

Who the EU Settlement Scheme left behind in the North West of England

Greater Manchester Immigration Aid Unit – August 2021

Introduction

Overnight on 1 July 2021, in the middle of the delayed Euro 2020 tournament, and as schools limped to the end of term with class bubbles bursting, tens of thousands of people lost their right to be in the UK lawfully.

The EU Settlement Scheme deadline on 30 June 2021 meant that anyone affected by Brexit immigration changes who had not made an application woke up the next day without legal permission to be in the UK. With many others from the voluntary and statutory sector in the North West, and alongside voices from across Parliament, we have repeatedly warned the Government that people in our communities were at real risk. Risk of being pushed by the deadline into losing their immigration status, of being in the UK unlawfully, and facing hostile environment policies that caused such misery to the Windrush generation.

In the last year alone we've supported nationals of 20 different countries with the EU Settlement Scheme. We knew that not everyone would be able to apply in time, and that the people who missed out would be particularly vulnerable – children in care, elderly people, and people whose lives don't fit into the neat, ordered tick boxes assumed by Government policies.

Since 10am on the morning after the deadline we've been contacted every day by people from across Greater Manchester and the North West who have been failed by the EU Settlement Scheme. People are calling us feeling anxious, panicked and helpless in the face of Government bureaucracy and delays. Poor Home Office communication (particularly around the need for children and older people to apply), an arbitrary cliff edge deadline, technological issues, a backlog of half a million cases and the impact of the pandemic have all led to predictable turmoil for the people we've spoken to.

In response to criticism of the Scheme, the Home Office points to the numbers of applications it has received. But given the unprecedented number who need to apply, it takes only a tiny fraction to miss the deadline for tens of thousands of vulnerable people to be in the UK unlawfully. The Home Office also argues that people who missed the deadline just need to make an out of time application, and that if people have reasonable grounds for being late, their applications will be treated flexibly and fairly. It's true that people who need to make an application, but who have missed the deadline, should apply as soon as possible. But unfortunately the hostile environment means they may run into problems before getting their status.

The government, in a recent U-turn, has confirmed that people's rights will be protected once they have made an out-of-time application. Previously they planned for those vulnerable people to have no protection at all while they waited for the Home Office to work through a huge backlog to decide on their application. But we're still concerned – about the people who haven't applied, and don't know they need to, or face barriers to doing so. We're concerned that people who have applied will struggle to prove it with the scheme being digital-only. And we're concerned because no one is completely safe from the hostile environment.

People without legal status face a complicated patchwork of immigration controls embedded within our communities. Many of these rules are overseen by people who don't understand them and who (too often) are scared into taking an overly zealous approach for fear that they themselves will end up on the wrong side of the law. One caller to our advice line told us he had lost his job due to confusion with his employer. Even though he had applied for Settled Status before the deadline, he'd been unable to prove his status using the digital system. The new guidance won't prevent more errors and barriers like this – in practice people making late applications will still be at risk. Employers, landlords, healthcare workers, bank staff are now all at the frontline of trying to understand who has, and who has not, missed out with the EU Settlement Scheme.

In small print, the Government accepts that the impact for vulnerable people making an out of time application – and being left unlawfully present – could result in “significant hardship” and could be “a life impacting event”.

So what has been the experience of people living in the North West? This report documents what people have told us in the first four weeks since the deadline.

Rosa's story

Rosa is in her 90s, and has been in the UK since she came from Italy as a young woman. She lives alone in Oldham, with support from her family members who visit to help her daily. Rosa's daughter Mary and the rest of the family didn't realise she needed to apply to the EU Settlement Scheme until the day of the deadline, when they saw the son of an elderly man – also Italian – who was in the same situation on TV speaking about it. “It's been a nightmare”, said Mary. “I made myself quite ill because I was panicking, and Mum was panicking, thinking she's going to be kicked out at 92.”

Neither Rosa nor her family had realised that the Scheme had anything to do with her. Rosa has lived in the UK for decades, worked here all her life, and raised a large family.

“She's Italian but she thinks of herself as English. She watched the football (the Euro 2020 final against Italy), she was willing England to win.”

Rosa had had no correspondence from the Home Office telling her to apply, and she doesn't watch the news. When Mary heard about the deadline, she assumed – as many would – it applied to people who had arrived far more recently.


When Mary realised that her mum needed to apply, she was still in time to meet the deadline, but it wasn't an easy process. With no plans to travel, Rosa only had an expired passport, so the online application didn't work when Mary tried to enter her passport number, and she didn't understand why. By 11pm on the day of the deadline Mary was stuck. She couldn't get through on the EU Settlement Scheme phone line. “I phoned everybody and got nowhere”, she said, until a friend recommended GMAIU.

With the help of our caseworkers Mary has made a late application for Rosa, but only after more than a week of worry. “My mum was absolutely petrified. And you don't need that in your 90s. She's had a stroke, she's had a heart attack, and she doesn't need that in the last years of her life, to be so scared. That panic – you could see her going downhill. She didn't want to move off her chair. She's never cold, and she kept saying ‘I'm really cold’.”

Older people in the North West

Over the last two months we've been contacted by older people, their family members and care home staff all concerned about missing the deadline.

 A 92 year old woman from Italy who had been in the UK since she was a young woman and had raised her family in Greater Manchester. She was cheering on England in the Euro 2020 finals against Italy but she missed the deadline because she doesn't watch the news, has had no communication saying she needed to apply and her family had assumed the EU Settlement Scheme didn't apply to people who had been in the UK for decades. See Rosa's story above.


 We've also had calls from people living in care homes and their families. They're at particular risk – if their benefits are stopped due to losing their right to reside in the UK, they may be unable to stay in their care home.


- Again, many find it hard to believe that their elderly parents and relatives need to make an immigration application after spending so many decades in the UK.
- One person who called us had been convinced that his wife didn't need to apply because she had been in the country since before the UK joined the EU.
- Others have lost their documents, or let their passports expire because they never expected to need them again to travel.


People in the North West experiencing homelessness

As part of the [A Bed Every Night](#) commitment to prevent rough sleeping in Greater Manchester, our staff attend two homeless charities in Manchester every week. Within the last year we supported 144 people to access the EU Settlement Scheme through this work.

The day after the deadline we were contacted by two young men who have experienced long term homelessness and had been living precariously between shelters, sofa surfing and sleeping on the streets.


 One young man had previously started an EU Settlement Scheme application but hadn't finished it. He wanted us to check his immigration status but it then became clear he hadn't submitted an application and so we supported him to submit one out of time. The number of people who have phoned us about their application or been in similar confusion shows that it's not as 'straightforward' as the Home Office claim.


 The other young man knew he hadn't applied but was under the impression that he couldn't apply without valid ID. His passport was issued that day (the consulate in Manchester had been closed for a significant period during the pandemic and there have been substantial delays since it reopened) and he came straight to see us to submit the application. People with more complicated lives need flexibility and protected rights, not deadlines and confusing digital processes.


 Another caller was living in a hostel, and had had his benefits stopped, which he told us was because of Brexit immigration changes. Despite being in the UK for over 20 years he didn't have any status.


Vulnerable families and children in the North West


We've spent the last two years working with local authorities in the North West to support vulnerable families, children in care and care leavers affected by Brexit. We've trained hundreds of social work professionals as well as working with Manchester City Council on its [public pledge](#) to prevent "our looked after children and care leavers [becoming] part of the next Windrush generation". Since the deadline, we've had a significant number of calls from worried social workers, including about:


- 

A family who had to flee from their home because of the risk of violence. Due to the urgency of the move they lost all their documents. They had not yet made an application to the EU Settlement Scheme.
- 

A child who was going abroad with family - he had made an in time application before the deadline but hadn't had a decision and so was worried about whether he would be let back into the UK when he returned.
- 

Three children who had just come into care. Mum had said she thought the children had indefinite leave to remain (which would mean they wouldn't need to make an application to the EU Settlement Scheme) but no one had seen any evidence of this and they didn't have access to the children's passports.
- 

A mum with mental health difficulties who had applied to the Scheme when she was eligible for Pre-Settled Status and who had no idea that she could apply to upgrade to Settled Status now she had been in the UK for five years.
- 

An EU child in care who was about to be adopted in the UK by an EU citizen adopter. Both had independently made applications to the EU Settlement Scheme but were unsure how this would affect the position of the adoption or the child's eligibility for GB citizenship.
- 

A woman who had experienced domestic violence. She had applied to the EU Settlement Scheme earlier in 2021 and had given birth to her baby after she submitted the application and before the deadline. Delays in the Scheme mean her application is still waiting to be decided and her baby may not automatically be entitled to British citizenship as a result.

Conclusions

The EU Settlement Scheme deadline has pushed tens of thousands of people out of status to face hostile environment policies that are designed to make their lives a misery. These are our neighbours, our friends and family, parents at our schools, our workmates. The problems caused by the Scheme are only just beginning to surface and for some people may take many years to come to light, causing intergenerational injustices.

The deadline may have passed but it's not too late for the Home Office to respond to the growing body of evidence that shows how badly this is landing for vulnerable people in our communities. We are asking the Home Office to take every opportunity to keep people lawfully present in the UK and away from the devastating consequences of the hostile environment.

Recommendations

Since our [first report on the EU Settlement Scheme in 2018](#) we have consistently argued that:

- 1 The EU Settlement Scheme **needs to be declaratory**, protecting people's rights automatically while allowing them to register for **physical proof of status**.

In the meantime we urge the Home Office to:

- 2 Apply its guidance on reasonable grounds for out of time applications **flexibly and based on real world experiences**, mindful of people's chaotic, disrupted life histories and the impact of the pandemic. We urge the Home Office not to make the guidance more restrictive as time passes.
- 3 Ensure that when people are granted status, this **retrospectively covers any period where they have been in the UK unlawfully** since the deadline, so that people face no detriment (such as charges or breaks in the continuity of their immigration history).
- 4 Run a communication campaign to educate people about the ongoing importance of applying to the EU Settlement Scheme even though the deadline has passed, and combine this up with **ongoing, funded, community-based support services** for people in vulnerable situations.

Our work supporting people subjected to immigration control across the North West (not just in relation to Brexit immigration changes) has also led us to conclude:

- 5 **Temporary forms of status are a ticking time bomb** for people in vulnerable situations, and with the EU Settlement Scheme many more people risk falling out of status when they reach their individual Pre-Settled Status expiry deadlines. For example, temporary status is completely unsuitable for children in care and care leavers, but [hundreds have been granted Pre-Settled Status](#). If the Home Office will not automatically upgrade vulnerable people to Settled Status, there needs to be a much more robust set of safeguards to catch people before they reach their Pre-Settled Status deadline and risk losing their status.
- 6 There must be **an end to the series of checks, charges and data sharing policies known as the hostile environment**, intentionally designed to make the lives of people in our communities a misery.
- 7 The EU Settlement Scheme is a digital system that captures information about people's lives in a wide range of circumstances and over significant periods of time. We urge the Home Office to be **transparent about the ways in which it is capturing and using data** and to monitor the impact of the Scheme on people in vulnerable situations.

Although the deadline has passed, late applications can still be made to the EU Settlement Scheme. People affected by Brexit immigration changes should still apply and seek legal advice if needed.