



To: Maria Malmer Stenergard, Swedish Migration Minister

Cc: European Commission

4 April 2023

Dear Ms Malmer Stenergard,

Deportation of British woman with Alzheimer's from care home

Together with the undersigned organisation, we write to express our grave concern at reading the latest report about the potential deportation of Kathleen Poole from Sweden, as published in the Guardian newspaper [yesterday](#)¹ and again [today](#)².

the3million is the largest grassroots organisation of EU citizens in the UK, formed after the 2016 EU referendum to protect the rights of people who have made the UK their home. We have worked shoulder to shoulder with “British in Europe” since the 2017 negotiations on the citizens’ rights part of the Withdrawal Agreement, as our aims were identical.

For almost seven years now, we have dedicated ourselves to protecting the rights of all British and EU citizens who had made their lives on opposite sides of the English Channel before the UK voted to leave the EU. The overwhelming majority of these citizens had not been allowed a vote in this decision, and simply wanted to be able to ‘continue living their lives as though Brexit hadn’t happened’, in the words of Michel Barnier.

Our rights and challenges were a mirror of each others’, which is why the3million and British in Europe stood side by side throughout, declaring that “we are not bargaining chips”.

Since the Withdrawal Agreement was signed, our organisations have turned to monitoring its implementation within our respective host countries.

Within the UK, the3million advocated for, amongst many other issues, a fair and reasonable treatment of adults who lacked mental capacity. Foreseeing what can happen when people do not have a formal Power of Attorney in place, Migrants Organise and the3million jointly wrote to the UK Government in September 2020³ to highlight this particular issue.

This has resulted in UK Home Office guidance⁴ which contains a detailed section on who can make applications to the EU Settlement Scheme on behalf of a vulnerable adult while addressing safeguarding concerns. This explicitly makes provision for friends, relatives, or carers to make such applications, in the absence of a power of attorney.

¹ <https://www.theguardian.com/world/2023/apr/03/swedish-police-moving-ahead-plan-deport-uk-woman-alzheimers>

² <https://www.theguardian.com/world/2023/apr/04/family-of-uk-woman-with-alzheimers-vow-to-stop-deportation-from-sweden>

³ <https://the3million.org.uk/publication/2020091601>

⁴ <https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

Furthermore, the guidance makes explicit provision for alternative evidence of identity:

*“There may be reasons why an applicant in the UK cannot provide the required proof of identity and nationality in the form of (for a European Economic Area (EEA) or non-EEA citizen) a valid passport, (for an EEA citizen) a valid national identity card, or (for a non-EEA citizen) a valid biometric residence card or a valid biometric residence permit. **You may accept alternative evidence of identity and nationality where the applicant cannot obtain or produce the required document due to circumstances beyond their control or due to compelling practical or compassionate reasons.”***

The guidance provides a non-exhaustive list of circumstances where alternative evidence may be accepted, including where **“it would be impossible or unreasonable for them to obtain or produce the required document due to a serious medical condition or due to their mental capacity”**.

Alternative evidence explicitly lists *“an expired passport or other required document, bearing the applicant’s name and photograph”* and *“an official document issued by the authorities of the applicant’s country of origin which confirms their identity and nationality, including birth certificate, marriage certificate, driving licence, tax / social security statement, national service document, or emergency travel document or similar – this is not an exhaustive list and other similar documents may be considered.”*

The guidance urges the caseworker to explore all possible options to ascertain the applicant’s identity and nationality, and to furthermore work with the applicant’s embassy or consulate to seek confirmation. From the newspaper articles on this case we are assuming that the British embassy is supportive of Kathleen Poole’s identity.

The guidance also requires caseworkers to demonstrate flexibility in considering eligibility evidence: *“Some applicants may lack documentary evidence in their own name for various reasons; **you must work flexibly with applicants** to help them evidence their continuous qualifying period of residence in the UK by the best means available to them.”* A list of acceptable evidence explicitly includes **“a dated and signed letter from a registered care home confirming the period of residence in the home - this will be treated as evidence of residence for that period”**.

Although our published correspondence⁵ shows that the3million has many points of disagreement with the Home Office, we would like to make clear that these provisions for people lacking mental capacity and struggling to evidence their eligibility for the EU Settlement Scheme have been well thought through, and are compulsory, along the lines demanded by Article 18(1)(e) of the Withdrawal Agreement: *“the host State shall ensure that any administrative procedures for applications are smooth, transparent and simple, and that any unnecessary administrative burdens are avoided”*.

We therefore write to you today in solidarity with Kathleen Poole and her family, and strongly urge you to reconsider any potential decision to remove her from Sweden, using the discretion encouraged by the Withdrawal Agreement to leave her and her family the ability to continue living their lives as though Brexit hadn’t happened.

Yours sincerely,

Monique Hawkins and Andreea Dumitrache, Interim Co-CEOs of the3million

⁵ www.the3million.org.uk/library



Endorsed in solidarity by the following organisations:

Mihai Calin Bica, Brexit Information and Campaigning Worker, **Roma Support Group**

Tamara Flanagan OBE, Senior Adviser, **New Europeans**

Caroline Coombs, CEO, **Reunite Families UK**

Kate Smart, CEO, **Settled**

William Gomes, Director, **The William Gomes Podcast**

Brian Dikoff, Legal Organiser, **Migrants Organise**

Kendall Bousquet, Team Leader for Advocacy and Development, **Migrant Centre NI**

John Gaskell, Chair, **Grassroots for Europe**

Mike Galsworthy, Chair, **European Movement**

Adis Sehic, Policy and Research Officer, **Work Rights Centre**

Rosalind Stevens, Project Manager, **Civil Society Alliance**