

By email:

Tom Pursglove MP - Minister for Immigration
Lord Sharpe of Epsom - Parliamentary Under Secretary of State at the Home Office

CC:

Home Office SUG team
Independent Monitoring Authority

5 March 2024

Dear Tom Pursglove MP,

Grant Funded Organisations providing complex EUSS advice and support services

We are writing:

- to ask for evidence to substantiate the Home Office claim that there is 50% spare capacity in the grant funded organisations providing complex EUSS advice and support.
- to express our concern that the method that appears to be used to calculate capacity has led, and continues to lead, to disastrous funding cuts in this essential sector.

Home Office claim that there is 50% spare capacity

In your [December 2023 letter to the3million](#)¹ about late applications, you wrote:

"In the first quarter of the new funding model [...] the OISC level 2 organisations are showing around 50% of their capacity is available, based on their grant funding bid proposals."

The first quarter of the new funding model covered the period 1 July - 30 September 2023.

This funding was split² approximately as follows:

- **Lot A - 60% of the total funding** to cover four organisations, one organisation in each of England, Wales, Scotland and Northern Ireland accredited to *OISC Level 1 Limited to EUSS* and *OISC Level 1*
- **Lot B - 40% of the total funding** to cover 13 organisations to operate UK wide, accredited to *OISC Level 2 and above* to provide **complex EUSS advice and support services**³

¹ <https://the3million.org.uk/publication/2023122101>

² <https://www.contractsfinder.service.gov.uk/notice/14b02c43-3dca-474a-8f47-a3070eb59f14>

³ <https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations#organisations-providing-complex-euss-advice-and-support-services>

On 17 July 2023, less than three weeks into this first quarter of the new funding model, changes to the EU Settlement Scheme were announced⁴ that made having reasonable grounds for a delay in making an application a requirement for making a valid application.

These changes came into effect on 9 August 2023, less than halfway through the first quarter of the new funding model.

The overall impact of these changes is twofold:

1. it pushes a large amount of EUSS work from Lot A organisations to Lot B organisations
2. it greatly increases the effort required to be spent on each late applicant eligible for EUSS status

The main factors that combine to create these two impacts are:

- When EUSS applications are rejected as invalid, they do not come with a right of appeal or right of administrative review. An applicant who is otherwise eligible to the EU Settlement Scheme only has the option to submit a further late application, or to request Judicial Review.
- For a late application to be successful, far more preparation and inclusion of often difficult to obtain evidence is required than before, in order to explain why someone missed the deadline for making an application. This is especially so for a repeated late application, after a previous refusal or rejection, which will be the case for many people who try to apply on their own first, before finding a GFO to help them.
- Submitting judicial reviews requires a Lot B organisation, since it requires an *OISC Level 3* advisor⁵.
- Submitting EUSS applications where it is not straightforward that the Home Office will accept that it meets the 'reasonable grounds' threshold requires a Lot B organisation, since such applications are, in our view rightly, no longer permitted⁶ to be done by *OISC Level 1* advisors.

During the first quarter of the new funding model (Jul-Sep 2023), there were still over 55,000 late applications. These made up 58% of the types of EUSS applications in that quarter that are considered to be complex, i.e. late applications, applications based on derivative rights and applications from joining family members. The latest published statistics show that in the second quarter of the new funding model (Oct-Dec 2023), there were almost 70,000 late applications.

What we are hearing on the ground from Lot A funded organisations, and from migrant organisations that are not funded by the Government, is that it is extremely difficult to find OISC Level 2 and above advisors to refer people to.

We have spoken to several of the Lot B organisations, who told us that they did not recognise the 50% capacity claim from their experience, and that they have flagged capacity issues in their reporting to the Home Office. One organisation said:

⁴ <https://questions-statements.parliament.uk/written-statements/detail/2023-07-17/hcws954>

⁵ <https://www.gov.uk/government/publications/competence-oisc-guidance-2012/oisc-guidance-on-competence-2017-level-2>

⁶ <https://www.gov.uk/government/publications/guidance-for-euss-advisers>

“The inference from the Home Office that OISC L2 organisations are working at 50% capacity definitely does not agree with our delivery, demand for our services or reporting for Q2. Things have definitely not slowed down and I am worried about the implications of any suggestion that they have and the impact it could have on the future of this funding stream. I also do not understand how the Home Office can comment with confidence on how much capacity we have available from our reporting, as any kind of meaningful calculation on that issue would surely have to focus on how much time we spend on supporting people as opposed to the numbers we report?”

Further changes to the EU Settlement Scheme were announced⁷ on 7 September 2023, which removed the right of administrative review for EUSS eligible refusals, for any decisions made after 5 October 2023. The only available judicial redress will now be the continued right of appeal.

This has continued the above mentioned trend to push more work from Lot A to Lot B organisations (as Lot A organisations could submit administrative reviews but cannot undertake appeals work⁸), and to further increase the level of effort required to finally obtain status for an individual who is eligible for status under the EUSS (as an appeal requires vastly more work than requesting an administrative review).

We therefore ask the following questions:

Q1. In your letter, you write *“In the first quarter of the new funding model [...] the OISC level 2 organisations are showing around 50% of their capacity is available, based on their grant funding bid proposals.”*. Does this mean that you have based your capacity calculation on a simple comparison between the number of individuals that Lot B organisations estimated they would reach in their grant funding bid proposals and the figures that they are now providing in the regular funding reports?

Q2. Could you set out the exact basis for the calculation that was used to determine the claim that around 50% of their capacity is available? Is the calculation based on the number of people that access an organisation, or the number of people that are supported by an organisation, or the number of EUSS applications that have been submitted by the organisation, or a different number?

Q3. Would you agree that:

- a. the organisations bidding for this funding could not have known about the changes announced on 17 July 2023, taking effect on 9 August 2023?
- b. the effect of the changes that took effect on 9 August 2023 resulted in a class of EUSS applications that can no longer be handled by Lot A organisations and instead have to be handled by Lot B organisations?
- c. the effect of the changes that took effect on 9 August 2023 resulted in late EUSS applications requiring more time and resource per application?
- d. therefore - given changes on 9 August 2023 - any comparison between the number of applications / individuals that a Lot B organisation initially predicted in their bid

⁷ <https://questions-statements.parliament.uk/written-statements/detail/2023-09-07/hcws1009>

⁸ <https://www.gov.uk/government/publications/guidance-for-euss-advisers>

proposals that they could handle, versus the number of applications / individuals that a Lot B organisation reported they handled in the **first** quarter of the new funding model (Jul-Sep 2023), cannot be indicative of spare capacity in such an organisation?

Q4. Would you agree furthermore that:

- a. the organisations bidding for this funding could not have known about the changes announced on 7 September 2023, taking effect on 5 October 2023?
- b. the effect of the changes that took effect on 5 October 2023 resulted in a further class of EUSS applications that can no longer be handled by Lot A organisations and instead have to be handled by Lot B organisations?
- c. the effect of the changes that took effect on 5 October 2023 result in refused EUSS applications requiring more time and resource per application due to administrative reviews no longer being available?
- d. therefore - given changes on 5 October 2023 - any comparison between the number of applications / individuals that a Lot B organisation initially predicted in their bid proposals that they could handle, versus the number of applications / individuals that a Lot B organisation report they handled in the **second** quarter of the new funding model (Oct-Dec 2023), cannot be indicative of spare capacity in such an organisation?

Q5. Would you agree that, irrespective of any predicted individuals / applications that an organisation predicts it can handle when submitting a bid proposal, the following minimum information must be available to the Home Office in order to make any claims about any spare capacity within an organisation:

- a. the number of individuals supported by the organisation under the GFO funding model, and
- b. the number of individuals who the organisation would have wanted to support under the GFO funding model, but who either had to be supported under other funding, or had to be turned away, and
- c. the amount of GFO funding that was used towards the reported number of individuals that were supported (or applications that were submitted), and
- d. an explanation of any reasons why the average resource required to be spent per individual / application in the quarter being reported is different than predicted in the bid proposal, in the knowledge that the Home Office will consider reasons for this difference before making changes to funding being allocated to the reporting organisation?

Q6. As we highlighted at the December 2023 meeting of the UK-EU Specialised Committee on Citizens' Rights, at least one GFO is facing having its funding offer withdrawn altogether because it has refused to comply with a Home Office request to identify the vulnerable people that use its service. The Home Office has stated that its latest grant funding has brought "the total amount of support for the grant funded network of organisations to £32 million since 2019." £1 million of this is set to be spent in the next financial year, April 2024 - March 2024.

Please could you confirm how much of the £31 million allocated for the years from 2019 to March 2023 has actually been paid out to Grant Funded Organisations?

Our concern about continued funding cuts

We wish to firstly state that we appreciate the funding that has been provided by the UK Government, via Grant Funded Organisations, to help EU citizens secure their rights to continue living in the UK following the decision to leave the European Union.

We accept that £32 million has been made available to GFOs for the six-year period from April 2019 to March 2025 (subject to our question Q6 above).

However, this must continue to be seen in the light of the fact that the Government has no accurate way of knowing how many people were resident in the UK before their Free Movement rights were removed, requiring them to make an application to the EUSS to retain their ability to continue living in the country they call home. This is something we addressed at length in our joint letter with ILPA, signed by 55 other organisations in November 2023⁹, about the rejections of late applications to the EUSS.

In May last year, when the new funding model was announced, we wrote¹⁰ to you about our concerns around this new funding model. We specifically set out our well-founded concerns about the funding split between Lot A and Lot B.

We also expressed our grave concern about the planned further reduction in funding that is set to come in from April this year.

We reiterate here in full what we wrote to you over 9 months ago in May 2023¹¹:

*“According to the Home Office this reduction in funding is based on a **preemptive assumption that there will be less demand for services** in the latter financial year. It is unclear what factors have been considered for the Home Office to arrive at this conclusion and there has been no data published from the existing GFO funding program to support such a conclusion. As indicated above, application rates are not currently in decline.*

In fact, there likely will be a higher proportion of vulnerable people (and cases of increasing complexity) who have a right of settled status in 2024/25 than in 2023/24. This cohort will need the GFO network to acquire this much-needed status that will give them greater security and access to welfare support.

We are concerned that the Home Office views the demand for services through the prism of numbers of potential applicants seeking assistance, rather than a far more accurate representation of demand which is how much assistance an applicant needs. The EUSS support sector reports an increase in the complexity of EUSS cases they are advising on, in addition to increased needs of vulnerable applicants who often require assistance accessing

⁹ <https://the3million.org.uk/publication/2023122101>

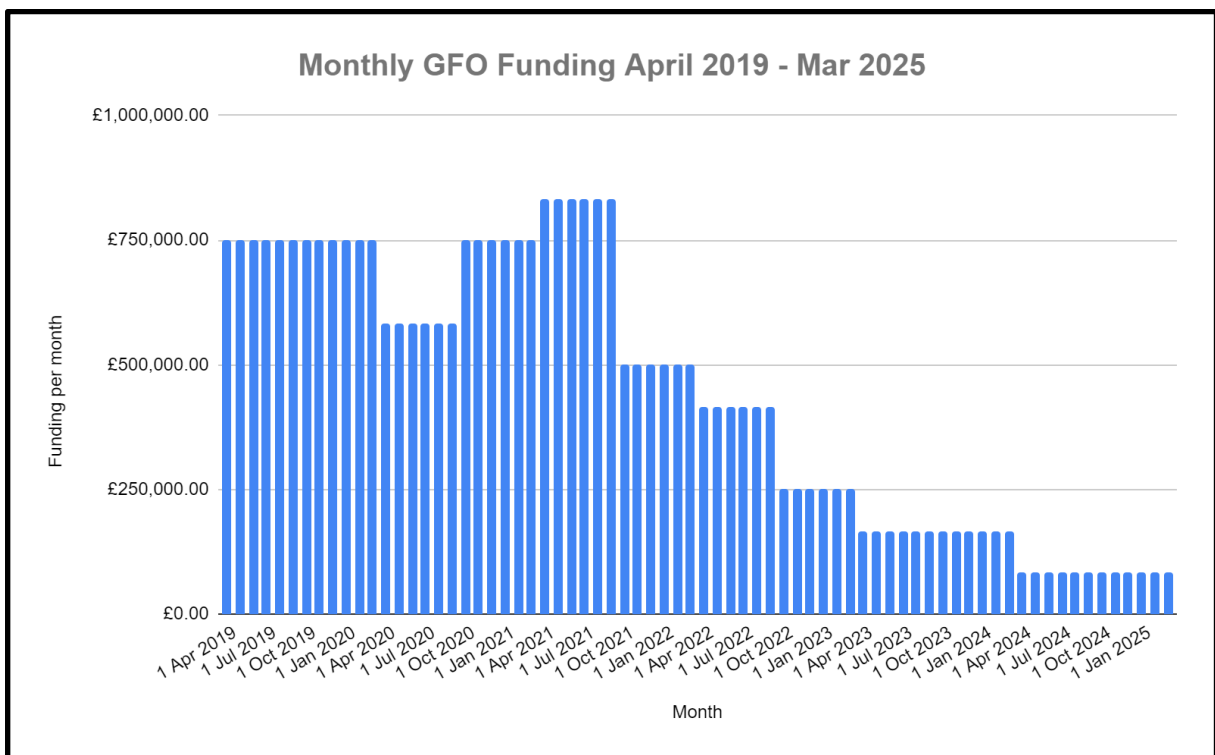
¹⁰ <https://the3million.org.uk/publication/2023061301>

¹¹ <https://the3million.org.uk/publication/2023052402>

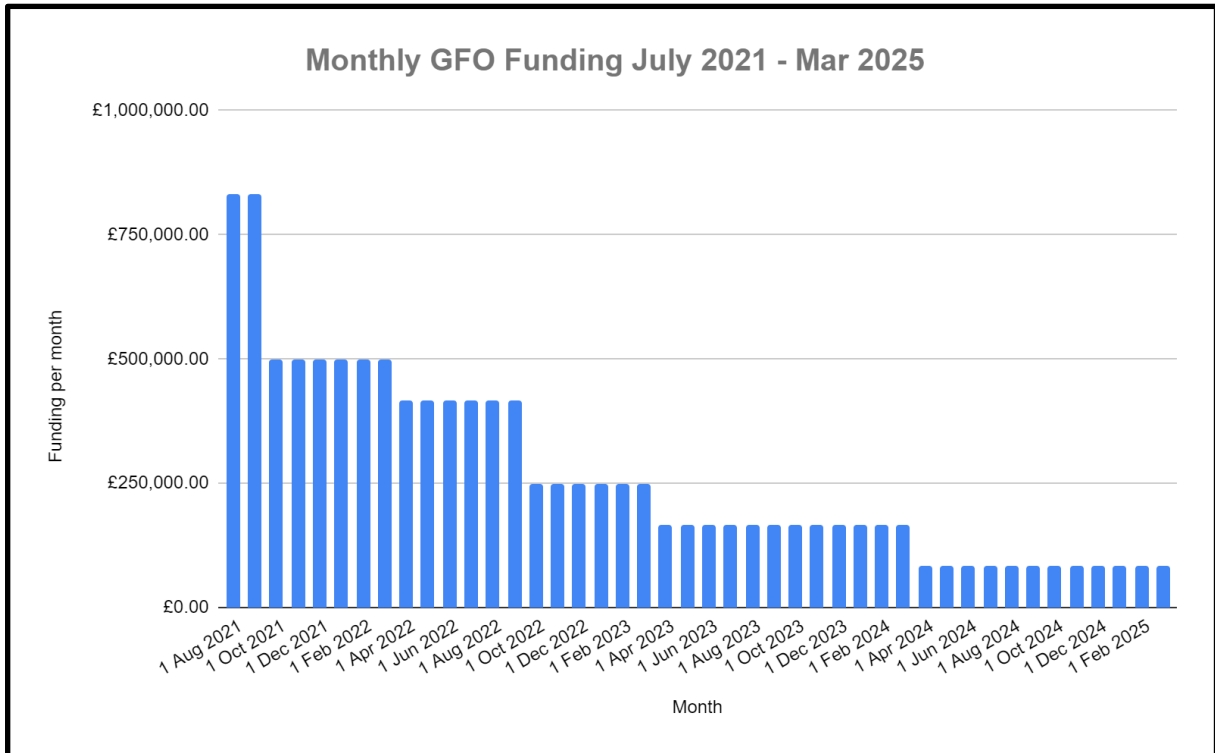
rights whilst they await the outcome of their application, or even once they have been granted status due to the inability to engage with the digital-only status.

Whilst it may be the case that actual demand for services decreases in the second year of the funding, our view is that the decision on the level of funding should be taken closer to the time and should be an evidenced based decision that assesses what is reported by organisations delivering support in the first financial year."

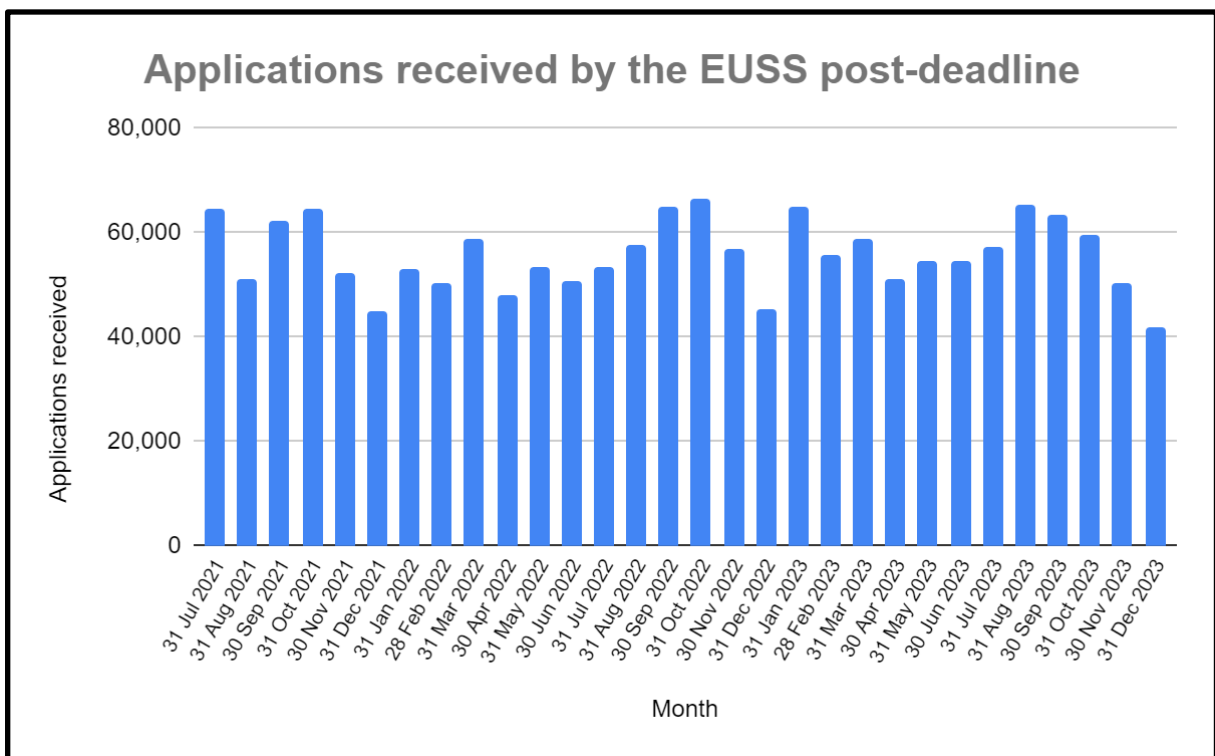
We have calculated how the £32 million GFO funding has been announced over time, from the available information in the public domain (we list our sources in the appendix), and shown how much has been available per month between April 2019 and March 2025:



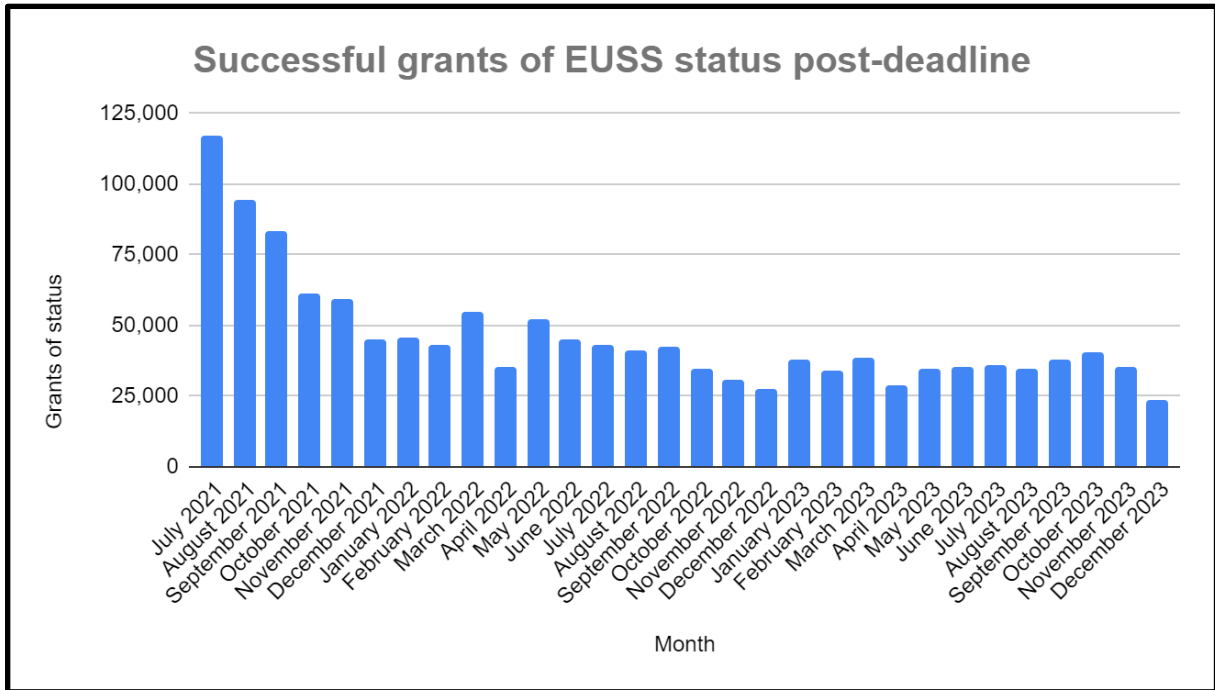
The following graph shows the period since the EUSS deadline, i.e. from 1 July 2021, when the need to protect vulnerable citizens at risk of Windrush-type impacts kicked in:



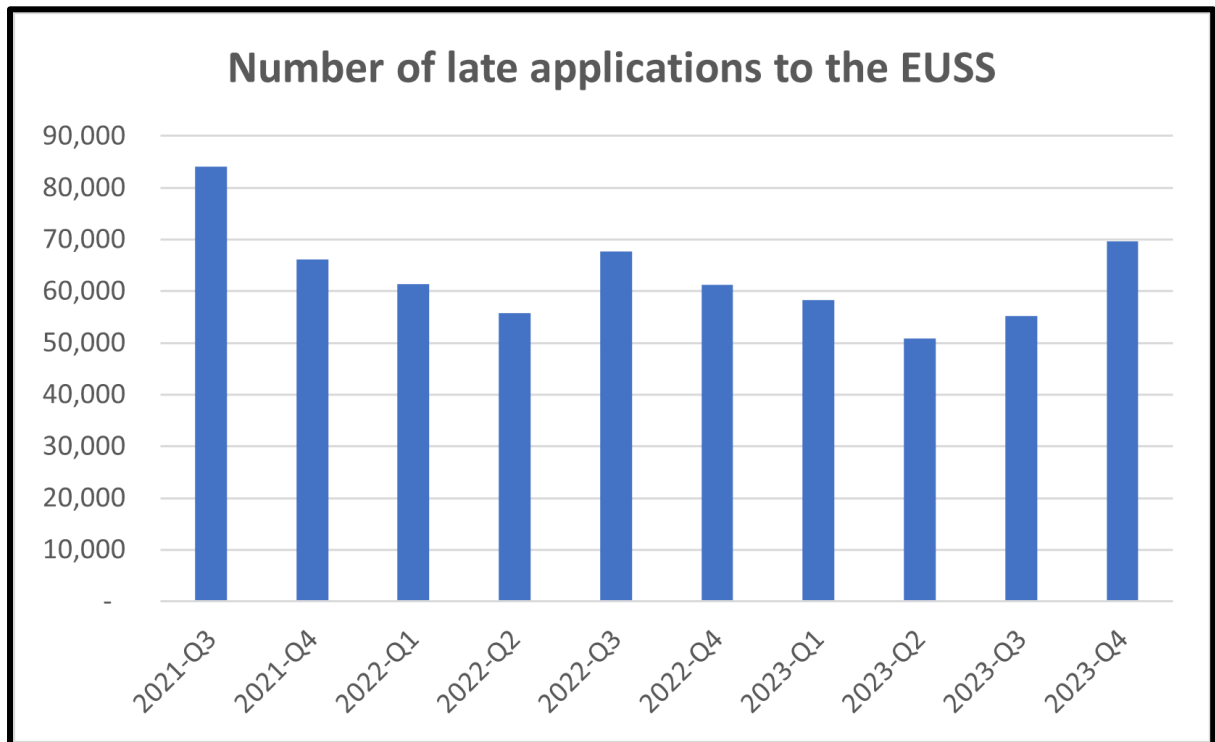
In that same period however, the number of EUSS applications submitted to the EUSS has stayed remarkably constant (even though the latest EUSS statistics show a dip in applications in November and December 2023, this dip was also seen in Nov/Dec 2021 and Nov/Dec 2022, and is likely to be related to the Christmas period):

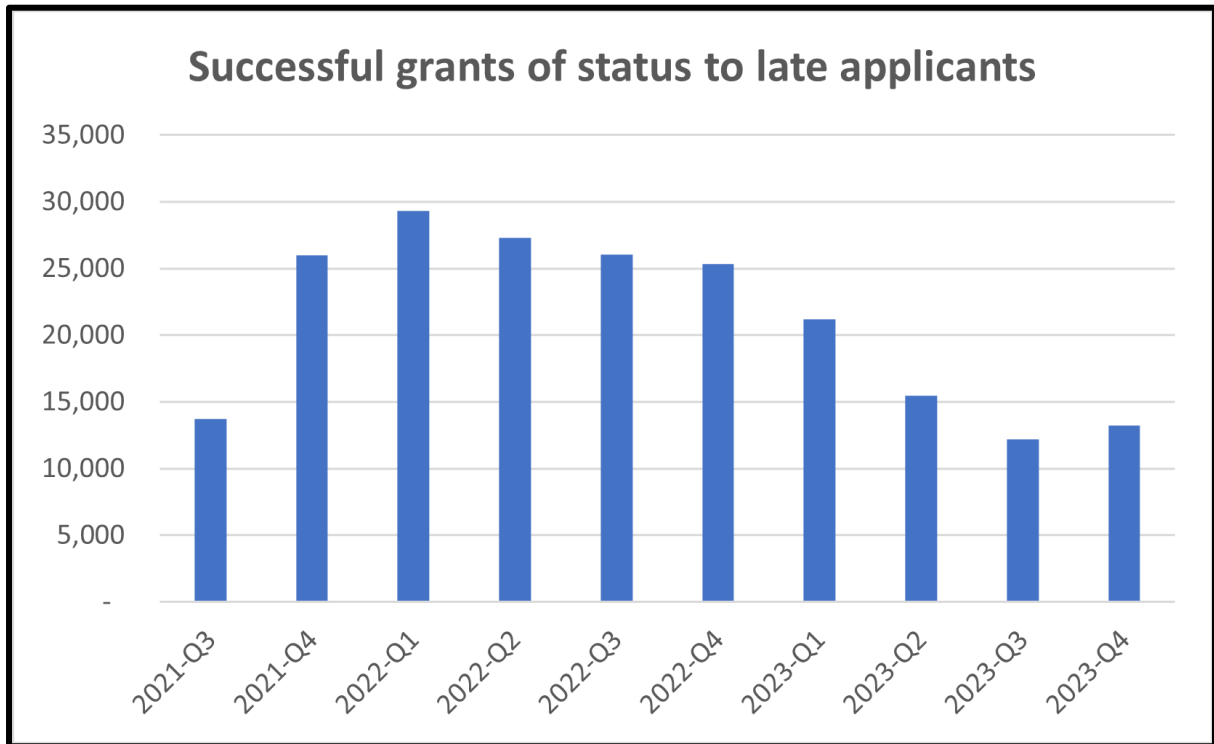


By looking just at successful grants of status after the deadline, it is clear that (processing the huge June 2021 backlog aside) the monthly grants of status have similarly stayed relatively constant:



Even if one only looks at late EUSS applications and successful grants, there is no discernible drop-off during 2023.





It is therefore not obvious on what basis the decision has been justified to reduce the monthly funding so starkly going forward.

We now ask the following questions:

Q7. Was the contract (that was announced in April 2023 for the new funding model for July 2023 - March 2025¹²) made in the knowledge that the EU Settlement Scheme would be changed in the ways that were announced on 17 July 2023 and 7 September 2023?

- a. If so, how did that influence the decision that April 2024 to March 2025 would be funded at half the monthly rate as compared to the period from July 2023 to March 2024?
- b. If so, how did that influence the funding split between Lot A (60%) and Lot B (40%)?

Q8. Given everything we have set out in our letter above:

- a. Will the Home Office urgently reconsider the level of combined GFO funding from April 2024 onwards?
- b. Will the Home Office urgently reconsider the funding split going forward between Lot A and Lot B?

Kind regards,

Monique Hawkins

Interim Co-CEO and Policy and Research Officer, the3million

¹² <https://www.contractsfinder.service.gov.uk/notice/14b02c43-3dca-474a-8f47-a3070eb59f14>

Appendix: Information sources for funding

Start date	End date	Funding	Cumulative	Comment	Link
1 Apr 2019	31 Mar 2020	£9 m	£9 m	Tender 1	Govt News story
1 Apr 2020	30 Sep 2020	£3.5 m	£12.5 m	<i>continuity funding before tender</i>	Contracts Finder
1 Oct 2020	31 Mar 2021	£4.5 m	£17 m	Tender 2	Govt Press release
1 Apr 2021	30 Sep 2021	£5 m	£22 m	<i>extension</i>	Archived media factsheet
1 Oct 2021	31 Mar 2022	£3 m	£25 m	<i>extension</i>	Govt News story
1 Apr 2022	30 Sep 2022	£2.5 m	£27.5 m	<i>extension</i>	Govt News story
1 Oct 2022	31 Mar 2023	£1.5 m	£29 m	<i>extension</i>	Archived media factsheet
1 Apr 2023	30 Jun 2023	£0.5 m	£29.5 m	<i>continuity funding before tender</i>	Contracts Finder
1 Jul 2023	31 Mar 2024	£1.5 m	£31 m	Tender 3	Govt News story
1 Apr 2024	31 Mar 2025	£1 m	£32 m		