

Mind the Gaps: Accountability and Exclusion in the EU Settlement Scheme

How digital status and weak oversight of the
Home Office are failing vulnerable EU citizens

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Foreword

Although Brexit seems like a distant memory, thousands of vulnerable European Union citizens* in the United Kingdom continue to face significant challenges in securing their Withdrawal Agreement rights, particularly in obtaining a status under the EU Settlement Scheme ('EUSS' or 'the Scheme').

The Scheme, introduced in 2018, allows EU citizens, and their family members, who were resident in the UK before 31 December 2020, to remain lawfully in the country after Brexit by applying for a permit to reside.

The Scheme was developed within the context of the "Hostile Environment" framework, which included devolving immigration control across a range of spheres. Border enforcement responsibilities were transferred into everyday interactions between individuals and their employers, landlords, schools, the DWP, the NHS and, at the border, carriers. These agencies, not part of the immigration system, are nonetheless required to conduct status checks, with the risk that it is harder to ensure individuals' rights are protected.¹

This report indicates that the EU Settlement Scheme suffers from systemic accountability failures that risk excluding citizens, particularly the most vulnerable. Its experimental, fully digital structure affects millions of people, and despite its known shortcomings, it is already being treated as a model for expanding digital-only status checks into other areas of public life.

This, in the context of devolved responsibility, feels like a recipe for making life impossible for those without the right status.²

* We refer to EU citizens to include all EU, EEA and Swiss nationals who were resident in the UK before 31 December 2020, and their family members with a derived right, who are protected by the EU-UK Withdrawal Agreement.

Executive summary

The EU Settlement Scheme is the UK's first entirely digital immigration status, with no physical proof and access only through an online account. This report finds that the Scheme is affected by **systemic accountability failures that disproportionately impact vulnerable individuals**, leaving thousands of vulnerable EU citizens struggling to secure their Withdrawal Agreement rights.

To investigate the reasons behind this issue, on 5th November 2025, the **All-Party Parliamentary Group on Citizens' Rights** collected evidence from organisations and experts working in the sector and with the Home Office, and decided to produce a report for APPG members detailing concerns, especially to inform questions for Home Office Ministers.

The APPG heard from the **Roma Support Group** about the exclusion of the Roma population from official counts and the consequent substantial difficulties in accessing fair support and accurate information about their rights.

The **Independent Monitoring Authority** (IMA) presented its role in monitoring legislation, investigating policy effects, and collaborating with advisory groups and citizens to improve policy, but noted difficulties in engaging with the Home Office due to limited data sharing.

The **former Independent Chief Inspector of Borders and Immigration** (2021-2024) reported on the limited capacity of external bodies to influence the Home Office's policy decisions and actions, as recommendations for improvement are often ignored.

Members of the audience also raised issues about the Home Office's reluctance to share data on delayed decisions, the severe impact of digital errors on citizens' lives, and inconsistent information provided by different departments regarding citizens' rights.

Findings

Exclusion of the vulnerable population starts through data gaps. A central issue is the **lack of reliable data** on the EU population in the UK, as the Home Office has not produced an accurate estimate of this group, nor has it collected sufficient information on protected characteristics. As a result, it is impossible to determine the number of people who remain without status or to assess the full scale of exclusion. The absence of data disproportionately affects certain EU groups, such as the Roma community, whose vulnerabilities often remain unidentified and are more likely to be excluded from ordinary support processes.

The report also identifies significant **failures in policy development and implementation**. Policy changes are often introduced without adequate evidence, impact assessment, or meaningful consultation with the sector experts and support organisations. This reactive approach frequently overlooks structural barriers, digital exclusion, and the disproportionate negative effects on discriminated groups, resulting in creating new barriers for vulnerable EU citizens that further restrict access to rights.

Serious procedural and implementation issues are also routinely reported. Inconsistent decision-making, subjective judgment, unclear evidence requirements, and a lack of accessible remedies leave many applicants unable to secure their rights or challenge errors effectively. Weak coordination across government departments, such as with the Border Force, further contributes to incorrect decisions and inconsistent application of the rules and Withdrawal Agreement rights.

The report further identifies **risks associated with digital-only status**, which is one of the most concerning aspects of the Scheme. Structural flaws, such as technical failures, inaccessible systems, and incorrect or missing status, have prevented individuals from proving their rights to work, rent, or access services. Despite this, the Home Office minimises the risks and ignores warnings from Parliament and civil society, and fails to provide an alternative proof of status or effective remedies.

In conclusion, **oversight and accountability mechanisms** remain critically insufficient. Monitoring of the Home Office is largely retrospective, and independent bodies lack the power to enforce their recommendations, while the Home Office frequently withholds data, avoids engagement, and fails to act on evidence-based findings.

To address these challenges, the report calls for:

- **A secure additional proof of status**, alongside improvements to the digital system
- **Stronger oversight and accountability**, including earlier scrutiny of policy changes
- **Improved data collection** and transparency, particularly on vulnerable groups
- **Continued funding** for organisations assisting those at risk of exclusion

The EU Settlement Scheme is not a closed chapter, as it remains a live and relevant issue today, struggling with unresolved problems and emerging new challenges. Unless accountability failures are significantly addressed, the Scheme will continue to exclude vulnerable individuals and fail to protect the Withdrawal Agreement's rights.

Recommendations

Resolve failures in the digital status system

- Introduce a secure additional proof-of-status, such as a physical card, an app, or a more user-friendly online service.
- Provide effective and accessible remedies, beyond legal action, to address digital errors.
- Increase transparency by requiring the Home Office to publish regular data on incidents, including their causes, frequency, and impact.

Strengthen oversight of the Home Office practice

- Ensure robust parliamentary and independent oversight of the digital system's compliance with the Withdrawal Agreement.
- Introduce early scrutiny of policy changes, including access for independent monitoring bodies, sector experts, formal consultation timelines, and clear obligations on the Home Office to respond to feedback.

Improve data collection and rights protection

- Produce an independent, comprehensive evaluation of the Scheme, assessing its operations, identifying structural weaknesses, monitoring safeguards for vulnerable groups, and measuring compliance with Withdrawal Agreement obligations.
- Collect comprehensive data on protected characteristics, including age, ethnicity, and disability, and provide regular public reporting.
- Produce reliable population estimates of vulnerable EU citizens in the UK to identify those without status, ensuring they have access to support and a fair application process.
- Ensure the continuity of funding for organisations providing frontline support, recognising their essential role.

Introduction

Background and aim

New Europeans UK has been providing support on the EUSS since 2019, helping hundreds of vulnerable EU citizens and their family members every year.³ Drawing on our experience, including casework and research, this report contributes to our ongoing efforts to assess continuing needs for support and the protection of vulnerable citizens' rights.

To inform this work, we reviewed existing reports published by sector organisations, which will be cited throughout the text to support an in-depth analysis. We analysed our casework, gathered evidence from experts, EUSS sector organisations, and consulted the communities we support by sharing a survey, seeking their views on Home Office accountability towards stakeholders and the public.⁴

We also organised an All-Party Parliamentary Group on Citizens' Rights,⁵ involving experts and individuals directly affected by EUSS decisions. The APPG, chaired by Baroness Goudie, organised by New Europeans UK and held at the House of Lords on 5 November 2025, heard evidence from experts on the Home Office's operations, which suggest a systemic lack of transparency and accountability, particularly in the administration of the Scheme. It also considered whether policy and operational decisions are evidence-based, whether unintended consequences are identified and addressed, and the role of independent bodies in monitoring the Home Office's decisions.

This briefing is addressed to MPs and Lords, to inform questions to the Home Office Ministers, and to independent oversight institutions. It explores the EUSS, researching accountability gaps, and aims at identifying shortcomings, urgent areas of concern, and potential structural problems within the Scheme. It then assesses whether these constitute systemic accountability issues and sets out necessary changes.

Introduction and structure

The Home Office's portrayal of the EUSS as a success does not necessarily reflect the reality: while millions of EU citizens have secured settled status, structural problems in the Scheme disproportionately affect vulnerable groups, including older people, children, digitally excluded individuals, people experiencing homelessness or intersecting forms of disadvantage, and racialised communities, who are prevented from exercising their rights as granted by the Withdrawal Agreement.

The report looks at how the absence of reliable data on the EU population in the UK and on protected characteristics hinders an accurate assessment of the number of eligible people without a status, suggesting that issues and exclusion risks are still unfolding and affecting discriminated groups disproportionately.

In the absence of an ex-ante equality assessment, the Home Office cannot determine the number of EU citizens with protected characteristics. Even if those are known problems, the Home Office did not assume accountability, for example, by not having an updated Policy Equality Statement, even if recommended by the Independent Chief Inspector for Borders and Immigration (ICIBI).

The report also explores the issue, raised by respondents and speakers, that the Home Office frequently introduces policy changes without adequate data, impact assessment, or consideration of equality duties. The Home Office tends to react to events rather than relying on planning or evidence, and decisions are made unilaterally without engaging with the experts in the field.

Communications regarding policy changes can also be ineffective, not only due to a lack of clarity for advisers, who are often left to interpret rules despite the presence of Home Office guidance, impacting the sector's preparedness for new policy changes, but also due to difficult communication with the public, which often receives incorrect information.

Furthermore, interdepartmental communication can be challenging, as Border Force often applies its own guidance and rules, effectively leading to two different implementations of the Withdrawal Agreement rights. This also has an impact on procedural errors, as we observe caseworker mistakes and incorrect interpretations of rules and guidance.

The report also looks into the digital-only status model, which suffers from serious structural flaws. Its digital nature continues to exclude people, but the true scale of exclusion remains unknown. As such, it cannot be held up as an example of effective immigration or administrative policy. However, the Home Office constantly minimises accountability for digital errors and their consequences, addressing systemic problems reactively and as isolated incidents.

Lack of meaningful oversight from independent bodies in the implementation of the EUSS is also an issue. Notwithstanding the role of the IMA, the efficacy and relevance of its approach in protecting citizens' rights remain uncertain, also due to the Home Office's lack of engagement. Even when recommendations are made, they are often ignored.

The report then suggests that accountability gaps have a serious impact on the protection of people's rights, recommending measures that have to be taken to avoid the repetition of problems.

Exclusion through data gaps

Data gaps: where exclusion begins

As of December 2025, around 4.4 million EU citizens and their relevant family members held settled status (indefinite leave to remain),⁶ and an estimated 1.4 million pre-settled status (limited leave to remain), but these figures offer little insight into the population that remains without an immigration status.

In fact, a central problem with the EUSS is that its effectiveness cannot be assessed solely through application or status-grant numbers, as these cannot be compared against a known total of EU citizens, vulnerable or not, in the UK. As a result, the scale of exclusion cannot be determined.

The Office for National Statistics (ONS) data have consistently underestimated the EU population in the UK,⁷ and before the introduction of the EUSS, there was no assessment of the number of EU nationals resident in the country. In 2020, the Migration Observatory⁸ reported that available data were insufficient to determine either the size of the EU population or the number of people excluded from official counts. The 2021 Census did little to resolve these gaps, particularly for marginalised groups experiencing discrimination. As a result, neither the Home Office nor the ONS could accurately determine the size of the eligible population.

Despite being aware of these limitations, there is no evidence that the Home Office attempted to develop an official estimate of the number of vulnerable EU citizens. Instead, responsibility was delegated to Grant-Funded Organisations (GFOs) to reach the most excluded groups. Even as they supported thousands of people each year, these organisations repeatedly warned that, without a comprehensive assessment, many individuals would inevitably fall through the cracks.

Despite these warnings, the Home Office continued to avoid responsibility for evaluating the scale of exclusion among vulnerable eligible citizens and has recently terminated funding altogether.

Protected characteristics and accountability failures

Another major contributor to the exclusion of vulnerable groups from official data collection is the Home Office's decision not to collect data on protected characteristics, despite operating a fully digital application system that could have allowed this. The absence of data on ethnicity, disability, and detailed age groups precludes a proper assessment of vulnerabilities or an analysis of outcomes for specific groups.

At the APPG, the former Independent Chief Inspector of Borders and Immigration, in office from March 2021 to February 2024, raised concerns about systemic failures and the lack of accountability within the Home Office, and observed that this lack of progress is unsurprising. Hundreds of accepted recommendations across the immigration system remain unimplemented, while those marked as "partially accepted" are often abandoned. Without enforceable oversight and consequences for inaction, accountability within the Home Office remains largely illusory.

The first Policy Equality Statement (PES),⁹ which supports consideration of the equalities impacts of the EUSS, was introduced in 2020, when the Scheme was already in operation. However, the Home Office has never revised it, despite multiple policy changes and clear recommendations from the Independent Chief Inspector of Borders and Immigration (ICIBI)¹⁰ to review it and publish updates.

The Home Office maintains that case-by-case consideration during the process of applying for an EUSS status is sufficient to protect vulnerable individuals. This approach ignores the need for systematic safeguards informed by reliable data and fails to provide preventative measures to protect vulnerable citizens from practical, realistic shortcomings of the Scheme, such as ensuring independent and fair access to the application process for those digitally excluded, or to adequate documentation, for those struggling with proving residency.

Even during the application process, however, the Home Office often fails to independently investigate the full circumstances of applicants with protected characteristics, even in cases where difficulties are evident, failing to use readily available data, such as Border Force or DWP data. Simply, the online form, which must be completed before submitting the application, does not include questions about vulnerabilities. Therefore, there is no opportunity for the applicant to raise a particular issue unless via a legal representation, or an ad hoc cover letter. As a result, many vulnerable citizens remain unidentified, before and during the application stage, and struggle with securing status.

During the pandemic, when lockdown measures were in force, and all support moved online, New Europeans UK contacted a care home run by an Italian organisation, to check the immigration status of its residents.

Around 15 residents who were not dual nationals, the majority aged over 85, did not have a secure immigration status. Although most of them were long-term residents, who moved to the UK in the 60s, many lacked access to a valid passport or documentary evidence of their residence.

The care home staff, as well as the families, were not aware of the need to apply to the EUSS, as they had not previously received any guidance or training on protecting their residents' immigration status from official sources.

The residents were clearly unable to manage applications independently, and the pandemic exacerbated the difficulties, by limiting physical access to the facility and increasing the burden on already overworked care home staff.

We raised the issue with the Home Office Vulnerability Team, and despite difficulties in obtaining evidence of long-term residence, we submitted paper applications and secured settled status for all eligible residents.

Although the outcome was positive, the Home Office treated the situation as a one-off case rather than a systemic issue. Despite the entire care home population being excluded from support, no wider action was taken to address the care home sector as a whole, such as introducing a simplified and accessible application process for people in care, and older people in general.

Disproportionate impact on Roma communities

While data gaps on population affect all EU nationals, some groups are disproportionately impacted. The Policy and Campaigns Coordinator from the Roma Support Group told the APPG about the scale of exclusion facing Roma communities. The 2021 Census recorded around 103,000 Roma people in the UK, but credible estimates suggest the true figure lies between 300,000 and 500,000.¹¹

Despite long-standing migration following the collapse of the Soviet Union and EU enlargement in 2004 and 2007, over 60% of Roma applicants have been granted only pre-settled status, well above the national average, even though many would likely have qualified for settled status. The absence of reliable population data precludes assessing the extent of this issue or the number of long-term residents holding the wrong status.

Children have been particularly affected, with an estimate of 15 to 25% of Roma children with no status.¹² A young representative of the Roma community in the UK told the APPG about the challenges she faced in securing status under the EUSS. Having learnt about it through friends at school rather than official sources, she had to rely on informal community knowledge to navigate the process, while her parents were largely unaware of the requirements. She also noted that young people often have greater awareness than their working parents, which can create confusion and stress within families.

Michal, a 30-year-old man of Roma origin, has lived in the UK since he was five years old.

Due to significant learning difficulties and limited education, he has never been in formal employment, having only worked cash-in-hand, and has always lived with his mother. As a result, he lacked employment records or official documentation of his UK residence.

Despite having lived in the UK for most of his life and being entitled to settled status, Michal failed to apply to the Scheme by the deadline due to a lack of awareness, support, and appropriate evidence of his residence. Being destitute, with limited understanding of his rights, and no opportunities to access formal support, he was an easy target for work exploitation.

We reached out to Michal through our outreach project with Roma communities in Leicester.

In order to submit a late EUSS settled status application on his behalf, we relied heavily on detailed witness statements to demonstrate long-term residence and vulnerabilities, rather than ordinary evidence. We were in contact with the Home Office Vulnerability Team throughout the entire application process, which proved essential for a positive outcome. It is highly unlikely that the necessary evidence would have been accepted without their intervention, or that the applicant could have submitted the application without legal support.

Failures in policy changes

Impact assessment and sector engagement

The lack of reliable data on the EU population living in the UK has direct consequences on EUSS policy-making, as decisions are taken without robust evidence or proper impact assessments. Any such assessment is not, at least, shared with the sector. Respondents believe that decisions are often made unilaterally, while deeper engagement with the sector or expert intervention would prevent avoidable problems and limit unintended consequences.

As noted by the House of Lords,¹³ the Home Office tends to react to events rather than relying on planning or evidence. As a result, frequent policy changes do not always address the underlying issues they claim to resolve, and the rationale remains unclear and distant from lived experience. Significant shifts, which have resulted in unfair outcomes, particularly for long-term residents and vulnerable groups, appear to reflect political choices rather than genuine needs.

A clear example is the tightening of late-application rules in August 2023.* The Home Office treated application data trends as “settled” and limited access to the late-application route, despite the absence of meaningful data to assess the likely impact or long-term consequences on vulnerable applicants. In this instance, the Home Office failed to consider the broader context in which repeated or late EUSS applications occur. Instead of acknowledging structural barriers, such as limited access to early legal advice, digital exclusion, or the long-term effects of the Covid-19 pandemic, applicants have been penalised for circumstances beyond their control. This reactive approach suggests insufficient consideration of real-life obstacles before policies are implemented, directly undermining access to rights under the Withdrawal Agreement.¹⁴

In addition, policy changes might target surface-level symptoms rather than addressing the core failures. For example, in 2026, the Home Office is starting to curtail pre-settled status for those with long absences. While it is correct that extended absences can lead to loss of rights under the EUSS, this policy risks generating serious consequences, disproportionately affecting children, digitally excluded or older people, and those without stable housing or employment. The stated aim appears to be stabilising the number of EUSS grants by reducing the number of people holding pre-settled status. However, the risk is that curtailment may deny settled status to those who may qualify but lack essential documentation, digital skills, access to support, or effective means of communication with the Home Office.

* From 9 August 2023, the Home Office implemented a stricter rule for late applications, making “reasonable grounds” for delay in submitting an application a validity requirement. This means that applications without valid and evidenced reasons for missing the 30 June 2021 deadline are rejected as invalid, providing no right of appeal.

Communication challenges

Policy failures might also be exacerbated by poor communication. Respondents believe that the Home Office has multiple efficient tools at its disposal, including Statements of Changes, Explanatory Memoranda, guidance updates, sector meetings, newsletters, and website updates, but the clarity and substance of communications remain inadequate.

Campaigns, which are meant to inform status holders of important changes to their rights or obligations, are usually delivered via mass emails containing texts that are long, difficult to read, English-only, and often lack clear information. Feedback from the sector on content, language, and format is frequently ignored. As a result, people turn to community groups, and advice services for clarification, leaving these organisations to fill the gaps and explain the content.

The efficiency of these messages is debated, as a well-known issue with the EUSS is that the Home Office may struggle to reach status holders directly. Many people do not have their own email address linked to their status, for several reasons: they may have received assistance with their application from a third party, children or elderly people might not have individual addresses, or individuals may simply have failed to update their contact details. This poses a risk that crucial information will not reach these people.

Mass communications are also prone to error. In 2024, during the eVisa rollout, which did not directly affect EUSS status holders, an email erroneously informed thousands that they needed to create new UKVI accounts. This caused widespread confusion, anxiety, and a surge in enquiries to support organisations. Errors of this nature are deeply concerning when dealing with the rights of millions of residents, particularly given the repeated warnings raised by the sector about the inefficiency of these campaigns and the potential digital status issues.¹⁵

Engagement with the sector

Policy changes are frequently announced before any meaningful consultation with the advice sector supporting the vulnerable takes place. When consultation does occur, it is often limited to information-sharing or post-implementation monitoring, and feedback is rarely acted upon.

There are rare instances in which engagement has led to improved outcomes, but these remain exceptions rather than the norm. The August 2023 late-application rule change illustrates this pattern clearly. Despite repeated warnings from the sector, the policy was introduced unchanged, causing avoidable harm before being partially eased in January 2024, following intervention and lobbying from the sector.

Instead, engagement with the EUSS Vulnerability Team, the Home Office team responsible for protecting vulnerable applicants, is widely regarded as positive and effective in supporting advisers with complex cases. However, it functions primarily as a corrective mechanism rather than a comprehensive approach to vulnerabilities. Besides, access is limited exclusively to advisers, not to vulnerable individuals directly.

Sector preparedness and funding

The lack of timely communication and proper consultations also means that advisers and GFOs are frequently unprepared for sudden policy changes. Guidance can be vague or incomplete, leaving advisers to interpret unclear rules or to rely on learned experience from previous clients and cases. A clear example is the July 2025 residence policy,* which eased residence requirements to apply for settled status, allowing those with longer absences to secure settlement without needing reasonable grounds. However, this creates situations in which some individuals who meet this requirement have nevertheless lost pre-settled status due to earlier absences of two years or more.*

The Home Office did not address this possibility from the start. This unresolved contradiction and lack of clear guidance leave advisers unable to give correct advice, in addition to increasing workload and creating legal uncertainty.

Finally, funding cuts further undermine the sector's ability to respond to the demand for support, which remains high. Many organisations supporting hundreds of EUSS applicants no longer receive Home Office funding but continue to provide essential free services. In January 2026, the Home Office formally announced the termination of all government funding for GFOs, citing a decline in EUSS application volumes, a reduction in the total number of people supported, and the fact that approximately 65% of EUSS applications are now submitted by repeat applicants, such as pre-settled status holders converting to settled status. Notably, the number of funded GFOs was reduced in 2024/2025, from 70 to just nine.

However, these justifications overlook several critical issues, such as the nature of applications that continue to be submitted, or the fact that the reduction in supported individuals may be driven by increasingly complex cases, greater barriers to access, reduced capacity of support, or systemic challenges that are not acknowledged. Unsurprisingly, there is no consideration of those who face disadvantage and are left behind, and no general or public contingency plan to ensure continuity of support, leaving critical gaps for applicants who still require guidance to navigate the EUSS process safely.

* Introduced on 16 July 2025, this rule allows pre-settled status holders to qualify for settled status (indefinite leave to remain) if they can prove they have been resident in the UK for at least 30 months (2.5 years) in total within the last 60 months (5 years).

* Pre-settled status is automatically lost after two consecutive years of absence from the UK, when this absence occurred before 21 May 2024, and even if the status still appears as valid online.

Implementation issues

Procedural errors in the application process

The process of applying for an EUSS status further exposes failures in the Home Office's accountability and transparency. Drawing on our experience with legal representation and casework, we have noticed many contradictions in the way Home Office caseworkers handle cases, such as inconsistent application of legal standards or a lack of transparency in assessing evidence.

In general, correspondence between caseworkers and applicants is often inefficient and stressful, due to vague, redundant, repetitive, and unsubstantiated requests. Caseworkers often reject standard evidence, listed in the EUSS Caseworker Guidance, to prove UK residence, or produce multiple requests for additional proof of residence, nationality or identity. However, these requests are rarely supported by a clear explanation of why previous submissions were deemed insufficient or lack a reference to the Guidance.

In other instances, caseworkers might issue, or attempt to, a refusal based on deception and forgery of documents, without providing any explanation for the allegation. Applicants are often given only 14 days to respond to these accusations, which, without an explanation of the basis for the decision, makes it impossible for them to address. While those with professional support are able to challenge such claims, many vulnerable individuals cannot.

Home Office staff have sometimes mentioned relying on "intuition" when sector representatives have asked for clarification on the criteria used for identifying false documents. This reliance on subjective judgment raises concerns about the application of clear criteria, leading to legitimate evidence being wrongly rejected.

Often, when facing these difficulties, applicants turn to the EU Settlement Resolution Centre, whose staff, not being in direct contact with the caseworkers working on a case, might produce incorrect or contradictory advice.

In conclusion, repeated or inconsistent requests, combined with unsubstantiated accusations, significantly delay decision-making and lead to unjust refusals. However, since the Administrative Review route was closed in October 2023, applicants do not have any accessible remedy against caseworker errors, apart from judicial review and appeal, both of which are costly.

Another factor weighing on applicants is the poor coordination among agencies, including the DWP,¹⁶ NHS, employers, councils, universities, and banks, which also leads to wrongful service denials and discriminatory outcomes. For example, young people in education or recently graduated during the pandemic, struggled to find appropriate evidence of their residence close to the cut-off date, but the Home Office does not investigate with schools, DWP or local authorities in a meaningful way.

In general, backlogs and operational delays leave applicants in limbo for years. For example, there are still thousands of applications to be decided, some of which have been waiting since before the 30 June 2021 deadline,¹⁷ and Administrative Review decisions can take over two years,¹⁸ severely restricting travel or reducing certainty of securing employment, housing, benefits and building a private and family life in the UK.

Interdepartmental accountability: Border Force

Alignment between Home Office departments is also a source of concern, for example, in the management of Border Force procedures and travel rights for holders of a Certificate of Application (COA). COAs are issued to confirm the submission of a valid EUSS application and protect applicants' rights while a decision is pending, including the conclusion of any administrative review or appeal. These temporary protection rights derive directly from the Withdrawal Agreement.

Until late 2023, the wording of the COA letter accurately reflected this legal position. However, in August 2024, it was changed to advise applicants not to travel, despite no change to the legal framework. At the same time, Border Force guidance, which was introduced in July 2024, stated that, in addition to a COA, travellers were required to provide additional evidence to demonstrate their entitlement to enter the UK, for instance, by providing evidence of residence in the UK before the end of the transition period.

As a result, individuals who had a legal right to travel on the basis of their COA, and who were informed of this right by a Home Office letter, were stopped at the border, refused entry, or removed.¹⁹ Despite the European Commission's interpretation²⁰ and the warnings issued by the IMA,²¹ travel for COA holders has become insecure and unpredictable, because of inaccurate application of the rules from the Home Office and Border Force.

Inaccurate interpretations of rules, however complex those may be, and shortcomings in their implementation, combined with ineffective coordination between departments and inadequate communication with individuals, reflect a broader reluctance within the Home Office to assume responsibility.

Digital-only status failures

Digital status and errors

The decision to rely on a digital-only immigration status remains one of the most concerning and debated aspects of the Scheme. The system is error-prone, inaccessible, and discriminates against the digitally excluded and vulnerable groups.²² Repeated technical failures prevent people from accessing or proving their status, resulting in loss of employment, housing, healthcare, and benefits. These issues are not isolated incidents but structural flaws.

Parliament²³ and civil society organisations have raised concerns about digital status since its introduction, but the Home Office has continued to ignore or deny the scale of the problem and to portray the system as safe and secure. However, there are several problems linked to its digital nature, including errors that people struggle to resolve, and the system not reflecting correct policy changes.

Large-scale errors have prevented people with lawful status from being able to prove it because of the inability to access the service, and incorrect or outdated status being displayed. Considering that the confirmation of status letter received by email cannot be used as proof of status, the inability to access one's own (digital) document to demonstrate the right to live in the UK, to continue working, or to maintain a private life has serious human consequences. Still, affected individuals do not have access to remedies or compensation.

A particularly serious failure was the “entangled status” problem, where individuals logging into their status saw another person's details or a combination of records. Estimates suggest 76,000 records affected (The Guardian)²⁴ or 48,000 (the Home Office), raising serious data protection concerns. When failures occur, the Home Office frames them as isolated incidents and minimises their scale, declining to publish relevant data, except when challenging figures to which they object. It has been argued that it is this lack of transparency that allows systemic problems to persist.²⁵

Case study | Marta

Marta is an Italian national married to a dual British/EU citizen. She was promptly granted pre-settled status and received a confirmation letter via post, following a paper application, the required procedure in this case. However, her status was not reflected in the digital system, which instead showed that she had no immigration status, suggesting that she had no lawful status in the UK.

Even with a valid status, the outcome letter cannot be used as proof of status. Employers in particular were unwilling to rely on the letter or to contact the Home Office to verify it, due to the risk of penalties for employing someone without lawful status. The inability to access her status led to lost employment opportunities and placed the individual at risk of destitution, avoided only because her partner was able to provide support.

After repeatedly contacting the EU Settlement Resolution Centre, Marta was repeatedly told that a complaint had been filed with the technical team, but these complaints were later untraceable. On other occasions, she was informed by email that the issue had been resolved, even though her digital status was still not showing.

Throughout this period, Marta had no effective remedy available and no reliable way to engage with the Home Office. After six months of unsuccessful attempts to resolve the issue, she sought assistance from our service. We contacted the Resolution Centre directly, opened a new formal complaint, and requested that Resolution Centre staff liaise with the technical team during the same call.

During the call, the Resolution Centre staff acknowledged a significant backlog of similar cases involving missing or incorrect digital status records.

Only after this intervention was Marta finally able to access her status online.

In addition, the digital system and the complexity of rules mean that digital status implementation does not necessarily reflect the legal situation of a person, as if the digital system could not keep pace with the complex and continuous policy changes. This creates situations in which the digital system, which, according to the Home Office, is the only one to be trusted, reflects an incorrect position.

For example, those whose pre-settled status should have automatically lapsed because of a two-year absence from the UK continue to see their status as active, producing valid share codes, passing right to work checks, and even receiving emails stating that the validity of their status had been extended for a further five-year-period. These individuals might receive contrasting information from charities, advisers and the government website, informing them that their status has expired, and they do not have the right to live in the UK, while their online status appears as valid.

In conclusion, because of the Home Office's reluctance to share information on digital errors, data protection, or data sharing with other agencies, monitoring can only be conducted by submitting Freedom of Information (FOI) requests. Even then, the Home Office frequently refuses to provide the requested information or responds to only a limited number of questions, intensifying the absence of clarity.²⁶

The Home Office does not assume responsibility for providing correct information or for finding a solution, such as issuing a paper document. Civil society, independent monitoring bodies, and Parliament have repeatedly proposed practical alternatives to digital status, including an app, QR codes, or, at a minimum, a physical status card for the most vulnerable.²⁷ These recommendations have so far been ignored.²⁸

Yasmine is a dual Spanish and Moroccan national who moved to the UK in 2018. For several years, she was exploited for work, facing destitution. After finally escaping this situation, she was ready to restart her life in the UK by seeking dignified employment.

In early February 2025, she successfully upgraded her pre-settled status to settled status. However, two weeks later, she received an email from the Home Office informing her that her pre-settled status had been extended for a further five years. By checking her UKVI account, she noticed that it incorrectly showed that she still held pre-settled status.

She promptly reached out for advice, as she was particularly concerned about the risk of falling back into exploitation, as she was still trying to secure regular and stable employment.

During a free drop-in session, we helped her contact the EU Settlement Resolution Centre, which confirmed that this was a technical error but could not provide further information on the cause. They advised us to submit a report to the technical team via the 'Report an error with your eVisa' webpage, expecting a response within four to six weeks.

During this period, Yasmine risked losing employment opportunities due to systemic failures in the digital system, and the Home Office's lack of preparedness to promptly resolve technical errors, which is particularly concerning given that employers often prefer candidates with settled status.

These digital errors leave vulnerable individuals exposed to discrimination, insecurity and uncertainty despite holding a secure immigration status.

Oversight and reporting: a difficult task

Monitoring the Home Office

Accountability failures are enhanced, and possibly result from, the ineffective and largely retrospective monitoring of the Home Office, which is scrutinised only after decisions have been made, rather than through earlier engagement. This limits accountability to the public, Parliament, and independent bodies and prevents the identification of risks, and of harmful, unintended consequences.

The Withdrawal Agreement established the Independent Monitoring Authority (IMA) with the important role of clarifying and confirming the rights guaranteed under the Agreement, and of promoting and monitoring their adequate and effective implementation across public authorities and devolved administrations. It is independent in its decision-making, including decisions on how the Withdrawal Agreement is interpreted and applied.

At the APPG meeting, IMA representatives described their approach as a “middle way”, focused on building dialogue with the Home Office to address potential issues with citizens’ rights. Its work is informed by data and insights, much of which is drawn from citizens’ representative groups, complaints and statistical data. However, the speakers also recognised the difficulties in carrying out their monitoring function effectively without reliable and accessible data from the Home Office.

The APPG was reminded that the IMA cannot enforce its recommendations against the Home Office or other public authorities despite its statutory powers. Therefore, it focuses on identifying solutions that protect citizens’ rights while upholding the Withdrawal Agreement’s integrity, but ensured that it will use its statutory powers when necessary.

The IMA representatives also informed the APPG that the Authority has had the opportunity to review draft policy and legislation from the Home Office, which has minimised the impact on citizens when compatibility issues arise.²⁹ It is also helping citizens better understand their rights, so they know what they should expect, for example, through recently issued travel guidance.³⁰

Notwithstanding the proposed aim, the efficacy of the IMA is often debated, particularly due to the nature of the relationship and engagement with the Home Office, which appears limited. In practice, the IMA role is often described as reactive and issue-specific, rather than assessing the protection of citizens’ rights as a whole. Some organisations have also raised concerns about the IMA’s understanding of the need for accessible materials for vulnerable groups (for example, avoiding English-only publications) and its effectiveness in enabling citizens to enforce their rights, given its unclear reach to the wider public.

In response to the IMA at the APPG, the former Independent Chief Inspector of Borders and Immigration emphasised the general weak power of oversight on the Home Office. Despite inspectors producing clear evidence, evidence-based recommendations, and formally warning ministers, little action follows. This may also be due to frequent turnover among senior officials, which leads to the dispersion of responsibilities. Rather than soft pressure, effective accountability would require legal action, operational feedback, monitoring, and policy scrutiny.

Research and reporting

The persistent lack of robust oversight is also exacerbated by insufficient independent public reporting. Despite the millions of citizens affected, there is no comprehensive or long-term assessment of the Scheme evaluating its operation, compliance with the Withdrawal Agreement, and the broader social and economic outcomes for EU citizens.

The most recent substantial report from an independent body, the Independent Chief Inspector of Borders and Immigration (ICIBI), was published in 2022. This report, however, covered the period of 2020 to 2021, just a few years into the Scheme. While the findings are still relevant, mostly because the Home Office has taken insufficient action to address the recommendations, they are also now outdated given the Scheme's ongoing evolution and operational challenges.

Notwithstanding the June 2021 deadline, operations of the Scheme continue to influence the present. This is not only because of the impact of the pandemic, or the unexpected number of applications, but also because of the reality of tens of thousands of valid and genuine applications that continued to be submitted, coupled with significant delays by the Home Office in deciding applications and a persistent backlog of cases, which could take years to be cleared. This is just one of the aspects that make the EUSS still relevant today, but there is still no comprehensive assessment of its impact, and none is expected.

In the absence of official data, charities, grassroots organisations, and universities have filled the gap through research and Freedom of Information requests. They have produced qualitative evidence based on lived experience, analysed practical barriers such as digital exclusion, vulnerability, and inconsistent decision-making, and documented impacts on groups including Roma communities, ethnic minorities, children in care, and digitally excluded people. These independent reports contain important information and straightforward solutions which, nevertheless, the Home Office largely ignores.

Conclusions

The EU Settlement Scheme impacts millions of EU citizens, but it still suffers from persistent structural weaknesses and emerging issues. The report found that this is primarily attributed to repeated accountability failures by the Home Office. Despite its initial commitment to inclusivity, the department now operates an increasingly exclusive system, effectively accepting that some individuals will be excluded from securing their residence rights.

A comprehensive assessment is needed to understand the reasons for the continuing high volume of applications to the EU Settlement Scheme, well after the June 2021 deadline, and to inform necessary policy changes, considering factors like the impact of the pandemic, the unexpected number of applications, and significant operational issues. These issues include persistent backlogs and considerable delays by the Home Office in deciding on applications. Continuing to implement policy changes without addressing these underlying problems is insufficient.

To strengthen the protection of citizens' rights, the Home Office must demonstrate meaningful accountability in fulfilling its obligations under the Withdrawal Agreement. Even if internal structures continue to resist accountability, a robust parliamentary and independent oversight is necessary to introduce effective measures, enabling independent scrutiny and monitoring of the Scheme.

Unless significant accountability failures within the Scheme are addressed, vulnerable individuals will continue to be denied their Withdrawal Agreement rights. This failure exposes them to severe consequences, including families being separated, risk of removal from the UK, unemployment, loss of housing and social security, and an inability to access essential services such as the NHS or education, with no available support mechanisms.

Footnotes

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³ In 2025, we supported more than 700 vulnerable people with legal advice and submission of their EUSS application; New Europeans UK, 2025 a year in review, February 2026, <https://new europeans.uk/wp-content/uploads/2026/02/NEUK-Impact-Report-2025.pdf> (Accessed 6 March 2026).

⁴ References to “respondents” in this report include individuals and organisations working in the EUSS sector who completed our survey. The survey asked to draw on their experience of casework, legal proceedings, and policy work to comment on the Home Office performance, such as:

- The quality of policy impact assessments and the extent of consultation with sector organisations prior to policy changes.
- The clarity, consistency, and reliability of policy and procedural communications with stakeholders and the public.
- The effectiveness in practice of existing engagement forums.
- Their experience of making submissions to independent monitoring bodies and the perceived impact of those submissions.
- Concrete examples from casework illustrating both good and harmful practice in the handling of EUSS cases (including applications, reviews, appeals, and digital status).
- Specific proposals to strengthen oversight and accountability.

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⁹ Home Office, Policy equality statement: EU Settlement, Scheme, November 2020, <https://www.gov.uk/government/publications/eu-settlement-scheme-policy-equality-statement/policy-equality-statement-eu-settlement-scheme> (Accessed 4 February 2026).

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¹⁴ For more information see: Here For Good, Report on Statement of Changes to the Immigration Rules relating to the EU Settlement Scheme, September 2023, <https://hereforgoodlaw.org/wp-content/uploads/2023/10/new-b-report.pdf> (Accessed 6 March 2026).

¹⁵ This and other examples of digital shortcomings showing difficulties faced by status holders in accessing their status, common problems, and alarming glitches can be found here: The3million, The Digital Status Crisis, 28 October 2025, <https://the3million.org.uk/sites/default/files/documents/t3m-report-DigitalStatusCrisis-28Oct2025.pdf> (Accessed 6 March 2026).

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