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BY EMAIL ONLY

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Chair
Home Affairs Committee
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EU Settlement Scheme

Thank you for your letter of 3 March about the EU Settlement Scheme (EUSS). I am sorry for the delay in responding to your letter.

As you note, the EUSS is performing well. More than 3 million grants of status under the scheme have already been made and there is still well over a year to go before the deadline of 30 June 2021 to apply. The latest published statistics for the EUSS are available here: <https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>.

I would like to begin by updating you on how the EUSS has been affected by the current pandemic. In line with the latest Public Health England advice on the Coronavirus, some of the support services and application routes for the EUSS have temporarily changed. However, individuals can continue to apply using any laptop or mobile device and they can still use the EU Exit ID Document check app to complete the identity stage of their application. While applications continue to be processed, during this challenging time they will take longer than usual. A range of support continues to be available online, by email and telephone for those who have questions or need help applying. The Home Office is keeping this situation under constant review and will endeavour to reinstate support services and application routes to their original capacity in line with public health guidance.

The Settlement Resolution Centre will continue to respond to email enquiries and provide a call back function when required. However, it is following all the latest Public Health England advice to work from home where possible and will no longer be answering inbound telephone calls. Emails from support organisations will be prioritised where possible.

There are 57 voluntary and community sector organisations across the UK which can offer assistance online, over the telephone or by email to help more vulnerable or at-risk people to apply. Further details can be found at: <https://www.gov.uk/help-eu-settlement-scheme>. We are putting measures in place to continue to support these organisations through the current period until the bidding process for future funding has concluded (more detail in response four).

Additional support is available for those who do not have the appropriate access, skills or confidence to apply online through Assisted Digital, which can offer assistance over the telephone. More information can be found at: www.gov.uk/assisted-digital-help-online-applications. Communications materials have been translated into 26 languages and are available online at: www.gov.uk/eu-settlement-scheme-translated-information-materials. Alternative formats can also be requested.

The postal route for submitting identity evidence is currently suspended. All documents already posted will be processed and returned as quickly as possible.

The identity document scanner locations are also suspended at this time following the latest public health guidance to protect staff. Individuals can still use the EU Exit ID Document check app to complete the identity stage of their application.

The Home Office and our delivery partners are keeping this situation under constant review and will endeavour to reinstate both the postal route for submitting identity evidence and the identity document scanner locations to their original capacity in line with public health guidance. We will continue to keep applicants and stakeholders updated, including through the EUSS guidance available on gov.uk.

Turning to the questions raised by the Committee, I will address these in turn.

Supporting applicants

1. How does the Government intend to ensure that the estimated one million individuals who are yet to apply to the Settlement Scheme do so before 30 June 2021?

As noted above, more than 3 million grants of status under the EUSS have already been made. In order to ensure that the remaining resident EEA and Swiss citizens and their family members understand how, and by when, to apply to the scheme, the Home Office has put in place a comprehensive communications and engagement plan, using all available channels to reach our audiences, such as marketing, presentations, email updates, toolkits and webinars.

The Home Office ran a £4 million marketing campaign in 2019 to encourage EEA and Swiss citizens and their family members to apply to the scheme and a new £1m campaign of advertising ran recently to encourage those who have not yet applied to do so. Alongside this campaign activity, we have also undertaken extensive engagement and outreach with stakeholder groups, including employers, local authorities and community organisations.

We are determined that no-one will be left behind, which is why we are also working in partnership with representatives of vulnerable groups and other experts to make sure everyone knows what they need to do and has the right level of support.

2. What research or analysis has the Government done to determine which groups of people or areas of the country have seen disproportionately low numbers of

applications? And which areas, nationalities or groups of people have seen disproportionately low numbers of applications?

Since May 2019, the Home Office has published monthly and quarterly statistics on the number of applications to the EUSS and their outcomes (1). Figures in the EUSS publications refer specifically to applications made to the scheme and cannot be directly compared with Office for National Statistics (ONS) estimates of the resident population of EU/EEA citizens in the UK (2). EUSS data include non-EEA national family members and eligible EEA citizens not resident in the UK. None of these are usually included in ONS estimates of the resident EU/EEA citizen population. Furthermore, the population estimates do not take account of people's migration intentions and will include people who have come to the UK for a range of purposes, including some who have no intention to settle in the UK.

Although it may seem that these two publications cover equivalent populations, a simple comparison of numbers of EUSS applications and the ONS population estimates cannot be used as a proxy for estimating the proportion of eligible people who have applied to the EUSS. This is because, whilst there is a broad overlap in the population covered by the two sets of statistics, there are still important differences in coverage, accuracy and timing. These are explained in detail in the ONS Technical Note on the difference between ONS population estimates by nationality and EUSS statistics (3).

Nevertheless, the Annual Population Survey, from ONS, provides the best source of data for EEA citizens (excluding Irish citizens) resident in the UK. Comparing EUSS intake to resident population estimates may provide a relative illustration across areas, nationalities or groups of people resident in the UK and therefore whether particular cohorts may have yet to apply to the EUSS in broadly the numbers which might be expected

For example, as of 29 February 2020, there had been 639,200 applications from Polish citizens, while the ONS estimates between 856,000 to 948,000 Polish citizens resident in the UK between July 2018 and June 2019. By contrast, as of 29 February 2020, there had been 166,200 applications from Bulgarian citizens, compared to ONS estimates of between 93,000 to 125,000 Bulgarian citizens resident in the UK between July 2018 and June 2019. We can therefore assume that, proportionally, Polish citizens are applying in lower numbers, compared to Bulgarian citizens. We are using this data to inform our communication and outreach efforts.

Source:

(1) Home Office, EU Settlement Scheme statistics

<https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

(2) ONS, Population by Country of Birth and Nationality

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/ukpopulationbycountryofbirthandnationality/latest>

(3) ONS, Technical Note on the difference between ONS population estimates by nationality and Home Office EU Settlement Scheme statistics

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/noteonthedifferencebetweenonspopulationestimatesbynationalityandhomeofficeeuropeanunionsettlementschemeusstatistics/2020-02-24>

3. What work is being done to address these gaps?

In September-October 2019, and February of this year, the EU Settlement Scheme ran local events in nine locations across the UK, including Great Yarmouth, London,

Aberdeen, Nottingham, Leeds and Birmingham. These events tested the concept of local, temporary installations aimed at engaging partners (e.g. local authorities, community groups and grant funded organisations), creating new strategic relationships and supporting EU citizens face to face. This also included outreach specifically targeted at Polish citizens, in response to the data outlined above.

In line with public health guidance on social distancing, the next phase of planned pop-up events across the UK has been postponed, to protect staff, our partners and the public. We are also reviewing our planned presence at a number of large-scale events which were due to be hosted by partners later this year. However, the Home Office continues to collaborate with partners, including embassies, employers, local governments and the voluntary sector, to establish what promotion and engagement can be effectively achieved through virtual platforms, extending our range of online and dial-in events.

Following a further, £1 million national advertising campaign earlier this year, research and planning continue in order to further refine and inform our communications activity under current constraints.

4. Will the Government be extending the funding provided to groups supporting vulnerable applicants, so that they can continue to provide valuable services to EU citizens beyond April 2020? If so, when will this be announced, and for how long will the funding last? If not, why not?

On 6 March 2020, the Home Office announced a further £8 million of funding for the 2020-21 financial year to help vulnerable and at-risk EEA citizens apply to the EUSS, on top of the £9 million of funding awarded for the 2019-20 financial year to 57 voluntary and community organisations across the UK.

Local authorities as well as voluntary and community organisations will be able to bid for this further funding to provide support to vulnerable and at-risk people across the UK and to help ensure no one is left behind. Funding to the existing service providers will be maintained while the bidding process proceeds for the further funding. Further information is available here: www.gov.uk/government/news/8-million-to-help-vulnerable-people-apply-to-the-eu-settlement-scheme.

5. What additional support is the Government providing to local authorities and care providers to ensure that children and young people in care who are eligible to apply under the Settlement Scheme are assisted in doing so?

The Home Office has engaged extensively with relevant stakeholders, such as the Department for Education, the Local Government Association, the Ministry of Justice, the Association of Directors of Children's Services and equivalents in the devolved administrations, to understand and address the needs of looked after children and care leavers and to ensure they are supported.

It has been agreed nationwide that local authorities and (in Northern Ireland) health and social care trusts are responsible for making an EUSS application on behalf of an eligible looked after child for whom they have parental responsibility by way of a court order. Responsibilities to signpost and support have also been agreed in relation to those children for whom there is no court order, but for whom the local authority has a clear interest in supporting the best interests of the child, for example, children accommodated by the local authority, care leavers and children in need.

Guidance has been issued to local authorities regarding their role and responsibilities for making or supporting applications for looked after children. Guidance is regularly reviewed to ensure its effectiveness for front line local authority staff. A refreshed version of the guidance for local authorities in relation to looked after children will be published on gov.uk shortly.

The Home Office has attended Local Government Association events to raise awareness of the EUSS and share information with local authorities. It has also been holding monthly teleconferences specifically for local authority staff responsible for making applications for looked after children, in order to support them and provide a direct point of contact for them within the Home Office. These activities are set to continue.

In addition, a new burdens assessment has been conducted and funding issued to local authorities who have responsibilities for carrying out specific duties in relation to looked after children and care leavers to ensure they are adequately funded to do this work.

6. What is the Government's response to the recent report published by the 3million and Northumbria University, Experiences and impact of the EU Settlement Scheme, which found that nearly 90% of EU citizens surveyed were unhappy with receiving only a digital status and wished to have a physical document as well?

The Home Office is developing a border and immigration system which is digital by default for all migrants, which over time means we will increasingly replace physical and paper-based products and services with accessible, easy to use online and digital services. This mirrors the approach adopted by other countries, such as Australia, in administering their immigration systems and the way in which people increasingly live their lives.

Individuals, including those applying under the EUSS, will still receive written notification of their immigration status, by email or letter, which they can retain for their own records. They will also be given access to a digital version of their immigration status information, which can be accessed at any time via the online 'view and prove' service, and which unlike a physical document cannot be lost, stolen, damaged or tampered with. It also allows individuals to view information about their status whenever they wish and share it securely with third parties such as employers or public and private service providers.

We are making this move because we believe it provides a better level of service. Individuals have greater transparency and control over their immigration status data, and tailored digital services mean that only the information that the individual agrees to share is shown, unlike a physical document which must fulfil many purposes. Digital services also allow us to provide information in a format that is easy to understand and accessible to all users, removing the need for employers, landlords and others to interpret myriad physical documents, complex legal terminology or confusing abbreviations. Users can be confident that they are getting information direct from Home Office systems and that it tells them what they need to know.

This change is being rolled out incrementally and with plenty of support available to help holders use their new digital status. In the meantime, we have confirmed that EEA and Swiss citizens can continue to use their valid passport or national identity card to demonstrate their rights and entitlements in the UK, for example in checks by employers and landlords, until 30 June 2021.

The application deadline

- 7. What will happen to EU citizens who, for whatever reason, fail to apply to the Settlement Scheme before the deadline?**
- 8. In October 2019 Brandon Lewis MP said that citizens who fail to confirm their status through the Settlement Scheme by the deadline may be subject to deportation, but in January 2020 Guy Verhofstadt reported being told by the Government that there would be no automatic deportation. Could you clarify the situation: will EU citizens who have failed to confirm their status through the Settlement Scheme by the end of June 2021 be subject to deportation from the UK?**
- 9. Will there be any facility to apply for status under the Scheme beyond the deadline?**
- 10. How will this be done?**
- 11. What will be considered reasonable grounds for a late submission?**

More than 3 million grants of status under the EUSS have already been made and there is still well over a year to go before the deadline to apply of 30 June 2021. We want EEA and Swiss citizens who have made their lives here to stay and our focus remains on ensuring all those eligible to apply to the EUSS do so in good time.

Where someone has reasonable grounds for missing the deadline, they will be given a further opportunity in which to apply. As with all aspects of the scheme we will take a flexible and pragmatic approach. We intend to publish guidance for caseworkers in due course on what constitutes reasonable grounds for missing the deadline to ensure consistency of approach. Examples will include children whose parent or guardian does not apply on their behalf; those in abusive or controlling relationships who are prevented from applying or accessing the documents they need to do so; and those who lack the physical or mental capacity to apply.

The EUSS will remain open beyond 30 June 2021, not just for those with reasonable grounds for applying late, but also to accommodate those granted pre-settled status who will be able in due course to apply for settled status, and close family members living overseas at the end of the transition period (and children born after that date) who later join a resident EEA or Swiss citizen here with status under the scheme, as they are entitled to do under the Citizens' Rights Agreements. The application process will be the same as for those applying now, subject to any technological or other improvements which may be possible in the future.

- 12. Will people who apply under the Scheme beyond the deadline be disadvantaged in any way compared to those who apply before the deadline?**

Those who have not applied to the EUSS by the deadline will not have lawful status in the UK. This means, for example, they will not be able to evidence a right to work or rent if they seek new employment or a new private rental property during the period in which they have no lawful status. However, if they subsequently apply for and obtain status under the scheme, they will enjoy the same rights from the time they are granted status as someone who applied to the scheme before the deadline.

13. Can you please clarify the process by which EU citizens with pre-settled status will be able to upgrade to settled status once they have accrued five years' continuous residence?

EEA and Swiss citizens granted pre-settled status can apply for settled status as soon as they have completed a continuous qualifying period of five years (or meet one of the criteria for qualifying for settled status with less than five years' continuous residence). This must be done before their pre-settled status expires. The application process will be the same as for their original application, subject to any technological or other improvements which may be possible in the future.

Functioning of the EU Settlement Scheme

The monthly and quarterly statistical releases published by the Home Office provide limited information on how well the EU Settlement Scheme is functioning in practice. Further information which is essential for assessing the functioning of the Scheme includes:

14. The number of applications received which have been repeats/duplicates, and the number which have been from the same individual applying for pre-settled status and then applying for settled status (having qualified in the interim)

Figures reported in the statistical publications account for applications to the EUSS, including individuals making an application on more than one occasion. As these are separate applications with separate outcomes, they are counted as separate applications and outcomes in the statistics. This is consistent with how applications are reported across wider Home Office statistics.

Our initial analysis of internal figures suggests that repeat applications currently represent fewer than two per cent of the more than 3.3 million applications the Home Office had received to 29 February 2020. The number of repeat applications will grow as applicants originally granted pre-settled status become eligible and apply for settled status. To continue to meet user needs, the Home Office is exploring options for identifying and reporting follow-on applications (i.e. those moving from pre-settled status to settled status) as part of its regular statistical publications.

15. The number and percentage of applications in which the applicant has supplied additional information or documentation during the application process, and the number and percentage of applications which resulted in the applicant being offered a different status following the submission of additional information or documentation

We do not hold this information. Whether or not an applicant provides additional evidence, and what effect this has on the outcome of their application, is not recorded in a reportable format.

16. The average length of time taken to conclude applications for cases resulting in both settled and pre-settled status, broken down by the percentage of applications concluded in three days, five days, seven days, fourteen days, and more than fourteen days

In the period from 31 March 2019 to 29 February 2020, 59 per cent of cases were concluded in less than 14 days. 41 per cent were concluded in more than 14 days and this includes cases where for example we requested further evidence of UK residence or of the applicant's family relationship to another person. In line with our published caseworker guidance, we give applicants at least three opportunities to provide further information or evidence where this is needed, and therefore some cases can take a lot longer to conclude depending on how quickly the requested information or evidence is provided to us.

We are unable to provide a more detailed breakdown than this as we do not hold the information.

17. The number of administrative reviews which have been requested and conducted, and their results

From 1 November 2018 to 24 February 2020, internal figures show the Home Office received just over 860 administrative review applications relating to EUSS decisions, of which nearly 850 had been decided. Around 18 per cent were rejected as invalid, 2 per cent were withdrawn by the applicant, 14 per cent resulted in the original decision being maintained and 65 per cent resulted in the original decision being overturned. The vast majority of the decisions that were overturned were as a result of the applicant providing additional information or evidence with their administrative review application that was not available to the original decision maker.

18. The number of applications from derivative rights holders (e.g. Zambrano carers) and the number of applications submitted using paper forms, rather than through the online application process

Internal figures show that, up to 29 February 2020, there had been around 17,700 applications made on the basis of a derivative right to reside.

Otherwise, applications made using a paper form are captured on a separate system and then digitised once received. Applications made online are recorded directly on a digital caseworking system, from which the data underpinning the published statistical reports are extracted. At present, applications made using a paper form are not included in the published statistics. The Home Office is currently developing electronic integration of the two systems.

19. Does the Government hold this information? If so, will you provide us with this information (by month and in total) for all applications received up to 31 January 2020, and will the Government commit to include this information in future statistical releases?

In line with the Code of Practice for Statistics, the Home Office openly invites feedback from users to continue developing the quality, usefulness and presentation of statistics on the EUSS.

Where there is an evidenced user need for additional data and, importantly, the data meet the necessary quality standards for official statistics publication, we will consider the figures for future release.

The Home Office is currently developing electronic integration of multiple case working systems from which EUSS data is collated. When this is completed, we should be in a position to include such data in our published statistics.

20. The information requested above on the number of applicants who have provided further information to gain the status to which they are properly entitled was initially provided by the Home Office in its reports on the private and public test phases of the Settlement Scheme. However, statistical releases since the public launch of the Scheme have not included this measure. Why did the Home Office stop reporting this information?

The [EU Settlement Scheme private and public beta testing phase reports](#) were not official statistical publications by the Home Office. The private and public beta testing phases involved much smaller volumes of cases and the Home Office was able to manually monitor the number of applicants who provided further information or evidence in support of their application. Once the scheme opened fully, volumes increased significantly, and this data could no longer be collated via a manual process to the quality assurance standards required of Official Statistics publications.

21. Is the Home Office concerned by the notable rise in rates of grants of pre-settled, rather than settled, status during 2019 (which saw monthly increases from 34% in April 2019 to 47% in November 2019, before a slight drop to 44% in December 2019)? Why does the Home Office believe this happened? What percentage of applicants did the Government expect to receive pre-settled, as opposed to settled, status over the duration of the Scheme? What analysis or evidence underpinned this expectation?

Settled status and pre-settled status under the EUSS reflect the residence rights that EU citizens currently have under EU free movement rules. Under these EU rules, EU citizens generally need to reside in the UK continuously for five years before acquiring the right of permanent residence here, equivalent to settled status under the EUSS. Those continuously resident here for less than five years can get pre-settled status under the EUSS, which protects their rights to live, work, receive benefits and access services here. They can apply for settled status as soon as they have completed five years' continuous residence (or meet one of the criteria for qualifying for settled status with less than five years' continuous residence). However, the UK Government has been more generous under the EUSS than the Withdrawal Agreement requires because all EU citizens resident here by the end of the transition period can apply – not just those who currently qualify for residence rights under EU free movement rules.

More than 3 million grants of status under the EUSS have already been made and there is still well over a year to go before the deadline of 30 June 2021 to apply. Nobody has been granted pre-settled status without first being offered the opportunity to submit evidence that they qualify for settled status. Both pre-settled status and settled status mean people can work, study, receive healthcare and access benefits and services as they do now. Once EU citizens and their family members have five years' continuous residence here, they can apply for settled status, which gives them leave to remain here on an indefinite basis. To be eligible for settled status a person usually needs to have been resident in the UK for five years in a row for at least six months in any 12-month period.

In the Impact Assessment for the EUSS – Updated Analysis (March 2019) (1) – the Home Office estimated that the total number of EEA and Swiss citizens (excluding Irish citizens) eligible to apply to the scheme by the end of the transition period on 31 December 2020 was likely to be between 3.5 million and 4.1 million.

The Impact Assessment noted that Home Office internal analysis estimated that 2.4 million resident EEA and Swiss citizens arrived before 2013 and were likely to be eligible for settled status immediately. This estimate was adjusted to take account of emigration rates, such that 2.2 million were expected to have arrived before 2013 and still be in the UK by the time the scheme opened. This gave an implied estimated range of between 55 per cent and 65 per cent of EEA and Swiss citizens (excluding Irish citizens) assumed to be eligible for settled status immediately, with between 35 per cent and 45 per cent assumed to be eligible initially for pre-settled status.

Given the high level of uncertainty around behavioural responses, including the date on which an applicant chooses to apply, the Impact Assessment did not include estimates of these potential impacts, such as the change in proportion of applications receiving settled status or pre-settled status each month.

The proportion of concluded EUSS applications that have been granted pre-settled status has ranged between 34 per cent in April 2019 to 47 per cent in November 2019, with 42 per cent of concluded applications in February 2020 being granted pre-settled status. We would expect to see such fluctuations and for them to continue. Whether someone is granted settled status or pre-settled status, they have been granted a secure UK immigration status which protects their right to remain in the UK, with the same access to benefits and services as they had before their application.

Source:

(1) http://www.legislation.gov.uk/ukia/2019/74/pdfs/ukia_20190074_en.pdf

22. What representation will EU citizens have on the board of the Independent Monitoring Authority?

The Independent Monitoring Authority (IMA) will be fully independent, with its own legal personality, and run by an independent board containing appropriate expertise in relation to citizens' rights. EU citizens who are interested in joining the IMA board and who meet the relevant requirements will be able to apply for advertised roles alongside other applicants.

I trust this information is helpful and I thank you for your continued interest in the progress of the EUSS.

w.k. all good wishes


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