



**the3million submission to
Independent Monitoring Authority
November 2021**

**Impact and analysis of delays
in the EU Settlement Scheme**

Who is the3million?

the3million is the leading grassroots organisation representing EU citizens in the UK, formed in 2016 after the Brexit referendum. Our work ranges from monitoring the implementation of the Withdrawal Agreement, advocating for the integration of EU citizens through a pathway to citizenship, informing people of their rights, and giving EU citizens a voice in British society to change the narrative on migration.

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Summary

Whilst the EU Settlement Scheme has processed over five million applications resulting in a brand-new immigration status in the relatively short time of two and half years, it is of the utmost importance not to overlook the hundreds of thousands of applicants who are yet to receive status, some of whom have been waiting for an extremely long time.

The Scheme has seen, and is continuing to see, severe delays. These delays should have been foreseeable, and we argue that that the Scheme has been under-resourced for some time.

Delays to receiving immigration status have real-world impacts, as well as creating immense stress and anxiety for the individuals involved and their families.

These delays are very much compounded by frustrating experiences accessing help and progress updates. Expectations are not set clearly and transparently, leading many to question why their application is taking many months whereas the official website sets an expectation of five days to a month.

Chapter 5, arguably the most important chapter, shows many lived experiences, which represent a mere subset of the reports we are receiving.

We make some recommendations to urgently address the ongoing situation, which are broadly summarised into the following groups:

- Increase resources and review policy to clear the backlog and reduce delays
- Provide transparency around breakdown of processing EUSS applications
- Legislate and provide clear guidance for the rights of citizens with pending applications
- Improve availability and accessibility of the EU Settlement Resolution Centre and the UKVI Resolution Centre
- Provide transparent information on processing time and helpline wait times

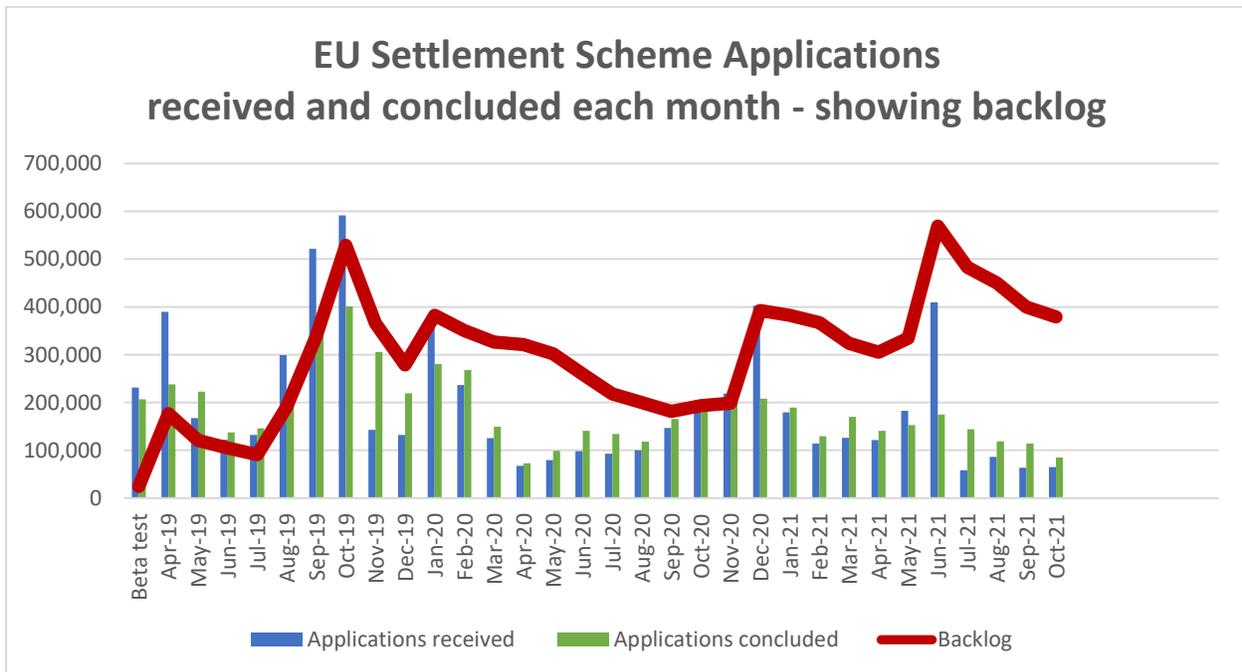
Chapter 1. Introduction

1. In August 2021 we submitted our second report to the Independent Monitoring Authority, focusing on the detail of rights held by those applying for status under the EU Settlement Scheme.
2. This report, which should be read alongside the August 2021 report, focuses exclusively on the delays encountered within the EU Settlement Scheme, and the impact of those delays on applicants to the scheme.
3. Article 18 of the Withdrawal Agreement¹ contains various relevant clauses:
 - Article 18(1)(e) states “*the host State shall ensure that any administrative procedures for applications are **smooth, transparent and simple**, and that any unnecessary administrative burdens are avoided*”.
 - Article 18(1)(b) states “*A certificate of application for the residence status shall be issued **immediately**;*”
 - Article 18(1)(i) states “*Where the identity document is retained by the competent authorities of the host State while the application is pending, the host State shall return that document upon application **without delay**, before the decision on the application has been taken;*”
4. As this report will show, at the time of writing there are still almost 380,000 unprocessed applications, and delays are occurring at all stages of application.
5. The document is structured as follows:
 - Chapter 2 examines the extent and various causes of the EUSS backlog
 - Chapter 3 discusses factors which exacerbate the impact of the delays, both increasing the anxiety of applicants held in limbo, and the lack of access to rights while waiting
 - Chapter 4 looks at the delays in detail, analysing by stage of the EUSS process. It illustrates the various types of delays with quotes drawn directly from reports to the3million using our report-it tool. Where appropriate, quotes have been abbreviated or amended for purposes of providing anonymity to the respondent.
 - Chapter 5 provides our recommendations to both reduce delays, and mitigate the impact of those delays

¹ <https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration>

Chapter 2. Causes and extent of delay

- Since the launch of the EU Settlement Scheme, there have understandably been applications outstanding at the end of each reported month since applications cannot be processed instantly. However, ever since January 2020, this ‘backlog’ has exceeded (and at times *vastly* exceeded) the number of applications concluded per month.



- Whilst some progress was made during 2020 to decrease the backlog, this was also a time of lower number of monthly applications, possibly related to Covid-19, closures of consulates, embassies, Government ID-scanning facilities and lack of access to face-to-face help.
- Since January 2021, the backlog has never dropped below 300,000 applications, yet the number of applications concluded per month in this period was just under 150,000.
- In the lead up to the deadline, many organisations warned² about the struggle people were facing in applying for, or renewing, their ID documents (due to Covid-19 closures) in order to be able to submit online applications. The Home Office agreed at a very late stage to make paper applications more readily available to applicants without ID, and to adapt the EU Exit: ID Document Check app to handle expired ID.

² See for example, the House of Lords European Affairs Committee report on Citizens’ Rights - <https://committees.parliament.uk/publications/6900/documents/72571/default/>

10. It should therefore not have come as a surprise that there would be a large number of applications in the final month of June 2021, and therefore it was predictable that there would be a large backlog going into the post grace period period on 1 July 2021.
11. Despite this, the Home Office rejected calls to extend the EU Settlement Scheme deadline of 30 June 2021, unlike several EU Member States which did extend their deadlines³. The deadline represented not only a deadline for submitting applications, but also the point in time at which EU passports and EEA residence cards stopped exempting citizens from the UK's Hostile Environment policies.
12. It has been clear for a very long time that the number of EU Settlement Scheme applications were not matched by Home Office caseworker resources, and more should have been done earlier to mitigate the impacts we are seeing from unacceptably long delays.
13. The EUSS monthly statistics show that during October 2021, there were 64,600 new applications, and 85,100 applications were concluded.
14. The number of new applications was broadly the same as during September 2021 (63,300) and includes not only late applications but also applications by pre-settled status holders for settled status and joining family member applications. There is no clear reason to suppose that the number of these applications will reduce over time – as there have been nearly 2.5 million grants of pre-settled status.
15. The number of applications concluded in each month has been steadily declining since June 2021.
16. If the number of applications submitted and concluded stays stable from this point onwards, which means reducing the backlog by only just over 20,000 applications per month, then the backlog of 379,300 applications would take over 18 months to clear. This would mean the backlog would not be dealt with until May 2023.

³ See page 18 https://ec.europa.eu/info/sites/default/files/fifth_report_report_on_residence_rights.pdf

Chapter 3. Compounding factors exacerbating impact of delays

Expectations management

17. We have found that many people report increased anxiety because they cannot understand why their individual application is taking so long to progress. Without knowing a realistic, regularly updated expected timescale, they rightly worry that there is something wrong with *their* application. They fear that their application was not submitted properly, that a long-forgotten parking ticket might be endangering their application, that identity documents have been lost in the post, etc.
18. There is a dedicated page on the Gov.UK website on “[EU Settlement Scheme: current estimated processing times for applications](#)”. At the time of writing this report, this page has not been updated since 22 May 2020 – a period of eighteen months, over half the life of the EU Settlement Scheme.
19. The page indicates a likely processing time of 5 working days up to a month, except if the Home Office requests more information, applying as a minor without being linked to an adult, submitting a paper application, having a criminal record or certain categories of family members.
20. It is therefore extremely understandable that someone who for example has submitted an online application and has not been asked for any further information would feel increasingly anxious as their application takes more than a month.
21. An FOIA request⁴ reveals that whereas the average number of working days for EUSS applications to be processed in 2019 was 13 days, this increased to 35 days in 2020 and 43 days in the first half of 2021. It is worth stressing that 43 working days is two calendar months, and this is an **average**. The data on the ‘current estimated processing times’ webpage is therefore woefully out of date.
22. the3million met with the Home Office on 14 September 2021, and raised this issue, explaining the positive impact it would have to update this page with more current data. Despite receiving our suggestion positively, the page has still not been updated.

Poor accessibility to help – EUSRC telephone, online help and UKVI telephone

23. What adds to the above is that when people try to reach out to the EU Settlement Resolution Centre (EUSRC) to request a progress update on their application, they are frequently unable to get any meaningful help.
24. Although we understand that Grant Funded Organisations (GFOs) have access to dedicated EUSRC telephone numbers, individuals must ring the EUSRC helpline on 0300 123 7379.
25. The Home Office have at various points given average wait times on this telephone number as being in the region of around 15 minutes. However, this does not correspond with the experience frequently reported to us of not being able to get into the telephone queue at all. When we asked

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<https://www.whatdotheyknow.com/request/788277/response/1879745/attach/5/FOI%20Response%2065901%20R%20Carrera.pdf>

the Home Office about this in September, they explained that their systems close the queue to prevent wait times becoming excessive. Instead, they only accept a certain number to maintain a good ratio of callers to agents. This therefore arguably renders the average wait time metric meaningless.

26. To illustrate, the3million recorded and transcribed a sample attempt to call the helpline on a Friday in November before midday. The entire transcription is included in Appendix A. There was no available route to speak to anyone on any of the call routing options. The call can best be summarised as “don’t call us, we’ll call you”.
27. The helpline provides no useful information to callers in the form of “there are x number of people waiting ahead of you”, or “the expected current wait time is x minutes”. It also does not provide any information on suggested quieter times to call – neither to those who are waiting in the queue nor to those who cannot enter the queue in the first place.
28. People can alternatively use an online form to contact the EUSRC – at <https://eu-settled-status-enquiries.service.gov.uk/start>.
29. Several people have shared with us the responses they receive when asking about an update to their application. One person (with a straightforward online application without any requests from caseworkers for further information) who had to wait four months even for a certificate of application reported to us that they contacted the EUSRC this way three times. Each response from the EUSRC was slightly different, but all were generic and not specific to their application. We include the three responses in Appendix B to show the lack of meaningful feedback to the applicant. The responses also make it clear that this person had not been asked for any further information by the caseworker – but was simply told to be patient.
30. The Home Office has published ‘View & Prove’ guidance⁵ which tells people to contact the UKVI Resolution Centre on 0300 790 6268 (i.e. a separate number to the EU Settlement Resolution Centre) if they “*need help accessing or using the online immigration status services*”.
31. The digital-only nature of EUSS status took effect on 1 July 2021, and is new to all employers, landlords and other status checkers, as well as to over five million citizens. The Government has acknowledged that “*the move away from physical documents to an online status represents a change which individuals and service providers may take time to adjust to.*”⁶ They go on to say “*There is a dedicated view and prove phoneline for all customers to use, this is the 0300 790 6268 listed on Gov.uk.*”
32. Given the combination of the scale and novelty of the digital-only status, and the impact this will have especially on digitally-excluded citizens, we would certainly welcome a dedicated view and prove helpline. Such a helpline was also offered as the main mitigation against the digital-only nature of the scheme to the High Court in April 2021⁷.

⁵ <https://www.gov.uk/government/publications/view-and-prove-your-immigration-status-evisa>

⁶ <https://www.the3million.org.uk/library> August 2021 ‘Reply from Home Office about the View and Prove helpline’

⁷ <https://www.bailii.org/ew/cases/EWHC/Admin/2021/1159.pdf>

33. However, the reality is that this number deals with a lot more than View & Prove, and the options presented to the caller are extremely lengthy and complex, appearing to deal mostly with Afghanistan refugees. Callers need to understand the correct initial choice which does not mention the words “View and Prove”. Callers must successfully choose the options 3.2.1.2.1 to get to the right place. This helpline would be extremely challenging for people with digital or English literacy issues – the very people who are supposed to be helped by a dedicated helpline. A full transcript is provided in Appendix C.

Policy confusion, magnified by policy U-turn

34. There is a great deal of confusion about exactly what rights people with pending applications have, which in turn leads to increased stress and anxiety while waiting for a decision.
35. A policy change, announced on 6 August 2021⁸, on the rights of pending applications even when submitted after 1 July 2021, has increased the lack of clarity on policy. Not enough guidance has been produced, and the Home Office has said that such legislative change is not required because Article 18(3) of the Withdrawal Agreement ‘has direct effect’.
36. However, before 6 August 2021 the Home Office had a different interpretation of the same Article, and the information that was published in numerous guidance documents (including on right to rent and right to work) was based on this prior interpretation.
37. Although the 6 August announcement states that those who apply late “will have their rights protected while their application is determined”, the reality is that rights of late applicants are **only protected once a certificate of application** is issued. This contrasts with in-time applicants, whose rights are protected if they can show an **acknowledgement** of application, whilst waiting for a certificate of application.
38. Therefore, delays to the issuing of certificate of applications are extremely serious. It is important to highlight here Article 18(1)(b) of the Withdrawal Agreement which states “*A certificate of application for the residence status shall be issued immediately.*”
39. It therefore stands to reason that there is confusion amongst both citizens and checking agencies such as employers, landlords, DWP caseworkers and border officers, and that bad decisions are being made. This adds an enormous practical impact to the anxiety that people are feeling in waiting such a long time to have their status resolved.
40. A pertinent example of confusion and complexity is travel rights, where numerous factors dictate whether people have the right to enter the UK with a pending application (and if so what evidence they need to carry with them when they attempt to do so):
- Was the application made before or after the 30 June 2021 deadline
 - Was the application as a joining family member or for someone resident in the UK before 31 December 2020
 - Was the application made inside the UK or from outside the UK

⁸ <https://www.gov.uk/government/news/temporary-protection-for-more-applicants-to-the-settlement-scheme>

- Does the person have a certificate of application or only an acknowledgement of application
 - Confusion about policy – especially travel, rights with pending applications, conflict with visitor status etc
41. the3million has attempted to create helpful information by producing a detailed table on the rights to enter the UK (<https://www.the3million.org.uk/rights-enter-uk>) and has asked the Home Office to confirm the correctness of the information, but has not received this confirmation.

Chapter 4. Delays analysed by step of the EUSS process

42. Between an individual starting an application for status under the EU Settlement Scheme, and finally being able to fully access all their rights under that status, there can be many different steps, all of which individually appear to be subject to delays.
43. There is a group of steps or stages all related to gaining initial status:
 - Receiving a decision for an EEA family permit
 - Receiving a decision for an EUSS family permit

 - Return of identity documents

 - Receiving an acknowledgement of application (AoA) – in-time applications
 - Receiving a certificate of application (CoA) – in-time applications
 - Receiving a certificate of application (CoA) – late applications
 - Receiving a decision for an initial pre-settled or settled application

 - Appealing a decision
44. There are also steps that relate to maintaining and proving status once obtained:
 - Receiving a biometric residence card (BRC)
 - Receiving a decision for settled status when already holding pre-settled status
 - Linking of new identity document to EUSS status
 - Correcting View & Prove problems
45. We include a final section on *extreme* delays. Although Home Office accounts state that for certain reasons applications can take longer than a month, for some it is taking very much longer. We feel it is important to show the extent of the impact of these delays.
46. Many people are subject to cumulative delays before finally acquiring status. For example, a joining family member may need to apply for a family permit, and only once that is granted, apply for EUSS status. Either of these applications could also require an appeal process.⁹
47. Equally, others may face delays on different simultaneous aspects of their application process, each with different impacts. For example, while waiting for status to be granted, someone could be subject to a long wait for the return of their identity document, impacting their ability to travel.
48. Even once status is acquired, many face problems in proving that status, and are finding it difficult to have those problems corrected, involving yet more delays.

⁹ Indeed, this is what has affected a very large group of extended family member applicants, who are still fighting to get status having made their first applications in 2020 or earlier: <https://www.politico.eu/article/u-k-home-office-to-be-taken-to-court-over-family-permit-refusals/>

49. In the following section, we look at all these steps in turn, and give anonymised but real reports of individuals experiencing delays.

Receiving a decision for an EEA family permit

50. Extended family members (including e.g. siblings) of EU citizens who want to apply for status under the EUSS had to first apply for an EEA family permit before 31 December 2020, in order to come to the UK and make their EUSS application. There have been many reported lengthy delays in issuing these permits, in some cases beyond the EUSS deadline of 30 June 2021 at which point the legal complexities of the Immigration Rules and the Brexit secondary legislation make it impossible to apply for status under the EUSS.¹⁰

“I am an EU citizen and working as a medical consultant in NHS. I applied for EEA permit on 23rd of Jan 2020 before BREXIT for my elderly mother, medically unwell brother and sister-in-law. Initially it was refused. I appealed against the decision, judge allowed my appeal and HO did not contest the decision and asked us to submit the passports for visa stamping on 1st of June 2021. We submitted the passports but now they have refused the EEA permits as my brother and sister-in-law are not eligible according to the new rules applied since 30th of June. Interestingly they refused my dependent mother visa as well despite her fulfilling the criteria, their main concern is she did not prove the relationship with myself despite HO accepting the relationship during the hearing. I feel this is an attempt of HO to deprive my citizen rights outlined in the withdrawal agreement which clearly says about pending application applied before 31/12/2020. I and my family are going through mental trauma and I am unable to perform my duties properly as a doctor. It has financial, mental and social impact.”

51. Article 5(2) of the Free Movement Directive 2004/38/EC¹¹ states that “*Member States shall grant such persons [family members] every facility to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible and on the basis of an accelerated procedure*”. Whilst the UK is no longer subject to the Directive, these applications were submitted when it applied and the principles therein should still apply.

Receiving a decision for an EUSS family permit

52. By definition, EEA and EUSS family permits determine whether family members can be together. Delays therefore in almost all cases cause stress due to family separation. A compounding factor is that, unless the applicant was able to pay for an additional document checking service, the applicant’s passport is kept by the authorities until a decision is made.

“I submitted my passport with the application and this remains with the Home Office. I have no way to track the progress of the application or have any clarity when I will either have my passport returned or my application decision. My husband and son are in the UK as my son is starting at a UK school this year. We have a sale of our house in limbo and a purchase of a house in the UK in limbo as we do not know how long things will take to reach a decision. We cannot sign a rental agreement in the UK so were forced to start the process of buying. We are both feeling extremely stressed out and having lived in the

¹⁰ This lacuna has now been recognised by the Home Office, who have written to us saying they will create a concession – see <https://www.the3million.org.uk/library>, September 2021, “*Reply from Home Office to our letter about extended family members and family permits*”. Note, at the time of writing some concessions have been made to enable affected citizens to be issued with family permits and travel to the UK, but further changes to the Immigration Rules are required to enable them to be granted EUSS status – currently such applications are being refused.

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0038&from=EN>

UK for most of my life (before living abroad) and feeling British it is very difficult to be told you are no longer welcome, simply because you happen to have a European passport."

53. As for the issuance of EEA Family Permits, Article 14(3) of the Withdrawal Agreement replicates Article 5 of the Citizens' Rights Directive for EUSS Family Permits, stating *"Where the host State requires family members who join the Union citizen or United Kingdom national after the end of the transition period to have an entry visa, the host State shall grant such persons every facility to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible, and on the basis of an accelerated procedure."*
54. The delay in EUSS Family Permits poses a particular problem for British citizens living in the EU but wishing to return to the UK with non-British family members. The family members have until 29 March 2022 to apply for an EUSS family permit¹². This family permit must be granted before the family member can come to the UK and submit their application for status under the EUSS.
55. However, the Immigration Rules say that such a 'Surinder Singh' EUSS application must be made before 29 March 2022. For those facing a delay on their family permit application, this therefore creates a lacuna whereby the inability to travel to the UK before 29 March 2022 will result in a loss of eligibility for status under the EUSS. The chair of British in Europe wrote:

"British citizens who want to return to the UK with family members from the EU only have a fifteen month window (from the end of the transition period) to do this before the rules change. During that window, they face two deadlines. They and their family must in the vast majority of cases first physically be in the UK before 29 March 2022. On top of that, the family members must also submit their EU SS application before 11pm on 29 March 2022. To get to the UK, they will usually need an EU SS Family Permit but delays in obtaining these are running at six months and more. While the clock is ticking and the deadline is now in just over 4 months, COVID delays are running that time down further. The upshot is an estimated 4,000-5,000 applications in the pipeline (see Guardian article 14.10.21) and the government's broken promises to its citizens in the EEA and Switzerland."

Return of identity documents

56. Article 18(1)(i) of the Withdrawal Agreement states *"Where the identity document is retained by the competent authorities of the host State while the application is pending, the host State shall return that document upon application without delay, before the decision on the application has been taken"*.
57. As mentioned in the previous section, family permit applications often involve handing over passports. However, many people must also send in their passports or identity documents when applying to the EU Settlement Scheme. This happens for paper applications, and for online applications where the Home Office requests to inspect the identity documents for various reasons.

"My son who is 7 years old is still waiting for his application decision. We were asked to send his ID card, but still [2 months later] don't have his document back or any confirmation that the Home Office has received it. There is no mention on government website on waiting times and when should we expect a decision and return of document. My son does not have any other document for travel abroad which we have planned in October. We are worried that there is no guarantee that he will be let in the country if he still doesn't have response."

¹² <https://www.gov.uk/family-permit/apply-lived-outside-uk-with-british-citizen>

"I applied before the deadline via post. I send all identification that was needed. I haven't heard back from the home office. My ID card that is with the home office, has meanwhile expired and I need my ID card back to be able to apply for a new/valid ID or passport at my embassy. I have to apply for certain benefits now and I can't identify myself. And as well I would like to know about the progress of my application. I'm pregnant and have to apply for certain benefits and the whole pending/not knowing what's going on situation is giving me massive stress."

58. There appeared to be a particular problem around the time of the EUSS deadline of 30 June 2021, as it became clear that there were insufficient Home Office resources to physically open, register and process the volume of paper applications and identity documents arriving through the post. An automated system continued to send reminders to people to send in their identity documents, leading to increased anxiety that the documents had not been received and were lost.

"I applied used my smartphone, but the app wouldn't confirm my ID (reading my EU I.D. Card). So I had to send it in (using first class mail). A week later I received an email saying they haven't received my ID Card and I have a further 10 days to send it. That 10 days is over in a day. They still haven't received my I.D. Card! I'm totally freaked out! Not only can't I prove my identity (even though the app took photos of my I.D. card - so why did I have to send it in?), but now my I.D. card is lost!!"

59. Even for British citizens with British passports and their non-EU family members with existing UK issued biometric residence cards, there can be very lengthy delays in returning ID documents. We interviewed a British citizen whose non-EU wife had an existing EEA residence card issued several years earlier on the basis of Surinder Singh rights, therefore the couple was known to the Home Office and a positive Surinder Singh decision had previously been made. The wife made an application for settled status in June 2021, as this was the point at which she had reached five years residence in the UK. This application (by necessity a paper application) mandated the husband's British passport and the wife's BRC to be submitted. Four months later, she had not even received a CoA, and neither passport nor BRC had been returned to them.

"4 months and still not even a COA. Surinder Singh case, previously accepted and family permit issued. Forced to apply by post. Biometric card and husband's passport submitted with application. On request for information, semi automated response claims that COA is issued when identity has been proven.... Unsure how an application for somebody providing a home office issued biometric card can take 4+ months to simply confirm identity... Has been living legally in UK for 6 years. Unable to travel. Husband unable to travel. Uncertainty means unable to change jobs as a professional accountant is expected to have more stability than able to demonstrate to a potential employer without any documents..."

60. The lack of BRC is serious for non-EU citizens, as they are unable to leave and return to the UK without it. We have encountered several people stranded abroad after being denied boarding to return home for this reason, and have had to apply for an EUSS Travel Permit taking several weeks – see paragraph 87.

Receiving an acknowledgement of application (AoA) – in-time applications

61. Leading up to the EUSS deadline of 30 June 2021, the Government's position was that anyone who did not apply *before* the deadline would lose their right to reside in the UK and would not regain a lawful status until a status was *granted* following a late application. (The Home Office announced a reversal of this position on 6 August 2021¹³).

¹³ <https://www.gov.uk/government/news/temporary-protection-for-more-applicants-to-the-settlement-scheme>

62. Given the importance therefore of needing to prove an *in-time* application and given frequent delays in issuing Certificates of Application (CoAs), the Home Office conceded¹⁴ that an acknowledgement of application (AoA) would serve as evidence of an in-time application even if a CoA had not yet been issued.
63. However, we are receiving multiple reports of people not even receiving an AoA. The Home Office have indicated that this could be the case for paper applications, because these can be stuck in a physical backlog of unopened post.

"After sending a paper application (more than 5 weeks ago, before the deadline) he did not receive Certificate of Application or any other confirmation email and now is at risk to lose the job. He has received an email from [...] that they are going to revoke his licence as they got information from the Home Office that he has no right to work despite the fact that he has made his application on time and still waiting for decision. How can he prove his right to work without any confirmation??? Feeling stress, tensions, helplessness..."

Despite submitting the application in mid-June 2021, this person only received an AoA in early August (followed by a CoA in mid-August and a settled status decision in mid-September).

64. For some, this delay is creating serious harm such as loss of employment which as a result can spiral into loss of accommodation and destitution.

"I posted my forms 22 June with next day recorded delivery. The guidance says most cases were decided in 5 days but some take longer. Fair enough, however I had no idea they would take over a month (so far) to even acknowledge I'd submitted an application. By July my employer was asking me for a reference number to prove I could work. The EU resolution centre (who are almost impossible to get on the queue and even then over an hour on an awful hold message/ music each time) kept saying all I could do was wait. Most of their staff are working from home and only those physically there can check paper applications.

By late July I still could not get any confirmation. My area manager informed me that if I could not get confirmation of my application by 1:45 the following day, my employment of over 4 years, would be terminated. I spent the last hour crying on tills, feeling very embarrassed.

I called EURC when I got home, hoping for a miracle. The call handler told me she'd escalate it to ask if they could look at my forms sooner, and would copy me into the email, so I'd have something to give to my work. After a few hours with no email, I begrudgingly called again. I was told there was no record of my first call, and that they could not copy me into an email. However, she would also have her manager escalate the issue.

The following day, I couldn't bear waiting all day at work to be fired at the end of my shift, and my anxiety and depression were really starting to sink in, so I called in sick my last day. I lodged an official complaint to the EURC (the first time I got to speak to a team leader) who again said they'd try to have it expedited. I received a generic response to my complaint a few days later with no help. Just keep waiting.

I'm now 2 weeks without work. I'm struggling with my own mental health and am scared to call the GP in case they too cut me off. I've never missed a rent payment but don't know what I'll say next month when I can't pay it, will my landlords kick us out as I can't prove my right to rent either? I'm finding it overwhelming to go on with my caring duties however can't let my family down, even at the expense of my own wellbeing.

¹⁴ <https://www.the3million.org.uk/library> - June 2021 "Reply from Home Office to our April and June letters about delayed Certificates of Application"

So all I can do is wait and hope something comes in soon. Then try to find another local job who are understanding of my caring duties and also earn enough for us to get by."

65. A lack of an AoA not only causes problems accessing rights such as the right to work, rent and healthcare, but also has an impact on the ability to leave the country.

"We made the application, then the biometrics and so far we have not received an answer, my EU Settlement Scheme Family Permit visa expires in seven days, and anything after that I will have to apply for a new visa. We are literally trapped inside the country, we can't travel, I can't get a job because everyone asks me to check my status, I'm afraid of having to use the NHS and having to pay, among many other things."

Receiving a certificate of application (CoA) – in-time applications

66. Even though for in-time applications, an AoA should *in theory* be sufficient for all rights to be protected pending a decision, this is often not the case in practice. Many employers and landlords are unfamiliar with engaging with the Employer/Landlord Checking Service and may therefore be reluctant to deal with people who do not have status, even less if they do not have a CoA. This even applies to state departments such as Universal Credit caseworkers:

"My sons' passports expired due to us having problems getting to London to renew them and then Lockdown happened. So we had to put in a paper application which we did before the cut-off date.

Both my children, in their 20s, have complex mental health needs. I am their sole carer. They live with me, and they pay towards the rent, their food and bills out of their benefits. I am self-employed. It's the only job I can do that fits around their care, but I don't earn enough to support the three of us. Especially as my business has been directly impacted by Covid restrictions.

I've found out that the letter we received saying they have received their application for EUSS isn't enough evidence for their universal credit and that unless we provide it in the form of the code provided with Certificate of Application, they will stop all their universal credit payments as of October 24th.

I've written to the Home Office and sent them both of my son's case numbers and screenshots of their universal credit page where it states they are stopping their benefits because they haven't updated their immigration status by October 24th.

The impact this is having on the boys is 2-fold. Firstly, it affects their mental health causing anxiety and distress that we won't have enough to eat, that we will lose our home because we have to choose between rent and food and secondly as young people already isolated and having little to fill their time having no money to use for leisure activities will add to their sense of isolation, boredom and quality of life.

They, or rather I will have to start paying for their medications which cost £50 a month. I have no idea what this means at the moment should they need to see their GP or need hospital treatment.

The impact on us as a family is that there will not be enough income to cover our basic living costs. If I get my full universal credit I will receive £759, our rent is £790. I currently have no other guaranteed income until March when I have my next booking. I am having to give up my studio, part of my business because I can't afford the rent, this is in part due to impact of covid and a severe reduction in the number of studio appointments since lockdown ended."

Receiving a certificate of application (CoA) – late applications

67. For applications submitted on or after 1 July 2021, rights are not protected on receipt of an AoA, but only once the applicant receives a CoA. The delays in issuing CoAs therefore have far greater

impact for these applicants, as they have no rights at all to look for new employment, change their accommodation, access free NHS secondary healthcare or seek assistance from the state.

“Certificate of application has still not been issued despite a letter telling me it would. Spoke to a journalist who said that journalists had been briefed that certificates would be issued upon receipt of applications, before they were processed and verified. Letter from the Home Office tells me otherwise, it states “This is not a certificate of application. You will receive a certificate of application once your application has been validated. This will be where you have used the correct application process, posted in your identity document (where this letter tells you to do so), provided your facial image, and provided your fingerprint biometrics (where this letter tells you to book an appointment).” I am unable to prove my right to remain while my application is being processed. I am unable to apply for jobs or rent a new apartment. I am not able to travel abroad.”

Note, this individual was not requested to post identity documents or provide biometrics, and at the time of reporting to us, had already been waiting for 58 days for a CoA following an application submitted just after the deadline.

68. This appears to be affecting those who struggled to submit applications from prison before the deadline, given the extremely delayed guidance issued to prison officers, and the difficulty obtaining paper application forms and access to identity documents. A charity worker spoke to us about the numerous applications they helped submit, with the vital CoAs being delayed.

“I have submitted about 130 paper applications forms on behalf of EU offenders. However, I've never received a CoA for them. Those people released in the community at present are therefore struggling to prove their status, especially late applicants, and find a suitable accommodation. This means these ex-offenders are likely to end up on the street and resort to criminal activities to make ends meet.”

Receiving a decision for an initial pre-settled or settled status application

69. A CoA will give *some* rights to *some* but not *all* applicants, depending on a complex matrix of whether the right in question is a right within the UK or the right to (leave and) enter the UK, whether the application was made before or after 30 June 2021, and whether the applicant was living in the UK before 31 December 2020.
70. Even where a CoA is legally sufficient, there are many cases where employers, landlords or other state or private service providers are confused by lack of clear guidance or simply unwilling to provide their service to anyone without a granted status.

“The pandemic made it impossible for me to renew my passport; applying for the EU settlement required an unexpired passport which I couldn't get my hands on until after the 30th June deadline because of all the backlogs at my [EU] embassy.

Now I have been negated the right to work as well as the right to claim benefits. How am I meant to eat and pay rent? It's been 2 months, I am still waiting...

I have completely rinsed all my savings as I've been negated an income stream for 2 months. So now I'm getting to a point where I am rationing food and only eating once a day, because I can't afford better, I've lost weight, my mental health has of course been impacted and I've been made to feel like a stranger in the same country that's been my home for 10 years! I was 13 when I arrived: Secondary, 6th form, university - all things I've attended in this country, how could I still be put in this position?”

At time of reporting, this person had waited 2 months without a decision made on their application.

71. Moreover, cutting across all this, simply waiting for a delayed decision is stressful and leads to uncertainty about the individual's future.

"I arrived in the UK 2,5 years ago and I applied for the pre-settlement status last February 2020. It was confirmed and I am waiting since that time. I have a criminal background but it was a non-violent and only one case and I spent my sentence in my country of origin. It was clear for me before I chose to come to the UK that a criminal history is not an advantage and it will be checked but the "official" communication that time was about not to worry if I'm not a violent criminal and I had only one case obviously. It made me brave to start my second fifty here close to some members of my family. I have a job since the 2nd day of staying in the UK and I pay taxes as well. I've tried to contact the Home Office online (because it's impossible to speak with them on the phone even there is a phone number on the website) several times but with the same answer.

To be honest I'm completely desperate about it and waiting for an "email" which determines my future, my life for such a long time is absolutely humiliating and my mental conditions are getting worse every day. I have problems with focusing on things during my working hours and at home as well, I'm completely and non-stop extremely stressed."

At time of reporting, this person had waited 530 days without a decision made on their application.

72. Even a less extreme delay of a few months can create enormous anxiety, with people searching for any possible reason for the delay in the absence of clear information of how long applications are currently taking.

"My step-daughter's application is still pending after three months. They have not disclosed the reason and have not requested more information, but we suspect the delay is due to a conviction for participating in a demonstration. (For which she received a small fine, no jail time.). The uncertainty is a cause of huge anxiety. She came to the UK as a baby and is now a young adult. Her whole future is hanging in the balance."

73. For many people, however, having a CoA is not sufficient and it is crucial to get a decision to acquire the rights in question. This is most obvious when it comes to the right to enter the UK, as people with a CoA only have the right to enter the UK if they can demonstrate that they were living in the UK before 31 December 2020.

74. Once someone has applied to the EUSS from outside the UK as a joining family member, there is some confusion over whether they have the right to enter the UK as a visitor. In order to enter the UK to start to live here, they must wait until their application has been decided. This leads to stressful, family-separating situations.

"My husband applied as my joining family member. He applied online using the app. He has no criminal record. We don't know why he has not heard anything yet. We called the Resolution Centre 3 times, they assured us the application was there, it was 'looking fine, just keep waiting'. I have pre-settled status since last year, this can't be the problem. The Resolution Centre say they can't do anything. We have to wait.

We were totally unprepared for this, since we read on the gov.uk website that processing time is around 5 working days, and I got my status within 2 weeks. We sold our house, trusting he would get his status in time, and arranged the removal this September. We were separated for 4.5 months, because I had to remain in the UK to retain my status and he could not come over. Hopefully he will be allowed in the UK as a visitor in September, or else we would be apart again. He now needs to arrange for a new place to live, we may have to rent something, in order for him to stay somewhere if necessary and to retain his

healthcare rights in his country. And we need to book a return ticket for him as proof that he will leave the UK again. He will have no access to the NHS. There are no official updates on processing times to be found anywhere, so we don't know what to do. We may have to travel back later for him to get a family permit. We will have to go to his country for that. All this causes much uncertainty, he is under too much stress, has sleeping problems and feels exhausted."

After 2 interventions by their MP, this person's husband ultimately waited for 4 months before his status was granted.

75. When the joining family member in question is a new-born baby, this leads to particularly egregious situations.

"I am an EU citizen with PSS, my baby was born abroad in January 2021. We applied for PSS for her, linked to mine, in June as soon as we got her EU passport. We have not yet received a COA or decision 86 working days later. When I check her status online it says nothing found. I've tried calling but the number always says all the operators are busy and disconnects. I've tried emailing but I got a generic response saying we must continue to wait.

This is delaying our family returning to the UK, we were told she must not enter the UK to live until she has PSS (by the EUSS resolution centre). So we cannot return until she has a status. I do not want to leave my wife and child alone abroad, so now I am stuck as this delay is jeopardising my ability to get settled status in the future, as I am spending too much time out of the UK."

At the time of reporting, this family had been waiting for a decision for 121 days.

76. Similarly, when a joining family member (i.e. someone who was not living in the UK before 31 December 2020) has a pending EUSS application and must travel abroad in an emergency, they can get stuck there, unable to return to the UK.

"It was a long and stressful wait to get the COA. And now my mum has it but we are still waiting for her decision on pre-settled status. We have no clarification if she is able to travel. She had to return to [...] as my grandmother died. Now my mum cannot come back to the UK until she has her pre-settled status as she has no entry visa. She is living in uncertainty. Also worried if they need more documentation and she isn't in the country."

77. Until guidance recently clarified the rights to start a university course with a CoA, many people were desperate to receive status in order to be assured of home fee status and access to student finance.

"My daughter needs her settled status before 31 Aug in order to qualify for the University maintenance loan. She has applied in June and we haven't heard anything from the Home Office and it is impossible to reach any human being on the helpline. If she doesn't get the settled status by 31 Aug she will lose her right for the university maintenance loan for the whole of her 4 years course as the rule is that the student must be settled before 1st Sep in the year the course starts (1st year of the course)."

78. Other transactions such as buying a house can be dependent on having status, as banks will do their own risk assessment before issuing a mortgage.

"Still waiting for a decision from the Home Office. I have applied as an unmarried partner of an EU citizen. We have contacted the Home Office via our local MP and the Citizens Advice Bureau multiple times and have been told to be patient. I applied in January 2021 and submitted my biometrics in February 2021. I would have thought that we have been patient enough.

There is building pressure from my job to provide an updated visa (I am here on a Tier 5 youth mobility scheme visa which expires Feb 2022) and we are unable to purchase a house without the security of a new visa. Our only other option would be to pull our EUSS application out and apply for a spousal visa

which will cost thousands of pounds. The lack of communication and transparency with the application progress and inability to get concrete timelines or even clear responses from the Home Office is incredibly frustrating.”

79. There are people who, due to leading a complex life, would struggle to access benefits because they cannot demonstrate an alternative right to reside (under the saved EEA Regulations) for the Habitual Residence Test. However, if they have settled status, they will satisfy the right to reside test.

We have seen Public Funds guidance¹⁵ which states “Persons who can show that they have been residing in the UK for more than five years (and who are expected to be granted settled status) are eligible to access benefits (subject to eligibility) on the same basis as any other British citizen.” but this does not appear to be happening in practice.

We have had reports from people who are *eligible* for settled status due to more than five years’ residence but are prevented from applying for welfare assistance until their settled status is granted, which is taking an excessively long time.

“The decision [on my EU client’s application] still has not been made. They are homeless and cannot access social housing and welfare benefits.”

This person’s client submitted an application in July 2020, received a CoA almost immediately, but 15 months on is still waiting for a decision.

80. An immigration adviser from an advice centre told us of many other issues relating to pending status, including the immense frustration of repeated ignored requests for progress information on applications pending for a year, women with pending EUSS applications receiving a £10k bill after giving birth in hospital, and especially hopeless delays on paper applications – of 19 paper applications submitted in June 2021, 18 had not even received an acknowledgement of application by November. This was translating into struggles to access welfare support, and lack of access to permanent accommodation for those suffering homelessness. This is an example of practice we have had reported to us by other organisations supporting EU citizens.
81. Crisis have published a report entitled “Why EU Citizens are more likely to experience homelessness – and why it matters”¹⁶. Research found that EU citizens living in Britain are nearly three times more likely to experience rough sleeping than the general adult population and are twice as likely to experience homelessness overall because they struggle to access support. Delays in EUSS decision making were one of the contributory factors:

“Delays in decision making have also had a particular impact on people experiencing homelessness and make it more difficult for people to resolve their housing difficulties. Participants in the research highlighted the barriers to accessing Universal Credit, to renting and to finding employment they

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1013601/public-funds-v18.pdf

¹⁶ <https://www.crisis.org.uk/media/246341/home-for-all-why-eu-citizens-are-more-likely-to-experience-homelessness-and-why-it-matters-crisis.pdf> and <https://www.crisis.org.uk/about-us/media-centre/new-research-reveals-impact-of-homelessness-on-eu-citizens-living-in-britain/>

experienced while waiting for the outcome of their application to the EU Settlement Scheme.”

Delay to EUSS applications relating to criminal investigations and prosecutions

82. The EU Settlement Scheme suitability requirements guidance contains policy to pause EUSS applications where there is a pending criminal investigation and/or prosecution. Some delays are implemented pending the update of the Police National Computer. Some are owing to the backlog in the criminal justice system. The delays are frequently longer than six or even twelve months¹⁷.
83. We do not understand why a decision should not be made on the EUSS application to grant a status, since this status can be revoked at a later stage if the individual is convicted and the conviction is such that it meets the criteria for revoking of status.

Appealing a decision

84. Those receiving a refusal on their EU Settlement Scheme application face a lengthy process to have their decision looked at afresh. An Administrative Review is currently taking around three months or more. There also appears to be a “backlog within the backlog” in the First Tier Tribunals. A member of the East European Resource Centre (EERC) told us:

“We have been informed by customer service at FTT Immigration & Asylum Chamber that there is currently a backlog of approximately one month for in-country, and two months for out-of-country appeals”.

Receiving a biometric residence card (BRC)

85. Non-EU family members who apply for their EUSS status using their existing EEA biometric residence card (BRC) are not automatically issued with an EUSS BRC. The Government website on EEA residence cards¹⁸, acknowledges that a BRC helps to re-enter the country, prove the right to work and access benefits and services.
86. However, it does not give any information on applying for an EUSS BRC. The section on replacing a BRC¹⁹ merely says it is not possible to get a replacement BRC, rather than signposting to the Government webpage²⁰ which allows a holder of an EEA BRC to apply for an EUSS BRC.
87. This means many non-EU family members are discovering their need for an EUSS BRC when their EEA BRC are close to expiry, and they struggle for example to be allowed to board flights to the UK. Those with lost or expired BRCs are finding they cannot apply for a BRC from abroad, instead having to apply for an EUSS Travel Permit. There is almost no information about this type of permit, and its application is hidden as an option within an EUSS Family Permit application form. It appears that even Government helplines including the EU Settlement Resolution Centre and the UKVI Resolution Centre are not advising people in this situation correctly.

¹⁷ <https://www.freemovement.org.uk/tens-of-thousands-of-people-wait-months-for-an-eu-settlement-scheme-decision/>

¹⁸ <https://www.gov.uk/uk-residence-card>

¹⁹ <https://www.gov.uk/uk-residence-card/replace>

²⁰ <https://visas-immigration.service.gov.uk/product/biometric-residence-permit-replacement-service>

“My husband and I are having issues leaving Italy to return to the UK. I am an Italian citizen with settled status in the UK, my husband is a [non-EU] citizen with pre-settled status. In 2017 he got an EEA biometric residence card as the spouse of an EU citizen. His pre-settled status is linked to that card.

In the summer my husband lost his residency card and reported it lost to the Home Office.

In September we travelled from the UK to [an EU Member State] and back to the UK without it with no problems, even though he had no physical residency card with him - he carried with him the scan of his residency card, the email proof of reporting it lost, his passport and his pre- settled status logging in online.

In October we travelled to Italy together again because I had a medical appointment in Italy.

On Wednesday the 3rd of November we had our flight tickets for London, we went to the airport to the Ryanair check in desk and the check in lady didn’t allow us to fly back to the UK saying that he didn’t have the physical residency card. She consulted someone who confirmed that we couldn’t fly.

We showed her settled status, residency card scan and the Home Office report of lost residency card and explained the situation still she refused to let us on the plane.

We called the UK immigration number in the UK and they told us that he needed to apply for a BRP replacement visa. We did so online and booked an appointment to the British visa application centre in Rome for the next day. We went to the appointment and double /triple checked with the lady dealing with our application if that was really the only way for him to get back to the UK even though I have settled status and he has pre settled status. She replied yes.

We paid more than £400 for trying to get this document ready within 7/10 days. The following day we received an email saying that his application was refused because he was last issued with leave to remain under the EU Settlement Scheme.

We called again the UK numbers for immigration and visas and the Home Office number for the EU Settlement Scheme, and no one told us anything to help us understand what to do. We were told to do something at a very high price and afterwards through the3million forum we found out about another travel document used in these cases called “EUSS travel permit”.

We have been stuck in Italy since 3rd November with zero help from any authorities, losing time money and our work and study commitments back in the UK. We are frustrated stressed and worried about the situation which is quite confusing. We live in the UK, my husband has a 5-year visa in the UK, and was rejected by the airline, and with no shame the UK government rejected his BRP replacement visa application saying there is no refund and without giving any help of how to solve the situation.

This is disgraceful. We applied for a travel permit on Monday the 8th of November and we are still waiting to hear from the UK.”

88. However, even for those who apply immediately after they are granted EUSS status, there are very long delays in being granted a replacement BRC.

“I am a non-EU family member and was granted settled status in March, within 2 days I applied for my BRC replacement as my current BRC was expiring the following month. I sent my application online for BRC to be updated and given a biometrics appointment a month later. Since then [4 months later] I am waiting for BRC to be processed, in between I lost chance to secure mortgage because lender wanted to see updated BRC with settled status. I tried many times to call EU settlement Centre but cannot get hold of them my phone call do not even go in queue, I try to send them message on website but no answer. I tried the UK general visa and immigration helpline but they said I have to speak to EU settlement scheme. Now I have no clue who I need to contact and who will help me to get my BRC replacement. I also wanted to travel to home country which I cannot because I have only my [non-EU] passport and online status. and online status is not acceptable for travel purposes for a visa-national family member.”

Receiving a decision for settled status when already holding pre-settled status

89. Switching from pre-settled to settled status (once able to demonstrate five years of residence) can be of vital importance to those with complex lives who struggle to demonstrate eligibility for Universal Credit or other welfare status while holding pre-settled status. Delays in being granted settled status therefore have a serious impact. Equally some service providers, such as banks, may require full settled status before issuing a mortgage.

“It has been three months and I’m still awaiting a decision on the application despite chasing up numerous times and after being told that my case has been escalated. Even my MP has made a representation on my behalf still no luck. I have a property reserved which will expire in 12 days as I can’t secure a mortgage or apply for Help to Buy as I don’t have settled status. I currently hold pre settled status and have applied to move to settled status.”

90. Furthermore, there appears to be a system glitch affecting some pre-settled status holders who have applied for settled status. When they view or share their digital status, the system is only showing a time-limited pending application status, rather than their still valid pre-settled status with a longer expiry date.²¹

“I have been struggling to get through over the phone or get sensible answers why my application to change from PSS to SS is taking 3 months AND why my PSS that initially valid till 2024 has disappeared and only shows 6 months of right to work? I cannot secure the job I have applied for, as I am not able to demonstrate more than 6 months right to work.”

“I want to prove my immigration status to my employer, but to my surprise my immigration status has been downgraded from the pre-settled status I had to a “certificate of application” status. This has happened after applying for settled status. My employer requires an immigration status valid for more than 6 months, so I am at risk of being fired.”

Linking of new identity document to EUSS status

91. Once status has been granted, its digital nature and the fact that it is linked to an identity document means the status must be maintained. Even though these updates can be done online via the Government’s website²², the changes are not effective immediately.
92. We have had a great number of reports of problems and delays in updating identity documents, resulting in problems when travelling back to the UK.

“Last year I had to renew my passport and followed the instructions to update my details. I was required to send my passport in in August 2020 and after some delay received my passport back with a confirmation that the system had been updated. Trying to view my status now, I find that the system has not been updated despite what the letter said. I still need to use my old, now expired/invalid passport to log in.

Trying to call the resolution centre and get the following message: ““we are experiencing high volumes of calls and do not have a space in our queue for your call, please call back later. [snip information how to download the form to apply etc...] Your call will now be disconnected””. And then, indeed, the call is disconnected.

This makes me worried what might happen if I travelled abroad and tried to come back, or if I had to

²¹ This was raised in our recent report to the IMA, paragraph 66 - <https://www.the3million.org.uk/IMA-report-Aug-21>

²² <https://www.gov.uk/update-uk-visas-immigration-account-details/update-your-ukvi-account>

access health care or tried to find a new job. It is one more detail that makes me consider just giving up on this country and move somewhere else."

Correcting View & Prove problems

93. We have seen many instances of people no longer being able to access their status for various reasons (often after having updated their immigration details with a new identity document or contact details), and then facing long delays in having their accounts corrected. Given the digital nature of EUSS status for EU citizens, not being able to view or prove their status is in practice tantamount to not having status.

"In September 2020 I received a confirmation email about the update of my address and passport. But in November 2020 I tried to update my address as I moved house, and the website gave me an error. I call the resolution centre and they told me that their side hasn't been update. They will send me emails about the process. I never received any email, so a week later I call back and ask about the process, they could not see anything, they took my details and again pass to an IT professional. At the moment I am in the same situation, which make me very worry if on January I will be able to cross the borders as my settled status should be linked to my passport. They've told me there is others way to check but no explanation or email where I can show that at the borders."

"Recently, I tried to view my daughter's status to update her passport details but was unable to access it. I tried calling but the answer was that the phone lines are too busy and that call is disconnected. I got through on IT department phone number to report this technical issue, they said they will call shortly to fix it but no one has called since few weeks already. I am still unable to view the status and had problems travelling with my 6 year old daughter as home office system doesn't show her status due to different passport details. I don't have old passport details to access the status anyway. So I am not sure what to do. I just feel scared for my kids who both have never been living in another country other than UK but I couldn't prove their status and now I can't even apply for settled status because I can't access their accounts and I can't resolve this issue because there is no phone line to call. Every time I call my call is disconnected."

"Went through customs at UK airport and they could not see my settled status on my passport. I was granted SS in 2019 and I had the email confirming it. When I got home I tried to prove my SS through the website but apparently my passport number is not matching their records. I tried using my national ID card too and no luck. So now I am trying to call the Home Office to find out what's wrong but it's very difficult for them to answer the calls. I also wrote an email and now I am waiting for their reply. I feel very anxious and shocked because I applied in 2019 and had no issues. Now I am worried I cannot leave the country to visit my family and I'm also worried that something will happen to my job if I cannot prove my SS."

"I am trying to prove my settled status which I received in 2019. I need to get the settled status code, however, when I am on the website my passport number and DOB are not being recognised even though they are correct as I have double checked these details. The only recourse is to ring the helpline number. I have attempted to call the UKVI helpline 0300 790 6268 3 times over the last week:

- Wed 14th July at 16:25pm- I was on hold for 1hr 21min 46s before the line cut off automatically*
- Fri 16th July at 16:26pm – I was on hold for 1hr 27min 16s before the line cut off automatically*
- Mon 19th July 07:59 – I spoke to a member of staff. I was told that due to technically difficulties they would take a message a call me back but no one has so far. It is now mid September."*

Extreme delays

94. The Home Office has told us the following information in email correspondence as recently as June 2020. This also reflects the text on the “EU Settlement Scheme: current estimated processing times for applications” website²³ which has not been updated since May 2020 despite our requests for an update to be provided.

“I would inform you that it normally takes around 5 working days for complete EUSS applications to be processed if no further information is required, but it can take up to a month. Any EUSS application is likely to take longer than a month to process if:

- *we need to request more information from an applicant*
- *you are applying as a minor and your application is not linked to an adult*
- *you submit a paper based application*
- *you have a relevant criminal record*
- *you are a non-EEA or non-Swiss citizen and are applying based on a relationship that you have not relied upon in a previous application to the Home Office*

In these instances, processing times will vary on a case-by-case basis, based upon how quickly an applicant can provide the requested information, and the circumstances and/or individual needs of each applicant.”

95. However, we have received numerous reports of people waiting for far longer, even approaching two years. We share some of these reports below. What is clear is that the lack of progress updates or any explanation for the delay greatly exacerbates the stress and anxiety felt by those who are waiting for a decision on their future.

406 days wait at time of reporting: *“This individual has applied for the pre-settled status and has been waiting for more than a year for a decision. She is a single mother in dire circumstances and when an MP chased for a response more than 5 months ago the Home Office said that they have “received all information they need to make a decision”. More than 5 months later and more than 12 months since she received a COA she is yet to receive a decision. This is affecting her health and health of her child. It is quite outrageous that it has taken the home office more than 12 months and yet no response has been provided to her.”*

558 days wait at time of reporting: *“I have been waiting for a decision for 18 months. I completed a paper application using a derivative residence card. My daughter has been granted settled status. I have made x2 complaints that have not been upheld. I have contacted my MP and he has contacted the Home Office but not outcome as yet. This has affected my mental health and wellbeing. I have missed out on going to University as I could not access Student finance services. As we approach June 2021, I am certain my employer will require me to submit my right to work in the UK. So I am at risk of losing my current job.”* **Note, we contacted the Home Office about this individual, and they received EUSS status shortly afterwards without requesting any further information or evidence from them.**

687 days wait at time of reporting: *“Due to the excessive and unreasonable delay of 22 months in responding to my Settlement application, I consider that my rights, as defined by the Withdraw Agreement, are being violated, and I consider myself discriminated against. My family have received status, I am over 60, my wife has a serious health condition, I have been working and paying taxes for the last 6 years. I have no criminal offence in the UK (I have a conviction from [my country of origin] for an offence 15 years ago, which I declared in the application, which the High Court of England knew about in 2017).*

²³ <https://www.gov.uk/government/publications/eu-settlement-scheme-application-processing-times/eu-settlement-scheme-pilot-current-expected-processing-times-for-applications>

Since then, 22 months have gone by and I have not received any answer or any other communication for further questions or feedback. 22 months, under ANY circumstances, is an illogical time frame for a response time from a government agency. I have contacted the Home Office many times. All the answers I received had no substantial content, they just assured me that my request for settlement was being considered.

I have been kept for 22 months in a completely insecure status, without being given the time to react or prepare for my life, if potentially my application gets rejected. Practically, I would be called to break up my family, and find myself somewhere else, at the age of 62 and attempt to create a new life, instantly losing everything I have created these past 7 years in the UK, as well as not being able to remain next to my spouse who has a serious medical condition.”

370 days wait at time of reporting: *“My dad has applied one year ago and still hasn’t heard! He managed to speak to someone at home office end of 2020 and they only confirmed that they had received his application and were working on it. He tried to call them again in January and February but after waiting for over an hour on the phone he couldn’t get through and speak to anyone. He has lived in this country for 23 years, worked all his life. He is anxious and stressed. He is worried about what will happen if he hasn’t heard anything back by June, especially as he has some health problems and he is worried to be stopped from being treated at hospitals etc.”*

Chapter 5. Recommendations

Increase resources / identify streamlining opportunities to clear the backlog and reduce delays

96. As discussed in paragraph 16, at current rates it would take eighteen months - until May 2023 - to clear the EU Settlement Scheme backlog. We therefore make the following recommendations to mitigate against the impact of delays.
97. Increase caseworker resources to process applications. This should be both for applications for pre-settled and settled status, and applications for family permits under the EU Settlement Scheme.
98. Review decision making processes (validity, eligibility and suitability) to identify opportunities for streamlining.
99. Increase resources for logging and processing paper applications, issuing biometric residence permits, and processing identity document updates to EUSS status.
100. Return identity documents within a short, transparently publicised, timescale, in accordance with Article 18(1)(i) of the Withdrawal Agreement.
101. Issue Certificates of Application immediately for those using the EU Exit: ID Document Check app, and within a matter of days for those submitting paper applications, in accordance with Article 18(1)(b) of the Withdrawal Agreement.
102. Increase resources for dealing with administrative reviews and appeals.
103. Review the policy on pausing EUSS applications while waiting on pending prosecutions to be completed, in accordance with Article 18(1)(e) of the Withdrawal Agreement.
104. Review decision making processes in relation to family permits to ensure compliance with Article 14(3) of the Withdrawal Agreement. The evidence emerging for us is that there are prolonged delays and barriers to the process being accelerated.

Transparency around breakdown of processing EUSS applications

105. The IMA should pursue from the Home Office processing time metrics for paper applications which are broken down by:
 - time of applicant posting their paper application to acknowledgement being issued
 - time from acknowledgement to certificate of application being issued
 - time from certificate of application to decision being made
106. The IMA should pursue from the Home Office Provide processing time metrics for online applications which are broken down by:
 - time of applicant pressing submit to acknowledgement being issued
 - time from acknowledgement to certificate of application being issued, where the validity check did not automatically succeed

- time from certificate of application to decision being made

Legislate and provide clear guidance for rights of pending applications

107. Legislate for rights under pending EUSS applications. It is not sufficient to state that ‘direct effect’ addresses pending late applications, since various pieces of existing secondary legislation such as the *Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020*²⁴ and many others specifically protect in-time pending applications. Other Government departments such as the Departments for Education, Health and Social Care, Work and Pensions look to existing legislation to create their guidance. The Government clearly adopted a different ‘direct effect’ interpretation before and after their 6 August announcement on pending late applications, so clarity of legislation is urgently needed.
108. The changes to guidance we have seen to date are unclear and suggest that a further assessment as to whether someone was exercising treaty rights before 31 December 2020 be incorporated when establishing a right to reside in welfare decision making²⁵ / house benefit entitlement²⁶, confusingly framed in terms of falling within scope of Article 10. This amounts to the eligibility decision having to be made on a pending application rather than having rights while waiting for that decision to be made. Article 18(3) has no right to reside requirements to access rights with a pending application.
109. Given that *certificates* of application appear to frequently take weeks or months to be issued, remove the disparity of treatment between pending in-time applications and pending late applications. Just as an *acknowledgement* of application is sufficient to prove rights (albeit by involvement of Employer Checking Service and Landlord Checking Service) for those with in-time applications, so an acknowledgement of application should be sufficient to prove rights for those with late applications, in accordance with Article 18(3) of the Withdrawal Agreement.
110. Provide clear updated guidance in all relevant areas, especially for those with pending applications, clearly explaining if and where any differences apply to the pending applications of joining family members.
111. Create a single landing page on the Gov.UK website to serve as a hub for all information, including rights to enter the UK and rights to access employment, rental and all other services within the UK.

Improve availability and accessibility of EU Settlement/ UKVI Resolution Centres

112. Increase allocation of resources to the EU Settlement Resolution Centre (EUSRC), so the number of occasions where people cannot get into the call queue, or have to wait longer than 15 minutes, is substantially reduced.
113. Provide a new dedicated, separate telephone number for “View & Prove” with simple options in plain English. Ensure it has sufficient staffing resources to be readily available.

²⁴ <https://www.legislation.gov.uk/uksi/2020/1209/contents>

²⁵ <https://www.gov.uk/government/publications/advice-for-decision-making-staff-guide>: ADM memo 19/21 presents a confused picture where it suggests that right to reside assessments are required pending applications.

²⁶ <https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2021>: Housing Benefit guidance update A10/2021 - “claimants without a status under the EUSS at the end of the grace period”

114. Offer a “call back” option for callers who are not able to join the call queue, or for those who have been in the queue for a certain length of time.

115. Provide clear information on the purpose of each Resolution Centre.

Provide transparent information on processing times, and helpline wait times

116. When citizens do receive information from the EUSRC, either by telephone or by email, ensure that it clearly communicates expected processing times, rather than simply saying “processing times can vary” and “we are unable to give a timescale for completion”. The expected processing time should be realistic and correct for that category of application.

117. Improve transparency and expectation management around EUSS applications and the EU Settlement Resolution Centre:

- Update the [web page for current estimated processing times](#)²⁷, which at the time of writing has not been updated since May 2020, to show up-to-date realistic processing times, broken down by type of applications (late / in-time / joining family members / family permit etc).
- Urgently review the telephony software used for the EUSRC telephone lines and ensure that it provides features such as a call-back option and dynamically informing the caller where they are in the queue and what the expected wait time is. If the caller cannot enter the queue and does not request a call back, they should be given accurate information about quieter times to call.
- Publish relevant metrics on average wait time and the number of people who ring but cannot be added to the call queue.

²⁷ <https://www.gov.uk/government/publications/eu-settlement-scheme-application-processing-times/eu-settlement-scheme-pilot-current-expected-processing-times-for-applications>

Appendix A. Transcript of EUSRC telephone call

12 Nov 2021 - 11:05 - calling and choosing Option 1

Thank you for calling the resolution centre.

Please note options have changed.

- **If you are calling for an update on your application to the EU settlement scheme, please press 1**
- For support following contact from a caseworker or help with viewing your immigration account or viewing your status or for details on how to apply late please press 2.

[Pressed 1]

Casework teams are currently working through all outstanding applications for the EU settlement scheme.

Unfortunately, at this time, our agents are unable to provide any progress updates on applications outstanding.

If your application has been submitted and you have received the confirmation email, you will be contacted by a caseworker should they require any further information or upon completing their decision in due course.

If you have not received your confirmation email with a unique application number, then please redial 0300 123 7379 and then select option 2 for further assistance.

If you have had your confirmation email, please keep an eye on your email inbox and we will be in touch shortly with an update on your application. Thank you for calling the resolution centre today. Your call will now be disconnected.

12 Nov 2021 - 11:10 - calling and choosing Option 2

Thank you for calling the resolution centre.

Please note options have changed.

- If you are calling for an update on your application to the EU settlement scheme, please press 1
- **For support following contact from the caseworker or help with viewing your immigration account or viewing your status or for details on how to apply late please press 2.**

[Pressed 2]

We are experiencing high call volumes and are working hard to get to your call.

Please ensure you have your immigration account number or application number ready before speaking to our agents.

Our agents continue to work from home to help deliver support to you. This could mean noises in the background are different to what you would expect.

Thank you for calling the resolution centre. We are experiencing high demand for our services and currently have no more space in our call queue. If you've been calling for a progress query, please do not worry. We're working through cases and we'll get in touch with you.

There is no need to speak to us unless you have received contact from a caseworker asking you to do so.

If you have applied within the last 28 days we would not have an update for you.

If you need support applying, all information about the EU settlement scheme, including how to apply, is available on www.gov.uk.

If you have received a letter from DWP or HMRC advising you to make an application for the EU settlement scheme and you hold British citizenship, have an application outstanding which you have received the confirmation email for or have been granted pre settled or settled status already, you do not need to speak to one of our agents and need to take no further action.

If you wish to speak to HMRC or DWP, please contact them on your usual contact number.

If you do not have pre settled or settled status, you can make an application online and can find the information to do so on www.gov.uk.

If you still need to talk to us about the EU settlement scheme, please try another time and we apologise for the inconvenience. Our opening hours are Monday to Friday 8am until 8pm Saturday and Sunday 9:30am until 4:30pm We are closed on public holidays.

Your call will now be disconnected.

Appendix B. Sample responses from online EUSRC

The following are responses to a single person who contacted the online EUSRC three times, at roughly monthly intervals, requesting a progress update on their application. Their application had been an online one using the EU Exit: ID Document Check app, without any further requests for evidence or other information from a caseworker. The person waited approximately four months to receive a Certificate of Application.

Response 1 – September 2021

From: EU Settlement Resolution Centre

Subject: Do Not Reply: Settlement Scheme Resolution Centre

We understand that having submitted an application for status under the EU Settlement Scheme (EUSS), you are yet to receive a decision.

It is confirmed that the Home Office must make several enquiries before we can reach a decision on whether to grant status to an individual under the terms of the EU Settlement Scheme. The extent and length of time taken to complete these enquiries varies according to the circumstances of each application.

Whilst we endeavour to progress all applications in a timely manner, processing times will vary on a case-by-case basis and can be increased for a number of reasons including, but not limited to, the following:

- we need to request more information from you
- you're applying as a minor and your application is not linked to an adult
- you submit a paper application – for example if your application is based on a derivative right to reside in the UK
- you have a relevant criminal record
- you're a non-EEA or non-Swiss citizen and are applying based on a relationship you haven't relied on in a previous application to the Home Office

Please note that the above list is comprised of examples only and is not exhaustive.

For more information on how the Home Office uses and safeguards the personal data submitted by applicants, in the processing of applications, please visit the following webpage:

<https://www.gov.uk/guidance/eu-settlement-scheme-how-we-useyour-personal-information>

Having investigated your query, we can confirm that, so far, our enquiries have not been completed in respect of your application.

You will be notified directly should any further documentation be required in order to reach a decision on your case and we would, therefore, recommend that you follow any instructions with which you may be provided, when prompted to do so.

To ensure that no correspondence is overlooked, please keep checking the Junk and Spam folders, as well as the Inbox of the relevant email account, regularly.

As soon as the Home Office is in a position to conclude your case, then notification of our decision will be sent with immediate effect.

The rights of those EU citizens and their family members who were lawfully resident at the end of the transition period and who, from 1 July 2021, have a pending application under the EU Settlement Scheme (EUSS) made by the deadline of 12pm (midnight on 30 June 2021), or an appeal against the refusal of an application submitted by then, will be protected until their application or appeal is finally determined.

Certificate of Application

If you have received a certificate of application (COA) which confirms receipt of your application for status under the EU Settlement Scheme (EUSS), you will receive notification of the outcome in due course. The COA provides further information on proving an applicant's right to work, rent, and access services such as student finance, while awaiting a status outcome.

If you have submitted an application by the scheme deadline and are yet to receive a COA, you will receive a COA as soon as the manual verification process of your identity and nationality has been fully completed by the relevant team.

Student Finance

Please be advised that you can share your COA document as part of a student finance application. Should student finance refuse to accept your COA document, we recommend you lodge an escalation/complaint with student finance or seek legal advice to assist you in taking this matter forward.

Benefits and Services

If you require further information regarding eligibility for benefits and services, you should make your enquiry with the relevant government authority via: <https://www.gov.uk/>

Travel

Finally, as we only deal with enquiries related to the EU Settlement Scheme, we are unable to advise you on travel. You may wish to visit: <https://www.gov.uk/guidance/visiting-the-uk-after-brexite> for further information.

Non-EEA citizens who do not currently hold a Biometric Residence Card (BRC) and choose to travel whilst their EUSS application is in progress, would need to apply for permission to re-enter the UK from abroad.

For further guidance on UK travel requirements and obtaining a UK entry clearance document, please contact our UKVI: Visas helpline on 0300 790 6268, before making any travel arrangements.

We advise anyone travelling out of the UK to also check the immigration requirements of any other country they plan to visit.

As the UK is no longer an EU member state from 1 January 2021, you may no longer be able to rely on UK-issued documents, based on being a family member of an EU citizen, for entry to other EU countries.

Should you require further information about the EU Settlement Scheme, please go to <https://www.gov.uk/settled-status-eu-citizensfamilies> or alternatively, contact the EU Settlement Resolution Centre by phone on 0300 123 7379 (from inside the UK), 0203 080 0010 (from outside the UK) or by submitting a further question using the online enquiry form https://eu-settled-statusenquiries.service.gov.uk/start_

UKVI is keen to continually review and improve its service to our customers. To help us to do so, we would be grateful if you could complete our customer survey https://homeoffice.eu.qualtrics.com/jfe/form/SV_doONiDBhhKZnDW5_

Please note we cannot deal with any enquiries/replies sent directly to this mailbox.

Yours sincerely,

EU Settlement Resolution Centre
UK Visas & Immigration

The Data Protection Act 2018 governs how we use personal data. For details of how we will use your personal information and who we may share it with please see our Privacy Notice for the Border, Immigration and Citizenship system at <https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship>. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns.

Response 2 – October 2021

From: EU Settlement Resolution

Subject: Do Not Reply: Resolution Centre Application submitted and in progress

Dear _____,

Thank you for your email enquiry dated _____ regarding your submitted application.

We understand from your email that you would like an update on the progress of your application.

Having checked our records, we can confirm that your case is currently under consideration. You will be notified by a caseworker if any additional information is required or when a decision is made.

The processing times mentioned on the GOV.UK website are guidelines only and are not service standards. Processing times can vary, for example, when additional information is required, and all applications are considered on a case by case basis.

Therefore, we are unable to give a timescale for completion. However, helping you obtain your status is of utmost importance to us. Please rest assured that we will note your application with your email and concerns.

Please wait to hear from a caseworker and follow their instructions when prompted. Please ensure you check your Inbox, as well as your Spam and Junk Mail folders regularly.

Should you require further information about the EU Settlement Scheme, please go to <https://www.gov.uk/settled-status-eu-citizens-families> or alternatively, contact the EU Settlement Resolution Centre by phone on 0300 123 7379 (from inside the UK), 0203 080 0010 (from outside the UK) or by submitting a further question using the online enquiry form <https://eu-settled-status-enquiries.service.gov.uk/start>

UKVI is keen to continually review and improve its service to our customers. To help us to do so, we would be grateful if you could complete our customer survey <https://homeoffice.eu.qualtrics.com/...>

Please note we cannot deal with any enquiries/replies sent directly to this mailbox.

Yours sincerely,

EU Settlement Resolution Centre

UK Visas & Immigration

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Response 3 – November 2021

From: EU Settlement Resolution

Subject: Do Not Reply: Resolution Centre Application submitted and in progress

Dear _____,

Thank you for your email dated _____ requesting an update on your application.

Having checked our records, we can confirm that your ID document has been linked to your application.

You will receive a confirmation email acknowledging receipt of your valid application, as soon as the manual verification process of your identity and nationality has been fully completed by the relevant team.

Your case is currently under consideration. You will be notified by the caseworker if any additional information is required or when a decision is made.

Each application is considered on a case-by-case basis. Therefore, we are unable to give a timescale for completion. However, helping you obtain your status is of utmost importance to us.

Please wait to hear from the caseworker and follow their instructions when prompted. Please ensure you check your Inbox, as well as your Spam and Junk Mail folders regularly.

Should you require further information about the EU Settlement Scheme, please go to <https://www.gov.uk/settled-status-eu-citizens-families> or alternatively, contact the EU Settlement Resolution Centre by phone on 0300 123 7379 (from inside the UK), 0203 080 0010 (from outside the UK) or by submitting a further question using the online enquiry form <https://eu-settled-status-enquiries.service.gov.uk/start>

UKVI is keen to continually review and improve its service to our customers. To help us to do so, we would be grateful if you could complete our customer survey: <https://homeoffice.eu.qualtrics.com/...>

Please note we cannot deal with any enquiries/replies sent directly to this mailbox.

Yours sincerely,

EU Settlement Resolution Centre
UK Visas & Immigration

The Data Protection Act 2018 governs how we use personal data. For details of how we will use your personal information and who we may share it with please see our Privacy Notice for the Border, Immigration and Citizenship system at <https://www.gov.uk/government/publications/personal-information-use-in-bordersimmigration-and-citizenship>. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns.

Appendix C. Transcript of UKVI Resolution Centre telephone call

Thank you for calling UK visas and immigration.

If you are calling about the current situation in Afghanistan and have called the Afghan helpline, then your details and your family details have been passed onto Home Office colleagues.

If you and they are eligible for evacuation from Kabul, the Home Office will contact you and your family or the person you are calling on behalf of directly. We would ask you not to make further calls to the helpline once your details have been logged, as a helpline cannot provide you with updates on your inquiry. This will allow us to take as many calls as possible from other vulnerable non-British nationals in Afghanistan.

If we have not asked you to, please do not travel to Kabul Hamid Karzai International Airport. If you are in the area of the airport, move away to a safe location and await further advice. Commercial flights are not currently operating. If you can leave Afghanistan safely by other means, you should do so immediately.

This line can help provide information for visa and nationality inquiries from information that can be found on gov.uk.

If your call is in regards to EU Settlement Scheme applications and processes, please call 0300 123 7379.

Please choose from the following options:

- If your inquiry is about a visa application you have or are making outside the UK press 1;
- If your inquiry is about a visa application you have made or making inside the UK, where you are an employer or landlord with a general inquiry, press 2; or
- If your inquiry is about issues or problems with a digital service relating to a visa application or online immigration status, including employer and landlord digital problems, press 3.

[Pressed 3]

- If you are a landlord or employer and have a problem with the online service to check someone's right to rent or work, press 1
- If you are having problems with the UKVI Id checking app, help accessing or recovering your account, updating your account details or viewing and proving your online immigration status including problems with share codes, press 2
- If you have a technical inquiry relating to a visa application made inside the UK for example, an error message or log in problem, press 3.
- If you need help with any other digital service issues relating to a visa application outside the UK, press 4

[Pressed 2]

Thank you for calling the Resolution Centre.

All information you need is available at www.gov.uk.

Please ensure you look at this before continuing your call. If you choose to continue please note your call will be recorded for training and data protection purposes.

For details on our privacy information notice, please go to [gov.uk](https://www.gov.uk) and search “personal information use in borders, immigration and citizenship”.

We are experiencing high demand for support at the moment and waiting times may be longer than usual.

Our service is available in English and Welsh.

- Press 1 for English and
- Press 2 for Welsh.

[Pressed 1]

Please now select one of the following 3 options.

- If you are a landlord or employer and need help viewing a status after receiving a share code, press 1.
- If you need support with the ID app or with your digital status, press 2.
- If you have a query about the EU settlement scheme, press 3

[Pressed 2]

This option is for digital status queries.

- Please confirm you are ringing about your own status by pressing 1
- If you need to go back to the main menu, press 2.

[Pressed 1, placed in queue]