



Immediate release

Media Notice

25 May 2023

Lords Committee urges Home Secretary to address a range of significant problems regarding the post-Brexit rights of UK and EU citizens

The backlog in EU settlement scheme (EUSS) applications and certificates is having serious consequences which could lead to Windrush type scenarios and scandals; and continued risk that a digital-only proof-of-status- system disadvantages elderly and “digitally-challenged”.

These are some of the concerns the [House of Lords European Affairs Committee](#) has put to the Home Secretary, Rt Hon Suella Braverman MP, today (25 May 2023) in a [follow-up letter](#) to its [report on Citizens Rights](#) published in July 2021.

The Committee heard [evidence](#) that the rights of EU citizens in the UK and UK citizens in the EU remain live issues across the following areas: delays to applications to the EUSS; the digital proof of status system for EU citizens; an EUSS database error; residence schemes for UK citizens in the EU; travel arrangements; and support for UK citizens. The Home Secretary has been asked to respond to the Committee by 26 June 2023.

Key concerns include:

Delays to applications to the EUSS

- Despite initial deadlines passing for applying to the EUSS and the various residence schemes, substantial numbers of applications, including complex cases, continue to be received. In December 2022, there were approximately 181,000 applications pending a decision. The Committee heard evidence that these delays are having serious consequences and could lead to “Windrush-type scenarios”.
- The Committee was told that those with pending applications are unable to claim a range of social rights: unable to apply for a provisional driving licence or EHIC card, that it “looks like you cannot apply for a national insurance number” and that those in this situation “struggle to get universal credit”. They heard that in some cases applicants are



“advised not to travel out” while decisions are pending and so are “effectively imprisoned” in the UK.

- The Committee therefore asks for clarity from the Government about the ability of individuals with pending applications to access benefits and to apply for official documents.
- The Committee has also asked the Home Secretary to indicate what additional resources have been allocated to address the backlog of applications and steps taken to ensure sufficient resources are in place to handle complex cases more efficiently.

Digital Status

- The Committee reiterates previous concerns about the digital-only system for proof that an EU citizen has successfully accessed their rights under the EU Settlement Scheme. The absence of a physical document for proof of status creates the risk that many EU citizens, including the elderly and those who are digitally challenged, may struggle to prove their rights.
- The committee recommends the Government offer holders of settled or pre-settled status the option to request a physical proof of status document along the lines of Covid documents issued to those who requested them and asks for justification for continuing to deny individuals this option.

Moving from pre-settled to settled status

- Five months on from the High Court judgment ruling that the design of the EUSS was unlawful, and as the current deadline for applications approaches, there is still no clarity on how the residence rights of holders of pre-settled status will be guaranteed, and whether they will still be required to complete an application for settled status to secure their rights. The Committee asks the Home Secretary for clarity on this without further delay.

EUSS Database error

- The Committee asks for the Home Secretary's assessment of the EUSS database error in January 2023, which led to an incorrect application status being displayed online for approximately 146,000 people for an extended period of time. The Committee expresses deep concern to hear some people may need to make repayments for benefits or pay for healthcare services that they received retrospectively and requests clarity on this matter.

UK citizens' rights in the EU



- The Committee were made aware of serious problems with residence schemes in some EU countries, including Sweden, Denmark and Portugal. It heard of refused applications for vulnerable UK residents, including a British woman with Alzheimer's living in a care home in Sweden threatened with deportation and a family with four young children.
- The Committee urges the Home Secretary to raise systemic issues relating to the rights of UK citizens under the Withdrawal Agreement with the European Commission as they arise.

Travel

- The Committee heard reports from witnesses that UK citizens have frequently experienced issues while travelling between the EU and the UK, including misunderstandings by Schengen border officials on documentation and in one case leading to an incorrect charge for an alleged immigration offence.
- The Committee urges the Home Secretary to work with the European Commission and the authorities in EU Member States to ensure that guidance to border authorities is made as clear as possible.
- The Committee asks for further assurance on steps being taken to ensure no disruption to travel between the EU and the UK as a result of the EU's proposed introduction of the Electronic Travel Information and Authorisation System (ETIAS).

Support for UK citizens

- The Committee is very concerned to hear resources to support UK citizens in the EU on citizens' rights issues have been substantially scaled back since its initial 2021 inquiry. The Committee calls for sufficient resources to be put in place to enable embassies and non-governmental organization to support the substantial number of UK citizens that continue to face challenges associated with exercising their rights under the Withdrawal Agreement.

Read the full letter at:

<https://committees.parliament.uk/publications/40142/documents/195711/default/>

Lord Wood, Acting European Affairs Committee Chair said:

"It is clear from the evidence we received that there continues to be a range of serious concerns about the rights of both EU citizens in the UK and UK citizens in the EU.



“We are particularly concerned that the backlog that has developed as a result of delays to applications to the EU Settlement Scheme is having a serious impact on individuals who are living in uncertainty, leaving them unable to make the fundamental decisions they need to live their lives, access work or support, or even travel outside of the UK.

“We are also concerned to hear about significant problems with residence schemes for UK citizens in some EU countries, and that resources to support UK citizens in the EU have been cut back.

“As the passage of time since the UK’s exit from the EU grows, it is imperative that the rights of UK and EU citizens’ remain a top priority and continue to receive the highest political attention.

“ The success of both the UK and EU in handling these issues, in conformity with treaty obligations, will inevitably affect the overall relationship between the UK and the EU in the months and years to come”.

Notes to Editors

1. The Committee’s follow-up letter to the Home Secretary is available at: <https://committees.parliament.uk/publications/40142/documents/195711/default/>
2. The transcript for the Committee’s follow-up evidence session on citizens rights on Tuesday 16 May is available at: <https://committees.parliament.uk/oralevidence/13148/pdf/>
3. The Committee’s report on citizen’s rights published in July 2021 is available at: <https://committees.parliament.uk/publications/6900/documents/72571/default/>
4. For more details on the European Affairs Committee and its inquiry please see its [webpage](#)
5. To request an interview with a member of the Committee or for other media enquiries please contact lordspressoffice@parliament.uk