

November 2019

# EU Settlement Scheme

## A new role for the voluntary sector



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# ABOUT THE REPORT

This report looks at the third sector's preparedness to support Europeans, EEA/ Swiss nationals and their family members to access the EU settlement scheme (EUSS). The report examines firstly why this issue should be of concern to the third sector and then looks at the findings of a recent survey of the third sector carried out by New Europeans. The report concludes with preliminary recommendations for coordinating an effective response to the settlement scheme.

This report is a first 'draft'. Following contributions from a seminar with experts and actors in the field in November 2019, and informed by our ongoing work with communities who need to register for the scheme, we will publish a second edition with extended findings.

This report argues that there is a low level of awareness and understanding of the EU Settlement scheme among the third sector beyond specialist migration and advice groups; and that the wider sector sees the scheme as 'not our problem'. However, the potential human impact and fallout from will be long term, and may impact society as a whole.

In order to reach and support everyone who needs to apply, it is essential to engage and coordinate the third sector, as well as those who sit outside the sector. The specialist organisations who are engaged, active and equipped to support people to access the scheme are generally small, stretched and cannot reach everyone.

## INTRODUCTION

### **EUSS, a long-term issue: why it matters to the third sector (and beyond)**

The third sector,<sup>1</sup> including charities, social enterprises and voluntary groups, delivers essential services, helps to improve people's wellbeing and contributes to economic growth. It plays a vital role in supporting communities at a local level. Locally based organisations also often have the trust of people whom public bodies deem 'hard to reach', and can support public bodies to engage with and meet those communities' needs.<sup>2</sup>

In the case of support for migrants, refugees and asylum seekers, sometimes providing such support is challenging.<sup>3</sup>

'Wider' third sector groups may have objectives that do not include these groups. Funders may be precise about areas of benefit. Staff employed will perforce have specific backgrounds and skill-sets. As such, silos develop in the third sector and people are not always supported as the landscape of rights and statuses changes.

The reduction in funding from government and local authorities under austerity has exerted undue pressure on all third sector groups to do more for less.

Traditionally, much of the 'migration' related work has fallen to the refugee and migrant sector; a small over stretched sector at the best of times, with little capacity to serve groups who did not previously need their services, such as EU citizens.

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<sup>1</sup> The third sector refers to 'the segment of the nation's economy that is made up of neither public nor business concerns, as non-profit or educational institutions' (dictionary.com)

<sup>2</sup> <https://blogs.ncvo.org.uk/2017/08/23/WHY-VOLUNTARY-ORGANISATIONS-ARE-ESSENTIAL-TO-HEALTH-SERVICE-TRANSFORMATION-GET-INVOLVED/>

<sup>3</sup> Meeting the Challenge: Voluntary sector Services for Migrant Children and Destitute Families, Jonathan Price Compass 2016

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*“Whilst valiant attempts [by the NGO migrant sector] succeed every day to secure status, thousands fall through this inadequately funded safety net: which will find it impossible to meet the burden of additionally advising EU migrants on their complex over-regulated right to settlement.”* Wendy Pettifer Solicitor, ATLEU

There are 1.2 million EU/EEA and Swiss nationals living in London. For those 1.2 million, life will change dramatically by Christmas 2020 if there is no deal or by June 2021 if a deal is agreed with the European Union. EU nationals comprise 14% of the staff in the London third sector: others may be volunteers or beneficiaries.

It is estimated that among the 1.2million EU/EEA and Swiss nationals living in London, 6% are ‘vulnerable’ and at real risk of not applying for or being granted the Settled Status they need.<sup>4</sup> These Londoners risk becoming ‘undocumented’ if they do not apply to the EU Settlement Scheme.

The third sector should be in a position to inform these groups about the EUSS scheme. The EU Settlement Scheme, designed by the Home Office, intends to regularise the situation of EU nationals - giving them an immigration status which they will need to access health care, benefits and housing.<sup>5</sup>

**It is likely that some of this group will need the help and support of voluntary and community organisations if they do not achieve the status or encounter difficulties with the status they are granted.**

*“One lesson from Windrush is that people leading ordinary lives, bringing up families, not necessarily getting any help from the state and who have been settled in the UK for decades may not even consider the need to make an immigration application to stay in the UK. The effect of this may not arise until a life event much later - e.g. if they get sick or need social care or change jobs. That can then develop into a crisis situation where they are refused NHS treatment or evicted from their homes.”* Sue Willman, Deighton Pierce Glynn.

It is at this point that the fallout from the settlement scheme may be most ‘felt’ by the wider third sector, they may be relied upon to support the individuals who have slipped through the net.

The Institute for Government stated that “No similar system internationally has ever succeeded in reaching 100% of those eligible and there is no chance that the UK Government will either”

## **Aftercare**

Beyond the immediate challenges of raising awareness and getting people to apply for the settlement scheme, there are concerns about the ‘aftercare’ issues for those who have applied.

The scheme is a digital system which allows those who are resident in the UK to obtain Settled status or Pre-settled status.<sup>6</sup> Whilst it is straightforward for the digitally literate and those with a National Insurance history, it is much less so for other people whom the system does not recognise, such as those without a paper-trail or tax records. These individuals must provide evidence to prove their residency over five years in order to obtain Settled status, or else will be granted Pre-settled status.<sup>7</sup>

Of the 2.4 million EU citizens who have applied to date, 60% have achieved Settled status and 40% Pre-settled status.

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4 <https://www.gov.uk/government/news/funding-awarded-to-support-vulnerable-eu-citizens-apply-for-settled-status>

5 Some of course are already UK citizens, but many are not and /or their family members are not.

6 Information on Settled status and Pre settled status can be found on the governments website:

<https://www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means>

7 If they arrive and apply before Brexit day

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Whilst Settled status offers some security, the digital nature of the system may prove problematic for some people and lead to discrimination: there is no physical document; only an online status which is linked to your email address and phone number. Changes to details such as address, phone number and name changes could all cause access issues down the line.

Those awarded Pre-settled status will have to apply again once they have been in the country for 5 years. They will be sent a reminder from the Home Office in advance, but if they used someone else's phone number or email on the application form (as many do), they may miss this reminder.

Individuals with Pre-settled status will be able to (and will need to) apply for Settled status for once they achieve 5 years residency (longer in cases of 'good reason' for being late). This means that the third sector can anticipate many years of supporting people with applications and the various challenges surrounding this.

### **Social cohesion**

A number of issues with which the sector is already familiar may arise in the fallout from the social and political changes surrounding the EU settlement scheme:

- The rise in hate crime, an increase of over 40,000 cases in England and Wales since the summer of 2016;
- An extension of the hostile environment to a new group of people - those who failed to register or who fail to transfer Pre-settled status for Settled status;
- Pressure on service providers, doctors, nurses, homeless workers and others to police immigration;
- Support for the individuals outlined here will perforce become an activity with which the third sector becomes involved.

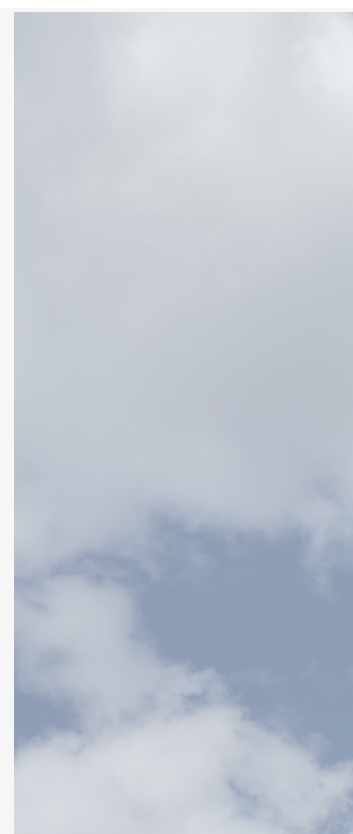
### **Methodological note**

We distributed our online survey through newsletters to third sector organisations which have large reach, including London Plus, Trust for London, and the Small Charities Coalition. We shared the survey on social media, via direct email to contacts, and distributed it at two events for the third sector. Over 700 organisations were sent the survey in total.

Our understanding of the issues around the settlement scheme have also been informed by our attendance at regular Home Office meetings; the safeguarding user group and the general user group, both for organisations working with Europeans and their family members.

We have also had conversations over the phone and by email with survey respondents and with others working on this issue.

We received 30 responses to the survey. This number is small, however, we believe the lack of 'take-up' reflects the third sector challenges that will be examined in the findings.



# FINDINGS

## 1: The 'wider' third sector (outside of the advice and migrant support sector) lacks information, understanding and engagement with EUSS

The majority of respondents to our survey work in the migration or advice sector (73%). 27% were from the 'wider' voluntary sector, including community centres, health and well-being projects, and charities including those with a focus on children and the environment.

Most respondents were already working on the settlement scheme (73%). Among the respondents from the migration and advice sector, this percentage increased to 91%, whilst only 14% of organisations from the 'wider' third sector were engaged in this work.

**Among organisations surveyed from the wider sector, 43% had not heard of the EU settlement scheme before our survey.**

This demonstrates the challenge of reaching organisations which are not already linked in with migrant support or advice agencies. Therefore, individuals who are not supported by or connected to one of these 'specialist' organisations are at risk of not being supported to access the scheme.

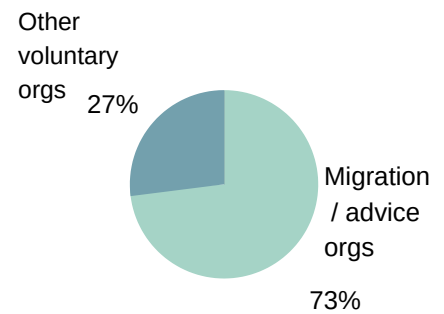
*"The government aren't giving out any information... we've not been contacted."* Community Centre

In May 2019, the Home Affairs Committee report made recommendations that "the Government works with local and national community and support groups, to ensure that information reaches hard-to-reach groups", saying that "the Government needs to take additional action...to ensure that extra support is targeted towards children and vulnerable people to mitigate the risk of them being left out and potentially jeopardising their future in the UK".

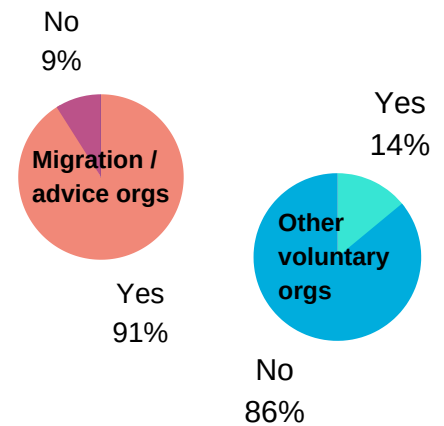
To non-advice agencies, immigration issues are often perceived as complicated, opaque, and best left to the experts. This holds back agencies from offering support and information.

*"People are quite afraid of the whole process – users and service providers. Plus, everything changes... You don't know how to help people if it's like shifting sands."* – Respondent, ESSE (Emotional Support Service for Europeans)

## SURVEY RESPONDENTS

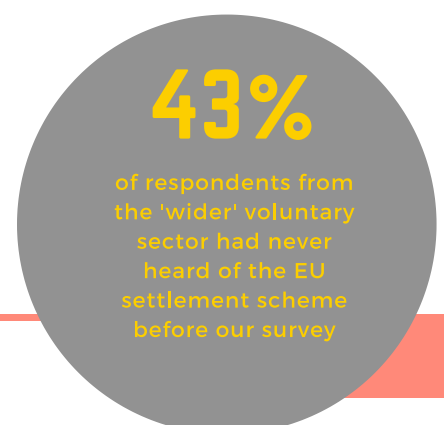


## ARE YOU DOING WORK ON THE SETTLEMENT SCHEME?



Some organisations in the already stretched 'wider' third sector feel that the settlement scheme is not their problem.

*"Why would the third sector think it was their job to monitor and do stuff for the European scheme... it's the government's problem... Why put it on us?"* Respondent, Dragon Hall Trust





# FINDINGS

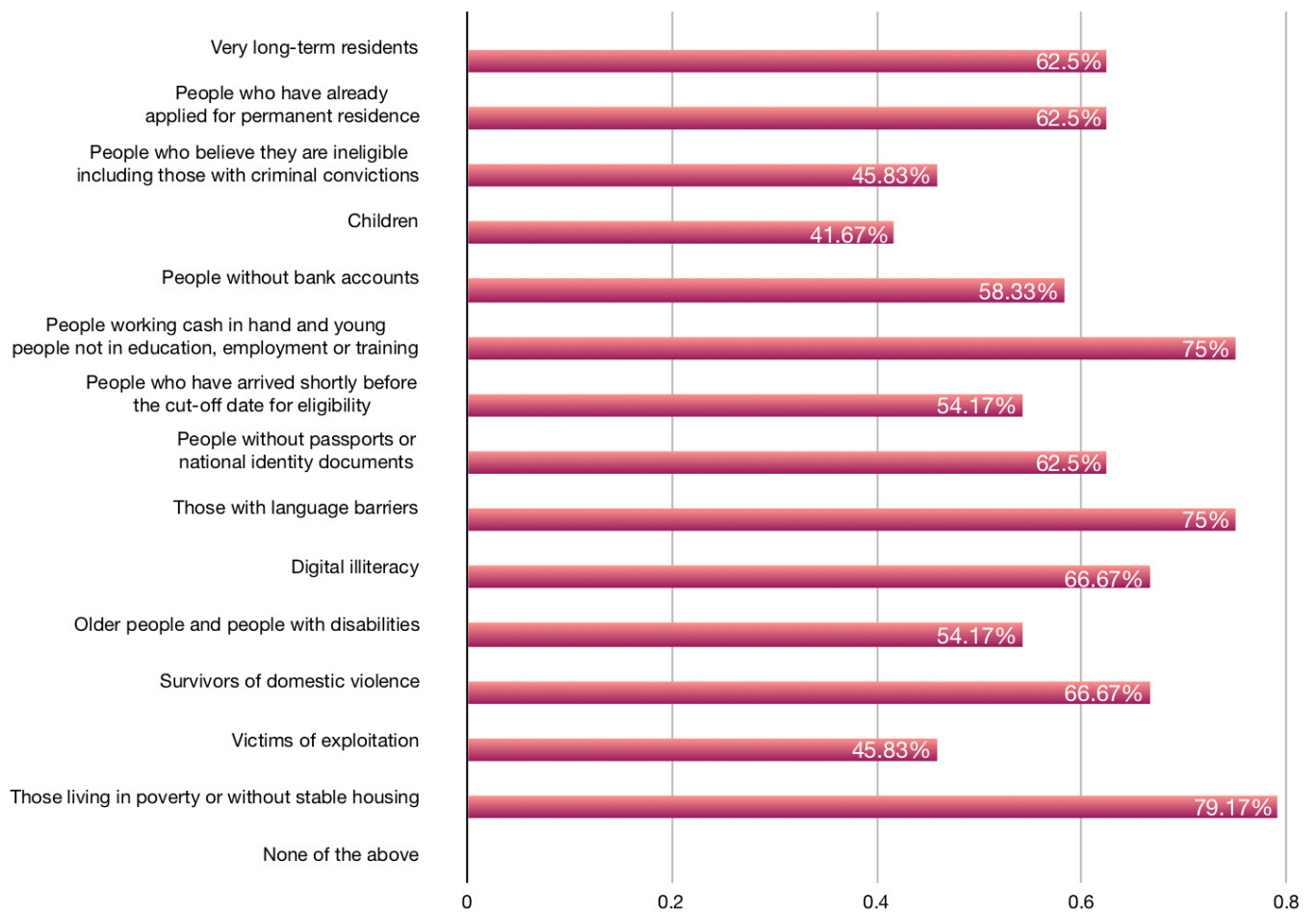
## 2: Traditional third sector beneficiaries are likely to face multiple barriers in accessing the scheme.

The client groups of respondents are diverse. 90% of respondents said their clients had race as a protected characteristic; and 97% worked with EEA nationals, Europeans, and their family members. The respondents to our survey were concerned about the barriers that their clients would face in accessing the scheme.

Drawing upon the Migration Observatory's 'Unsettled Status' report, we asked respondents if their clients fell into the following categories, thereby putting them at risk of not knowing about, not applying for or not receiving Settled Status.



Which of these groups do your beneficiaries fall into?



We can see from this that people experiencing poverty; living in unstable housing; those with language barriers; cash in hand workers; and young people not in education, employment or training were the groups most represented by the organisations that we spoke to.

Whilst the application itself is now free, individuals without a biometric passport or ID card must send their ID document to the Home Office for it to be checked (costing about £14 per person for recorded delivery). For those without the necessary smart phone to scan a biometric passport, there are centres across the UK which offer a scanning service, which mostly cost about £14.

Furthermore, for complex cases, it is advisable to seek legal advice. This could be relevant for those with criminal convictions, those without ID documents, and those with complex cases. However, there is a shortage of free legal advice available across the UK. These potential costs will disproportionately impact those experiencing poverty.

When asked about the barriers respondents thought their clients would face, other factors emerged, primarily accessibility. Digital access in particular is a concern for the older generation.

*"It's not straightforward to navigate, and using technology is fine for younger generations but not for older generations who don't have smartphones or apps to do the verification."*  
Respondent, Well-being project

Other barriers emerged which did not feature in the previous list that we gave: anxiety, mental health and prejudice. For those who have severe mental health conditions, there are serious concerns about whose responsibility it is to support them to apply. Other groups lacking independence and capacity, such as children and adults in care, will also often be reliant on their carers to know about the scheme and the process of registering.

*"Local authorities seem not to be being very proactive for [supporting] looked after children and care leavers [to apply]."* Respondent

Distrust of government feeds into an anxiety of being 'processed', and people do not feel confident posting their identity documents to the Home Office, who have something of a record for losing documents. Past experiences of prejudice from the state may deter people from applying for fear of refusal.

*"I am concerned that the EUSS scheme at present is simply not reaching many of Deighton Pierce Glynn's clients who are extremely vulnerable. They include people with learning disabilities or limited literacy, survivors of trafficking, homeless people who are dependent on drugs and alcohol, as well as clients in care homes and psychiatric units. The agencies and staff working with these communities are under extreme pressure and may not be really aware of the process. Those who are aware often don't have the time to offer the level of support needed to support a vulnerable person to enter and complete the EUSS application process, in particular obtaining ID. There is a need for a concerted public information campaign targeting harder to reach groups, as well as a level of resources which acknowledge their particular needs. Without it, I fear that post Brexit, it is the most vulnerable who will be in crisis and at that point advice agencies, community groups and public authorities will face an emergency situation."*

Sue Willman, Deighton Pierce Glynn



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# FINDINGS

## 3. Groups dealing with this need more resources

The majority of our respondents are already engaged in supporting clients in accessing the scheme, however, they cited a need for more funding and capacity in order to adequately support their clients.

*"We are finding applications are taking longer than we expected and taking up a lot of capacity e.g. liaising at length with social workers about evidence for a young person."*

Respondent, Legal charity

*"Marianne Lagrue reported that, while applications made by the Coram Children's Legal Centre took 1.5-2 hours on average, those with documentary or technical challenges took upwards of 10 hours."*

Many of those who are working to support clients accessing the scheme are funded by the Home Office, which has spent £9million on supporting organisations to support vulnerable clients. However, many organisations have found that the work is taking longer than expected as many people have complex cases and need additional support in finding evidence to support their applications.



Furthermore, reaching certain communities is harder than expected, and building trust is an important - and slow - part of the process.

**All the organisations that we surveyed who are not already working on the scheme wanted to learn more about how to support their clients accessing the scheme. Many of those who are working on the scheme already wanted further information and training.**



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# WHERE ARE THE GAPS?

Of the respondents who are not themselves offering support with the settlement scheme, 67% did not know if their clients were being supported elsewhere.

**All** of the community groups we spoke to said that they didn't know if their clients were being supported elsewhere, and they were themselves not currently offering support to access the scheme. The nature of community centres is that they support a diverse range of people with varying needs and situations. They may lack the specialist knowledge that the migration and advice services hold, but they are more likely to meet a range of citizens who need to apply and who may not otherwise be tuned into services.

We would need to extend our research in order to conclusively state where the gaps are. However, the results we have gathered indicate that there is a widespread lack of awareness, engagement and understanding of the scheme. This is across the third sector.

## INITIAL CONCLUSIONS

- More work is needed to raise awareness, increase understanding and to empower the wider third sector to support their beneficiaries in accessing the EU Settlement scheme;
- Exceptions need to be built into the regulations to allow for those who face multiple barriers in accessing the scheme; including but not limited to a lack of awareness, understanding, language and digital accessibility;
- More funding is needed to build the capacity of specialist organisations which are already working on the issue; to engage other third sector organisations; and to maintain this support for at least a further six years;
- Many groups are calling for a declaratory system “that will grant all EU citizens and family members resident in the UK automatic settled status and provide physical documentation as proof of status”. This is an approach which could resolve many of the issues raised by our respondents.

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# ABOUT US

New Europeans UK is an association and company limited by guarantee, created in 2013 to support the integration of EU citizens, their voice and agency through the effective exercise of all EU citizenship rights including voting and civic participation. The organisation is active throughout the UK but particularly in London. It is run by a board of six trustees most of whom are non-UK EU citizens. It employs four part time staff and has 12 active volunteers in London.

Over the last five years, we have worked with a wide range of civil society partners, migration and human rights organisations, as well as in joint projects with specialist advice agencies and migration advice lawyers, including the Law Centres Network, EERC, Migrants' Rights Network and Migrant Voice. New Europeans has over 400 members in London, we have the capacity to interrogate online support in English and many other EU languages, and find local community initiatives for most vulnerable EU Londoners.

Since the EU membership referendum New Europeans has been engaged with national groups, embassies and consulates, government departments (especially with the Home Office and the Ministry of Housing, Communities and Local Government), academia, and GLA in identifying key risks and challenges for EU citizens' rights - including the most vulnerable. We are members of the User Group and the Safeguarding Group working with the Home Office, providing feedback on the development of Settled Status. As a grassroots organisation, we work with a range of local volunteers from across London and communities to reach out to EU citizens to ensure their voices and concerns are heard.

Our materials are widely disseminated through our activities and those of other groups, and published on our website which has approximately 9,000 visits per month. We have also promoted the EU Londoners Hub on our website, encouraging groups to access information and download translated materials.

In the last eight months we have provided 10 information sessions for up to 700 people, mostly vulnerable EU citizens' groups in London, some sessions with the help of European Commission commissioned lawyers and translators and some with pro bono lawyers.

As a partner of the AIRE Centre, we are one of the 57 groups providing support to vulnerable EU citizens to complete their applications for the Settlement Scheme. Since July 2019 we have supported over 300 individuals. We are particularly engaged with older people and those who may have less access to web based information, as well as those who find it hard to evidence their residence and engage with the online EUSS system.

Our team:

- Roger Casale - CEO and Founder of New Europeans
- Tamara Flanagan, OBE - Project Director
- Bella Kosmala - Programme Development Officer (on secondment to the Social Integration Team at the Greater London Authority)
- Tamsin Koumis - Project Development Officer
- Tazmin Mirza - Engagement Officer
- Bianca Valperga - EUSS Development Officer

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# UK EUSS SUPPORT ORGANISATIONS

**THESE ORGANISATIONS ARE FUNDED BY THE HOME OFFICE TO SUPPORT VULNERABLE EU CITIZENS APPLYING FOR EUSS**

- Advice NI
- Advice on Individual Rights in Europe (The AIRE Centre)
- Arachne Greek Cypriot Women's Group
- Asylum Welcome
- The Bridge Renewal Trust
- The Children's Society
- Citizens Advice Barnet
- Citizens Advice Bolton
- Citizens Advice Bournemouth, Christchurch & Poole
- Citizens Advice East End
- Citizens Advice Enfield
- Citizens Advice Liverpool
- Citizens Advice Scotland
- Citizens Advice Southampton
- Citizens Advice Sutton
- Clifton Learning Partnership
- Community Renewal Trust
- Consonant
- Coram
- Crisis UK
- CVS Cheshire East
- Diversity Voice
- Ealing Community and Voluntary Service
- East European Resource Centre
- Father Hudson's Care
- Brushstrokes Community Project
- FENIKS: Counselling, Personal Development and Support Services
- Fife Migrants Forum
- Girdlington Advice Centre
- Gladstone District Community Association (GLADCA)
- Guy's and St Thomas' NHS Foundation Trust
- Indoamerican Refugee Migrant Organisation
- International Organization for Migration (IOM)
- Latin American Disabled People's Project
- Latin American House
- Latin American Women's Rights Service
- Law Centres Network
- The Limehouse Project
- Migrant Help
- NOAH Enterprise
- Newport Mind Association
- Nottingham Law Centre
- Nova Wakefield District
- Peterborough Asylum and Refugee Community Association (PARCA)
- PKAVS
- Polish British Integration Centre
- Positive Action in Housing
- The Refugee and Migrant Centre
- Rights of Women
- Riverside Community Health Project
- Royal Association for Deaf People (RAD)
- Simon Community Scotland
- South Tyrone Empowerment Programme (STEP)
- St Pauls Advice Centre
- St Vincent de Paul Society
- Thames Reach Charity
- Tros Gynnal Plant
- Wirral Change

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# HELP WITH EUSS

## **For additional information on an EUSS application**

Home Office Resolution Centre:  
0300 123 7379

Monday to Friday 8 am to 8 pm, Saturday and Sunday 9.30 am to 4.30 pm.

## **For free immigration advice**

The AIRE Centre advice line:  
020 7831 4276

Monday to Friday, 10.30am to 6pm.

Here for Good advice line:  
020 7014 2155

Mondays 9:30-11:30, Wednesdays 11:30-13:30 and Fridays 13:30- 15:30

## **For information on the Settlement Scheme in 27 different languages**

Mayor of London, EU Londoners Hub:

<https://www.london.gov.uk/what-we-do/eu-londoners-hub>



For more information visit  
[www.neweuropeans.uk](http://www.neweuropeans.uk)

