

Migration Observatory, University of Oxford – Written evidence (CIT0007)

As the deadline for the EU Settlement Scheme approaches, this note examines what we do and do not know about how successfully the scheme has served the diverse range of EU citizens and their family members.

1) The number of people who have not yet applied to EUSS remains unknown

Approximately 5 million people had applied to EUSS by the end of March 2021, after accounting for repeat applications (Home Office, 2021a). These figures continued to rise as the June 2021 deadline approached. The number of applicants greatly exceeds what the government or external analysts expected at the outset of the scheme.

However, these figures do not tell us whether the programme has been 'successful' in including all eligible applicants. They tell us nothing about how many people have not yet applied. This is because there are no precise figures on the number of people who are eligible or have been eligible since the scheme was opened.

As the Migration Observatory outlined in its April 2020 report, [Not Settled Yet](#) (Sumption, 2020) Office of National Statistics (ONS) figures on EU citizens living in the UK do not provide a useful guide for the number of EUSS applications needed in order to include everyone who is eligible in the scheme. The two main issues are that:

- Official population estimates understate the total number of EU citizens living in the UK. Some groups are excluded, and others are thought to be underrepresented.
- Some people who have applied to EUSS no longer live in the UK, and their numbers are not known. People with settled status can be absent from the UK for up to 5 years without losing their status. Some people with pre-settled status will have applied during a temporary stay in the UK and then left the country. As a result, we *should very much expect* the number of EUSS applicants to be higher than the number of eligible people living in the UK.

In order to understand how many people have not applied to the scheme, it would be necessary to measure this population directly. This may be possible to do in various ways, including by matching administrative data to Home Office records (Sumption, 2020). However, no such efforts were made, as far as we are aware.

There is one area in which an important data-gathering exercise did take place, however. The Home Office collected data from local authorities to examine the number of children in care and care leavers who had been identified as eligible for the scheme. Of the 3,660 young people who had been identified as eligible, only 67% had applied by late April 2021 (Home Office, 2021b). This percentage will be an overestimate if there are children and young people who needed to apply but had not been identified as eligible by local authorities. Local authorities

responding to the survey most commonly said that barriers to applications were the difficulty obtaining identity documents and lack of cooperation from applicants or their family members.

Of the various different vulnerable groups who need to apply to EUSS, children and care leavers are the only one for which there is a credible quantitative estimate of the share who have not applied. The figures do not tell us anything about application rates among other vulnerable groups, such as people with experience of homelessness, those with mental health problems, or victims of abuse. However, there is no reason to believe that children in care and care leavers are the only vulnerable group with substantial numbers who have not applied. The figures illustrate that even despite high overall application rates and the ease with which most EU citizens have EUSS applications, some specific vulnerable groups may still struggle to engage with the scheme.

2) The inclusion challenge is not over for approximately 2 million people who hold pre-settled status

While most of policy focus has been on the June 2021 deadline, there is a second deadline for the large number of applicants who received pre-settled status. They will need to apply again in order to secure settled status if they want to live in the UK permanently. The challenges in this group could face has received relatively little attention in debates about EUSS.

By the end of May 2021, the government had made 2,276,200 grants of pre-settled status. (Note that this includes some people who have been granted pre-settled status twice. For example, people who left the UK and returned before the end of December 2020 might have applied again to ensure that they would later be eligible for settled status despite their absence. Their numbers are not known but were less than 100,000 by the end of March 2021.)¹

By the end of March 2021, only 147,660 applicants had moved from pre-settled to settled status. These low figures will reflect the fact that pre-settled status lasts for 5 years, so even where people are now eligible for settled status they do not have to apply immediately.

There are thus roughly 2 million people who have pre-settled status and will need to apply to EUSS again if they want to remain permanently in the UK.

At first glance, it may appear that enabling these people to 'upgrade' to settled status should be easier than initially including them in the scheme. Indeed, the government now holds their contact details and can remind them to reapply.

For certain groups of people, however, the challenge will be greater the second time around. First, more evidence is required for a grant of settled status than pre-settled status. Applicants could get pre-settled status based on a single

¹ The Home Office has started to provide data on repeat applications, although the figures available as of June 2021 did not make it possible to separately identify people who have been granted pre-settled status more than once. The data identify that 95,800 people were granted pre-settled status following *either* a previous grant of pre-settled status or another outcome (e.g. their earlier application was rejected).

piece of evidence that they were in the UK before the cut-off date. Settled status requires evidence of a full five years of residence – a more demanding task, at least for those who need to supplement the automated checks.

Second, long absences from the UK due to Covid-19 or other reasons could jeopardize people's pathway to settled status. This is likely to be less of a problem than it would have been without the recent change in guidance from the Home Office. The Home Office in June 2021 expanded the options for people to retain their path to settled status if they are out of the country for up to 12 months, if the reason was related to Covid-19 (Home Office, 2021c). Certain people who meet more exacting requirements (e.g. having been explicitly advised not to return to the UK by an employer or university) may retain eligibility if they are outside of the UK for more than 12 months.

There is currently no reliable data on the number of people who have been outside of the UK during the pandemic, for how long, and whether they plan to return. There is now something approaching a consensus that headline figures suggesting a decline in the EU-born population of several hundreds of thousands were not accurate, and resulted from disruption to data collection during the pandemic (Sumption, 2021). Exploratory analysis from ONS for the second quarter of the year suggested that around 44,000 EU migrants may have left the country during that three-month period (ONS, 2021a), and presumably more may have followed them later in the year as EU citizens continued to lose jobs in substantial numbers (ONS, 2021b). ONS is currently conducting further analysis to give a better picture of migration patterns during 2020, the results of which are expected during the summer and autumn.

People who leave the UK for at least a year would generally be seen as long-term emigrants under normal statistical definitions. It is not possible to know at this stage how many of those who left plan to come back to the UK, and to what extent those who do plan to return are aware of the impacts on their UK immigration status. Pre-settled status remains valid when people spend up to two years outside the country, even if people with long absences may become ineligible to upgrade to settled status.

Third, there are other logistical and communication challenges. For example, the task of publicising the scheme and the deadline was arguably simpler for initial applications, where there was a clear message that applied to everyone, and all applicants faced the same deadline. For pre-settled to settled status transitions, this is no longer the case.

Finally, based on currently available data, it will not be possible to know which pre-settled status holders are still in the UK, and thus what share successfully upgrade to settled status in practice. This is because many of the roughly 2 million people with pre-settled status are likely to leave the UK permanently or will already have done so. While many EU migrants have settled permanently in the UK, there has always been a considerable number of temporary migrants too. Before the pandemic in the year ending June 2019, for example, ONS estimates that EU citizens made approximately 350,000 short-term trips to the UK (lasting between 1 and 12 months) (ONS, 2021b).

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