



## THE UK IS FAILING IN ITS OBLIGATIONS UNDER THE WITHDRAWAL AGREEMENT AND TO THE MILLIONS OF EU CITIZENS AND FAMILY MEMBERS IT COMMITTED TO PROTECT

EU citizens needed to apply to the EU Settlement Scheme by 30 June 2021 to continue living their lives as they did before Brexit. Since this date the3million has received hundreds of reports, via our Report-It tool, of people facing problems.

Everyday tasks that people would have had no issue with before the deadline are frustrated by complex laws that not only fail to deliver on the UK's obligations but impact on the lives of many thousands.

We have identified two key areas of concern: the backlog of cases pending decisions with the Home Office and the ability of people to access their rights via the online 'View and Prove' portal.

### Life in the Backlog

- **Size of backlog:** While nearly 6 million applications to the EU Settlement Scheme have been concluded, there are still nearly 380,000 individuals who are waiting for status, or indeed waiting for a certificate proving their application. There are more still who are waiting for even an acknowledgement while their paper form sits in an unopened envelope at the Home Office.

- **Where are the delays?** Apart from delays to certificates or grants of status, there are many delays elsewhere in the EUSS infrastructure - delays for permits to enter the country before an application can even be made, delays to identity documents being returned, delays to biometric residence cards (essential for travel) for non-EU family members, and delays to fixing problems with accessing status via the 'View and Prove' digital portal.

- **What are the consequences?** These delays have serious consequences for people and go far beyond anxiety about

being held in limbo. Jobs are threatened, work and rental opportunities are lost, travel is fraught with difficulties, and access to benefits is put at serious risk. These are the consequences that can start to spiral people into poverty and destitution. Our November report to the Independent Monitoring Authority contains evidence to support this.

- **When will the backlog be cleared?** The Home Office has indicated they expect the backlog to be cleared by Spring 2022. This is not supported by the evidence. At current rates we expect it to be Spring 2023, eighteen months from now.

This is not what the Withdrawal Agreement promised. This does not fit with the Government's assertion that those who have submitted their applications will have their rights fully protected.

Since the deadline, we have submitted two reports to the Independent Monitoring Authority analysing in detail our concerns.



*Our August report focuses on the rights of EU citizens under the terms of the Withdrawal Agreement, and asks the question - does the UK's hostile environment framework undermine those rights?*

*Our November report analyses the extent and impact of delays in the EU Settlement Scheme.*



## A successful grant of status is not always the same as successfully accessing rights

- **Is this a digital status?** While the Withdrawal Agreement allows for a digital status, the UK's 'View and Prove' portal is arguably not a digital status, and certainly not one held by the status holder. Rather, each time someone needs to prove their rights they need to go back to the Home Office and ask for permission.
- **Does it work?** For the digitally-excluded, the 'View and Prove' portal is a major barrier to accessing rights. Even

for the digitally savvy, it does not work at all times, and we have had many reports of adverse consequences resulting from inability to access the service or technical glitches on individuals' records.

- **What about data rights?** Since each request for permission through the web portal is stored, the Home Office is able to build an ever-growing file about each individual, logging job applications, rental applications, opening of bank accounts and more.



*We have proposed an alternative secure, cost-effective and simple proof of rights, which the Home Office are considering. This could and should be implemented as soon as possible to prevent further serious consequences to people.*

*In the light of our concerns on data rights, we have submitted a response to the Government's consultation "Data: a new direction".*



## These problems were anticipated

The problems reported to the3million were anticipated by us and many other organisations - we have set this out in various briefings and recommendations to the Government over the last five years. Unfortunately they were largely dismissed.

The reports we receive are from people that cut across the rich diversity of the EU citizen community in the UK. However, it is clear from individuals affected, colleagues supporting them and formal reports that the impact is most deeply felt by ethnic and racial minorities, and the vulnerable: children, those with lower levels of language, digital, or legal literacy, those affected by mental or physical health conditions, and many others.

The Government's EU Settlement Scheme policies were implemented following the commitments made by the Home Office to adopt significant changes to its cultures and systems in the wake of the Windrush scandal, where thousands of

people were forced into a crisis because the government did not accept their legal right to live in the UK.

The Home Office's failure to secure protections for EU citizens is a symptom of not fully addressing the problems identified in the Windrush Lessons Learned Review.

In October 2021, there was a call for evidence to assess the progress on the Windrush Lessons Learned Review. We submitted a response which can be read [here](#). While there have been some successes, there are some key areas where the recommendations have not been implemented.



**the3million** is a non-partisan grassroots organisation of EU citizens in the UK, formed after the 2016 EU referendum to protect the rights of people who have made the UK their home. For more detailed facts, references and briefings, contact us at [info@the3million.org.uk](mailto:info@the3million.org.uk) or see our website [www.the3million.org.uk](http://www.the3million.org.uk)