providing over a hundred important original documents that could be lost or used for ID theft" (Q107/313)

"Sending off all my documents and not hearing for 5 months. What if they lose it then I have nothing" (Q107/318)

3.7 The cost of applying

For some respondents, the cost of applying for permanent resident status was a source of concern. There was the cost of putting the application together as well as, for some, the cost of using an immigration lawyer to take them through the process or the realisation that they could not afford to use such professional support;

"The whole process was costly (gathering documents, photocopying everything for back up, paying for special delivery, I also had to travel back home to get a national identity card so that I could keep my passport while the application is being processed)" (Q107/70)

"Extra cost for translating our marriage certificate, getting letter from my GP's surgery (£35!!!)" (Q85/26)

"Additional cost of having bank statement reprinted £150 Request of birth and marriage certificates from home country" (Q85/58)

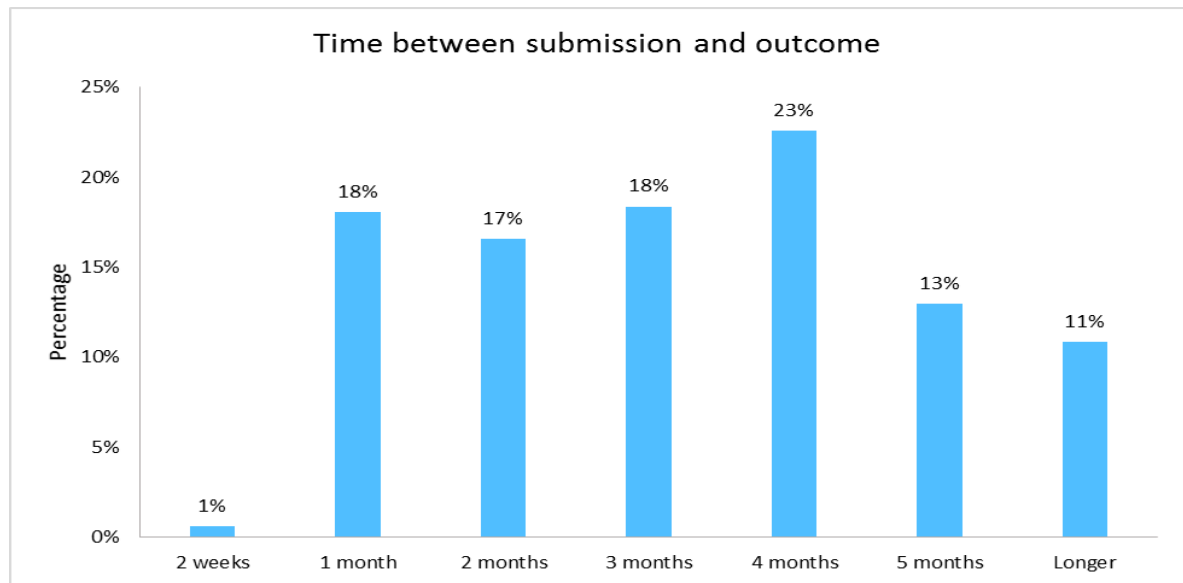
"When I asked what it would cost for further consultation, the lawyer replied that she'd charge £750+VAT just to check over my completed application form for one hour, or her firm would charge £4,500+VAT to handle the entire process for me (though I presume I would have still spent many hours digging up documentation)" (Q107/28)

3.8 Being notified of the outcome of the application

Of those who had already applied, nearly two thirds (63%) had been notified of the outcome.

The length of time between the submission and the notification varied between 2 weeks to several months. It is not possible to say why there was such disparity in the assessment and notification period between applicants.

Of those who had been notified, 82% (n=332) had been successful in applying for permanent residence status.



Note. N = 332.

3.9 Rejections: reasons for an application to be turned down

A small number of applicants (n=20; 4%) had applied for permanent residence more than once. Most (n=18) had applied a couple of times and two had applied more than twice. In total 352 respondents had been told about the outcome of a previous application. Of those who had been given a reason (N = 77) the following issues emerged:

Answer	%
I did not provide all the information	29%
I was not able to provide all the required information	9%
I did not have Comprehensive Sickness Insurance (for students and people who are self-sufficient - such as private income, retirees)	38%
I had too many gaps in employment	10%
Earnings from my employment or self-employment were not considered genuine and effective (not earning enough)	10%
I was unable to provide Workers Registration Scheme (WRS) certificate	3%
Other	55%

Among the other reasons given why their application(s) had been rejected were:

Not working, drawing benefits, being on a low income

“I was on jsa 3 years. When i was married my husband was supporter I was at home with my new born baby. That time I did not get any income bc before I become pregnant I use to work through an agency. I was on and off work. When i become pregnant I was too much sick so I was stay at home. My hb was a supporter. Till my daughter become 3 years. After I divorced. 3 years on jsa. Now I am back to work 2 years. I can't show 5 years work” (Q70/52)

“I have been a Carer for the last 6 years, getting Carers Allowance and looking after sick people with disabilities in my family. The reason for the refusal is that Home Office doesn't consider being a Carer as exercising a treaty right. I was very surprised because I have my NIC paid by the government and the period is considered valid for getting state pension. Also, 3 years ago I rang Home Office and explained my situation. They told me it will be OK, just I need to have 5 consecutive years as a Carer” (Q70/5)

Not sending their passport

“My mother was terminally ill at the time, so I could not provide my passport. I provided photocopies and my driving license and explained the situation. The Home Office kept all my application documents and supporting documents for 6 months and then rejected on the grounds that I did not provide my passport” (Q70/2)

Being rejected for trying to apply as a family member

“As an unmarried partner I didn't have the same rights so I shouldn't have applied as a couple. They suggested in the refusal letter to apply again individually” (Q98/1)

“We did a family application to secure PR for our sons who are 20 and 22. My partner and my sons were accepted, I was refused on the grounds that I am not married and have never had my relationship registered in the past. We did provide our son's birth certificates, joint mortgage documentation and my proof of residence with my family for the past five years” (Q98/2)

“HO refused simply because i an not married to my partner and they not have anything in their system class me as a extended family member. They did not argue that we are not a couple simply just not have a paper” (Q98/32)

Not exercising ‘treaty rights’ as a carer

“I have been a Carer for the last 6 years, getting Carers Allowance and looking after sick people with disabilities in my family. The reason for the refusal is that Home Office doesn't consider being a Carer as exercising a treaty right. I was very surprised because I have my NIC paid by the government and the period is considered valid for getting state pension. Also, 3 years ago I rang Home Office and explained my situation. They told me it will be OK, just I need to have 5 consecutive years as a Carer” (Q98/14)

“They stated I did not have the insurance for when I was a student, but I was a student 9 years ago and I don't understand how that could affect my last 5 years in the UK” (Q9823/)

“Home Office don't consider being a full-time carer for disabled people in your family as exercising a treaty right” (Q98/30)

No evidence of Comprehensive Sickness Insurance

“I was unable to gather evidence of csi, although I was insured at my home country as a protected member under my father's national insurance” (Q98/20)

“They say I need CSI for that period when I was at home with my daughter. Something about right movement me or my ex hb was not illegal bla bla” (Q98/13)

“Then I became a student but didn't have CSI so 1.5 years that I've done don't count in their eyes. I've got CSI now, I've got 2 kids with British passports, I've got a British husband but I couldn't put him as my sponsor because he is British and I have to apply under my own treaty” (Q98/21)

Evidence of Workers Registration Scheme issues

“In 2008 i registered for a WRS scheme but in 1 year I changed my jobs 3 times but I didn't have a break in the employment - I thought if I have done a year then that would be OK, but I found out that I had to work for 1 employer for 1 year - that wasn't so well advertised then! In 2009 I found another job, I stayed there for nearly 5 years but I didn't register for WRs (cause I thought I've done my 1 year) so Home Office said that from 2009 to 2011 my employment was 'illegal' (even though I paid taxes!!) even though I worked from 2008 until 2014 I was refused because I didn't register one job under WRS scheme” (Q98/21)

3.10 Appealing the decision

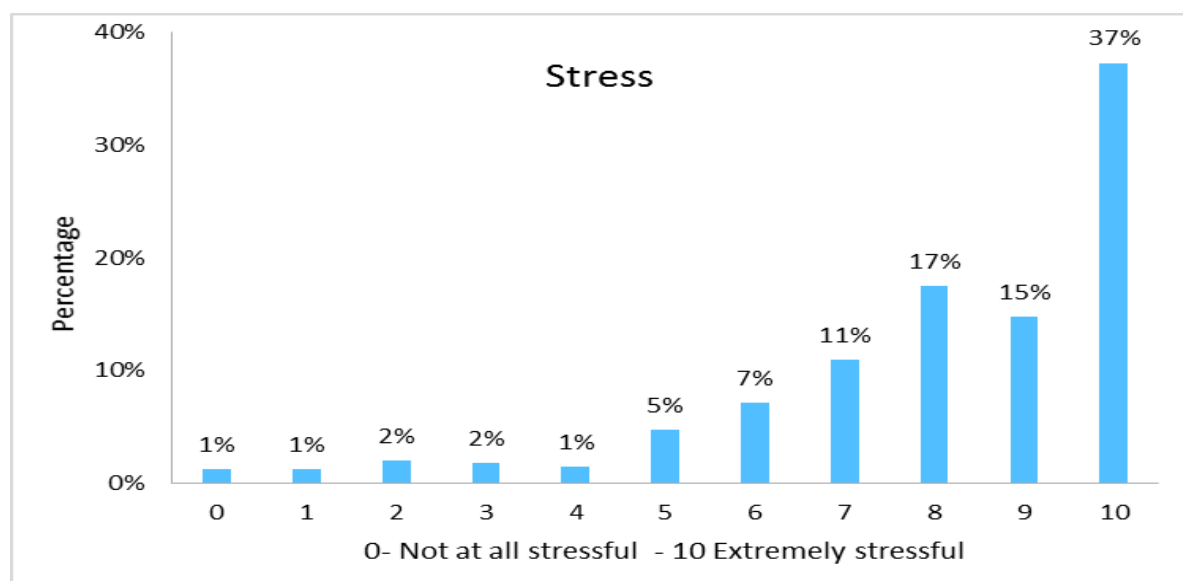


None of the respondents whose application was rejected or was offered a refund of the £65 application fee paid. Nearly two thirds of these respondents (64%) whose application had been rejected reported that they were planning to submit a fresh application.

Nearly three quarters of respondents (74%) whose application had been rejected reported that they had been told they could appeal the decision while only 12% said they were planning to appeal. Of those planning to appeal, just over half (57%) reported that they knew what the appeal process was. The vast majority (87%) reported that the Home Office did not tell them how to appeal the decision but two thirds reported that they knew where to get help and advice about the appeal process.

3.11 Emotional impact of the process

On a scale of 1 to 10, whereby 1 was not at all stressful and 10 was extremely stressful, most respondents (80% rated 6 or higher) were finding the experience of applying for permanent residence stressful to extremely stressful.



Note. N = 550.

When asked to comment on what they were finding stressful, respondents mostly reported the following main issues as their main source of stress:

---The size or burden of the task caused a lot of stress

“First reading the form, the more you read it the more confusing it gets, same as for guidance. Gathering documents, not really knowing if they will be accepted. On line application easier but having to make appointment to have copy passport certified not made clear before starting app” (Q61/2)

“In the light of current bad health, I didn't have the energy to keep trying to put together the documents on my own and instructed an immigration lawyer. I am an academic and because of studies and jobs, I have moved 9 times in the last 10 years (within the UK), so there are lots of documents that I don't have any more and I spend hours on the phone or email to get in touch with different councils to ask them to confirm that I had lived there. Quite often this included additional fees from the respective councils etc. Also, there are utility companies like BT who deliberately did not want to 'understand' that I was asking them to give me access to my bill history over the last 5+ years - instead they tried to push a new sale/contract on me and hung up on me when I didn't engage with this” (Q61/5)

“The first few weeks of working on the application I felt very overwhelmed, and couldn't sleep because I was so worried about finding all these old documents I never knew I would need again. I spent hours each day reading forum posts and articles and guidelines. It affected my work” (Q61/6)

“Spending many hours on end reading advice and guidance to prepare PR application best as to 'please' the Home Office's apparently fickle demands.” (Q61/35)

---The experience itself of putting the application together

“It is stressful having to supply a large amount of documents that I never thought I would need to use, and emotionally stressful to feel that my 15 years of life in the UK will be assessed purely based on bureaucracy. No way mention in the form that I have children and a husband who are all British. Why not? If the HO don't like my application then what?” (Q61/19)

“Underlying anxiety is ever present” (Q61/20)

“Having to apply for my right to reside after having lived, worked and studied here for 10 years I find extremely stressful, as the whole current situation questions my way of life and the plans for the future, for me and my children. I am wondering if I am doing the right thing with this application or if I would be better taking my family, my expertise, revenue and tax elsewhere where I am wanted” (Q61/21)

---The uncertainty of the outcome

Living with uncertainty was another source of stress, some of it was mixed with other feelings such as worry for the future or annoyance at having to apply;

“We're not sure what is going to happen, we don't even know if the PR Card will be of any use after the Brexit process starts. The government is not giving any clear answers which leaves us in uncertainty of our future in this country. It's very stressful and disappointing after so many years working and contributing in here” (Q61/17)

“The guidance is extremely confusing and vague. Leads to uncertainty and stress. Home Office changes forms and documents as we speak and not necessarily for the better. No credible, professional advice available through Home Office or embassy” (Q61/22)

“I have many worries about the application being rejected despite the time and effort put in it” (Q61/33)

3.12 Emotional impact of applying

When asked to say more about the nature of this stress, respondents talked a feeling of insecurity, feeling like a second-class citizen, how the process affected their health and well-being, being angry, their fear of being rejected, being despondent, being worried and how it had changed their outlook on the UK.

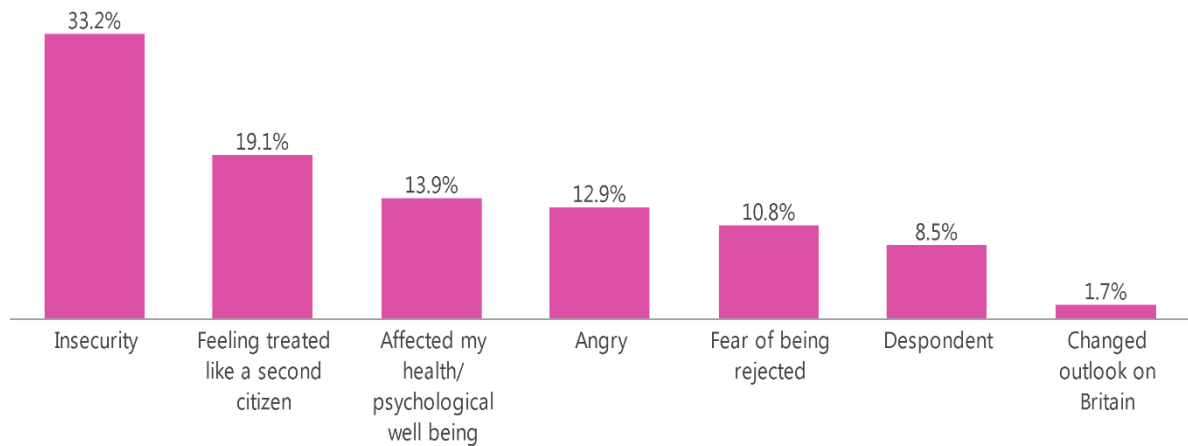


Fig. 7 Emotional impact of applying

3.13 Insecurity

This was the prevalent feeling respondents commented on in relation to the stress caused by the process of applying for permanent residence.

Worry that they did not do a good application

“Not having a clear idea if I have filled in all the necessary information makes it very stressful” (Q 107/70)

“What if what you send is not good enough.. What is you said the wrong thing.. Stressfull is not a word close enough.. I've been having lots sleepless nights especially afetr reading reports of the absurd reasons they seem to find to reject the applications. How can we be reasured?! Everyday without an answer and closer to the Brexit gets more stressfull” (Q197/92)

“It is extremely stressful to have to hand in a paper application and be told it is your sole responsibility to get it right and then wait for a very long time” (Q107/152)

“A lot is at stake, yet the process is very ambiguous, making it easy to make mistakes. What if you out a key piece of evidence?” (Q107/235)

“It was stressful not knowing if I will get all the documents or how to get them and if they would be enough, if I was going to be refused (and what to do then),every time I thought I was done, I re read the guides and more documents were needed” (Q107/230)

“The lack of clarity about what should be sent really is the source of stress: you cannot know whether you have made something wrong” (Q107/285)

Linked to this was the stress of waiting and finding out the outcome of the application process, even for those who did not think they were at risk of being rejected

“For me depending on the outcome my life could take two very different turns!” (Q107/1)

“There no words to discribe the fact we don't know our future, we can't do plans or even know if you can continue living with your English partner” (Q107/46)

“If I make a mistake in completing the form or fail to satisfy any of the absurd requirements [...] I have never experienced such unremitting anxiety and stress before in my life” (Q107/64)

“Very stressful, because the outcome defies my future life. I have build up a life in the UK for 15 years and now that could end of no choice of my own” (Q107/315)

“I have to cope daily with a huge amount of stress caused by uncertainty. I put lots of effort in this application hoping that I will secure my rights and implicitly our relationship (we are a mixed couple [EU]-British), and our future together” (Q107/123)

“A lot is at stake, yet the process is very ambiguous, making it easy to make mistakes. What if you out a key piece of evidence? Furthermore: what is the status of this document after Brexit? There are so many question marks and no answers - it is a very stressful period of time, and I am not sure it is worth it” (Q107/225)

“The long waiting time, feeling very anxious and stressed all through this time, feeling in limbo and unable to make decisions about the future” (Q107/150)

Worry induced by rejection stories

“Also the bad press and different applications being refused to other people have added to the stress of the entire process” (Q107/101)

“The most stressing aspect of it was the news that appeared in various newspapers about applications being rejected for no apparent good reason” (Q107/110)

“The wait was particularly stressful as I kept reading about rejections both in the newspapers and on the Web” (Q107/178)

“I saw in the papers that many applications were being refused” (Q107/350)

“Concern over knowing 30% get rejected” (Q107/38)

Worrying about the assessment process

Some respondents commented that the process was an unknown quantity. As a result, some also felt in limbo;

“Outcome of process is beyond your control and seems to be dependent on the person dealing with the request” (Q107/239)

“The procedure in where they dealing with applications is not homogeneous neither consistence and if you get a case worker who has a good day you might get away with a poor application. That is ridiculous” (Q107/15)

“The case worker has "discretion" which could be positive or negative. In other words, from one person to another potentially the outcome could be different and even when producing the correct documents, no assurance is provided” (Q107/69)

3.14 Raw feelings

Anger:

A number of respondents commented on the anger they experienced; this feeling was multifaceted.

Anger at having to apply to confirm a right

“I came to the UK 27 years ago within the framework of well-defined European-wide rights. Changing those rights or giving the impression that those rights can no longer be respected is plain wrong. I am a high level professional (French) who studied here and has been selling "Great Britain" around the world since but if I am not going to be considered as part of it, why should I bother?” (Q107/75)

“Considering I was only looking into getting a confirmation of the right I already had as an EU national living here for so many years” (Q107/13)

“Why should I have to apply for something that is my right? Who has records of all of their travels for decades? What if the application is rejected? Why make it hard for us? We all contribute to the country, had no say in the referendum and both sides ran a deceitful campaign. Unfortunately the side that wants to destroy cooperation was more successful with their lies” (Q107/35)

“The anger over having to jump through all these administrative hoops and having to fork out £65 just to get a piece of paper confirming something that I’m entitled to after having lived here and contributed to this county’s economy for 29 years” (Q107/64)

“Having to apply for rights one has been taking for granted for the last almost 20 years in my case, through a referendum with the vaguest question being used to justify tipping the UK off a cliff-edge, can create stress at the most existential level” (Q017/236)

Anger and annoyance with the process

“The fact that everything is paperless these days and most companies phasing out stamps, it took a lot of time and hard work to gather what documents I could, and some civil servant could just decide to deny me my right to live here was very hard to swallow. It left me with a huge sense of anxiety and anger at the hoops were being made to jump through” (Q107/132)

Anger at a process perceived to be designed to fail applicants

“It seems to me that the Home Office put in deliberate hurdles to make the process as hard as possible”(Q107/36)

“It is obvious that the application process is on purpose difficult to deter people from applying” (Q107/53)

“The form and the guidance and the attitude of Home Office staff when I tried to contact them constantly reinforced my perception that the whole process was designed to try and catch people out and find an excuse to get rid of us” (Q107/64)

“This seems like a purposeful step by the government to have opportunity to reject applications” (Q107/372)

Humiliation

“Being a hard-working and law-abiding individual, I felt humiliated by arcane requests of documentation (such as travel logs, or certificates of long-expired schemes such as WRS) I was never told I would need in the future - just to gain the privilege to reside in a country in which I am married to one of its citizens. I have bought property (my principal residence) in the UK, paid a mountain of tax, never used NHS or claimed any benefits of any kind, and all of a sudden it's all upside down - my legitimacy as a UK resident is being questioned as though I was some kind of fraud (Q107/234)

“I felt devastated, humiliated and segregated. I felt like unwanted pain in the arse. I get potential job offers in other European countries and if it was not our teenage child in the middle of education I'd be gone” (Q107/72)

“I have given far way more I think to this country than I have taken (I have never been out of work for instance) and all of this in good faith. I don't like to be treated like a fool” (Q107/75)

“Stressful and humiliating - having to justify why I was here after having been 18 years paying taxes and contributing every day to British society” (Q107/203)

Feeling despondent

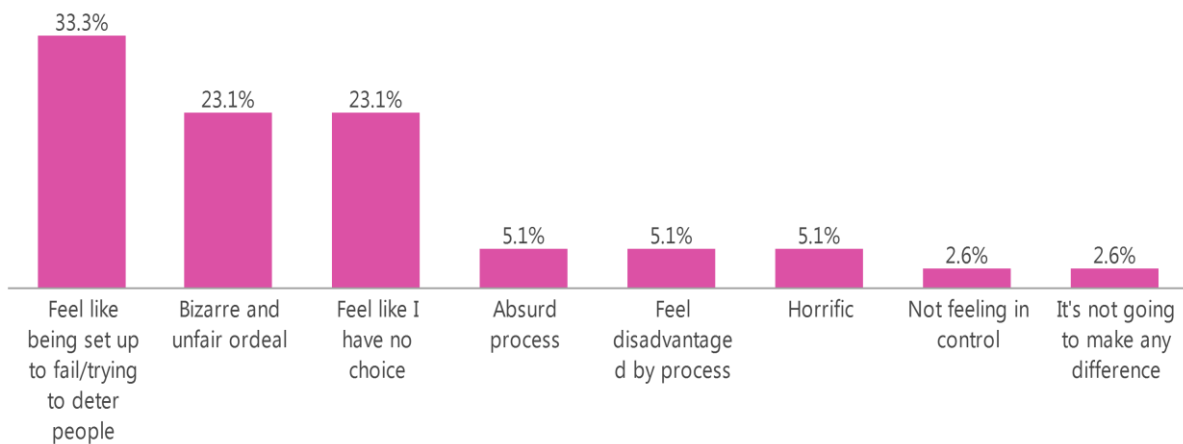


Fig.8 Feeling despondent

3.15 Fear of being rejected

The fear of having their application rejected was quite prominent in some respondents' comments;

“I am also concerned that the information that I have provided so far is not enough and application will be rejected” (Q107/260)

“Nightmares, sleepless nights, depression. I could not see how I could ever fulfil all the requirements. Days/weeks spent on the internet, ringing people to gather all the evidence needed. Visions of being sent back to Germany after 44 years here, with my children and grandchildren here, my partner, my house and home when I do not have a single relative or friend in Germany” (Q107/270)

“Terrifying. If rejected, my wife would have lost the right to work and live here, and we would have needed to end our life and careers here (after 20 and 14 years respectively) to move country” (Q107/345)

“Anxious about qualifying and fulfilling the criteria which even if based on existing regulations felt applied retrospectively as I had never been aware of the consequences of not having CSI, gaps in employment and absences from U.K. at the time” (Q107/348)

“I have been anxious and nervous and worried as due to all the stress of being rejected and told to leave. This is my home” (Q107/353)

3.16 The impact of applying on respondents’ health and well-being

Some respondents commented on how the process of applying for permanent residence had affected their physical and mental health, creating a lot of stress they found hard to cope with.

---Affected health and family life

“It caused sleepless nights and anxiety about finding sufficient documentation” (Q107/87)

“What if what you send is not good enough. What if you said the wrong thing.. Stressful is not a word close enough.. I've been having lots sleepless nights especially after reading reports of the absurd reasons they seem to find to reject the applications.” (Q107/92)

I had anxiety attacks and suffered from insomnia for about 6 months. When I received the refusal letter telling me that I could not prove that I had worked for the same law firm for 10 years, I experienced a mental breakdown” (Q107/119)

“The constant ignorance of people thinking I'll be ok because I am married to a British person and have British kids. The fact I having more arguments with family because of it” (Q61/34)

---Anxiety and depression

Much of the loss of sleep was in turn associated with feelings of anxiety and depression caused by the uncertainty of the outcome, the wait, the burden of the task of applying, worry over their future (or not) in the UK, what it will mean for their careers and relationships if their application was to be turned down;

“Led to period of depression, anxiety, lack of sleep” (Q107/286)

“The uncertainty and too many stories on refusals based on technicalities are taking toll on my general health” (Q107/289)

“I'm checking the post every day, waking up at 4am etc worrying what will happen in my mixed British/Belgian family. I feel if Brexit goes bad eg hard that my family will be stuck between a rock and a hard place. I also worry for my job. So I worry.” (Q107/352)

“Having to lay out, prove and justify your presence of 18 years in the UK was extremely stressful and emotional . . . some civil servant could just decide to deny me

my right to live here was very hard to swallow. It left me with a huge sense of anxiety and anger at the hoops were being made to jump through” (Q107/132)

“Extreme stress and anxiety to myself and my husband. Total shock to see the outcome. Constant uncertainty of what the future holds for both of us. A feeling of worthlessness and being a burden to society. No idea of how to proceed to protect our family situation” (Q107/222)

“The experience was horrific emotionally. I've lived here for 15 years. I am disabled, a single parent and a low income worker due to my disability and health. I felt very disadvantaged throughout this process as I had to prove my 'worth' almost through this application and prove I had a right to be in a country I thought for so many years was my own” (Q107/17)

“It has affected my sleep, I have been in tears at work, and had to stop watching the news for a while, it was simply too stressful. I hate to think what it is like for those who are currently unable to get PR due to the CSI requirement and other unreasonable demands” (Q107/209)

---Seeking medical help for depression and anxiety;

“I am suffering with anxiety and my GP referred me to a psychologist, to be able to manage what I am experiencing. I have been here for 21 years and fallen sick, due to a dystrophy. The stress on myself and my family has been copious” (Q107/244)

“I am currently under a medical treatment for stress and anxiety” (Q107/27)

“Furthermore, the uncertainty of my status exacerbated my mental health issues, and after the 9 month long stress caused by dealing with the application, once after had submitted it, I suffered several significant depressive episodes over approximately a month and had to seek medical help” (Q107/73)

Two respondents' comments summed up the feelings of many;

“I have never experienced such unremitting anxiety and stress before in my life” (Q107/64)

“My recurring thought was that this is almost like a form of institutional rape. I felt distressed by the whole situation and being forced to do something I did not want to do and did not feel that I should do. I was very angry and upset and anxious.” (Q107/91)

3.17 Changed outlook on Britain : The impact of applying on respondents' sense of identity

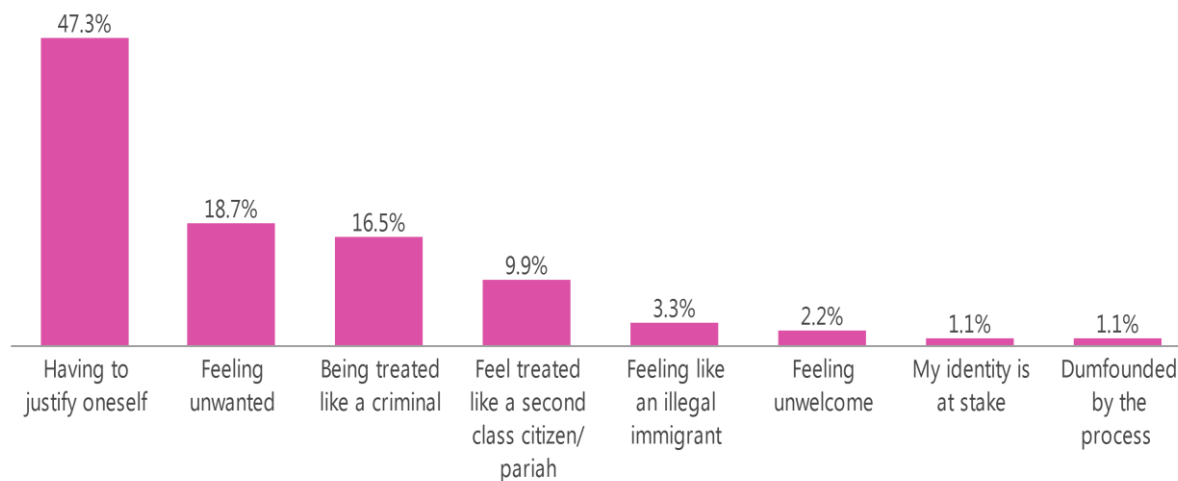


Fig.9 Feeling treated like a second citizen

---Feeling like a second-class citizen

“After 29 years of building a life in this country I had to all of a sudden justify my existence. And that was before Article 50 was even triggered. I find the continued press coverage and the insecurity about living in the UK as an EU citizen stressful and it makes me feel a second class citizen” (Q107/154)

“I don't appreciate the fact that I have to apply for a document stating that I have a right to stay in U.K., as I have come here legally, worked without any breaks, paid my taxes every month for the last 8 years, never broke any laws and assimilated 100%, became a part of my community, built friendships, got married, bought a house. Yet at the moment I feel like a second class citizen” (Q107/56)

“I found it upsetting having lived in this country for 22 years that I am now treated like a second rate resident and have to proof all sorts of things” (Q107/259)

---Having to justify myself and my worth

“Having to justify everything, even though I came here in good faith and legally. Being confronted with the idea of being an immigrant for the first time in 10 years in the UK” (Q107/211)

“Having to apply for rights one has been taking for granted for the last almost 20 years in my case” (Q107/236)

“The idea of having to justify my residency here is both painful and scary. I have been living in the UK for 33 years, have a British husband, two British-born children and a grandchild on the way. Britain is my home and fear I may not be given leave to stay. Suddenly I have to justify myself to be allowed to stay in my home country” (Q107/249)

“We have been in the UK since 1990 and have always worked. We always felt welcome as Europeans but now we are unsure if people really feel that way. I am

angry and disappointed that the past 27 years of contribution mean nothing” (Q107/361)

“Because it felt as if my entire life was on judgment--on criteria that had not been established. I travel a lot for my work (some of it paid by the UK government) and did not meet the required days in country in some years. A few months ago, that would have been a sign of my professional success. Now it's used as a judgment against me” (Q107/198)

“Gathering evidence that I had been a good little immigrant and I was worthy of this country, having to prove myself even though I've been here 17 years paying taxes at 40% rate most of the years” (Q107/366)

---Feeling unwanted and unwelcome

“Every day the news is full of stories about rising hatred towards foreigners and about the UK government bringing in measures to make life more difficult for EU citizens” (Q107/64)

“I find it stressful having to prove that I have been living in this country and made it my home and work place for 18years, and I hate to be forced to do this” (Q107/65)

“I work permanently for NHS Trust as a software developer. I develop systems used to provide local community services. My wife works in a Care Home. We work full time since we arrived in this country, we provide a lot to this country and we are treated like some menace!” (Q107/72)

“I have been living in the UK legally for the last 12 years. I made this country my county. My wife and three children are British. I moved to the UK because as a European, I thought this was "just" moving to another part of a big region. This process had made me feel unwelcome here, and undeserving of being here. The fact they ask the details of benefits I received (child benefit in my case) made me feel like I was abusing the system” (Q107/89)

“There is rejection to EU citizens anyway which becomes obvious in daily life. If it was not for my son who was born here and loves his home country, I would have returned to my country of origin. I do not feel welcome in the UK anymore” (Q107/142)

---Feeling treated like a criminal or an illegal immigrant

“Impossibility to gather all the necessary documentation. Feeling as if I had broken the law so far. Feeling as if I had to prove myself for something it was lawful up to a few months ago. Feeling unwanted and uncertain of what to do” (Q107/32)

“I found the questions about the relationship and when you met and if you had previous partners very indiscreet indeed. The whole experience made me feel like a criminal” (Q107/152)

“The lack of clarity about what should be sent really is the source of stress: you cannot know whether you have made something wrong. This adds to the relative intrusiveness of the process and the sense that you must have done something wrong at some point” (Q107/285)

“There are so, so many reasons why I found this stressful, but the main one was the feeling that I was being treated with such suspicion; that every step of the way the attitude was one of ‘how can we catch her out’, ‘how can we make this so difficult

that she will give up'. I have lived here for 40 years – the UK is my home, and I have done nothing wrong, but from the very moment the referendum result became known, I felt that I was being treated as undesirable, as a criminal” (Q107/220)

“It felt like being treated like a criminal. Why do I, as a law-abiding, tax-paying citizen in this country have to do this?” (Q107/276)

The process or the process of applying for permanent residence changed some respondents' outlook on Britain and some doubted they would stay;

“We have decided that there is no longer a place for us in this country” (Q107/49)

“What we thought were our rights as EU citizens have become very uncertain. We do know for a fact that our daughters might not be able to start university 2018/19 as one example so are looking at other options in the EU = moving back. We do not know if the future will bring us 2nd class citizen access to education, medical help, pension and even employment. And we are experiencing how nobody seems to know HOW many people this affects - EU citizens, some married to Brits, their children and families. People - including Leavers - are genuinely shocked and say that this is not what they voted for. Another stress is the fear of how many things will collapse in the UK / Britain after a hard Brexit. The government simply don't seem to have a clue of what makes the world work” (Q107/78).

“Because it felt as if my entire life was on judgment--on criteria that had not been established. I travel a lot for my work (some of it paid by the UK government) and did not meet the required days in country in some years. A few months ago, that would have been a sign of my professional success. Now it's used as a judgment against me. I came as a student in 2002 and have been here ever since. I've paid taxes since 2008. However, at no point during my entire stay here, including years studying and then working in a prestigious university, was a requirement for health insurance ever mentioned. Despite the fact that the application process is a formality--it just formalises my already acquired right to residency--I was very aware that the tide had turned and that indeed many Europeans had simply been disenfranchised” (Q107/198)

“It has fundamentally changed my feeling about Britain which I had loved for over 30 years” (Q107/296)

3.18 Comprehensive sickness insurance

84 respondents reported that CSI was an issue. Of those reporting an issue, 83% were female and 8% male (6% did not report). 56% were aged 26-44, 19% 45-54, 9% were over 54, and 8% were 18-25 (7% did not state). 23% were employed either full or part time, 8% were self-employed, 22% were self-sufficient, 19% were students, 6% were retired, 6% were unable to work, and 3% were job-seekers (13% did not state). 36% had lived in the UK for 5-10 years, 26% 10-15, 14% 15-20, and 17% over 20 years (7% did not report).

Answer	%
At the time of filling the form	37
In the news	15
On a website or social media	26
An immigration lawyer told me	6
Someone else told me	26
I looked up the legislation	13

Note: Respondents could select more than one answer.

57% thought that that the European Health Card was enough (5% did not respond). 23% report that they were told that the European Health Card would be enough (6% did not respond). 75% did not seek advice about different kinds of health insurance and which kind qualifies as CSI (5% did not respond). 74% did not purchase CSI (5% did not respond). Of those who did not buy CSI and gave a reason for not purchasing it, 53%, said they did not know about it, while 18% could not afford it, 21% got it through their partner or spouse, and 8% were excluded on health grounds.

Providing evidence of self-sufficiency and comprehensive sickness insurance (CSI)

“Justifying financial support during my student year (I had to prove I was supported financially by my family and having to provide their bank account statements as well as mine) CSI during my year studying (Thankfully I had taken out private insurance) remembering all the time I left the country in five years! having to send all original documents despite using NCS service (they also certify documents for naturalisation, not PR)” (Q85/55)

“Justifying time off work spent with children (full time mother but not taking benefits)” (Q85/65)

“I don't work so had to send in all my husband's P60s and our joint bank accounts, very private stuff and this worried him” (Q85/66)

“It was very difficult finding invoices proving self-employment i did not have a lot information about my national insurance contributions and i was very apprehensive about contacting HMRC because their customer service is so poor so I did not” (Q85/96)

“Justifying my 10 months maternity leave between contracting jobs” (Q85/114)

“Providing proof of health insurance coverage for a period during which I was a full time student (after being a resident for 12 years)” (Q85/54)

“Unsure about whether brief periods of unemployment between short contracts is a hindrance; - I did not have private health care (comprehensive sickness insurance) when I was studying or looking after my children as a stay-home parent; - I am not medically insured in the EU country I am from, because I am married here and lead my life here in the UK (I am no longer registered in my home country)” (Q85/78)

“Evidence during maternity leave (self-employment) CSI” (Q85/82)

C – APPLYING FOR PERMANENT RESIDENCE- THE PERSPECTIVE OF IMMIGRATION LAWYERS AND SPECIALIST ADVISERS

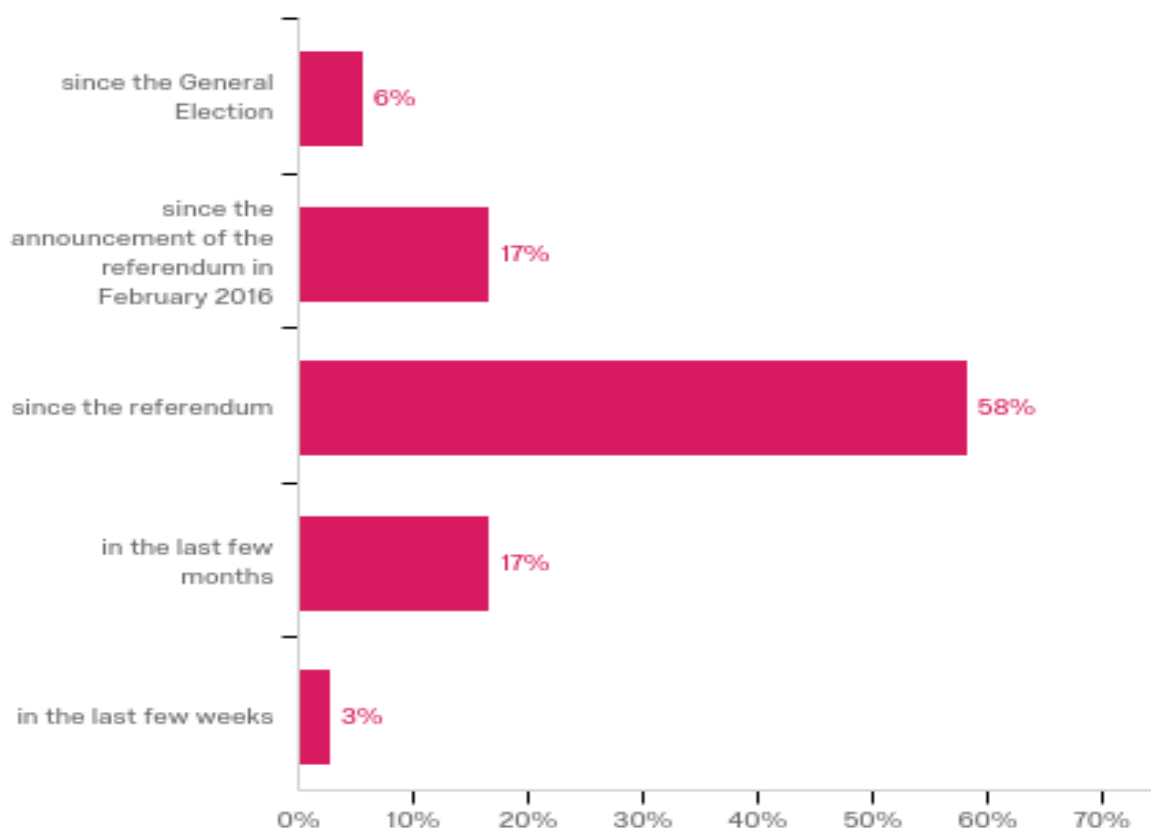
Forty six immigration lawyers and advisers took part in this survey which aimed to find out what their experiences of supporting EU citizens applying the permanent residence certificate. On advice from ILPA (Immigration Law Practitioners Association), this second survey was kept deliberately short to maximise return.

4.1 Who were these respondents?

Most respondents were certified immigration lawyers (70%; n=34), immigration advisers (26%; n=9) and one was a trainee solicitor. Most practised in a law firm (76.5%; n=34) or a Law Centre (3%; n=1), or in other contexts (7%; n=7): Immigration advisory company, OISC Regulated Immigration Advisory Company, university law clinic, self-employed barrister, Immigration OISC Consultancy, as sole practitioner.

Most respondents (89%; n= 36) were members of ILPA (Immigration Law Practitioners Association) , one was a member of the AIRE Centre and 3 were regulated by either the Solicitors Regulation Authority (SRA), the Chartered Institute of Legal Executives (CILEx) or the Joint Council for the Welfare of Immigrants (JCWI). Most of these respondents were practising in the London and Greater London area (none from Northern Ireland or the South West of England).

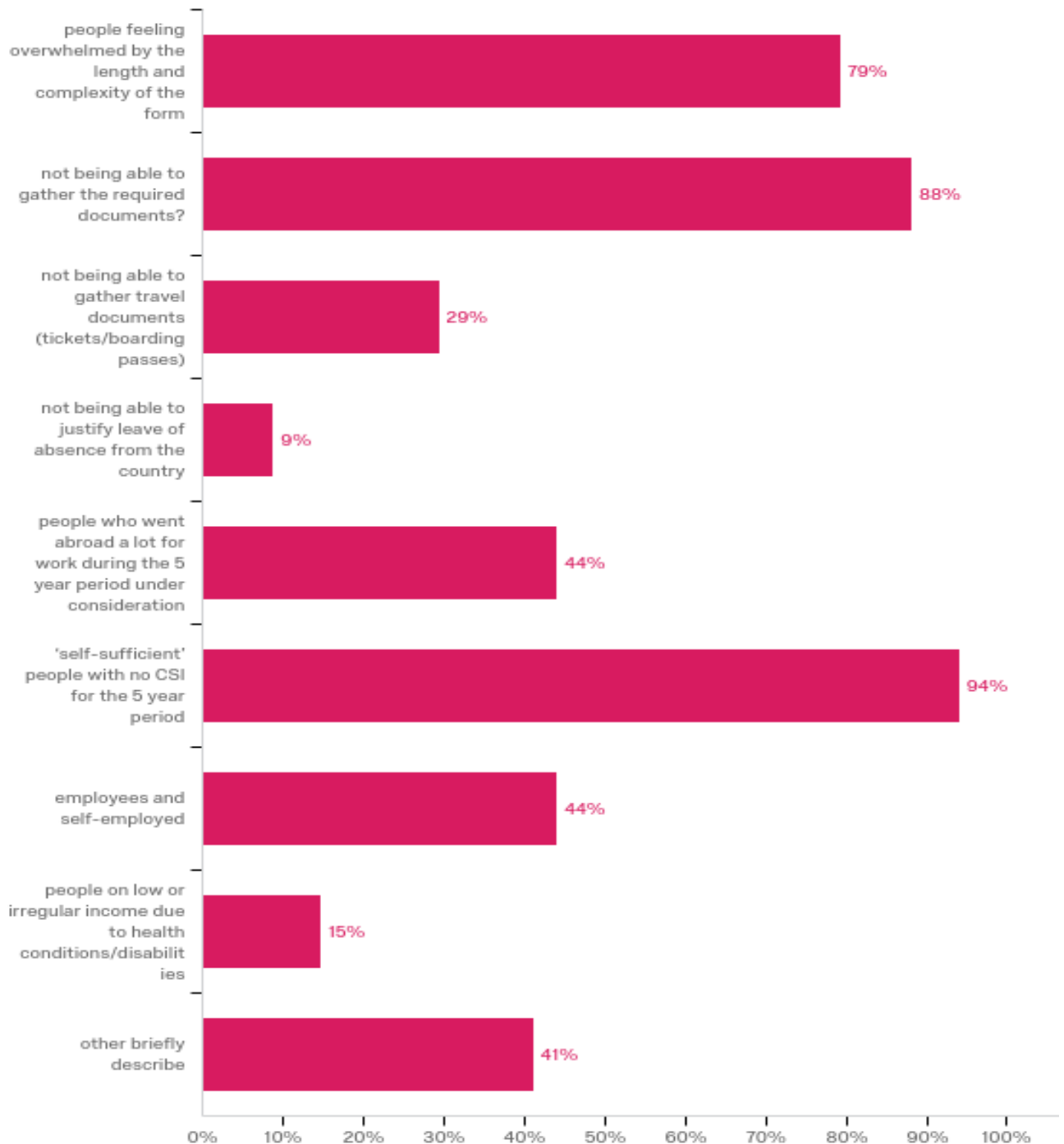
All respondents reported that they had noticed an increase in the number of EU Citizens requesting help with residency issues, specifically since the outcome of the referendum.



When asked which nationalities figured most predominantly in their caseloads, respondents commented that most were Western Europeans, specifically French and Italians. Other nationalities included: Greek, Romanian, Croatians, Belgians and Germans; then Swedes, Spanish, Dutch as well as some citizens from A8 countries (joined the EU on 1 May 2004) and A2 countries (joined the EU on 1 January 2007).

When asked if any nationalities were over represented, most respondents (80.5%; n=36) did not report any. Those who did mentioned that they were mostly citizens from A8 accession countries as well as from the Baltic states, Spain and Greece.

Respondents reported a range of difficulties EU citizens had brought to them:



4.2 Who were the EU citizens who used their services?

Most respondents (41%; n=34) had identified specific groups of people needing help the most with the process. Among them, the following groups of EU citizens were mentioned:

- Homeless EU citizens with no fixed address over some periods in 5 year residence
- Elderly people who tend to feel more intimidated by the process
- Victims of domestic violence

EU citizens who have a problem with comprehensive sickness insurance (CSI)

Students:

- Student academics (who used to be students): who have not held comprehensive health insurance during their studies
- Former students - who, without exception say that they had no idea about the requirement regarding CSI, and have not retained EHIC cards or taken out private medical insurance

“Students who did not have CSI” (S2/3)

“In addition, those that have been students for some of the 5 year period who have not had CSI” (S2/7)

“Significant number of concerns around CSI for students” (S2-9)

“Students - CSI issues” (S2/14)

Self-employed people: “Self-employed generally who may be earning sufficiently but sporadically. These tend to be business/financial consultants who are not employed but starting up their own financial consultancies. We have seen refusals for not providing exactly what is proscribed in the government's EEA (PR) Guidance - none of these documents are required by the Directive” (S2/1)

People in vulnerable situations and no evidence of CSI: “I also have a client with cancer and another in remission who have sufficient funds that they do not need to recourse to public funds/become a burden on social assistance however they are unable to obtain an insurance policy because of their pre-existing medical conditions” (S2/1)

“People who took career breaks for childbirth, early years childcare, care of disabled children or other relatives: problems arise if there was no CSI and their partner is non-EEA, or British. People who are not divorced but are separated and cannot locate their EEA family member: they may have rights but not way to evidence them. Victims of domestic violence are particularly poorly-served by the system. Problems relating to childcare, DV etc. disproportionately affect women” (S2/13)

“In particular Regulation 10(5) applications where the former EEA spouse does not wish to co-operate in providing evidence of their exercise of treaty rights” (S2/5)

“We are especially seeing EEA wives/partners of British citizens who have British children and have spent their time in the UK raising their children. They tend to not have been economically active for a full five year period, even after spending decades in the UK.

Most of them do not have CSI and therefore do not meet the requirements for self-sufficiency. Again, I must emphasise that these clients are overwhelmingly female” (S2/2)

“Not being able to supply evidence of exercise of free movement rights during short gaps between employment (e.g. not being able to show they were self-sufficient due to lack of CSI). There is no indication how long a gap the Home Office will allow before considering continuity to have been broken. This is different for non-EEA nationals applying under Tier 2 of the Immigration Rules, where their stay is considered continuous if they apply for leave to work for a new employer within 60 days of leaving the previous one” (S2/4)

Homeless citizens:

“Long-residence EEA citizens who were homeless but still working and cannot evidence work over requested period” (S2/6)

People with retained right of residence:

“Family members who have retained the right of residence, usually following divorce struggle to obtain evidence that their spouse was a qualified person at the relevant time” (S2/8)

Dealing with the process:

“Gathering the documents is the most difficult thing, even for people who have been employed by one organisation for the past 5+ years. It is even more difficult for people who moved around jobs a lot or had gaps in their employment, for example maternity leave” (S2/10)

“The difficulties in gathering the documents together as many did not keep records although they are technically permanently resident and have been for a number of years. The difficulty of having to be without passports and travel documents for a significant period of time” (S2/11)

“Unsure how to answer questions and overall being afraid of the process” (S2/12)



mosaic picture of a permanent residence certificate

PART III KEY ISSUES, REFLECTIONS AND CONCLUSIONS

Part III pulls together the key issues identified from the different sample groups and attempts to situate the findings in the current context. Then reflections and limitations of the study are discussed, and recommendations for policy change proposed.

5 KEY ISSUES “EU CITIZENS”

Three different groups of EU citizens took part in this online survey: citizens who had not applied (were holding off or had decided not to apply), citizens in the process of putting their application together and citizens who had already applied. The themes for each sample group are presented first, then shared themes between those who had not applied and those who had decided to engage with the process are pulled together and described.

5.1 EU citizens who were holding off or had already decided not to apply

Reasons mostly centred around the application process

The process, actual and perceptions of, was the dominant reason for not applying. More specifically, it was its complexity, the size and burden of the task (which included potential, perceived or actual difficulties in gathering the required information and documentation), and the cost.

---Fear of rejection

Not fulfilling the CSI criterion: Applicants, mostly stay at home parents (usually women), students and people who were self-sufficient, were worried about coming under scrutiny from the Home Office especially when they were aware that they would not be able to provide evidence of having (did not know about it or had been told -wrongly- that it was not required), so-called Comprehensive Sickness Insurance (CSI).

Not meeting the minimum income threshold: Some respondents were self-employed or in part-time work, on a low or irregular income. Others were people in receipt of welfare benefits or with a non-linear, uneven, employment or life history which meant they felt they were not in a position to “exercise their treaty rights”. They felt this could put them at a disadvantage when applying. Specifically, they were concerned that they would be rejected for not being able to produce a solid enough application, especially in relation to their income.

Not sure they would qualify: Whether it was about the process, difficulties in gathering the necessary type and amount of information and documentation, not fulfilling one or more of the required criteria, a worry about not getting it right, a worry about how their application would be assessed, all these reasons contributed to an underlying and powerful feeling of uncertainty.

Consequences of application being rejected: These respondents speculated about what would happen if their application was rejected, whether they knew for certain they met the

assessment criteria or not. They mostly worried about being asked to leave the country. This was fuelled by news reports in the press and on social media, or hearsay, that some people who had had their application rejected had received letters asking them to “make preparations to leave the UK”.

Not applying on moral grounds:

The prospect of applying for permanent residence clearly raised moral issues for some respondents who found themselves considering their future in the UK: should they leave or stay? should they leave should the opportunity arise should they be forced to, in particular if they applied for PR and were rejected? A number of respondents were angry and did not want to have to go through the process which they found “vexatious and humiliating” (Q9/52) and its questions “intrusive” (Q9/308): they were usually those who had been residing the longest those who had been residents.

---Why should I put myself through this?: There was a kind of annoyance or anger, or outrage, reported by respondents who were wondering why they should put themselves through the process of applying. This feeling did not just relate to the size and complexity of the task; it was also the expression of moral indignation. They had often been living in the UK for a long time, they had fully integrated in the life of the country, they had married, had children, a career, paid taxes, contributed in many different forms to the economic and social wealth of the county etc., and they felt they were being asked to prove their worth. Some did not trust the reasoning behind some of the questions which they experienced as intrusive. Others objected purely on principle and were similarly annoyed or angered at the potential prospect of applying.

---Not sure if it will help or if it is needed: Respondents reported uncertainty about the benefits of applying for permanent residence. Some of this uncertainty was linked to the validity of the process post Brexit as they felt that rules and immigration legislation might change, or the economy might decline, therefore they were not sure whether spending the time, cost and energy on putting an application together was worth it. This uncertainty also created feelings of anxiety. Others did not feel it would bring any security to their current situation.

---Not feeling welcome or wanted anymore: Respondents expressed mixed feelings (annoyance, sadness and a feeling of betrayal even) about their future in the UK which were framed in terms of uncertainty about leaving or staying. Some had already made the decision to leave, others were waiting to see how events would progress while others pondering if they still had a life in the UK if they no longer felt welcome.

---Waiting to see what happens: Respondents who were waiting to see were mostly hoping for a simplification of the application process for permanent residence and that the uncertainty about the future of their rights as EU citizens would “get sorted”. Some respondents also felt that PR might become redundant post Brexit therefore they considered it was worth while waiting rather than embark on a process that was often perceived as

complex, lengthy and costly. Finally, the fact that applying for PR was not a current legal requirement weighed in respondents' decision to "wait and see".

Emerging themes from respondents who were holding off or had decided not to apply

- The need for political certainty
- Waiting to see what happens, in particular in view that PR might not be relevant post Brexit or that the process might be simplified
- Acting on moral grounds: applying or not applying, respondents reported feeling insulted at having to prove already acquired rights, especially long term residents under freedom of movement
- Deep uncertainty and concern linked to not fulfilling the CSI criterion or to being on a low or irregular income
- Deep anxiety and concern about the uncertainty of the outcome of the process especially if, if unsuccessful, respondents were afraid they might be asked to leave the country, and their lives being shattered as result
- Mistrust in the application process or in the government's intentions.



5.2 EU citizens who were in the process of applying or had already applied

This section describes the main reasons for applying for permanent residence.

"I want to be the one to decide my future"

It is worth noting that most of these respondents had based their decision upon exploring the process, in parts or in whole. Most had read the guidance, and or downloaded and read the application form, informed themselves in various ways about the process. Therefore, it is fair to say that they made an informed decision that felt right for them.

The main reason these respondents decided to apply for permanent residence centred mostly around the wish to consolidate their rights. They were worried about what their future as workers, as individuals, as spouses and parents might look like without some kind

of a guarantee and they felt permanent residence might offer them this level of reassurance. They were also concerned with consolidating the rights of their spouses or children. Sometimes the decision to apply had been influenced by reports in the press, social media or word of mouth, or by the advice given by immigration lawyers and lawyers, in person or on specialist websites.

Obtaining PR was also used as the first step towards applying for citizenship. This was about fireproofing the future in a pragmatic way, for instance through protecting their and their family's rights, the life they had built, their property etc., while meeting the challenges of the current uncertainty created by the vote, and being able to choose their own destiny. Some also wanted to have an equal voice and citizenship appealed to them since it would confer them the right to vote in general elections, something they had not been able to do so far. For others, gaining citizenship was a means of pre-empting or cancelling the effects of current or further discrimination by virtue of being an EU citizen in a future non-EU country.

The experiences of putting the application for permanent residence together

This section focuses on respondents' experience of using the guidance, the form and of submitting their application. It will then explore specific issues.

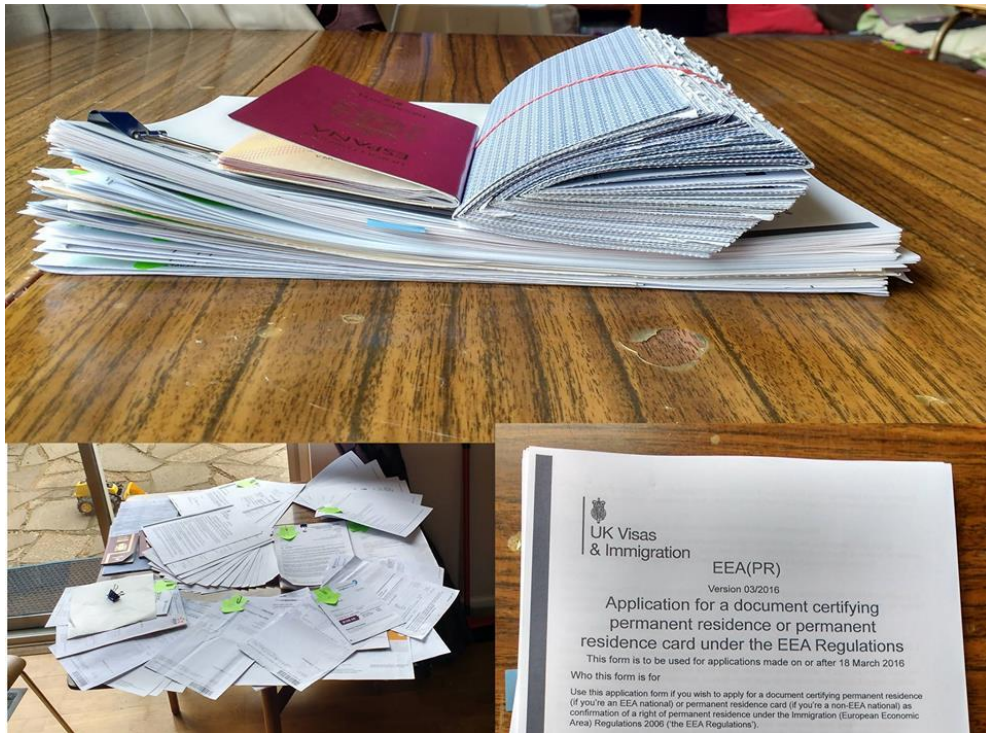


---**The guidance:** The guidance attracted the most criticism from respondents. A guidance is an important document meant to support applicants and yet, most felt it was confusing, possibly deliberately so. The guidance was experienced as unclear, very poorly written (verbose, too technical, using too much jargon, inconsistent and confusing even for people whose first language was English), vague in some parts and contradictory in others, complex and lengthy. The guidance was also reported to be inconsistent in terms of requirements, creating further confusion and deep annoyance. Some respondents even sought guidance and clarification about the legal aspects and language from lawyers and employers.

A number of respondents were also not at all clear why information outside of the requisite five-year period was at all necessary, especially when it came to welfare benefits and travel. Some too felt the guidance, therefore the process, was not designed with EU citizens in mind but EEA citizens.

There was also the further issue that the guidance was not updated for online applicants when the new service was offered more widely in February 2017. Respondents felt this was very unhelpful and confusing. At the time of publication, the guidance still has not been updated or customised to reflect the changes, or a new set created specifically to support online applicants.

The reported poor quality of the guidance overall meant that many felt it was meant to scare them off from applying or to set them up to fail even.



picture of an application bundle for the permanent residence certificate

---**Gathering the required information: a logistical nightmare:** One of the main difficulties expressed by respondents related to the process of gathering the vast amount of required information and documentation. The abandonment earlier in 2017, after the publication of the House of Commons, *The Government's negotiating objectives: the rights of UK and EU citizens*¹⁹, of the request for all travel details of applicants in and out of the UK since the day they first arrived did bring a little relief to some but, overall, it had not lessened the burden for respondents by much. Because of the timeframe of the survey, few had been able to enjoy this improvement in the process anyway.

Many respondents reported encountering difficulties gathering the requested information and documentation for their chosen five-year period which, in some cases, was quite a long time ago. They had not kept them beyond a period of years, or documents had got lost through moving, divorce, house fires even. This difficulty was often compounded by the fact that, for instance most service providers such as banks or utilities, no longer produce paper bills and only offer electronic documents. Some respondents reported having to pay their bank quite a lot of money to obtain stamped copies, while other banks did not charge much or at all. Respondents often asked for more than they probably needed as they felt the guidance was not clear on exactly how many bank statements for instance were necessary for the application. Some respondents who needed copies of old pay slips sometimes found

¹⁹ House of Commons, Exiting the European Union Committee report (HC 1071, 5 March 2017): The Government's negotiating objectives: the rights of UK and EU citizens Second Report of Session 2016–17

out that a former employer no longer existed (for instance had ceased trading) and were unable to produce this documentation.

There seems to be a significant underestimation on the part of the Home Office of the actual size and complexity of the task of gathering this documentation especially when the participant's individual circumstances were not straightforward, leading to applicants being unable to provide all the requested information. In many instances this was more likely to affect women more often than men.²⁰

It was usually at the point of putting their application together that respondents would find out that they did not, or possibly did not, meet specific requirements, namely CSI or minimum income. Most were students, usually women and stay at home mothers, or self-sufficient individuals. Not meeting these previously unknown criterion created a lot of anxiety and stress for these respondents.

Gathering all the requested documentation was also reported to be extremely onerous for people in self-employment (freelance sole traders or running small businesses) who had to gather and submit every single invoice, work order per client and per month for each of the five-year period, as well as bank statements, among other documents. They also reported being unsure about the type and amount of documentation needed.

Similarly, parents applying on behalf of their children reported difficulties in providing proof of residency for them as they felt the process did not cater for children whether over or under the age of 15 and 6 months.

Many respondents pointed out that governmental agencies already held a lot of information about citizens, such as income and council tax records, national insurance records, pension contributions and employer records etc., and that the process of applying for permanent residence could be made a lot easier if the Home Office used this information rather than put such this vast burden of proof on the applicant.

---**The form:** Whether it was the online or the paper version of the form, respondents were similarly critical of the language used. The other main reported issue about the form was the lack of space for respondents to clarify certain aspects of their application (usually a change in circumstance). A well-known issue with the on-line form is its rigidity. As immigration law specialist Colin Yeo points out,

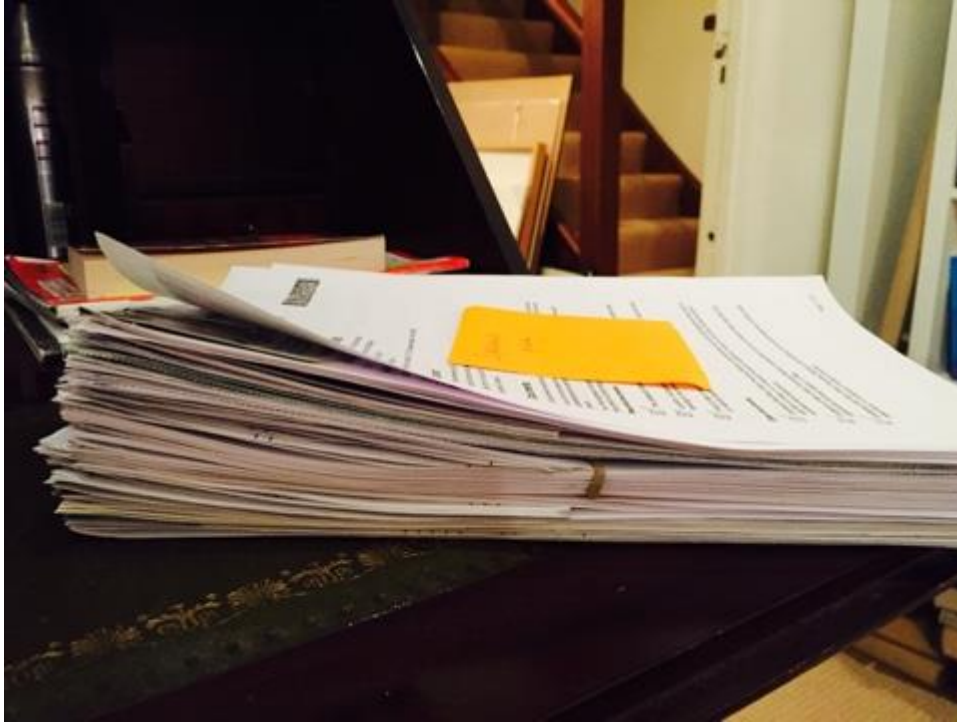
“This online application form follows a set structure. In order to proceed through and submit the form, each page needs to be completed. If this approach causes any difficulty, you may wish to use the alternative paper version for your application”²¹

Many are unaware of this particularity of the on-line form which led some respondents who used the on-line form to tick a 'yes' or a 'no' box that more or less met their situation and

²⁰ This was echoed through public meetings organised by a representative of the French Consular Agency for EU citizens, attended by the researcher on behalf of [the3million](#) and where such an example was exposed.

²¹ <https://www.freemovement.org.uk/online-eea-permanent-residence-european-passport-return-service-now-available/>

add a hand-written note to clarify and explain further. This was further compounded by the fact that the guidance is for the paper rather than the on-line version of the form, creating a lot of confusion. The online form is not open to all types of applications, for instance families, thus restricting its access.



picture of an application bundle for the permanent residence certificate

----Submitting the application

Using the passport return service: Some respondents reported using the “European passport return service”. This service was made available in the autumn of 2016, to allow applicants to take their passport “to a participating local authority for verification and copying, and for the local authority to then send the copy to the Home Office. This allows [them] to keep your passports while your applications for documentation to prove your right to live in the UK are being processed”²².

This service was experienced as very helpful when respondents had a passport, lived near enough a council that offered the service and were able to have access to it during office hours. However, the service was described, overall, as being of varying degrees of reliability and helpfulness. The majority of those who tried to use the service pointed out that many councils did not offer the service as advertised, or were caught out not knowing there is a set timeframe to use the service once the application has been submitted online or that there is a cost to using the service. Some areas of the country are poorly served, which meant long

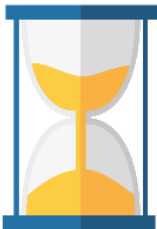
²² <https://www.gov.uk/government/publications/european-passport-return-service-england/england-european-passport-service>

round trips to use the service. For instance respondents living in Cornwall had to travel to Exeter to use the service and some large cities such as Bristol do not offer the service, forcing respondents wanting to use the service to travel either to Cheltenham or Exeter. This added a personal and monetary cost to the process, on top of the fee that respondents had to pay and which seemed to vary a lot between councils. Some councils have also now stopped offering the service altogether, for instance Leeds.



---**The cost of applying:** Some respondents also commented on the cost of applying for the permanent residence certificate. While the fee was an issue for some, especially those on low income, it was also the cost of collecting and collating all the required documents and sending the application bundle that was felt to be very high.

---**The waiting game:** In the survey, once respondents had submitted their application bundle, they often reported having to wait a long time for the outcome of their application, although the length of the wait did not seem to follow any obvious logic (such as the simplicity or complexity of the application). Some respondents waited weeks and months whereas others only waited about a month or just a few weeks. They reported getting confirmation that the Home Office had received their application when they examined their bank statements.



The Home Office advises applicants that the process may take up to six months and the default position seems to be that applicants should expect to wait with no news. Respondents nevertheless deplored the lack of communication on the part of the Home Office and that the wait was difficult to bear especially for those who felt their application may not be very strong. Some respondents tried to call the Home Office but were often met with a blunt refusal to be allowed to talk to their case worker to either find out about the progress of their application, or to clarify an aspect of their application.

Some respondents also commented that they were uncertain about the way their application would be assessed, especially since some people had submitted just before application rules changed on 1 February 2017. Since the outcome of the application rested solely on the assessment process, some comments reflected the associated anxiety. Some of this concern was linked to the frustration at having to guess exactly what the process required of them in terms of supporting documentation, what sort of application would be more likely to be approved, etc.

---**More than one applications: appealing or not appealing?**



A few respondents had applied more than one time for permanent residence but had not been successful. A few respondents who had already been notified of the outcome of their most recent application had also not been successful. In both instances, the main reasons for the rejection of their application were twofold: either criteria related (not being able to provide evidence of CSI, being on a low

income or not working, having an irregular employment history, being a carer) or process related (using the wrong form, not sending passport etc.). Few had decided to appeal the decision. This is possibly explained due to respondents waiting to see what would happen since the survey was administered just before the triggering by the UK government of Article 50. Other factors, such as the fact that the Home Office had largely not been forthcoming in informing them about the appeal process, as well as the cost of appealing, might have influenced their decision.

---The impact of applying for permanent residence

The whole application process had created a sense of deep insecurity and uncertainty which is largely present in the survey. It caused many to experience moderate to severe anxiety, mood swings, and to seek medical help. Respondents described losing sleep, difficulties in coping with day to day life, irritability, all signs that their normal well-being was under stress.

Emerging themes for respondents who had decided to apply for PR:

- The need for certainty for oneself and for close relatives
- The wish to consolidate one's rights and that of family members
- Waiting to see what happens, in particular in view that PR might not be relevant post Brexit or that the process might be simplified
- Many groups of EU citizens are unlikely to get PR including:
 - those unlikely to fulfil the CSI criterion
 - those on a low or irregular income (e.g. zero hours contracts)
 - carers
 - people with disabilities or long term illness
 - those with a non-linear life story or more complex circumstances
- The high emotional and physical impact of applying for PR
 - Deep anxiety and concern about the uncertainty of the outcome of the process especially if, if unsuccessful, respondents were afraid they might be asked to leave the country, and their lives being shattered as result
- Mistrust or loss of trust in the application process.



5.3 KEY ISSUES “IMMIGRATION LAWYERS AND SPECIALIST ADVISERS”

Asking immigration specialists (lawyers and advisers) to engage with the research allowed for a different, professional perspective, based on their experience of dealing with the Home Office and the process as well as of dealing with often complex cases. They were able to comment on how the system was likely to react to, and assess such applications.

The main issues for which EU citizens consulted these immigration specialists concentrated on the process itself (its size, the burden and complexity of the task) as well as on some specific categories of EU citizens: those unable to provide evidence of comprehensive sickness insurance, people in work (employed and self-employed), people in low income brackets and people in complex situations.

While the issues reported by immigration specialists mirror and confirm the findings mirror from survey 1 (EU citizens), they also highlight the more complex situations. One of them is that of homeless EU citizens. In the last few years and specifically since the amendment to the Immigration Act 2016, there has been an increase in the deportation of EU citizens: “EU nationals may be returned for not exercising, or abusing, Treaty rights, or for deportation on public policy grounds (such as criminality)”²³. This policy is part of the ‘hostile environment’ created by the UK government with regard to foreign nationals in the last few years. It is echoed in the “Great Rough sleepers Round-up” operation which has openly been targeting homeless EU citizens. According to the charity Migrants Rights;¹⁶ the Home Office introduced new guidance stating that rough sleeping was an ‘abuse’ (later qualified as ‘misuse’) of EU citizens’ right of freedom of movement. The guidance means rough sleepers can now be ‘administratively removed’ (effectively, deported) from the UK just for sleeping rough. This applies even if they are otherwise exercising treaty rights. Those deported will be subject to re-entry restrictions for 12 months following their removal. The policy may well be unlawful, but until it is proven so, Theresa May’s government effectively holds a licence to expel homeless foreigners from the UK”²⁴

Homeless EU citizens, like British homeless people, often experience extremely difficult life circumstances. These EU citizens are also unlikely to be able to regularise their residency status without help and support, and are therefore more vulnerable to deportation. The complexity of such cases was presented in the survey with the example of this homeless citizen in work but unable to provide the correct evidence.

²³ <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/how-many-people-are-detained-or-returned#enforced-returns-of-eu-nationals>

²⁴ <http://www.migrantsrights.org.uk/blog/2017/03/31/the-hostile-environment-and-the-great-rough-sleepers-round-up/>

Emerging themes from the perspective of immigration specialists

- CSI (lack of)
- Women and self-sufficient people
- Self-employed people and low income
- The process
- Vulnerable groups

5.4 REFLECTIONS

Considering the findings which emerged from the two online surveys (EU citizens and immigration lawyers and specialists), the following themes were identified:

A process not fit for purpose



This is the main theme and finding from the surveys. Not only is the process of applying for documentation certifying permanent residence is cumbersome, overly complex, burdensome on the applicants as well as on the system; it is unfair, inflexible and onerous in terms of size of the task, emotional burden and cost. This is because it was never designed to deal with the current context which has been generating an extraordinarily large volume of applications since the Summer of 2016. From a few thousand application per annum²⁵, the system has had to cope with a unprecedented influx of applications. Following the EU referendum, the number of applications rose more than fivefold and in the year ending March 2017, the Home Office issued 108,590 documents²⁶ certifying permanent residence. The rejection rate was around 30 percent: half were declared “invalid”, meaning they were rejected on technical grounds usually, and the remaining half on lacking qualifying criteria. This gives a good indication that the process does not work for a significant number of applicants. Furthermore, a recent publication by the Institute of Government predicts that, at the current rate and using the current requirement and assessment processes, it will take the Home Office roughly 14 years to process these applications²⁷: “... the step change in processing speed is unfeasible with the application in its current form” (p. 12). Implementing a new, possibly bespoke process, in terms of content and logistics, will take time and require new IT systems, therefore the

²⁵ in 2010, 25, 000 applications for PR were made and around 17 percent were rejected

²⁶ <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/summary-of-latest-statistics>

Implementing Brexit , p.11:

Immigration²⁷https://www.instituteforgovernment.org.uk/sites/default/files/publications/Brexit_immigration_WEB.pdf

need to recruit and train staff etc. Some have however expressed serious doubts this is achievable, especially in the current working time frame²⁸²⁹.

This means it will not be possible to register all those who need to be by the time the UK leaves the EU. This raises the question of what will or could happen to these citizens. Even a new, simplified service would take time to be designed and tested before it could be launched and used successfully.

How can you confirm or grant someone their rights if you don't know who they are?: This is one of the questions that the current situation has raised in relation to the need for registering EU citizens currently living in the UK, whether they have been residents for a few months or decades.

An aversion for IDs: The UK has a historical aversion for IDs. There are historical reasons for this aversion to IDs: a natural aversion for anything that is perceived to pose a threat to individual liberties and, in fairly recent history, a certain enduring memory of wartime and post wartime papers such as ration cards more specifically for IDs that must be carried and produced on demand. Identity cards were used in the UK during the second world war but were withdrawn in 1952 after a High Court ruling that called into question whether it was right for authorities to continue to use a power given during a national emergency when the emergency no longer existed³⁰. Since then the UK has never required its citizens to carry specific identity cards even though this is not for the want of trying. The most recent attempts to introduce ID cards culminated in the UK 'Identity Cards Act 2006' (repealed)³¹ which created a voluntary version. Controversially it also created a 'national scheme of registration of individuals'. Concerns were raised about the depth and purpose of the information stored on this register and its creeping compulsory nature. These concerns, as well as the escalating cost of creating and maintaining a database and of issuing the card, resulted in both the act and the scheme to be repealed in the 'Identity Documents Act 2010'³².

Whilst this report does not advocate for the use of IDs for EU citizens just for the sake of it, the fact that the UK has historically never introduced the systematic registration of foreign citizens seems to explain the deep inadequacies of the current PR process and why it is not fit for purpose.

²⁸ <https://colinrtalbot.wordpress.com/2017/06/20/passport-to-remain-how-would-the-uk-process-residency-rights-for-3-million-eu27-nationals/#comments>

²⁹ See in the Comments section: "gerry westerby 27 Jun 2017 9:45PM"

<http://www.telegraph.co.uk/news/2017/06/27/downing-street-insists-home-office-will-able-cope-millions-eu/>

³⁰ House of Lords Library Note LLN 2016/002:

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2016-0002>

³¹ <http://www.legislation.gov.uk/ukpga/2006/15/contents>

³² <http://www.legislation.gov.uk/ukpga/2010/40/contents>

Confirmed fears: Were the fears and concerns of EU citizens who had held off from applying or had decided not to apply justified? The findings from the sample group of EU citizens who had had decided to apply and to submit seem to confirm them.

Another way is needed

After presenting evidence at the Commons Select Committee on Exiting the EU³³, **the3million** were tasked with scoping what other EU member states had implemented in terms of PR process. The exercise revealed that the UK was unique in terms of the size of the burden of proof on the applicant, in terms of the complexity of the application (form and process) and in terms of cost³⁴. Most countries had a systematic and simple registration process for new arrivals which was implemented at local level and which, in effect, started the clock on people's residency. After a period of five years, and with reasonable requirements, these citizens could then apply for the permanent residence certificate either at minimal cost or at no cost at all. Malta, for instance had a one page form which was used to register either an individual or a whole family; the form used by Ireland is only a few pages long; France has no form but requires a covering letter instead, etc. By contrast, the form used by the UK is 85 pages long and the cost of putting the application together and of submitting it was often experienced by respondents as costly in terms of time, money and energy.

“Lawful” residence: PR and exercising treaty rights: Specific issues

The acquisition of the permanent residence certificate was introduced in its current form in 2006 and to date remains voluntary. It can be useful when dealing with the authorities, with potential employers, or for administrative formalities, etc. Once in possession of this document, EU citizens are usually not or no longer required to prove, for instance, that they have a right of residency or sufficient resources, or that they have a right to access certain services such as the NHS.

In order to obtain the document certifying the right to permanent residence, applicants have to be able to demonstrate that they have been “exercising their treaty rights” which confirms that they are “lawful” residents and the Directive 2004/38 sets a number of criteria that describes the requirements.

Vulnerable groups are far more unlikely to be considered “lawful” residents

This issue of “lawfulness” is highly problematic when it comes to certain categories of people who do not meet the requirements for exercising their treaty rights or may never be in a position to fulfill the process criteria. In the study, this concerned persons with disabilities or long term health issues, carers, homeless but working citizens, or anyone who does not hold down a regular full-time occupation at or above the minimum wage as well as proof of residency. In the current economic climate, and regardless of nationality, many may not be in a position to achieve the residency status.

³³ <http://bit.ly/2kg0unQ>

³⁴ <https://www.the3million.org.uk/research>

Whilst the notion of “lawful” residence is understandable, this has allowed the UK to interpret EU legislation in very specific ways. This had consequences for certain groups of vulnerable respondents in the surveys, specifically in relation to two main issues.

Comprehensive sickness insurance: Comprehensive sickness insurance (CSI) per say does not exist in the insurance world since no insurer would normally brand such products ‘comprehensive’ for fear of litigation. It is however a term used by the Home Office to describe the most comprehensive health insurance package that it expects certain categories of applicants (people deemed self-sufficient, students, etc.) to have purchased.

The issue of EU citizens being rejected on the basis of not having CSI has been highlighted in the many recent cases^{35,36} which have been publicised in the press and which brought to light this little-known requirement for PR³⁷. It has even been dubbed by some as “the little-known loophole used to deny EU citizens permanent residency”³⁸.

Because the NHS is funded out of general taxation, many have argued that access to it should satisfy the residency criteria, making the requirement to have CSI unnecessary with regard to the application process. However, the that accessing the NHS is not considered by the UK government as satisfying the CSI criteria means that tens of thousands, if not more, EU citizens who had ‘de facto’ been living in the UK lawfully, can be declared ‘unlawful’ with little or no legal clarity about what that means in terms of their present and future residency in the UK.

The issue is further complicated by the fact that the UK government is currently the object of an on-going infringement procedure by the European Commission which considers that the UK is not interpreting EU law correctly^{39 40}. In a landmark decision, the UK High Court ruled in favour of the UK’s interpretation⁴¹ but the infringement procedures still stand to date.

Minimum income threshold: Similarly, the UK has interpreted another aspect of the Directive by introducing a minimum income level for workers (employed and self-employed). The qualifying criteria for this threshold is that it must meet the Primary Earnings Threshold (PET) set by HMRC, at which employees start paying National Insurance. However, while the Directive states that the work should be “genuine and effective”, no further conditions

³⁵<https://www.theguardian.com/politics/2016/dec/28/dutch-woman-with-two-british-children-told-to-leave-uk-after-24-years>

³⁶ <https://www.theguardian.com/uk-news/2017/mar/07/uk-tells-eu-students-it-will-not-deport-them-for-lacking-health-insurance>

³⁷ <http://blogs.lse.ac.uk/brexit/2017/03/17/disheartened-and-disappointed-the-government-and-universities-have-failed-eu-citizens-over-comprehensive-sickness-insurance/>

³⁸ <http://blogs.lse.ac.uk/brexit/2017/03/17/disheartened-and-disappointed-the-government-and-universities-have-failed-eu-citizens-over-comprehensive-sickness-insurance/>

³⁹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2017-003659+0+DOC+XML+V0//EN&language=ro>

⁴⁰

⁴¹ <http://www.bailii.org/ew/cases/EWCA/Civ/2014/988.html>

apply⁴² and there is no requirement for a minimum income. Currently the threshold is set at £157 per week⁴³ but many do not meet it. Applicants for permanent residence who do not meet this income threshold can be turned down. Therefore, the UK should treat and people below an income threshold as exercising treaty rights. The UK is not the only country to impose some kind of minimum income threshold or criteria which describes what is acceptable or meets the “genuine and effective” benchmark. However, this should not be taken to mean that the imposition of a minimum income threshold is compatible with EU law⁴⁴.

The minimum income threshold affects people with an irregular employment history who may only work sporadically (for instance people with disabilities or long-term illness), people in part-time employment and on minimum wage, people on zero-hours contracts, etc.

Carers too are affected. Most carers are usually in receipt of Carer’s Allowance⁴⁵, and the AIRE’s states that “that this should be considered remuneration for the purposes of being a worker”⁴⁶. However, in the survey carers usually did not have CSI nor did they meet the UK’s minimum income threshold requirement for ‘normal’ workers. The AIRE centre argues strongly that as long as carers meet the 35 hour/week criteria, and follow the State’s requirements on earnings, they “should be recognised as a worker for the purposes of EU law as they are performing work of a real and genuine nature in return for remuneration under the direction of the State”⁴⁷. Therefore respondents who were carers and did not meet all of the required criteria were extremely vulnerable to being rejected for permanent residence.

Some of the survey respondents were in these categories and this was one of the reasons cited for the rejection of their application.

A discriminatory process: Women and the PR qualifying process

In the survey, the obstacles identified above were more likely to affect women more than men. Women are more likely than men to be a stay-at-home parent, more likely to be in part-time or low income employment, on par with their British counterparts. For instance, a farmer’s wife with no children, who works on the family farm with her British spouse, draws no personal income for herself as so often happens in this sector, who may have very little documentation in her name: no bank statements, no utility bills, no child benefit, no tax or

⁴² Brexit Acquired Rights:

<http://www.publications.parliament.uk/pa/ld201617/ldselect/lddeucom/82/8202.htm>

⁴³ Financial year 2017-2018

⁴⁴ Comparative Report 2015 : The concept of worker under Article 45 TFEU and certain non-standard forms of employment <http://dro.dur.ac.uk/18690/>

⁴⁵ Awarded under section 70 of the Social Security Contributions and Benefits Act 1992

⁴⁶ <http://www.airecentre.org/data/files/resources/25/Info-Note-on-Carers-as-Workers-2014.pdf>

⁴⁷ *ibid*

council tax bills. This person may only have an NHS number which is nowhere near enough in terms of applying for PR⁴⁸;

Or a student nurse:

“I am Slovenian and European citizen living in UK, who is very concerned about my future in UK. I came in UK in May 2013 and worked for 3 years and in October 2016 started studying as a Student Nurse. I never got my Comprehensive Sickness Insurance because I didn't know that I needed it. Nobody told me and nobody requested it from me, even King's College London (my University) don't know what it is and that I need it. As a result i lost my 5 years continuous residency in uk qualifying me for permanent residency next year. That'll mean that i have to be in UK for next 5 years to qualify again”⁴⁹.

Immigration specialists who took part in survey 2 confirmed that those who were vulnerable to being refused permanent residency were women who had often been economically inactive for a number of years or had had gaps in employment while they raised their children and did not have CSI.

Impact of the process on applicants

When asked how stressful, or not, respondents had found the process of applying for the permanent residence certificate, most reported that they had found it stressful or very stressful. When asked to comment on what the nature of this stress, this section was the second largest and most furnished. Until the referendum, EU citizens had been ordinary people, someone's friend, colleague or neighbour. After the referendum, something seemed to have changed and they felt they were being treated differently.

Emotional impact of applying

Insecurity and uncertainty: these were the major drivers of the emotional impact of applying for permanent residence.

The outcome of the referendum vote on leaving the EU undoubtedly created a lot of uncertainty among respondents who felt that they needed to consolidate their legal status. Applying for permanent residence was thought or believed to be the way to do this. This was fuelled by statements by immigration law specialists on websites and newspaper articles advising EU citizens to do so⁵⁰. This created a sense of urgency to get the permanent residence “card” and it was clear from the survey that respondents mostly started to apply for it after the referendum, in particular since the autumn of 2016⁵¹. This spike in applications

⁴⁸ This particular example comes from a public event organised for EU citizens about the PR process by French Entrepreneur and Consular Delegate Ms Patricia Connell, in March 2017 in Exeter, where the report author also presented on behalf of the3million

⁴⁹ Private communication, 22 June 2017

⁵⁰ <https://www.theguardian.com/politics/2016/dec/14/eu-citizens-collect-proof-of-living-in-uk-helena-kenney-qc-lords-brexite-reports>

⁵¹ <https://www.theguardian.com/uk-news/2016/nov/30/eu-citizens-in-uk-home-office-residency-applications-right-to-remain-before-brexite-talks>

was confirmed by the Office for National Statistics own figures which showed an unprecedented rise in the number of EU citizens applying in the second semester of 2016⁵².

This sense of urgency in turn fuelled a growing sense of insecurity as respondents engaged with the process of applying for permanent residence, something that they had not needed to do under freedom of movement legislation and which they still do not need to do until the UK leaves the EU. At the same time, people started to hear about expressions such as “exercising treaty rights” being attached to permanent residence status, something most had never heard of and this increased their feeling of insecurity and uncertainty with the process of applying for PR. This was especially true when they suddenly realised that the process included requirements (such as the need for CSI or minimum income) they were not aware of. The sense of insecurity was increased when they heard or read about other people’s unsuccessful applications and the infamous letters that used to be sent to these applicants until the Spring of 2017, telling them to “make preparations to leave the country”^{53 54 55}.

Uncertainty was clearly linked to the process of applying, which confounded respondents, specifically their concern about how their application would be assessed if they did not meet the requirements or perceived expectations from the Home Office.

Anger: Having to prove one’s worth led many respondents to feeling angry. Why should they have to prove themselves? Why should they have to put themselves through the process? The size and the burden of the task of applying played a significant part in this feeling. They felt the process was unnecessarily complex when governmental agencies already possessed most of the required information which they felt could be accessed by the Home Office to assess their application. They often resented what they experienced as intrusive questions about their lives which they found humiliating. But most of all, they were angry at having to go through a process to confirm a right (of residency and associated “invisibile rights”⁵⁶) they already had under EU law. Furthermore, some respondents reported they felt they had no choice but to apply for permanent residence in order to confirm these rights which added to a sense of resentment and despondency.

Changing identities

Second class citizens having to prove their worth: The sense of uncertainty and insecurity run through respondents comments on the impact of applying as a number of respondents perceived it as a judgment on themselves and the life they had built for themselves and their

⁵²

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/dec2016>

⁵³ <http://blogs.lse.ac.uk/brexit/2017/01/26/no-longer-welcome-the-eu-academics-in-britain-told-to-make-arrangements-to-leave/>

⁵⁴ <https://www.theguardian.com/uk-news/2016/dec/29/german-neuroscientist-told-to-leave-uk-residency-application-rejected-monique-hawkins>

⁵⁵ <https://www.theguardian.com/politics/2016/dec/28/dutch-woman-with-two-british-children-told-to-leave-uk-after-24-years>

⁵⁶ House of Lords: *Brexit Acquired Rights*

<http://www.publications.parliament.uk/pa/ld201617/ldselect/ldcom/82/8202.htm>

family in the UK. Were they “good enough citizens”, as a participant put it. The concept of changing identities for EU citizens since the referendum was described in *In Limbo, Brexit Testimonies from EU citizens* which captures the range of feelings experienced by EU citizens since the EU referendum as well as the challenges to their identities as EU citizens living in the UK^{57 58}.

Respondents commented that the process was treating them differently by virtue of being an EU citizen and made them feel like second-class citizens. They talked not only about having to justify themselves and to prove their worth but also of feeling unwanted, treated like criminals or illegal immigrants by the Home Office. The longer respondents had been residents in the UK, the stronger their sense of otherness in a country they had made home.

An increasingly hostile environment: This feeling of ‘otherness’ was reinforced by the process of applying for the permanent residence certificate which was often perceived as a means of setting people up to fail (because of its rigidity and complexity) and of discouraging applicants from wanting to stay in the UK. This feeling was sometimes reinforced by the sometimes blatantly anti-‘migrant’s/‘immigrants’ sentiment from a certain section of the media or from certain political factions since the announcement of the referendum. It was also reinforced by the rise in hate crimes against foreigners and EU citizens reported by a number of charities, social media outlets such as PostRefRacism, Worrying Signs and iStreetWatch, and research reports (such as the Institute of Race Relations’ *Racial violence and the Brexit state*⁵⁹) which echo official statistics⁶⁰. This confirmed a deep sense of growing insecurity for some^{61 62 63}. By the autumn of 2016, the rise in hate crimes had soared by 41%. By early 2017, the figures had jumped to 100%.

Despondency leading to a changed outlook on Britain: This led some respondents to reappraise their lives in the UK and to weigh up their options. Should they stay or should they leave the UK? The process of applying for PR played a big part in the decision making process for some respondents and some cases have made the headlines^{64 65}. Some had either already made up their mind to leave should the opportunity arise or had made definite plans to leave

⁵⁷ <http://amzn.to/2rD3R7W>

⁵⁸ <http://www.independent.co.uk/news/uk/home-news/brexit-eu-nationals-response-year-anniversary-referendum-suicidal-a7802666.html>

⁵⁹ <http://s3-eu-west-2.amazonaws.com/wpmedia.outlandish.com/irr/2017/04/26154811/> <http://s3-eu-west-2.amazonaws.com/wpmedia.outlandish.com/irr/2017/04/26154811/Racial-violence-and-the-Brexit-state-final.pdf-final.pdf>

⁶⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf

⁶¹ <http://www.independent.co.uk/news/uk/home-news/brexit-vote-hate-crime-rise-100-per-cent-england-wales-police-figures-new-racism-eu-a7580516.html>

⁶² <http://www.independent.co.uk/news/uk/politics/brexit-racism-uk-post-referendum-racism-hate-crime-eu-referendum-racism-unleashed-poland-racist-a7160786.html>

⁶³ <https://politicsmeanspolitics.com/my-life-in-the-hostile-environment-edfd37a3fb0a>

⁶⁴ <http://www.independent.co.uk/news/uk/home-news/brexit-polish-family-leave-avoid-betting-card-negotiations-talks-theresa-may-a7799441.html>

⁶⁵ https://www.buzzfeed.com/kellyoakes/this-scientist-was-refused-permanent-residency-in-the-uk?utm_term=.oh9PXDEp2#.cjkA26jm9

the UK⁶⁶. As a participant said, “Feeling like an unwelcome, second class citizen can create stress at the most existential level”. Not knowing if they would be allowed to stay in the UK had become a secondary issue to being allowed to stay as unwelcome “second-class citizens”. This sense of despondency has been reported in many groups of EU citizens and many sectors of the economy, for instance in academia⁶⁷.

5.5 LIMITATIONS OF THE STUDY

Main limitations:

- As with most surveys, the two surveys (for EU citizens and for immigration specialists, was a snapshot of the experiences of the particular sample groups who engaged with them;
- The recruitment of the survey is based on the self-selection of respondents and the findings are only representative of those who took part in it;
- The survey is possibly missing a group of respondents most likely to struggle the most, those who have poor English skills and may therefore have been put off from engaging with the survey;
- Most EU citizen respondents were people in some form of regular salaried employment. This possibly skewed the findings of the survey towards a more positive outcome overall even though being in work did not preclude this sample group from experiencing issues with the application process.

5.6 CONCLUSIONS

In the year that followed the vote to leave the United Kingdom, an estimated 150,000 EU citizens applied for documentation certifying their ‘permanent residency rights (the ‘permanent residence certificate’ which EU citizens can apply for if they have lived in the UK continuously and exercised their ‘treaty rights’. They have been urged by events, by social media reports, by employers, by friends, by families, by immigration experts and commentators to apply. They were also urged to apply out of a new and deep sense of insecurity which encouraged them to seek to consolidate their rights and entitlements in a new political landscape and an unprecedented uncertainty as to the nature of their resident status in the UK post Brexit.

This study aimed to find out how EU citizens living in the UK experienced this process. Three sample groups of EU citizens engaged with survey: citizens who were holding off from

⁶⁶<http://www.independent.co.uk/news/uk/politics/immigration-figures-down-policies-general-election-2017-a7754796.html>

⁶⁷ <https://theconversation.com/how-european-academics-are-feeling-about-life-in-britain-a-year-after-brexit-vote-78687>

applying, citizens in the process of putting their application together and citizens who had already applied. The fact that the largest sample group was made up of EU citizens who were holding off from applying or had decided not to apply is significant in itself. These three groups of citizens shared common experiences and themes and, to a large extent, the reported experiences of those who did apply confirmed the concerns and reflections of the EU citizens who were holding off from applying. This too is significant of the deep malaise generated by the process and the political environment it is implemented.

The main findings of the study is a confirmation of what was already known anecdotally from the testimonies of EU citizens on social media and in the press, through friends and relatives reports etc., namely that the process of applying for the permanent residence certificate is not fit for purpose, that it is overly onerous on the applicants and highly discriminatory towards certain categories of EU citizens, specifically stay at home parents (usually mothers), people with non-linear life or employment stories, people on low income or people with disabilities and their carers, etc.; it is also unworkable for the Home Office.

Unless this is addressed as a matter of urgency, possibly three million EU citizens will find themselves in limbo through no fault of their own and with no means of evidencing their rights by the time the UK leaves the EU. This however is only one of the main issues highlighted in this study. The other concerns the qualifying criteria which affects a great number of people, especially those deemed self-sufficient, students, women, people on low income and people whose circumstances are complex.

The UK should interpret the requirement for CSI as satisfied by the availability of National Health Service treatment so that these citizens are not affected negatively. Failure to do so would leave thousands of EU citizens who have de facto been legally living in the UK as 'unlawful'. This would also contradict the view of the European Commission, which has declared the position of the UK on this matter as a misinterpretation of EU law in an on-going infringement procedure.

The findings from the study supports the arguments that [the3million](#) has been putting forward since the referendum for a reformed, simplified, fast, free, and user-friendly system of registration as a means for EU citizens currently living in the UK of claiming their rights and derived rights.

5.7 RECOMMENDATIONS FOR POLICY CHANGE

A complete reform of the current process of registering EU citizens for them to be able to claim their rights

The process must be simple and easy to engage with. Therefore it must:

- be user-friendly
- be free: this may encourage EU citizens to apply
- be flexible enough to support individual and family applications
- be flexible enough to support complex situations
- be electronic whilst offering user-friendly alternatives for those who do not have access to the Internet or are not computer literate
- set up local services to process the applications and as a point of contact for help and support
- only require information for the chosen five year period
- stop asking inappropriate or intrusive questions
- follow good practice models from most other EU countries
- make use of already existing information resources which the UK government holds about applicants, such as Her Majesty's Revenue and Customs and tax, Department for Works and Pensions, local councils, electoral role, national insurance numbers etc.;
- be properly funded and furnished with enough staff trained to the highest standards to be able to assess applications competently, especially the more complex ones
- be available for all EU citizens currently living in the UK, not just those who will have accrued five years of residency in order to avoid a residency 'cliff-edge' scenario and prevent some people from, for instance, continue to gain access to employment opportunities or being allowed to rent a property
- Follow a correct interpretation of EU legislation for the following two main issues highlighted in survey 1 (EU citizens):
 - the UK should interpret the requirement for CSI as satisfied by the availability of National Health Service treatment so that these citizens are not affected negatively. Failure to do so would leave thousands of EU citizens who have de facto been legally living in the UK as 'unlawful'. This would also contradict the view of the European Commission, which has declared the position of the UK on this matter as a misinterpretation of EU law in an on-going infringement procedure
 - the UK should not impose a minimum threshold as a means of judging whether the applicant's occupation is "genuine and effective". Such a requirement has been described as being incompatible with EU law.

5.8 ANNEX

Selection of documents published by the3million

- ✚ Alternative White Paper, presented at the Commons Select Committee meeting, 18 January 2017: <http://bit.ly/2mJGJ6l>
- ✚ Guaranteeing the rights of EU citizens living in the UK post Brexit: Position paper, 28 March 2017: <http://bit.ly/2tzuwbo>
- ✚ Briefing paper, presented at the “EU Citizens Rights” special hearing on “Citizens Rights”, European Parliament, Brussels, 11 May 2017, <http://bit.ly/2u8Q23x>

More on the3million website:

www.the3million.org.uk

Forum for EU Citizens:

<https://www.facebook.com/groups/Forum4EUcitizens/>



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