



By email:

DWP
The Rt Hon Thérèse Coffey MP office
Home Office SUG team
Minister Kevin Foster MP

6 August 2021

Dear Sirs,

EU Settlement Scheme update on future access to benefits following the End of the Grace Period

We write further to correspondence sent by the Department for Work and Pensions ('DWP') to Revenue and Benefits Managers dated 2 July 2021 (a copy attached to this correspondence sent to you by email).

We note that it is the DWP's intention to suspend and terminate EEA/Swiss nationals (who have not applied for status via the EU Settlement Scheme ('EUSS')) DWP benefits. Your correspondence states that the DWP have worked with the Home Office to establish a data set impacted by undertaking data matching exercises.

You will be updating this data set and writing to those who, according to the exercise, have not applied. The correspondence will essentially tell them they will lose their entitlement if they do not apply to the EUSS. By December 2021 there will be EEA/Swiss nationals no longer receiving DWP benefits.

We have concerns about the viability of this approach and how effectively it will identify and support people to an immigration status they are ultimately entitled to.

We are very concerned that there will be many EEA/Swiss nationals who will have their benefits entitlement suspended/terminated and be pushed into destitution. Based on the correspondence we have seen, this will be an inevitable consequence of your policy and will impact on people who are in very vulnerable circumstances.

We understand that the estimates of EEA/Swiss nationals who had not applied was in excess of 100,000 and that number was reduced to approximately 70,000 during June 2021. These are



not small numbers and we are concerned hundreds if not thousands of people will be impacted and face losing their benefit entitlement.

We ask that you urgently revisit this policy and not terminate DWP benefits for anyone in these data sets. We ask that you ensure that every recipient who has not applied is individually identified and supported to apply to the EUSS.

We have a number of questions about this exercise we would be grateful if you would answer. Given the breadth of issues, it may be more appropriate to arrange a meeting to discuss them in detail.

Questions:

1. We understand that there has not been any amendments to relevant legislation since the consequential regulations earlier in the year, what is the legal framework that is in place to implement this policy?
2. On what basis are decisions being made to extend entitlement and ultimately (where applicable) terminate entitlement?
3. What data sharing arrangements have you put in place between the Home Office and DWP to ensure compliance with GDPR and other obligations? Is there a data sharing agreement and can you send us this?
4. How have existing recipients of DWP benefits been identified who are entitled to status but have yet to apply to the EUSS?
5. Has the scan of the Home Office's database included those with pending applications?
6. Is it the case that you are exclusively using Housing Benefit data to establish recipients?
7. Has the pool of recipients been broadened to include other benefit types in recent and future data matches?
8. Why are only those who are in receipt of DWP benefits being contacted and not HMRC recipients of child benefit and other habitual resident test assessed benefits?
9. Will the same data matching exercise be undertaken before issuing letters in September? If so, what will this data set consist of? Will it include:



- a. Those with pending applications without Certificates of Application being issued?
 - b. Those with pending applications who have Certificates of Application issued?
10. Does the data set include Non-EEA/Swiss nationals who are family members of EEA/Swiss nationals or other EU right recipients?
 11. What measures are in place to ensure that there are people included in the data set who should not be? We understand that there have been cases where people have received letters who should not have.
 12. What efforts have been made to ensure that recipients are receiving these letters? For example how up to date are addresses etc.?
 13. Are there other measures in place to contact recipients of correspondence? Telephone for example?
 14. Where there are joint claimants or claimants who are reliant on others to acquire benefits, will the immigration status impact on them and how is this being assessed?
 15. When you come to establish which benefits will be suspended, what criteria will be adopted? How will you distinguish between those claimants who should and should not be considered for suspension?
 16. Those who go on to apply late will not be able to make a claim for benefits. Why is this the case?
 17. If an existing DWP benefit recipient who has applied late to the EUSS moves to a different benefit or their entitlement changes will they be refused on the grounds that they are subject to immigration control?
 18. With this cohort of those who are to have their entitlement suspended, what assessments will be undertaken to ensure that vulnerable people will not see their benefits suspended?
 19. Why was the decision taken to terminate existing recipients' benefits? This is not translated in other areas of deadline mitigation such as right to work and rent where there is no time limit on their continuing work/rent



20. We note that some of the questions and answers in the Q&A are potentially misleading. For example, Q5 states:

Q5. *I have applied to the EU Settlement Scheme and have not been given an immigration status? Am I able to get benefits?*

A5. *No. If you do not have an immigration status you cannot get UK benefits. If you disagree with the Home Office decision, please contact the EU Settlement Resolution Centre as soon you can on 0300 123 7379.*

This gives the impression that those who have pending applications are not entitled to benefits when in previous questions the correspondence states that they are. Can these be reviewed and amended?

We look forward to hearing from you as soon as possible given the urgency of the matter.

Yours sincerely,

Luke Piper, Head of Policy and Advocacy
the3million