

## Press conference at the Foreign Press Association on 29 June 2022



Photo credit: the3million - rally in front of the House of Parliament (London) in September 2017

We are grateful for the Foreign Press Association to organise this fourth conference on the rights of EU citizens in the UK with [the3million](https://the3million.org.uk).

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### Agenda and speakers:

- Nicolas Hatton, CEO of the3million - Introduction
- Andreea Dumitrache, Communications Manager at the3million - EU citizens subject to the hostile environment; case study of travel issues
- Dahaba Ali Hussen, journalist - refused status and left in limbo for three years
- Kuba Jabłonowski, Research Fellow at the University of Exeter: EU Settlement Scheme data
- Luke Piper, Head of Policy and Advocacy at the3million - Main issues EU citizens face in the UK today
- Q&A

### In this briefing:

1. The EU Settlement Scheme application backlog puts 245,700 people at risk, awaiting status;
2. Barriers to proving immigration status under the EU Settlement Scheme;
3. There are 2.3 million people at risk from losing their rights from 2023;
4. Case study: barriers for the digitally excluded - the Roma community.

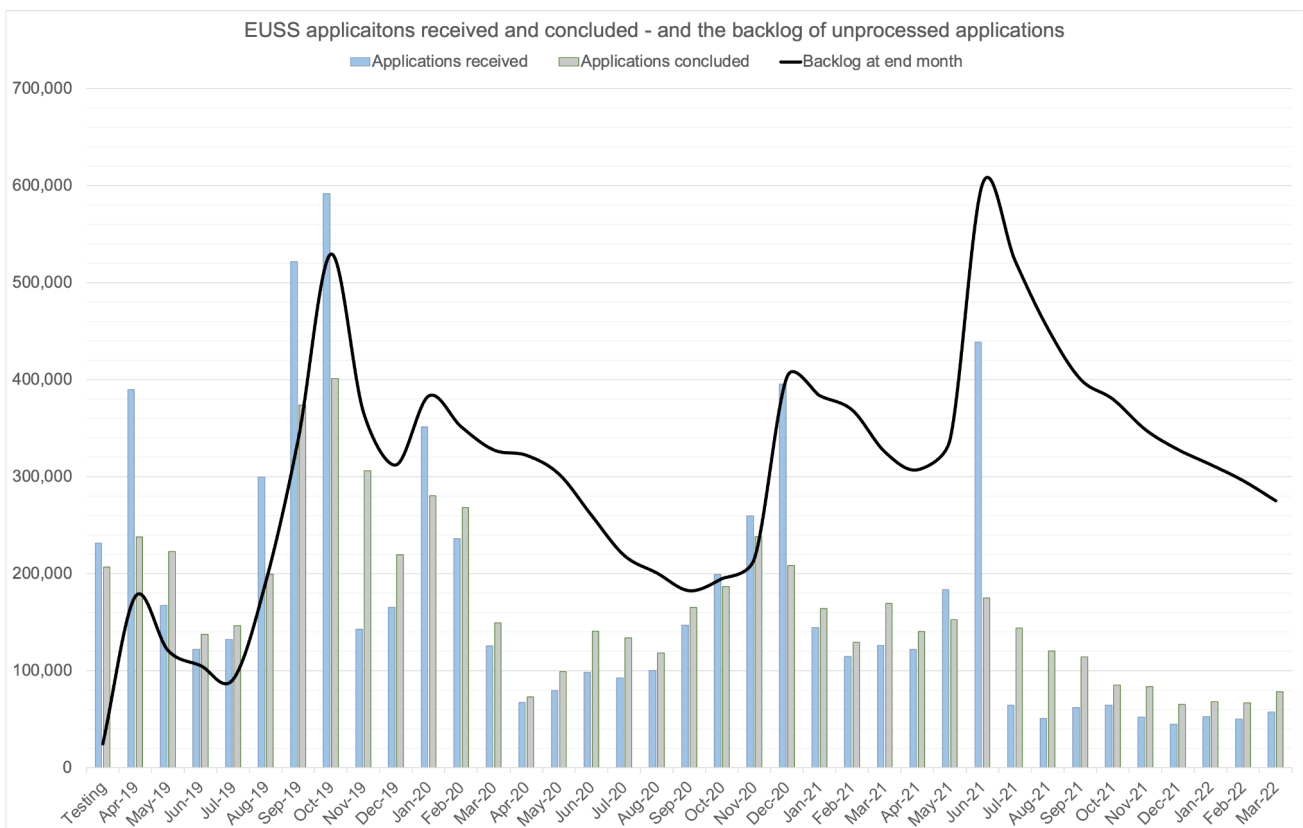
One year after the deadline to apply to the EU Settlement Scheme (EUSS), there are approximately 6 million EU citizens with pre-settled or settled status who are at risk from the hostile environment in the UK. The rights of this very large cohort of people are protected by the UK-EU Withdrawal Agreement, but many are being denied these rights and are facing hostility when applying for or proving their status, and when exercising family reunion rights.

The UK government is already facing legal proceedings from the Independent Monitoring Authority (IMA) for breaches of the Withdrawal Agreement, on the grounds that 2.3 million EU citizens who have been granted pre-settled status have been put at automatic risk of losing rights to live, work, rent, losing access to the NHS and benefits, or being removed by the Home Office.

Further systemic problems are coming to light indicating escalating breaches. The European Commission is also making strong public statements about their concerns around compliance with the agreement the UK Government entered into less than 3 years ago.

## 1. The EU Settlement Scheme application backlog puts 245,700 people at risk, awaiting status.

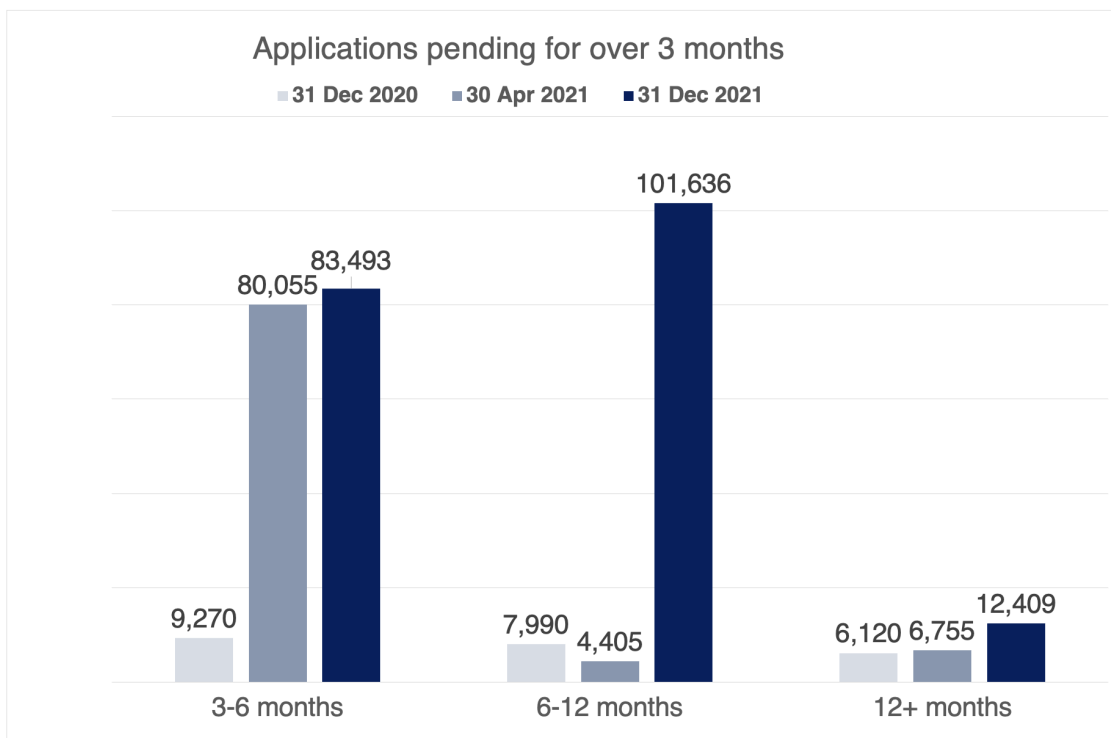
One year from the deadline, there are still pending applications to the EU Settlement Scheme. Statistics released by the Home Office at the end of May 2022 show 245,700 people are still waiting on a decision, some for months on end.



In theory, those who are waiting for a decision have rights while they wait - as long as they have a Certificate of Application (for many, these Certificates sometimes take months to arrive).

In practice, employers and landlords are often suspicious of them, or don't want to go through the extra bureaucratic steps required by the Home Office to check the rights of people with Certificates.

The Home Office does not routinely publish statistical data on cases stuck in the backlog. However, our Freedom of Information (FOI) request reference 67843<sup>1</sup> showed the number of applications pending for 6-12 months increased dramatically between December 2020 and December 2021, from around 8,000 to over 100,000. The number of applications stuck in the backlog for over 12 months doubled in the same period, from around 6,000 to over 12,000 cases.



Life in the backlog is stressful and frustrating for some, but it has utterly devastating consequences for many others:

- **Fraught travel and losing job opportunities**

“I’ve lived in London since I was 11. I applied in 2019 and somehow I still haven’t got a decision. I was stopped twice by border control and was questioned repeatedly, being threatened with deportation to Somalia, when I clearly have a Dutch passport. I also lost a chance at a job over it.”

- **Being refused rent**

“My letting agency is asking me for a Certificate of Application to prove I have the right to rent. It’s been seven months now and I haven’t received it. I’m so afraid I’ll be losing the house I’ve lived in for 10 years and have nowhere else to go.”

<sup>1</sup> [https://www.whatdotheyknow.com/request/eu\\_settlement\\_scheme\\_waiting\\_tim\\_3#incoming-1964556](https://www.whatdotheyknow.com/request/eu_settlement_scheme_waiting_tim_3#incoming-1964556)

- **Being denied state support**

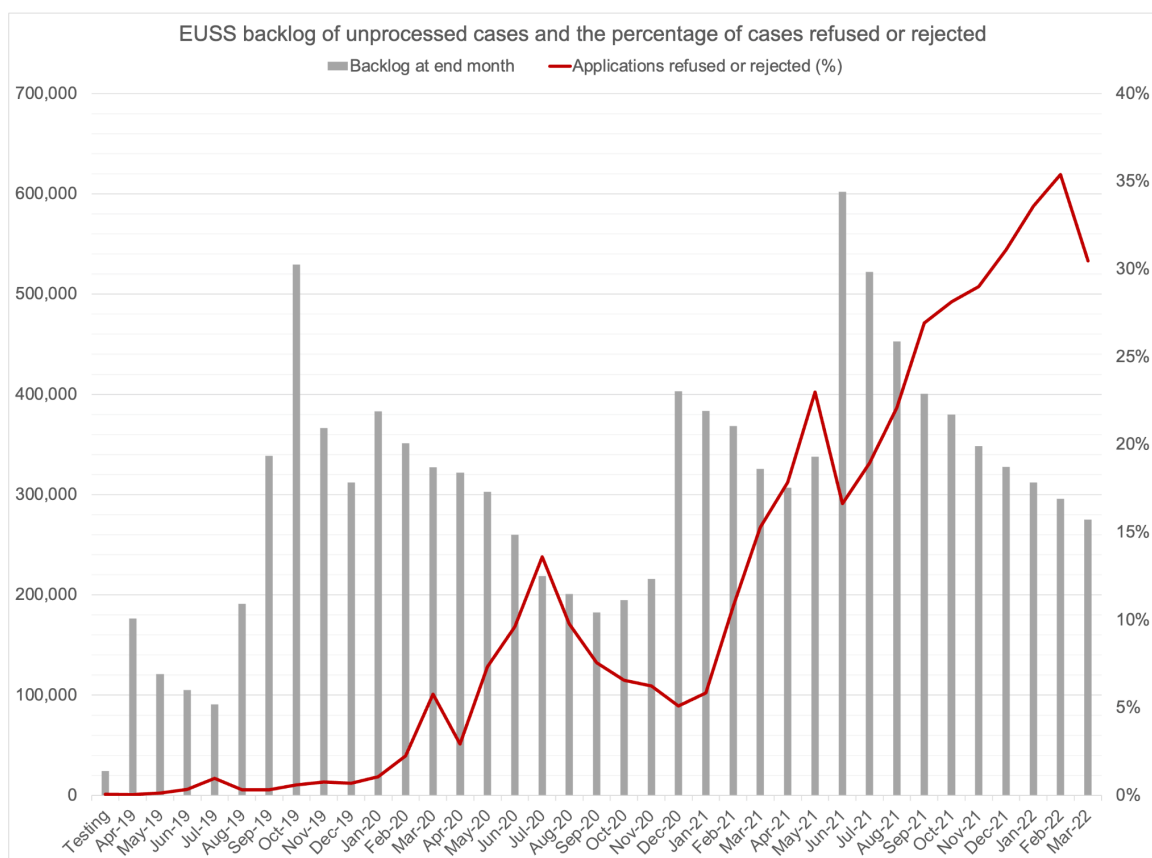
*“I’m pregnant. I submitted my EUSS application 18 months ago, and am still waiting. Whenever I ring them I either can’t get through or they tell me to just be patient. I’m unable to get benefits, or housing assistance. I am desperate.”*

This backlog does not include people waiting for a Family Permit, to join their loved ones in the UK. There are no publicly available statistics on the backlog or processing times of these applications, so we don’t know how many people are affected. However, we receive reports of lengthy waiting periods leading to families being separated:

*“For the last six months, my elderly mother with dementia has been alone, not understanding why she can’t join me in the country I’ve been a physician in for years.”*

*“I’ve never met my child. My wife is overwhelmed and our 2 year old is being cared for by friends when she is at work as a carer.”*

The backlog was reduced from over 600,000 cases at the end of June 2021 to below 250,000 at the end of May 2022. This is positive news for those facing delays, but it is still a very high number of applications facing serious delays. Furthermore, the percentage of applications refused or rejected each month went up from 17% and stabilised at over 30% in the same period, as the below graph illustrates.



## 2. Barriers to proving immigration status under the EU Settlement Scheme

EU citizens with status under EUSS can only prove their right to work/rent via a UK Government web portal. Many are struggling with this **digital-only** status. It is inaccessible for those with low digital or English literacy or certain disabilities, and it is reliant on Home office systems.

The digital-only right to work and right to rent checks have now been expanded since 6th April to nearly all migrants, including people arriving under the Ukraine schemes.

The government has acknowledged through the EU Settlement Scheme Policy Equality Statement<sup>2</sup> the discriminatory disadvantages that will be faced by several protected groups of citizens.

Its only stated mitigation is “Support is available via the **Settlement Resolution Centre** for users who may require additional assistance, and we are exploring additional support options for those using our online services.”. In Dec 2021, the3million received data that shows that over the 12 months from November 2020 to October 2021, only 44% of calls to the Resolution Centre were successfully connected. This translates to 819,153 abandoned calls in a 12-month period.

the3million has received hundreds of reports from people who are digitally literate, able to access the “View and Prove” portal, but nevertheless unable to access proof of their status due to problems with the system:

- **Lost job & rental opportunities:**

“I was a potential candidate for a role, but I couldn’t produce a sharecode, leading to my application being withdrawn. I can’t provide for my family and find a place to rent. ”

- **Difficulties getting a mortgage and opening bank accounts:**

“My EUSS account has a technical problem and doesn’t show my status, so now my mortgage application has been put on hold. I’ve already sold my current house, so I will be in a desperate situation if I’m unable to proceed.”

- **Travel issues:**

“My passport expired during the covid pandemic, so I was travelling on my national ID. When coming back to the UK, the airline denied me boarding, as they knew nothing about how to check for status. I showed them my online account, and offered to give them a sharecode, but they refused to engage.”

## 3. There are 2.3 million people at risk from losing their rights from 2023

EU citizens and family members who have lived in the UK for less than 5 years, or who can’t prove their residence for a period of 5 years or more, obtain limited leave to remain in the UK (ie. pre-settled status) valid for 5 years. They must apply again to get settled status. If they do not apply before their pre-settled status expires, they lose their right to live in the UK. Settled Status applications started in August 2018.

The Independent Monitoring Authority, the statutory body set up to protect the post-Brexit rights of EU citizens settled in the UK, has issued legal proceedings against the Home Office, on the basis the Withdrawal Agreement does not provide an option for removing status for that reason.

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<sup>2</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-policy-equality-statement>

#### 4. Case study: barriers for the digitally excluded - the Roma community



Mihai Bica represents the Roma Support Group: [www.romasupportgroup.org.uk/](http://www.romasupportgroup.org.uk/)

Mihai is available to interview. Contact: [mihai@romasupportgroup.org.uk](mailto:mihai@romasupportgroup.org.uk)

“The EU Settlement Scheme is a digital system and this creates more barriers for people from the Roma community, who unfortunately have high levels of digital exclusion and illiteracy. According to EU data, we have around 60% functionally illiterate and 20% unable to read or write, and very low levels of access to IT equipment.

We are now seeing people having problems at the borders, trying to come back into the UK, returning from holiday. We are seeing problems arise when starting a new job, when renting a house or simply when trying to access their rights in the UK.

We have already seen that around a third of people from the Roma community who have been asked to prove their status have not been able to do so at all. This means they were not able to get the health support they needed, not able to get a mortgage, for example, or having problems securing a tenancy agreement.

Quite a few from the Roma community have to pay someone to support them to access their EUSS digital account and prove their immigration status. This puts people at risk of exploitation.

In the last year, we've heard more about experiencing specific problems at the borders, because of the nature of the digital status. This includes people's details not being identified by border staff, people themselves not knowing how to access their EUSS account or not being able to do so because they've lost access to the details needed to prove their status.

We are seeing people experiencing increasing problems because they are still waiting for a decision on their EUSS application. This puts people in a situation of vulnerability, with services putting pressure on them to provide their immigration status, with employers refusing to give them jobs or to continue working with them.

A majority of those from the Roma community rely on friends, family or organisations around them to support accessing their EUSS digital account and proving their immigration status. This is why we need to see more support created at local level, local authorities stepping in and providing opportunities at local level for EU citizens to find support.”

Roma Support Group is a charity based in London supporting Eastern-European Roma migrants since 1998.

The above quote is also available as a video at <https://youtu.be/LwZcHlt2CBU>.