



Unsettling

A report on the experiences of EEA nationals
and their families in the EU Settlement Scheme

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About Migrant Voice

Migrant Voice is the voice of migrants, a voice with a purpose. We are a UK-based, migrant-led organisation developing the skills and confidence of migrants, empowering them to speak for themselves about their own lives and issues that affect their communities, to speak clearly and effectively and thus drive the change they seek.

Whether speaking out in the media or on public or political platforms, the aim is to create positive change for migrants – countering xenophobia, discrimination and unjust policies, strengthening communities, and bringing social justice – change which benefits the whole of UK society.

We work with migrants regardless of their status and country of origin, including refugees and asylum seekers. We are truly national, working across London, Glasgow and the West Midlands, and we have a large and growing network of migrants and non-migrants (currently 1,300) willing to engage in promoting migrant voices and creating change.

Acknowledgments

Migrant Voice would like to thank all those who participated in our research for sharing their views and experiences, including those who completed the survey and those organisations working with EEA nationals and their families who contacted us separately.

We would also like to thank the team that worked on putting this report together, with a particular mention to Giuliano Giannini. Thank you also to Wafa Islam, Alondra Sierra and Marta Arena.

Key definitions

Biometric Residence Permit (BRP): Contains a migrant's name, date and place of birth, and biometric information. It shows their immigration status and entitlements. EEA nationals are not required to apply for or hold a BRP.

Brexit: Abbreviation of "British exit", the withdrawal of the United Kingdom from the European Union.

Certificate of Application (COA): A document confirming the holder has submitted a valid application for a residence card. Several people who responded to our survey reported receiving some form of confirmation of application, which they use "COA" to describe.

Dependents: Refers to individuals who are not citizens of an EEA country, but are closely related to a citizen of an EEA country. This includes spouses, children and dependent parents.

European Economic Area (EEA): Includes all 28 EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market.

EEA nationals: We use the term in this report to refer to people who are citizens of an EEA country. Others may refer to them as "EU nationals" or "EU citizens".

European Union (EU): An economic and political union of 28 countries. It operates an internal (or single) market which allows free movement of goods, capital, services and people between member states.

EU Settlement Resolution Centre: A helpline run by the Home Office to provide advice and information on applications to the Settlement Scheme.

EU Settlement Scheme: A scheme designed to provide EEA nationals and their families with a route to living and working in the UK beyond the transition period. The deadline is 30 June 2021 if the UK leaves the EU with a deal, 31 December if there is no deal.

Freedom of movement: One of the core rights guaranteed to EEA citizens. It gives these individuals and their family members the right to live, work, establish businesses and study in any other EEA country.

General Data Protection Regulation (GDPR): A set of rules introduced in 2018 designed to give EU nationals more control over their personal data and to protect them from privacy and data breaches.

Her Majesty's Revenue and Customs (HMRC): A non-ministerial department of the UK Government responsible for the collection of taxes, the payment of some forms of state support and the administration of other regulatory regimes including the national minimum wage.

Indefinite Leave to Remain (ILR): An immigration status that allows a person to live and work for an unlimited time without having to extend their visa. It also enables them to leave and re-enter the UK multiple times without immigration restrictions. ILR can lapse in certain circumstances, for example, if one leaves the UK and does not return for two or more years.

National Insurance Number (NINO): A code unique to each adult citizen in the UK, and used in the administration of the National Insurance system and for some purposes in the tax system.

P45: The document you receive when you leave a job containing all the information a new employer will need about your old salary, tax code, etc. It's a legal requirement for employers to send a P45 to all ex-employees after they've left.

P60: A summary of your pay and all deductions in a specific tax year.

Permanent Residence (PR): An immigration status similar to ILR that allows a person to reside in the UK permanently. EEA nationals who have been living in the UK for at least 5 years whilst exercising a treaty right qualify for permanent residence status automatically, but must make a formal application in order to be granted physical proof of PR. EEA PR will not be valid after 31 December 2020 so an EEA Citizen with PR must apply for either British citizenship or settled status.

Pre-settled status: Temporary leave to remain in the UK for EEA nationals and their families who have been living here for a continuous period of less than five years and who apply through the EU Settlement Scheme. After reaching five years continuous residency, these individuals can apply for settled status.

Settled status: Indefinite leave to remain in the UK for EEA nationals and their families who have been living here continuously for five years or more and who apply through the EU Settlement Scheme.

Surinder Singh Route: The principle established by the 1992 Surinder Singh case is that the right in EU law for a person to move from one EU member state to another must include a right to return, otherwise a person would be deterred from moving in the first place. In practice, this means that a British person living in another EU member state with their non-EU family member(s) has the right to bring those family members back to the UK to reside with him/her there.

Executive summary

This report is the result of an online survey conducted between 27 June and 2 September 2019. Anyone eligible to apply to the EU Settlement Scheme – all EEA nationals and their families living in the UK – was eligible to take part in the survey, whether they had applied to the scheme or not, as were organisations offering support to applicants.

We had been hearing troubling stories from our members about difficulties applying and delayed or wrong decisions, and about adverse effects on their mental health, wellbeing and sense of belonging. We wanted to find out more and to amplify the voices of this group of migrants in order to lobby for the change that is needed.

We received 229 valid responses to the survey, including 14 from individuals we could identify as non-EEA family members of EEA nationals. Respondents came from at least 36 different countries, including 22 of the 27 (non-UK) EU states.

While the majority of those who completed the survey had a fairly positive experience of the Settlement Scheme application, a significant minority did not – and one-third of those who responded had not applied for a variety of reasons, many of them troubling.

While we welcome the fact that most people are finding the process a smooth one, we are deeply concerned that this is far from true for dozens of respondents, experiences that likely represent those of tens or even hundreds of thousands of applicants to the scheme. Their experiences of and feelings towards the EU Settlement Scheme are therefore the focus of this report.

Key findings

1. Almost half (49%) of respondents said they found the application process “difficult” (ranging from “slightly” to “very”). Almost four in ten (38%) were asked to provide additional evidence, with a similar number (35%) saying they faced complications in the application process. Scaling this up, we can assume that thousands, if not tens or hundreds of thousands, of the estimated 3.5 million people eligible to apply will face similar problems, which is deeply concerning. (pp.18-19, 20-1)
2. Dozens of people told us they felt ashamed, scapegoated or humiliated by the scheme and the process of applying. It’s significant that, for most, these feelings didn’t go away even after they were granted status, with many facing delays and problems with the application process. Many remained fearful that their rights may not be guaranteed and angry that they had to apply at all. Asked how they felt after getting the decision, one person said they were: “Partly relieved, but also humiliated, angry, then apathetic, empty and uncertain of my future in the UK”. (pp.32-3)
3. A significant number of those who told us they were required to provide additional evidence of their residence in the UK said that this should not have been necessary as tax and National Insurance records should have been sufficient. “It’s a slap in the face to pay taxes for 10 years and then find out that the state doesn’t even have your records,” said one person. Others found it impossible to provide the necessary evidence, with several people feeling forced to accept the temporary pre-settled status as they did not have the documents to prove that they were eligible for permanent settled status. One person in this situation said they no longer had the evidence to prove their 30 years residence due to a difficult divorce. (pp.24-5)

4. Dozens of people told us they had experienced technical glitches, communication problems, delays or Home Office mistakes during the process of applying. Many had problems scanning their passport using the app, and several found the app didn't work even on a device that was supposedly compatible. Three people had to buy a new phone just to apply. Some were given conflicting advice by the Home Office and one person described their dealings with the Resolution Centre as "a farce". (pp.26-8)
5. Several people told us they faced problems proving their identity due to unavoidable and completely explicable discrepancies between documents. This included two woman who had changed their surname when they got married, and two transgender people. One transgender respondent said they were "stuck in a loop and scared about applying in case they will reject my application." (pp.25-6)
6. One-third of respondents told us they hadn't (yet) applied to the scheme, with many aware of the problems that others had faced and fearful that their application would be refused, that evidence would be impossible to gather, or that settled status would not guarantee their rights. One person said their mental disability made the prospect of applying so daunting that they are leaving the UK in order to avoid doing it. Another said they had lost all their documents in a house fire. Others are deeply frustrated about the scheme and said they had not or would not apply on principle. "It is an insult to apply to stay in my home of the last 20 years," one person said. (pp.34-6)
7. There is a clear and worrying trend that non-EEA applicants in our survey are waiting much longer for decisions and being given confusing or contradictory guidance on their application process. One respondent from Nigeria was told a decision could take up to six months, despite Home Office guidance stating that all applications should be processed within one month. A respondent from Zimbabwe was left feeling "anxious" after waiting more than three months for a decision, while their husband and daughter received status within a few days. It is "like there is some segregation of some sort," they said. Overall, almost one-third of respondents (32%) waited longer than a week (the estimated processing time for most applications), with one-quarter of them (8% overall) waiting more than a month. (p.30-1)
8. A significant number of respondents expressed anger or sadness that they are required to go through an application rather than simply a registration process, and therefore face the possibility, however minimal, of being refused. "I'm furious," one person said. "I have been here for 24 years, have paid my taxes for all those years, have three children who were all born here. This is my home! Why do I need to apply to stay in my own home?" (pp.32, 35)
9. Many told us the experience had caused significant stress and anxiety, with six respondents mentioning feeling depressed and one saying the process had left them feeling like taking their own life. Others said they were too worried about the process and the outcome to even apply. "I am scared and worried that I cannot put myself through this stress, that I won't cope with the uncertainty," one person said. Several said they were planning to leave the UK as a result. (pp.32-3)
10. There was widespread anger and mistrust at the scheme's data policy, which allows the government to share applicants' information with unnamed public and private sector organisations around the world. Several told us that this policy was the reason why they had not (yet) applied.

“I’m not doing anything before I get more information on how my data is used,” one person said. (pp.28, 34)

11. Many were also angry at the government’s decision not to offer physical proof of the status once granted. “No physical evidence is the worst - disaster waiting to happen,” said one person. (pp.28-9, 35)
12. Four organisations that are working with potentially vulnerable EEA nationals and their dependents – including those with no fixed abode and Roma communities – raised significant concerns. Many of their clients don’t have a passport and must either pay up to £100 to get one or send off their only form of ID to the Home Office when they apply to the scheme. Limited support is available for many Roma communities, those with limited English, and children and adults in care, and scammers are taking advantage, in some cases charging between £350 and £1,000 to complete someone’s application. (pp.37-9)

Migrant Voice’s view on these findings

These findings are deeply concerning, especially given the vast scale of this scheme and the devastating consequences for those who are failed by it or who do not apply before the deadline: the sudden loss of lawful residence in the UK and all the rights that go with that.

Millions of people change their name when they get married, millions more are self-employed, and tens of thousands (if not more) may be unaware they need to apply or unable to access the technology or guidance they need. While there have been more than 2.4 million applications to the scheme as of November 2019, it is likely that many of those facing the most severe obstacles have yet to apply, and there is therefore still time to make the necessary changes.

That so many people are facing significant technical problems, poor guidance, delays and a lack of communication is troubling – but equally concerning is the severe impact on the health and wellbeing of so many of those applying or facing the prospect of it.

For these people, the process has not been the “transparent, smooth and streamlined” one that was promised in the 2017 Withdrawal Agreement.

There is an urgent need for a more efficient and accurate application processing system, for an end to the policy that will turn unknown numbers of UK residents into undocumented migrants, and for an expansion of support networks where these are needed most.

We call on all UK politicians and all who have a role to play in the continued development and implementation of the EU Settlement Scheme to read this report and act swiftly on its recommendations.

The message, repeated so often by our politicians, that EEA nationals and their families are welcome here must be made a reality through legislation that guarantees their rights, regardless of the outcome of Brexit, and through a declaratory or registration scheme that works for all.

Recommendations

Migrant Voice's recommendations have been developed as a result of both this survey and our work since 2016 on the rights of EEA nationals and their families.

We urge the Government to:

1. Enshrine the rights of all EEA nationals and their families resident in the UK in law, ensuring their rights are protected whatever the outcome of Brexit;
2. Ensure that no one becomes undocumented as a result of not having applied to the scheme, or not upgrading pre-settled to settled status after five years, by making this a declaratory or registration scheme that is not time limited;
3. End the current data sharing policy and ensure that applicants' data is used only for the processing of their application and shared no further;
4. Increase the level of support for vulnerable groups who are eligible for the scheme across the UK and ensure that any gaps are swiftly filled;
5. Improve the availability of advisers at the EU Settlement Resolution Centre and ensure they are fully trained to provide correct guidance to those seeking advice;
6. Commit to processing all applications within one month, including those of non-EEA applicants, and provide transparent reasons where this is not possible;
7. Improve the functionality of the systems individuals are using to apply to the scheme, including the app;
8. Improve the functionality of the system in cases where there is a change of name or identity;
9. Investigate how it is possible that information about an individual's residence that should be retrievable with their National Insurance Number is in some cases not being retrieved and improve the functionality of this system;
10. Increase the number of centres where applicants can have their documents scanned, and work to ensure that free appointments are always available.
11. Inform all applicants who are granted pre-settled status how they can challenge this decision if they believe they should have been granted settled status;
12. Offer physical or digital proof (easily accessible to the individual) of pre-settled or settled status, once granted;
13. Provide more data on applications to the scheme – including by region and gender – in the monthly published statistics and separate out the number of applicants from the number of applications, to ensure transparency and enable both the government and organisations to make sure vulnerable groups have access to support.

Introduction

Since the 2016 EU referendum, the rights and future of EEA nationals living in the UK has been a major area of discussion, among both the public and politicians. The EU allows for the free movement of goods, services, capital and people within the single market – and millions of EEA nationals had enjoyed that freedom by moving to and settling in the UK. It was assumed that after Brexit this right to free movement would end, both for EEA nationals wanting to move to the UK and for UK nationals wanting to move to other EEA countries. But what should happen to the estimated 3.5 million EEA nationals and their dependents already living in the UK?

While UK politicians insisted repeatedly that EEA nationals and their families already in the UK were welcome to stay and would retain their rights, the Government was also accused of using them as “bargaining chips” in the negotiation process. In December 2017, 18 months after the referendum, the UK reached an agreement with the EU on citizens’ rights (among other matters). This laid out the principles behind what became the EU Settlement Scheme and an application process for settled status was developed over several months. It was launched initially as a pilot in November 2018 and officially on 30 March 2019, the day after the UK was originally scheduled to leave the EU. The £65 fee for each application had been scrapped in January, partway through the pilot.

EEA nationals and their dependents who have lived continuously in the UK for at least five years are eligible for settled status, which is indefinite leave to remain. Those who have lived in the UK for less than five years are eligible for pre-settled status, which can be “upgraded” to settled status once the five-year mark is reached. Pre-settled status expires five years after the issue date and current rules suggest that those who do not upgrade to settled status before that point will then be in the UK unlawfully.

The scale of the scheme is unprecedented, with over 3.5 million individuals eligible, and indeed urged, to apply – and each application to be assessed individually. Those who do not apply before the deadline, or who are refused status, will be in the UK unlawfully beyond that date. A key concern therefore remains: how do we ensure that all those who are eligible do apply and that no one becomes undocumented, either as a result of not applying or because the scheme has failed them?

According to the [latest statistics published by the Home Office](#) on this scheme (November 2019), there have been 2,450,500 applications since it launched.¹ Of these, 60% have been granted settled status and 40% pre-settled status. Four applications have been refused and 525,200 applications have not yet been concluded. However, [the Government has recently acknowledged](#) that the figures published in these updates do not accurately represent the number of people who have applied to the scheme, as an individual’s application for pre-settled status and later application to “upgrade” to settled status are counted separately.² This means that fewer people have applied to the scheme than the headline figure on each Home Office update suggests.

Within weeks of the scheme opening, we became concerned that these statistics were not telling the full story. We were hearing from our members about difficulties applying and delayed or wrong decisions, and about the impacts on their mental health, wellbeing and sense of belonging. Many were angry that applicants are required to agree to their data being shared with unnamed “public and private sector organisations in the UK and overseas”; that the rights that come with settled status are not cemented in primary legislation; and that successful applicants are given no proof of their new status. We wanted to

¹ ‘EU Settlement Scheme Statistics, October 2019’, Home Office, 14 November 2019.

² ‘Home Office admits double counting in the EU settlement statistics,’ Kuba Jablonowski, Free Movement, 28 October 2019.

learn more about the issues and amplify the voices of this group of migrants in order to lobby for the change that is needed.

Between 27 June 2019 when our survey was launched and 2 September 2019 when it closed – and until now – huge political and parliamentary changes have had significant impact on the EEA nationals and the families we were seeking to reach. Theresa May was replaced by Boris Johnson as Prime Minister, who promised to deliver Brexit on 31 October, deal or no deal. A few weeks later, Home Secretary Priti Patel provoked outrage and bewilderment in many quarters when she announced that free movement would end on 31 October in the case of a no-deal Brexit – a proposal widely criticised as unfair and unworkable as it would have made it extremely difficult for EEA nationals and their families who had been in the UK prior to 31 October and who hadn't yet been granted settled or pre-settled status to prove that they were here lawfully. It was soon dropped, but this did little to assuage the concerns of many EEA residents in the UK. As a result of the debacle, some EEA nationals may have applied to the Settlement Scheme sooner than they might otherwise have, and the proposal and aftermath may have informed some of the responses to our survey.

We have since seen the new Prime Minister attempt and fail to get his Withdrawal Agreement Bill through Parliament, but eventually succeed in his bid for a General Election, to be held on 12 December. In the same period, the EU granted a request from the UK to delay Brexit by another three months. The current scheduled departure date is 31 January 2020.

Little has changed in this period regarding the Settlement Scheme directly. However, since our survey closed, we have seen the app that EEA nationals are required to download in order to apply become available on iPhone (models 7 and newer). It had previously been a significant problem for some that it had only been available on Android devices.

The Settlement Scheme

How the scheme works

EEA nationals and their families can apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021, according to official guidance. This is also the deadline for applying if the UK leaves the EU with a deal. If the UK leaves the EU without a deal, the deadline will move forward to 31 December 2020.

If the application is successful, applicants are granted either settled status (if resident in the UK for at least five years) or pre-settled status (if resident in the UK for less than five years).³

Those applying need:

- Proof of identity: in most cases, this is either a passport or national identity card⁴
- A digital photo of their face
- Proof of their residence in the UK

Applicants can either scan their identity document and upload their photo using the 'EU Exit: ID Document Check' app (which is now available on iPhone 7 and above as well as Android phones), or send their document in the post and upload their photo using the online application. If an applicant has a biometric passport/ID card or a UK-issued Biometric Residence Permit but does not have access to a smartphone compatible with the app, they can visit [one of the organisations](#) that has offered to scan and upload the requested documents.

To prove continuous residence, applicants usually need to have lived in the UK, the Channel Islands or the Isle of Man for at least six months in each 12-month period. Individuals applying to the EU Settlement Scheme can give their National Insurance Number (NINo) to allow an automated check of their residence based on tax and certain benefit records. According to Home Office guidance, they will only need to provide further evidence if not enough data can be gathered from the NINo check to confirm their residence.

During the application process, applicants are asked to declare convictions that appear in their criminal record in the UK or overseas (applicants do not need to declare 'spent convictions' or 'cautions'). The government website states that applicants aged 18 or over will also be checked against the UK's crime database. However, it emerged in September 2019 that [applicants aged 10-17 are also being checked for criminal records](#).⁵

People who have been convicted of a minor crime will still be eligible for settled or pre-settled status, and may still be eligible with more serious convictions. These applications will be dealt with on a case-by-case basis.

Non-EEA applicants may apply if they are a close family member or dependent of an EEA national or in several other specific circumstances, listed on the UK government website.

Applicants are informed of the decision by email and most of those who are granted settled or pre-settled status do not receive any physical proof of this. Successful applicants can view their status or prove it to someone else online.

³ There are some categories of people who do not need to apply, including Irish citizens.

⁴ Unless they are in possession of a valid permanent residence document or similar.

⁵ 'Anger as Home Office confirms primary school children of EU citizens to be checked for criminal records', May Bulman, The Independent, 10 September 2019.

Migrant Voice's role in the development of the scheme

Since before the EU referendum, Migrant Voice has been calling for the rights of EEA nationals and their families to be preserved and has lobbied for the scheme to be based on registration or declaration rather than application. We have also been calling for a scheme that will not leave anyone undocumented if they do not apply.

In early 2018 Migrant Voice was invited, along with a number of other organisations, to sit on one of several Home Office user groups to advise on the design and implementation of the EU Settlement Scheme. We had (and still do have) significant concerns regarding this scheme and we saw this invitation as an opportunity to voice these and to influence its further development.

In user group meetings since then, we and others have flagged our concerns regarding, for example, vulnerable groups who may have difficulty applying and issues with the design of the scheme and the questions asked of applicants (e.g. regarding criminal convictions). The Home Office has taken some of this advice and made some changes accordingly.

The survey

As noted above, the survey was borne out of a concern that at least some EEA nationals were facing difficulties, delays or bad decisions in the process of applying to the Settlement Scheme, and that many were frustrated or upset at the prospect or process of applying. We were also aware that others were choosing not to apply at all, either waiting to see how political events developed or deciding to boycott the scheme altogether. We were keen to hear from as many people in different situations as possible, including those who haven't applied and people who have applied and faced no problems.

The aim was to give EEA nationals in the UK a means to share their experiences, thoughts and feelings on the Settlement Scheme – and its impact on their lives – and to identify problems that we could then raise with the Home Office and in other influential fora with the goal of contributing to the improvement of the scheme.

Methodology

The online survey, hosted by Survey Monkey, was open from 27 June to 2 September 2019. Migrant Voice disseminated information about the survey, including a link to it, via its social media platforms, mailing lists, and migrant networks, as well as by word of mouth. It was further circulated by other organisations to their contacts. It was initially shared in some cases as a survey only for those who had already applied, but this was later rectified.

The survey comprised 17 questions, including 12 multiple-choice questions (seven of which also offered space for a further written response, prompted by the phrase 'Please explain') and five open-ended questions requiring only written responses. Not all questions were compulsory. (See the full list of questions in the Appendix.)

Some were factual questions (e.g. 'Have you applied to the settlement scheme?'), while others asked respondents to give an answer on a scale (e.g. 'How was the application process? Easy/Slightly difficult/Moderately difficult/Very difficult'), and others still were open questions regarding respondents' feelings or experiences (e.g. 'How did it make you feel to have to apply?').

There were questions to help determine whether the individual was eligible to complete the survey ('Are you an EEA national or a dependent of one?'), a question about their country of origin, and a question regarding whether the individual was happy for us to contact them for further information. The survey allowed for representatives of organisations working with EEA nationals and/or their dependents to complete the questions, providing information about individuals who were having problems with the scheme. We requested that these representatives complete the survey once for each case they wished to share. We also encouraged organisations to contact us separately about issues or problems faced by members or clients, and several did so.

There was a specific multiple choice question for those who had not applied to find out the reasons for this, and space for these respondents to provide further information.

The survey received 331 responses, of which 229 were considered valid. Individuals whose responses were considered invalid either did not complete the compulsory questions in the survey or were not eligible to take the survey due to their status (i.e. they were not an EEA national, a dependent of one, or a member of an organisation filling the survey on behalf of an EEA national/dependent).

Of those 229 respondents, 192 answered an optional question regarding their country of origin. Thirty-six nationalities are represented in the results: 22 EU countries, two EEA countries (Iceland and Norway), and 12 non-EEA countries. We did not gather any information regarding the age or gender of respondents.

The following analysis is based on the 229 valid responses. Not every respondent answered every question, so analysis of some questions is based on a smaller sample than 229. Furthermore, in some questions where there was both a multiple-choice option and a comment box, some respondents did not tick any boxes but only wrote a comment. So while they responded to the question, they did not provide any data for the quantitative analysis: these respondents are represented by a segment labelled 'No box ticked' in the pie charts below where this is relevant.

The first analysis section looks primarily at the quantitative data retrieved for each question (questions determining an individual's eligibility for the survey or willingness to be contacted are not addressed); the second provides analysis of the findings, drawing on responses from across the survey; and the third draws together the information provided outside the online survey by organisations working with EEA nationals and their dependents on Settlement Scheme applications.

We are aware of the limitations of our methodology. While it is certainly possible to draw valid conclusions from the 229 valid responses we received, given the huge number of people eligible for this scheme, it is clear that a much larger survey is also needed, perhaps even a longitudinal study that analyses individuals' experiences of the whole process. After all, this survey gives only a snapshot of a number of individuals' experiences at a single moment in each person's engagement with the scheme, and may not be representative of their overall experience.

It's also important to note that an unknown number of people who responded to the survey having either not yet applied or not yet received a decision may since have applied or been granted settled/pre-settled status.

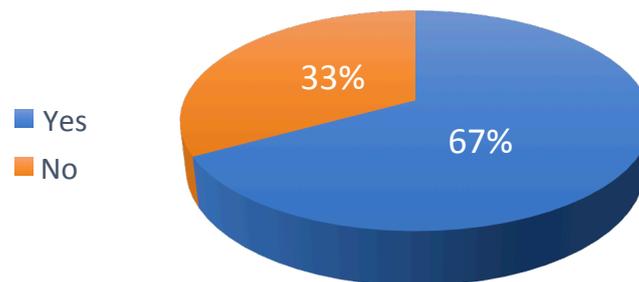
Secondly, we are aware that the survey was more likely to attract respondents who had faced problems with the scheme and may therefore not be representative of the overall experience of the 2.4 million (or so) people who have applied so far. Those whose experience had been easy and smooth were less likely to seek out or take up an opportunity to share that experience, and they may therefore be under-represented in the results.

We are also aware that many EEA nationals/dependents who are facing the most severe barriers to applying will not have completed this survey, often for the same reasons that they have not applied to the scheme: they may be unaware they need to, they may not have access to or the ability to use technology, they may be physically or mentally ill, or they may not have strong English language skills. It is likely that the scale of the problems that are explored in this report are even worse for many of the groups who have not yet applied and are facing significant barriers, e.g. children in care, people with no fixed abode. Some of these issues were raised by organisations and are summarised in the final analysis section.

Overview of responses

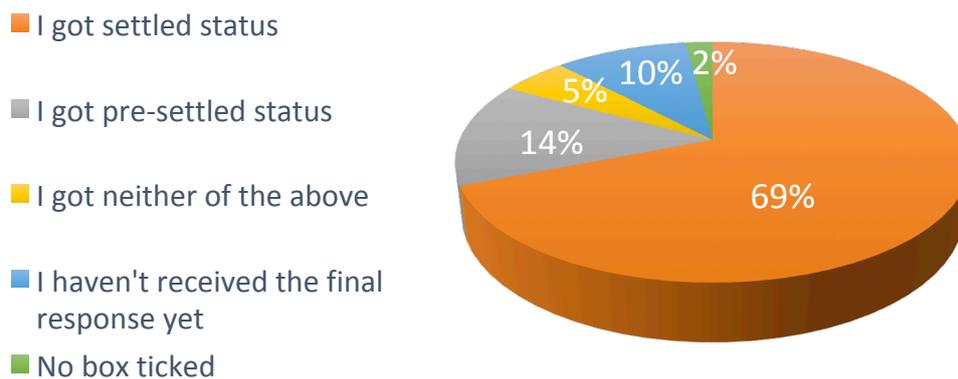
The quantitative data presented in this section focuses on the responses from those who had applied to the Settlement Scheme as there were only two questions in our survey that related to those who had not yet applied. We explore their experiences in detail in a later analysis section.

1. Have you applied for settled status?



Out of 229 valid responses, 153 individuals (67%) said they had applied. One-third (33%) had not applied (yet). A separate question asked those who had not applied about the reasons for this; their answers will be explored in the next analysis section.

2. If yes, what was the outcome?

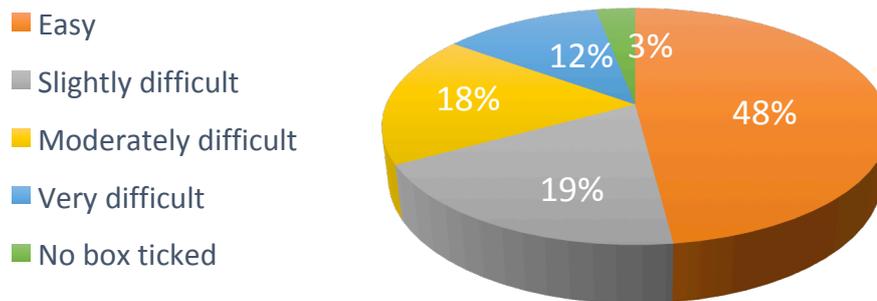


The majority of respondents to this question (69%) said they had been granted settled status, while 14% people had got pre-settled status. At the time they filled in the survey, 17 respondents had not received a response, and eight said they had got neither settled nor pre-settled status.

None of these eight respondents had been refused status, as is revealed by further information provided in the comment box for this question. Instead, most had got stuck somewhere in the process for various

reasons, e.g. because Home Office records did not confirm their residence, because they needed to upload their documents at a designated centre and could not find an available appointment, or because they had faced a technical issue and were waiting for information regarding how to proceed with their application.

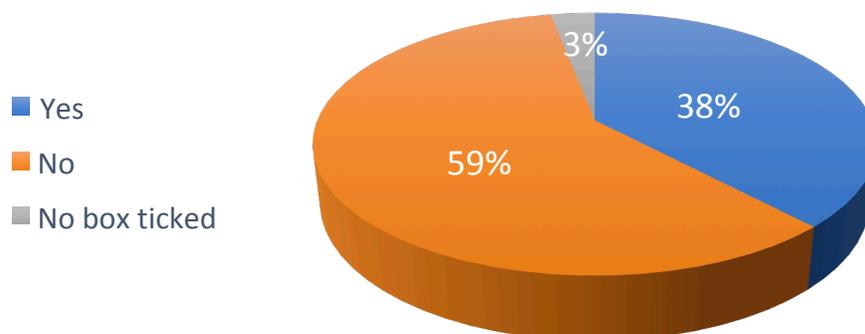
3. How was the application process?



Just under half of those who responded to this question said that the application process had been “easy”, with the remainder selecting various levels of “difficult” (from “slightly difficult” to “very difficult”). It is concerning that more than 1 in 10 (12%) said the process had been “very difficult”.

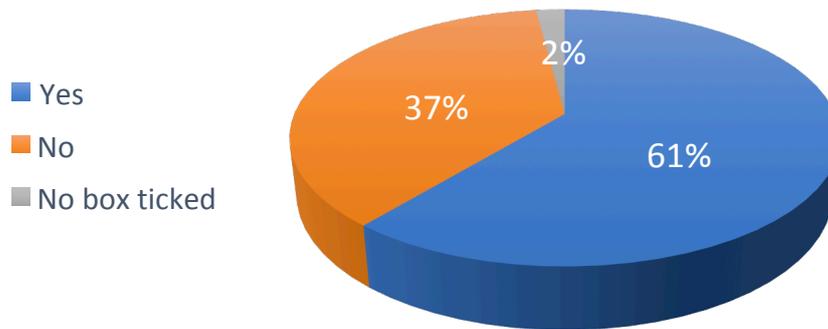
Seventy-one respondents provided further information in the comment box for this question. Some of the reasons provided for difficulties were technical issues (e.g. the app not working properly), delays in receiving a decision, and problems retrieving further evidence required to prove residence. These are addressed in greater detail in the next section.

4. Were you asked to provide additional evidence?



The majority of respondents to this question (59%) said they did not need to provide additional evidence for their application to be processed, with 38% indicating that they were required to provide evidence beyond the initial photograph, ID document and NINo.

5. Were you able to use your phone to verify your identity (scan your passport)?

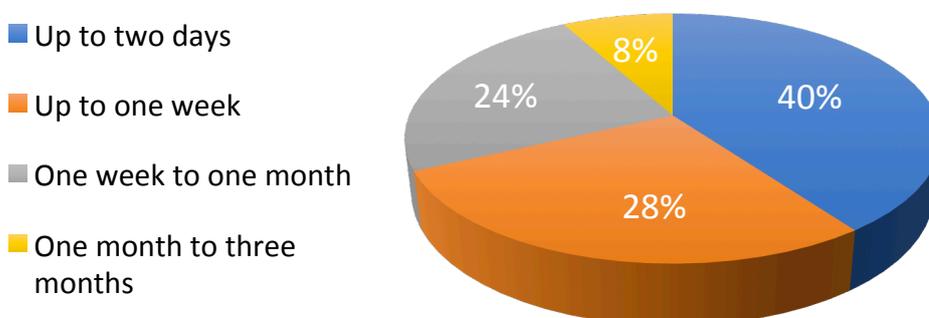


Around six in ten of those who responded to this question said they were able to use their own phone to complete the initial, digital part of the application and forward the information from their passport or ID document to the Home Office.

Just under 40% said they were unable to do this. This does not mean that they were unable to apply, as their further comments show. Most used a friend or acquaintance's phone to scan their passport.

Since our survey closed, the app has become available on iPhone (models 7 and above). While some people do not own any kind of smartphone and will therefore still need to borrow a device to complete this part of the application, it is likely that the proportion of people unable to use their own phone would decrease significantly if we were to conduct the survey now.

6. How long did it take to get a decision?

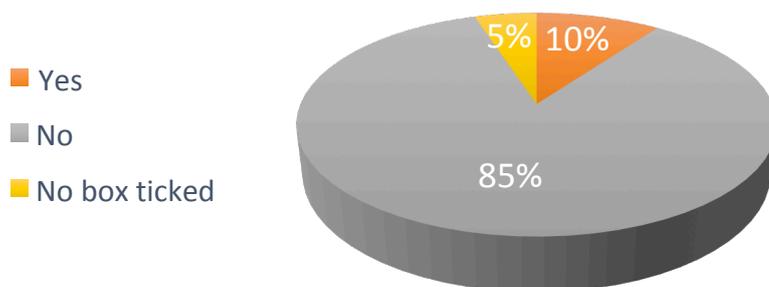


This was an open question with 158 responses. From these responses we created a series of categories that could represent the range of experiences. Twenty-eight responses were dismissed as invalid, e.g. where insufficient information was provided to identify the time frame.

Four in ten respondents said they had received a decision within two days, with a further 28% receiving theirs within a week. For 24%, the decision took between one week and one month, with 8% waiting up to three months. The quickest time given was “moments”, with the longest “3 months”.

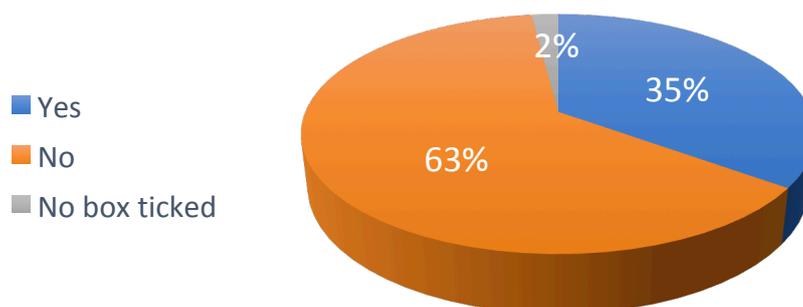
[Home Office guidance currently states](#) that applications usually take around five working days to process, but that this can take up to a month. This means that almost one-third of respondents to our survey had to wait longer than the usual processing time, with almost one in ten waiting even longer than the longest time estimated by the Home Office.

7. Did you get a different decision from what you expected (e.g. pre-settled status instead of settled)?



Out of 159 people who responded to this question, 85% said that the decision they received was *not* different from their expectations, whether this was settled or pre-settled status. Sixteen people did get a different decision to the one they expected. Of those 16 who provided additional information, seven said they had been granted pre-settled when they expected settled status.

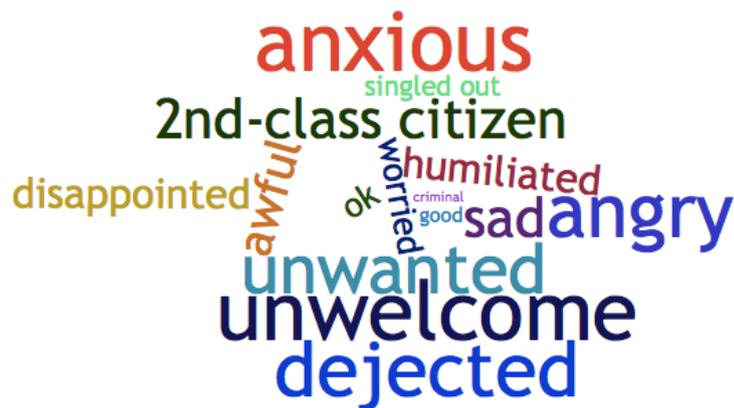
8. Were there any complications in the whole application process?



Almost two-thirds (63%) of the respondents to this question said they did not encounter any complications in the process of applying, with 35% answering “yes”.

The issues raised in the comment box were varied and included technical issues, additional evidence being required, supporting evidence being ignored, and the Home Office not replying to requests for clarification. These will be explored later.

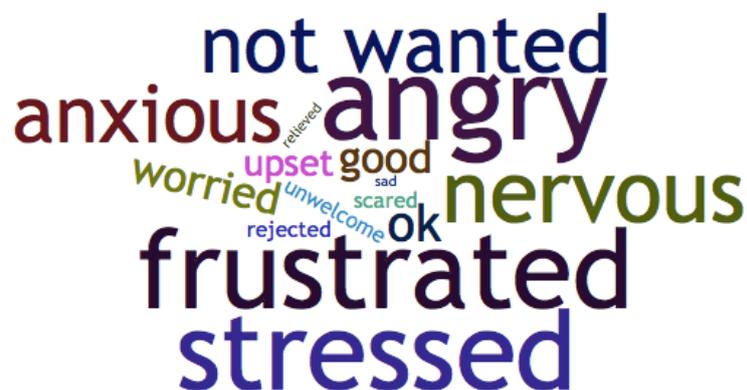
9. How did it make you feel to have to apply?



Three of the survey questions were designed to explore respondents’ feelings and emotions during and after the process.

Of the 168 responses to this question, most were negative, with words such as “unwelcome”, “unwanted”, “angry” featuring frequently. The word cloud above represents some of the words used to describe the respondents’ feelings as they learned they had to apply to the scheme, with the size of each word scaled to represent the number of times it was mentioned. (The same methodology applies to the creation of the two following word clouds.)

10. How did the application process make you feel?



Again, of the 162 responses to this question, the majority were negative, with words such as “stressed”, “angry” and “nervous” recurring frequently.

11. How did you feel after getting a decision (if you had one)?

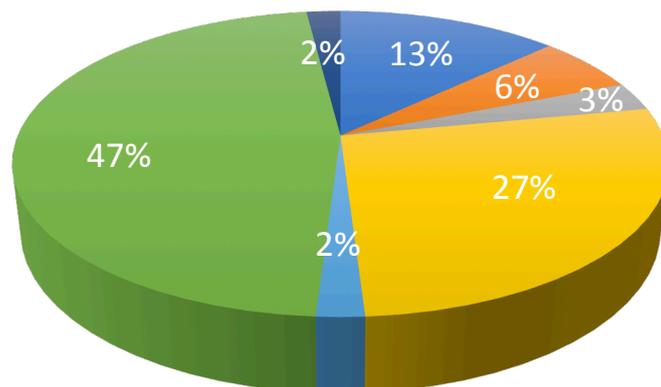


Of the 155 people who responded, “relieved” was the most common answer, followed by “still waiting”, indicating the number of people who had not yet received a response.

For many, the negative feelings had not gone away after the decision was received, with words such as “bitter”, “unimpressed” and “angry” also featuring.

12. If you haven’t applied yet, why?

- I am worried I may not get a positive decision
- I am still gathering information and evidence
- I don’t know how to apply
- I don’t want to apply
- I want help to apply
- Other
- No box ticked



More than one-quarter of those who responded to this question (27%) told us that the reason they had not applied was because they did not want to. Around half that number said they were worried they may not get a positive decision. Of those who answered, 5% told us they either didn't know how to apply or wanted help to do so.

Almost half ticked 'Other' and many of these respondents – as well as most who had ticked one of the multiple choice answers – provided further information in the comment section.

The most common reasons given were concerns about data sharing, uncertainty (about whether Brexit will happen, what it will mean for free movement, and what settled status will mean for their rights long term), worries about their ability to prove residence, and outrage that they are being asked to apply at all. These will be explored in more detail later.

Analysis of the responses

This section takes a closer look at the survey responses, first focusing on the problems or concerns that were raised by those who had applied, and then looking at the responses from those who had not applied.

As is clear from the data above, while the majority of respondents had an overall positive experience of the application process, a significant minority did not, which is cause for concern. If we scale this up, it is likely that hundreds, thousands or even tens of thousands of others are also facing problems, given that more than 3.5 million people are eligible to apply (and more than 2.4 million applications have already been made).

For example, several respondents told us that, due to self-employment, it had been difficult to prove their residence. As of September 2019, [15% of the UK workforce is self-employed](#), making it likely that, even with a conservative estimate, hundreds of thousands of applicants to the Settlement Scheme may face similar problems.⁶

Concerns raised by those who had applied

It is clear that, while the Home Office continues to claim that the process is fast and easy for the majority of applicants, many people are facing a frustrating, slow and error-ridden process, even when their application should be simple. Some claim their supporting evidence was simply ignored; several self-employed applicants have faced problems proving their work history; and for some women, a discrepancy between their married and maiden names on various documents has made it difficult to prove their identity. Others have been granted pre-settled status when they are eligible for the permanent, and therefore less precarious, settled status, while many faced technical or communications issues during the process.

A significant number of respondents reported facing several different, unrelated problems during the process, making the application much more time-consuming and stressful than it should be. One such respondent said:

App misbehaved, it was very difficult to scan passport, and instruction was hard to find. Then system said it can't find proof of my presence in the UK in past 6 months (I'm here from over 6 years), so I attached proof from past 6 months. It only turned out after 6 weeks of waiting and 2 phone calls that I have to provide proof for 1 more year.

We now address in turn the key concerns raised by those who had applied to the scheme at the time of completing the survey.

1. Additional evidence

As noted earlier, 62 people who responded to the survey said that their application had required further evidence of their residence beyond the initial identity check and provision of their NINo. It is clear from several further written responses that this was unexpected, and that these respondents believed the Home

⁶ 'Employment in the UK: November 2019', Office for National Statistics, 12 November 2019.

Office should have been able to access all the required evidence from their initial information. A number of those affected stated that they are self-employed.

One such individual said:

I need to provide evidence of my residence. I was self-employed for two years, yet HMRC does not have my records, so I need to look for old bills, etc.

They added:

It's a slap in the face to pay taxes for 10 years and then find out that the state doesn't even have your records. What about people who didn't realise they'd need their bills from 10 years ago and disposed of them? People whose employers never sent them P45s, P60s? This happens all the time.

A second respondent was initially granted pre-settled status, while being eligible for settled status. To challenge the decision, they had to provide further evidence even for years when they had been employed. They added:

It is a process that requires good record keeping and nerves of steel.

Another person had to accept pre-settled status as, due to a “difficult divorce”, they no longer had the necessary evidence to prove their 30 years residence.

Other respondents focused on the Government’s apparent inability to trace extant information – such as National Insurance data or professional records – that should have been easily accessible to the Government and would negate the need to provide any further evidence.

Here are some of their responses:

They had no records of the last 5 years. I work and pay taxes and NIN [National Insurance].

I have lived in the UK for 12 years, have a full NI record and HM revenue record, both accessible online, and despite that had to send the supporting documents myself. Annoying to say the least.

Providing my insurance number was not enough. Which was a surprise. They couldn't find me. I provided my company HMRC number and doc.

In these situations the onus falls back on the applicant to prove that they were resident in the UK for the time periods in question. This can bring with it financial costs (e.g. gathering official documents), time pressures and stress, or even the possibility that a person eligible for settled status may have to ‘settle’ for pre-settled status if they cannot access the required documents.

2. Identity

Several respondents said they had faced problems trying to prove their identity, through no fault of their own.

Two women who had changed their surname when they got married explained that this had caused unexpected complications. For one, this led to a request for additional evidence:

My Dutch passport is in my maiden name so it didn't tie in with my NI number so it asked me for 7 years proof.

The other faced a frustrating process to correct a mistake relating to her changed name:

I applied under my married name and the outcome was correctly made in my married name. Yet when I logged back in in April, my name had changed to my maiden name. Called the resolution centre several times and still not fixed.

A name change due to marriage is a very frequent occurrence and it is concerning that this is apparently causing delays, mistakes and demands for further evidence in some cases.

Two transgender respondents told us they were facing similar problems proving their identity. One person wrote:

The more detailed reason for the complication is that I am a transgender person from Poland. My name in the passport is different from the name I use at work or anywhere else in the UK. The SS [Settlement Scheme] application form does not accommodate such circumstances.

Another transgender respondent wrote:

As a trans person I am facing extra complications for applying and it is taking a long time to figure out how to do it properly. I have formally changed [my] name in the UK including all my official documents such as Driver's Licence, bank, etc. However, my passport from my country of origin has a different name which I am unable to change without a letter from a Gender Specialist declaring that I am indeed trans. To get this letter I will need to wait another 2 years (current waiting time for Gender Identity Clinics is around 4 years) and have proof of formal name change in this country. I'm currently stuck in this loop and scared about applying in case they will reject my application. I do not trust that people going through my application will be educated enough on trans issues not to use it against my case.

[Trans people make up an estimated 1% of the UK population](#). Upwards of 35,000 people eligible to apply to the Settlement Scheme could therefore be trans and facing similar problems. The concerns raised by the respondents above – that the application form does not allow for these circumstances and that those assessing the application may not be adequately educated – are particularly troubling.

3. Unclear information and lack of response

Several respondents wrote about a lack of clarity in the Home Office guidance and/or the application process. In one case, this led to the applicant giving up on pursuing the correct outcome:

It wasn't clear what was needed so I accepted pre-settled status [...] I felt obliged to accept pre-settled.

Others said that it had been very difficult to contact the Home Office regarding their application, or that they hadn't received emails or information that they should have:

I have applied for the settled status in November 2018 via pilot scheme for the NHS staff. I haven't heard anything from the Home Office since, in spite of several phone calls for an update.

[I was told] that the Home Office will contact me first to confirm my email/phone number, and after I'll have an email asking me to continue the registration process. I never had that second email.

Contact with the resolution centre was a farce. First time I called I was advised to try again in a week. Called back after a week and got through to someone who passed it on to the tech team. A week later I got a confirmation that the issue had now been passed on. Another week later I had a voicemail asking to call the centre. I did, but not from my mobile phone and was told the lady was

unable to see the communication record as I was calling from a different number. So hung up and called back from mobile phone only to be asked what the voicemail said that was left for me. Person said they would look into the issue and call back. Three weeks later I am still waiting for that call.

4. Technical issues

(i) Compatibility

The fact that the app released by the Government for smartphones only worked on Android systems at the time of the survey created frustrations for many respondents. In most cases, this could be resolved by using someone else's phone. In other instances, applicants decided to send their passport to be scanned manually. Three respondents said they had to buy a new phone in order to apply, thus incurring a significant cost in a process that is supposedly free of charge.

Some respondents told us they had faced problems even when using an Android device that was supposedly compatible. One person said they tried to apply using two different Android devices:

First, I used an older phone Galaxy Note 4 and the scanning of the password never worked. I even tried my colleagues (sic) phone which was a newer HTC I think which also didn't work at all. I gave up on this then until I bought myself a Nokia for a relatively low price of £130 only for the purpose of doing my own and my family's settled scheme applications.

Another person said they had to go to a scanning centre as they did not have an Android phone and was charged £14 for the service. This seems to be in conflict with the application system, which is (now) supposed to be free of charge.

Several of those who did not have access to a compatible device expressed their frustration:

As I don't have an Android phone I had to make an appointment with the council to get my ID scanned. That made the process more difficult and time consuming.

The whole process was cumbersome.

(ii) The interface

In several cases, respondents said that the app had not worked properly, even when they were using the correct device. Some people had to scan their passport several times, as the app could not read the data properly. In one case, the app communicated to the user that the passport scan had been accepted, but a few days later the person received an email requesting them to scan their passport.

Others were forced to give up and send their passport to be scanned manually. One respondent wrote:

App wouldn't scan passport, used two different phones to try. Then got a message through app that I only had a couple of tries left before being locked for a week. Had to send in my passport in the end to make it work.

Another said:

First attempt crashed. Received weekly emails/text messages between March and August to confirm that I was experiencing technical issues. Finally last week a message that I should try and continue my application.

And a third:

My phone couldn't read the chip, no matter which way I tried to position the passport. I was nervous about trying too many times, as I heard you could get locked out. I ended up borrowing someone else's phone, which was very uncomfortable, and felt like a breach of my privacy. This made the process very stressful.

(iii) Confirmation not received

Some respondents claimed not to have received a confirmation email after completing the application process:

I never received the confirmation email after submitting the info and despite a long call with the helpline three weeks later the issue hasn't been resolved - they keep texting me weekly saying they will get in touch once this has been resolved.

I wasn't sent a confirmation email and have had to call the helpline to get support.

5. Policy concerns

(i) Data handling

Several individuals expressed dissatisfaction with the Home Office policy regarding the use of any data provided during the application process. When applying to the scheme, applicants are told: "We may also share your information with other public and private sector organisations in the UK and overseas." No details are given about these third parties and applicants are unable to complete the application if they do not agree to have their data used in this way.

Respondents said:

I am really angry about the HO refusal to disclose who they share the very sensitive data with.

I am very concerned about the privacy of my data and the absence of knowledge regarding with whom and with which organisations these data are going to be shared, stored and protected.

Privacy policy: "We may also share your information with other public and private sector organisations in the UK and overseas." NO, NO, NO!

(ii) Lack of physical proof

Several respondents also expressed frustration at the policy that means recipients of settled or pre-settled status do not receive physical proof (in the form of an ID card, letter or otherwise) of that status.

Responding to the question, 'How did you feel after getting a decision?' one person wrote:

Not completely relieved as there is no physical proof of my status if I have a problem at the border for example.

Others wrote:

Very happy to have my status confirmed but I would have been even happier if there was some kind of physical document to prove my status.

No physical evidence is the worst - disaster waiting to happen.

(iii) Application not registration

A number of respondents were deeply critical of a scheme that requires people to apply (which carries the possibility of being refused), rather than simply register:

Making people 'apply' to stay in their homes is terrible.

I have lived legally in U.K. FOR 45 years and should not have to go through an application process which can result in refusal. It should be a simple registration.

*I am aware that I have to apply but I haven't done so yet. I feel against applying as a principle, because I believe – and have been campaigning for – a scheme where you have to **register** rather than apply.*

6. Waiting time

Despite the Home Office claiming that applications are usually processed within five working days, a significant number of respondents reported much longer waiting times. One in four respondents said they had to wait between one week and one month, with 8% waiting up to three months.

Some responses:

I applied since February and still waiting, I rang them already 3 times and my case is on hold, so stressful to wait so long whereas others already received within a day or two maximum. [responded to survey on 3 July]

I feel so much depressed as [it's] taking too long to get decided, it's been 3 months and I keep checking emails all the time.

Others faced long waiting times after challenging the initial decision:

Got pre settled status first which I questioned as I have been in the UK for nearly 40 years. One of the letters from my workplace stated I have been working for them 20 years. After 3 months of waiting I got an email today saying I have settled status.

Many of those who had been waiting weeks or even months for a decision were non-EEA nationals who are family members of EEA nationals. The particular issues they faced will be dealt with in the next section.

Non-EEA nationals

Of the 229 valid responses, 14 were identifiable from non-EEA nationals who claim that they are eligible to apply to the Settlement Scheme due to being the dependents of EEA nationals in the UK.

Of those 14 people, three had been granted settled status, two had pre-settled status, one had not applied and eight were still waiting for a decision.

Several said they had received wrong or misleading information from the Home Office and there had been discrepancies between official guidelines and advice provided via the phone line. Others said they faced difficulties providing additional evidence that must be scanned and uploaded at centres where appointments are extremely hard to come by and usually come with a cost.

Case 1

One respondent from Nigeria said they had been waiting for more than three months for a response to the application.

I applied on the 1st of April, supplied my documents and got COA on 15th of April but up until today they haven't decided on my application. When I call they say that they are doing eligibility check and stuff. [responded to survey on 7 July]

While the Home Office website at the time indicated a maximum waiting time of four days, the respondent was told when they contacted the Resolution Centre that a decision could take up to six months.

Asked how the application process made them feel, the respondent answered:

Committing suicide

Case 2

A second respondent, from Zimbabwe, also said they had been waiting for a response for more than three months. The respondent claimed that the Home Office is incorrect to say that someone can apply using their Biometric Residence Permit (BRP):

Turns out this is not the case and adding BRP information to your application results in you waiting for a response in perpetuity.

The respondent goes on to claim that there is a lack of guidance for people in their situation:

BRP guidance not available even though initially claimed you could apply with this document. I applied with passport and BRP and apparently this is what has resulted in me not getting a response or certificate of application at all.

They describe the process as frustrating:

Not knowing why my application is not being processed like there is some segregation of some sort. It's one thing to have to provide more evidence which I could but to not receive communication is frustrating.

Other

Others also complained about the lack of coherent guidance for non-EEA applicants. One person wrote:

I have received emails to book appointment for biometric, but when we tried to book, I wasn't in system, so I called back to office, where they said I don't need to provide biometric, only to send passport. Very confusing, with too many calls to be sorted out.

A citizen of Iceland (which is in the EEA but not the EU) who responded to our survey faced a similar problem:

I am an Icelandic national and therefore part of the EEA but not the EU. The system didn't seem to have my situation taken into account as when I finished my application, the confirmation email stated that I needed to submit biometrics to complete the application, whereas the website said the application had been sent. It was confusing, though it was cleared up by calling the helpline where ours was confirmed that no biometrics were necessary.

According to [the latest Home Office guidance on the Settlement Scheme](#), non-EEA citizens applying from within the UK “without a specified relevant document” are required to provide fingerprints (the second form of biometrics after the digital photograph of the applicant’s face), “unless the published guidance in force at the date of application states that they are not required to provide these”.⁷ This fails to clarify in which cases fingerprints are required – and it is clear from the quotes above that there is a worrying amount of confusion among both applicants and Home Office systems regarding this.

⁷ ‘EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members’, Version 3.0, Home Office, 8 November 2019, p.18.

How did it make you feel?

While the majority of our respondents found the process of applying fairly easy, this does not mean they all had positive feelings on having to apply and completing the process.

Negative emotions were even more common among those who faced problems and delays along the way. Many respondents were frustrated or even outraged, others said the process made them feel unwelcome or like second-class citizens.

The most disappointed individuals were the ones who have spent most of their life in the UK. Despite regular reassurances from the Government since 2016 that they are welcome to stay and their rights will be protected, it is clear from the responses that many EEA nationals and their dependents do not feel reassured or welcomed:

Upset and angry – I have lived legally in U.K. FOR 45 years and should not have to go through an application process which can result in refusal. It should be a simple registration.

The UK has been my home for a long time [...] The fact that I will now be limited in the amount of time I can spend out of the country I've lived in since a child without losing my status is the biggest kick in the teeth, though.

Heartbroken, unwanted after spending half of my life in this country. The whole Brexit thing is like going through all stages of grief over and over again. And more and more sleepless nights.

Absolutely awful. Words cannot describe. Having lived here for 22 years I now feel disliked, marginalized and unwanted. I don't want to stay where I am officially not wanted and asked to beg to stay, forced to rely on the whims and beliefs of whomever will make a decision on my case.

I feel very upset that I have to apply after having lived and worked here for over 20 years [...] I am very upset that I have to apply for my 2 children who were born here [...] I am scared and worried that it will not be straight forward and that I may have to find more information. I am scared and worried that I cannot put myself through this stress, that I won't cope with the uncertainty. I don't know if [I] want to stay in a country that makes me feel like this.

Several respondents suggested the process had left them feeling vulnerable:

You are in the hands of someone else, who has the power to remove you from the UK.

Others had the feeling they were being treated like criminals:

I felt unwanted, treated like an outlaw, or someone who needs to be registered in Police's archives.

Stress and anxiety

A common theme in the responses to the questions regarding feelings around applying was stress and anxiety. Ten per cent of respondents said they felt stressed and a similar proportion mentioned feeling anxious. Six people said they felt depressed at various points in the process.

Responding to the question 'How did it make you feel to have to apply', one person said:

Terrible. I felt not wanted, unwelcome. The idea of maybe being denied Settled Status caused massive anxiety and stress. It affected my health.

Responding to the same question, others said they felt:

Demoralised and depressed despite the warm words of the Home Secretary (in various email newsletters around the time of the launch).

Anxious, depressed, close to nervous breakdown, affected spouse badly as well.

Angry, indignant, disappointed, unwelcome, dejected, stressed.

For some, the stress did not disappear after they received settled or pre-settled status, as they do not see this status as a guarantee of their rights and they are still concerned about what life in the UK will hold for them in the future. A feeling of insecurity was a prominent theme, with several people concerned that their new status did not come with physical proof.

Relief

An indicator of the level of stress or anxiety experienced by many is reflected in the most frequent response to the question, 'How did you feel after getting a response?' Fifty people mentioned feeling "relief" or being "relieved".

However, for many, this relief was mixed with other emotions, such as sadness, frustration and bitterness. Respondents said they felt:

Mixed feelings. Relief that something was sorted but sad that it was needed in the first place. Still don't feel that my position is secure.

Relieved, but also an outsider. That we are different. We're anathema now.

Partly relieved, but also humiliated, angry, then apathetic, empty and uncertain of my future in the UK.

Relieved, though uneasy as my name is on a list to be used when?

People who had not applied

One-third of the people who responded to the survey said they had not (yet) applied to the Settlement Scheme. Fifty-seven of them provided further information about that decision.

The most common reasons were concerns about data sharing, uncertainty (about whether Brexit will happen, what it will mean for free movement, and what settled status will mean for their rights long term), worries about their ability to prove residence, and outrage that they are being asked to apply at all. Some respondents were also concerned that mental or physical illness or a disability could make the process of applying difficult or affect the outcome. Each of these will now be explored more closely.

1. Concerns about the process or outcome

Many applicants had significant fears that there might be complications in the application process, that further evidence will be difficult or impossible to gather, or that the application might be rejected were the driving force behind some respondents' decision not to apply. These concerns stemmed from the fundamental nature of the scheme as an application rather than a registration process, which allows for the possibility of applications being refused. Some responses:

As someone with long-term illness, unable to work and on benefits, I fear that my application will be rejected on that basis and all rights revoked as a result.

It's a daunting prospect as a mentally disabled person and I'm desperately trying to return to my country of origin in order to avoid it. I don't really stand a chance if I go back as I don't have a place to live or the ability to work but I can't take the prospect of rejection and being forced to leave under threat of arrest.

I have lost everything in a house fire and don't have a passport no more. I don't have anything! I am dreading that they will need some stuff I don't have.

*I am worried that for whatever reason, my status will not be confirmed. I **should** qualify, but what if not?! I am also not sure whether the evidence I have will be okay, although I have lived and paid taxes in this country for over 15 years now.*

2. Data sharing

Many respondents said they had not applied due to concerns about how their data would be used (concerns shared by many of those who had applied, as explored above).

Some responses to the question 'If you haven't applied yet, why?' include the following:

I'm not doing anything before I get more information on how my data is used.

I am not keen to share my data with the government [...] I will apply when I have to.

3. Uncertainty

Several respondents referred to the uncertainty around Brexit – which at the time of the survey had already been postponed twice – to explain why they had not applied. Others said they were waiting to see if the scheme would be improved or if the rights conferred by settled status would be cemented in primary legislation, rather than only in secondary legislation (which can easily be changed) or government policy documents (which carry little weight), as is the current situation. Concern about the lack of physical proof was also given as a reason by several respondents.

The outcome of the application is pretty much irrelevant as there is no legal or other safeguarding of my rights by getting settled status. The government can simply abolish it at any point without scrutiny or consequence.

I'm still hoping it won't be necessary if Brexit doesn't happen.

They cancelled the £60 fee after criticism. They may also cancel / change the whole process. There's still time until the deadline. So why go through the hassle prematurely?

I'm holding back applying until the last minute.

4. Principled decision

In a number of cases, respondents explained that they disagreed with the scheme and had not or would not apply on principle. Frustrations ranged from the scheme's requirement that people must apply rather than simply register to anger that EEA nationals and their families are being forced to apply to a scheme just to be allowed to stay in their homes and maintain their existing rights.

It is an insult to apply to stay in my home of the last 20 years.

I really want the government to change gear towards what promised (sic) in the first place: automatic right to stay.

I'm opposed to "applying" for my existing rights to live and work in the UK. I already hold PR which involved a process that was extremely stressful and drawn out and required providing an excessive amount of information and evidence [...] I do not wish to go through this again [...] Happy to register in line with other EU countries should the system change.

I know I should apply but can't bring myself to do it. I'm furious, I have been here for 24 years, have paid my taxes for all those years, have three children who were all born here. This is my home! Why do I need to apply to stay in my own home? I still have hope it might all not go ahead, I guess that's partly why I'm waiting [...] The whole thing makes my blood boil.

I believe/hope that I will personally not have a very difficult time in applying as my situation should make it straightforward, but I want to continue to raise these issues that affects everyone. It feels strange to apply knowing it is something you are against and something which many others will struggle with in the application phase.

Several said they were planning to or considering leaving the UK as a result:

I'm deeply ashamed about having to apply. It's demeaning, and it takes away what little dignity people already forced to emigrate from their own country for whatever reason had to start with [...] I could apply for a British passport, but I don't want to "beg British" any further and risk further

rejection. I love London more than any other city in the world and I am deeply saddened by having to leave, but it's for the best.

The last three years have been very stressful re Brexit and my home not being my home anymore [...] As the Brexit vote has thoroughly shaken up my plans for the future I am reluctant to get settled status at present. Might leave for good before the deadline.

Information from other organisations

As mentioned earlier, we encouraged representatives of organisations working with EEA nationals and/or their dependents to complete the survey on behalf of individuals they were working with, but also to contact us separately about issues their members or clients were facing. Several organisations did so – and the issues they raised were deeply concerning. Some echoed many of the responses in our survey, but significant new issues were also highlighted, including problems with the app’s facial recognition software and a lack of support for Roma communities and for those who lack English skills. These are explored in more detail below.

Information was received from Crisis Skylight Merseyside, a branch of the national homeless charity in Liverpool; the Roma Support Group; ASIRT, an advocacy organisation for asylum seekers and undocumented migrants in the West Midlands; and a second charity in Liverpool.⁸

Identity documents and proof of residency

The charity in Liverpool shared concerns that some of its service users had struggled to find documents to prove their residency. Crisis Skylight Merseyside – which is working with a local law clinic to offer advice and support to people applying for settled status – said that in multiple cases, applicants have had to provide **further evidence** for years when the person was working or received benefits, information that should be easily accessible to the Home Office. The onus is then on the person, with our support, to collate the required evidence which requires resources and is time consuming.

Both these organisations noted that most of their service users do not have a passport or valid ID card, making it impossible to complete the initial identity check in the application process. Those who have an ID card but not a valid passport are required to send their card through the post, leaving them without any ID for an unknown length of time. For some EEA nationals, the only solution is to apply for a passport to make sure they are not left without an ID document. This can cost around £100 and applicants therefore incur a **significant cost** despite the scheme being supposedly free of charge. This also delays the application for up to six months.

The Roma Support Group also said that many of those it works with do not have a passport or valid ID and face similar problems.

Lack of support

Several of the organisations raised concerns about the lack of support for some groups of EEA nationals who face barriers to applying. Crisis Skylight Merseyside is concerned that information about applying is not easily available to homeless EEA nationals with limited English and/or IT skills.

The Roma Support Group told us it was receiving calls from people across the country – from Leeds to Birmingham to Ipswich – who were asking for support. The Group said:

What we realised is that even if there is a local EUSS support⁹ there are not enough efforts to engage the Roma. Apart from that many projects are now putting pressure on any Roma

⁸ This charity agreed to the information they provided being used but did not wish to be named.

professionals working in different locations in their attempt to reach out to the community. Many Roma professionals find that difficult to handle as they are having their own jobs and many are asking for their support without resourcing them.

The Roma Support Group said it had advised organisations providing support to include Roma advocates in their teams, but many did not take this advice and are now finding it difficult to engage the Roma community, even though the community is looking for support.

The Roma Support Group also said that there are areas, such as Southend, where there is a significant Roma population but **no funded support**. Equally there are local Roma support groups that do not have a funded support programme but face huge demand from local communities.

“We believe many of the small Roma groups have the same struggle,” the Roma Support Group said.

A further concern raised by the Group is that only limited support has been made available for Big Issue vendors. In cities such as Birmingham, about 75% of vendors are Roma, and in London around 40-50%, according to the group.

“Many of those vendors, not just the Roma, are vulnerable,” the Roma Support Group told us.

The Roma Support Group has provided some support facilitating dialogue between support agencies and the Big Issue in London, Birmingham and Bristol but communication is still a problem.

The charity in Liverpool was concerned about the lack of support for applicants who lack English language skills, both at the document scanning centres and more generally. They noted that some **unscrupulous people** are charging applicants between £350 and £1,000 to fill in their form and that those with poor English are particularly vulnerable to this.

The organisation also raised a concern about the **lack of document scanning centres** and the distances some applicants are required to travel to access them. Those who post any documents are recommended by the Home Office to send them by recorded delivery. Either of these circumstances can lead to significant cost for individuals with little disposable income.

According to ASIRT, children and adults in care represent another potentially vulnerable group who are not receiving adequate support. ASIRT told us that there is no data on how many EEA children are in care in the UK and it is therefore difficult to identify who is eligible and to target support. The Greater Manchester Immigration Aid Unit raised similar concerns in [a report published in November 2019](#), warning that most children in care will not have the necessary evidence to prove their nationality and UK residence.¹⁰

Uncertainty about outcome

The charity in Liverpool said it had experienced cases where applicants have been in the UK for 10 years, but only working for seven of those, and have been granted pre-settled instead of settled status. This is concerning as settled status should not be conditional on the applicant having been in employment. It may be the case that it was a lack of evidence of residency during the periods of unemployment that meant the applicant was granted only pre-settled status – but such cases are likely to worry individuals eligible for settled status who have yet to apply.

⁹ According to the government website, 57 organisations across the UK have received funding from the Home Office to provide help and information to vulnerable EEA nationals applying to the Settlement Scheme.

¹⁰ ‘Not so straightforward’, Greater Manchester Immigration Aid Unit, 8 November 2019.

Criminal record checks are a concern for many applicants, according to the charity in Liverpool, which advocates that professional advisors should assist with the process in cases where this is relevant.

The Roma Support Group is concerned that EU nationals who were removed from the UK prior to December 2017 for the “crime” of sleeping rough, and returned after the policy was ruled unlawful, could face problems when applying for settled or pre-settled status due to that criminal record.

There is widespread worry that applicants with complex cases are facing **long delays and inadequate decisions**. This is the case with one of ASIRT’s clients, a non-EEA national who was formerly married to an EU national. Despite being eligible for settled status, she has been asked to provide additional evidence several times – evidence that the Government already holds – and phone calls advising that she is not eligible for settled status. She was still waiting for a decision two months on from the initial application. She said:

I have received numerous requests for further information, as well as early morning telephone calls from the Home Office, giving me conflicting and confusing advice about my rights, which I have found stressful.

The Roma Support Group is in touch with projects across the UK supporting Roma applicants. Broadly the scheme seems to be working well and the Group is not aware of any refusals. However, research conducted by the Group in 2018-19 found that there is significant concern among **homeless** Roma populations that by applying to the scheme they will be increasing the chances that the Government will deport them. Many therefore avoid applying.

Technical issues

Crisis Skylight Merseyside reported a number of technical issues that members have faced, including problems with **scanning the passport chip** or the **app crashing** partway through the process.

The organisation also noted some problems with the **facial scan technology**. One Crisis member with a facial disability was unable to upload his image as the system said that his eyes were closed when this was not the case. Crisis was eventually able to get his facial scan accepted, but it was an undignified process and one that does not promote inclusivity. A barrister assisting the organisation has reported similar problems with the scan for some ethnic minority applicants.

Appendix: The survey questions

1. Are you filling this survey as an individual?
Yes/No
2. If Yes, are you an EEA national or a dependant of one?
Yes/No
3. Are you filling this survey as an organisation?
Yes/No
4. Have you applied for settled status?
Yes/No
5. If yes, what was the outcome?
I got settled status / I got pre-settled status / I got neither of the above / I haven't received the final response yet

Please explain: _____
6. How was the application process?
Easy / Slightly difficult / Moderately difficult / Very difficult

Please explain: _____
7. Were you asked to provide additional evidence?
Yes/No

Please explain: _____
8. Were you able to use your phone to verify your identity (scan your passport)?
Yes/No

Please explain: _____
9. How long did it take to get a decision?

10. Did you get a different decision from what you expected (e.g. pre-settled status instead of settled)?
Yes/No

Please explain: _____
11. Were there any complications in the whole application process?
Yes/No

Please explain: _____

12. How did it make you feel to have to apply?

13. How did the application process make you feel?

14. How did you feel after getting a decision (if you have had one)?

15. If you haven't applied yet, why? (Do not fill this if you have already applied)

I am worried I may not get a positive decision / I am still gathering information and evidence / I don't know how to apply / I don't want to apply / I want help to apply / Other

Please explain: _____

16. May we contact you for any further clarification?

Yes/No

If Yes please include your email and telephone number: _____

17. Please enter your country of origin (optional)

www.migrantvoice.org | info@migrantvoice.org

