

Monitoring report (July- September 2021): EU Settlement Scheme in Wales

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol | 24 Ionawr 2022
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Introduction

The EU Settlement Scheme (EUSS) is the UK Government's scheme to which European citizens must apply in order to stay in the UK after Brexit.

Citizens' rights form key parts of agreements reached between the UK, the EU and other European countries as part of Brexit. The rights of European citizens in the UK are guaranteed by agreements with the EU, Norway, Iceland, Liechtenstein and Switzerland.

The Welsh Government must adhere to these agreements and the Welsh Government's Minister for Social Justice, Jane Hutt, is responsible for EUSS-related activities in Wales.

Data on applications to the EUSS is recorded by the UK Government. High level statistics are published monthly and detailed statistics, including Wales-level data, is published quarterly.

This report presents the findings for the period July-September 2021, immediately following the EUSS' 30 June 2021 application deadline.

Quarterly reports are provided to the Committee to inform its monitoring of this issue.

1. Background

Following the UK's exit from the EU, European citizens who were living in Wales before 31 December 2020 must have applied to stay by 30 June 2021.

This applies to citizens from EU Member States, Norway, Iceland, Liechtenstein and Switzerland but not to Irish citizens, who are exempt under separate arrangements. The number of citizens from these countries living in the UK is unknown, meaning nobody knows how many applications there should be.

Since its launch, more than 6.3 million applications have been submitted to the UK's EU Settlement Scheme (EUSS). Successful applicants are granted a status of either 'settled' or 'pre-settled'. For background, see Senedd Research's previous article on this issue.

2. Latest quarterly statistics: overview

This report covers the quarterly period immediately after the 30 June 2021 application deadline, from 1 July to 30 September 2021.

The next quarterly statistics will be available in February 2022.

Applications received by 30 September

Up to the 30 September, there were 102,170 applications from Wales against an estimated 95,000 eligible citizens who needed to apply. 17,660 applications were received for those aged under 18.

Applications that received a decision

96,620 applications received a decision and are referred to as 'concluded applications'.

Late applications

The EUSS remains open to receive late applications, which are allowed if a person has reasonable grounds for missing the deadline. Examples include where a

parent has failed to apply on behalf of a child or where a person has a serious medical condition.

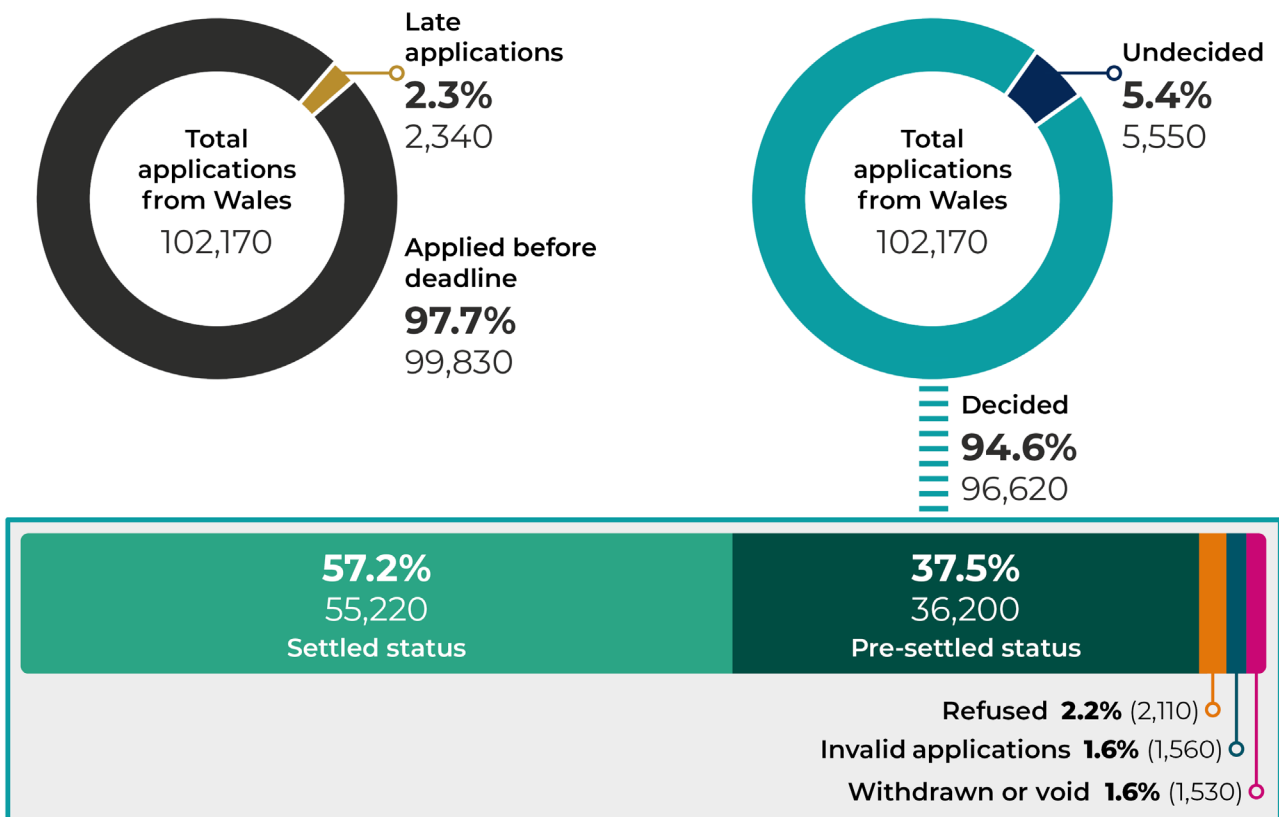
2,340 late applications were received from Wales, between 1 July-30 September.

Successful outcomes

Successful applicants are granted a status of either ‘settled’ or ‘pre-settled’, discussed in more detail below.

Since the EUSS opened, 57.2% of applicants have been granted settled status up to 30 September and 37.5% have been granted pre-settled status.

Senedd Research’s infographic below shows the percentage and number of applications from Wales. It shows whether they were received before/after the deadline, whether they received a decision and the outcome of applications for European citizens in Wales to date.



3. Outcomes: ‘settled’ or ‘pre-settled’?

Up to 30 September, 57.2% of concluded applications from Wales (55,220 applications) were granted settled status. To get settled status, an applicant must have lived in the UK for five years with no absence of more than six months, with some exceptions. Citizens granted settled status lose their status if they spend more than five years in a row outside the UK.

37.5% of concluded applications from Wales (36,200 applications) were granted pre-settled status. European citizens who have lived in the UK for less than five years, but arrived in the UK before 31 December 2020, are granted pre-settled status. Citizens granted pre-settled status lose their status if they spend more than two years in a row outside the UK.

Both settled and pre-settled citizens can work in the UK and can access healthcare, education and public funds. They can also travel in and out of the UK and apply for citizenship. However, pre-settled citizens cannot bring family members to join them.

Unsuccessful applications are also reported. From Wales, 2.2% were refused (2,110 concluded applications), 1.6% were withdrawn or void (1,530 concluded applications) and 1.6% were invalid (1,560 concluded applications).

4. Pre-settled citizens: second application to stay

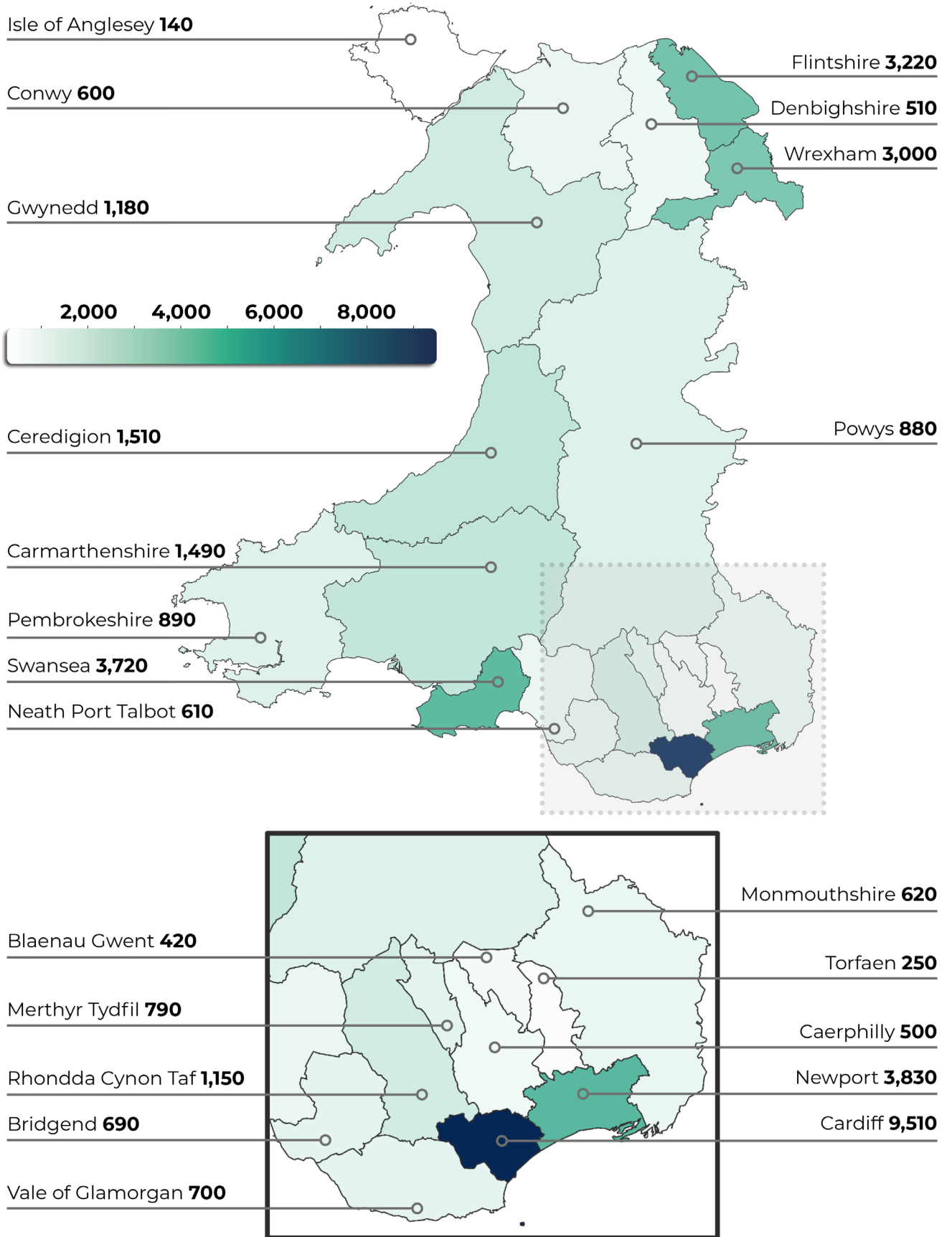
Pre-settled status expires after five years and must be converted to settled status via a second application.

This means that the 36,200 citizens who have been granted pre-settled status and want to stay in Wales beyond its expiration will need to apply again.

Failure to reapply results in the automatic loss of a person’s right to work, access housing, education and benefits, and they could be subject to removal from the UK.

The body responsible for monitoring European citizens’ rights in the UK, the Independent Monitoring Authority (IMA), believes that this automatic loss of rights is unlawful because it breaches the UK’s agreements with the EU and other European countries. IMA has initiated judicial review proceedings against the UK Government to challenge this.

The map below shows the number of pre-settled citizens in each Welsh local authority area:



4.1. Converting pre-settled status to settled

The number of those applying to convert their status from pre-settled to settled status are captured in statistics on repeat applications.

The UK Government states that “the majority” of repeat applications were applications to convert statuses. However, the exact number is not supplied and information by UK nation is not provided. In total there were 45,700 repeat applications from across the UK.

This means that we do not know how many applications have been received from pre-settled citizens in Wales trying to convert their status.

5. Who has applied from Wales?

The statistics offer insight into who has applied to the EUSS. Applications by age show that, of Wales’ 102,170 applications:

- 81,310 applications came from people aged 18-64 (78,090 concluded);
- For those aged under 18, there were 17,660 applications (15,550 concluded) and
- There were 3,190 applications from people aged 65+ (2,980 concluded).

The number of applications that had received a decision by the application deadline (‘concluded applications’) are shown in brackets.

Applications by nationality show that Polish and Romanian nationals were consistently among the highest application numbers in England, Scotland and Wales. For Wales:

- 30,960 applications were received from Polish nationals; and
- 15,420 applications were received from Romanian nationals.

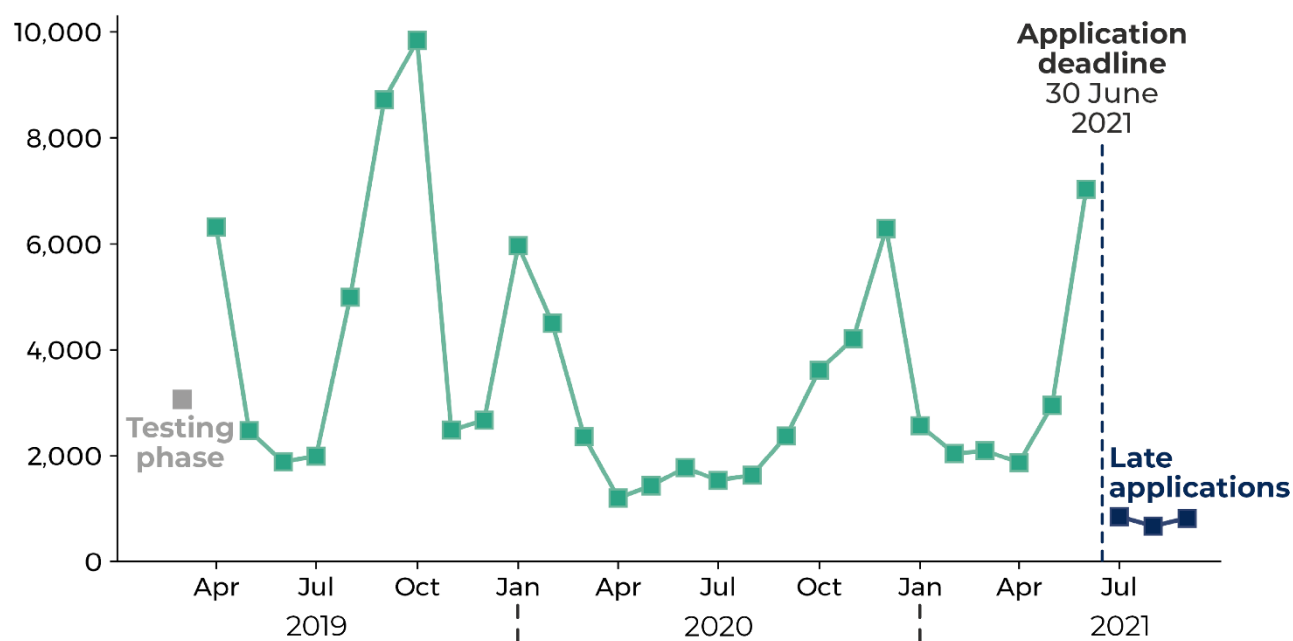
6. Late applications

Applications continued to be received after the application deadline and these are reported for the first time.

2,340 applications were received from Wales between 1 July-30 September. In July, 850 late applications were received from Wales, followed by 670 in August and 820 in September.

These mark the lowest monthly number of applications received since the EUSS opened in March 2019, as shown below:

EU Settlement Scheme monthly applications received in Wales



The UK Government advises that late applications will be considered for those who have **reasonable grounds** for missing the deadline, **such as** where a parent has failed to apply on behalf of a child or where a person has a serious medical condition.

Concerns have been raised that those who missed the deadline automatically became illegally resident in the UK on 1 July 2021. However, the **UK Government has promised** to protect the rights of those with reasonable grounds for missing the deadline.

7. No application

If an eligible person has not applied to the EUSS and they come into contact with UK authorities, they will be issued with a **28 day notice** to apply.

The UK Government says that people who have not applied after the 28 day notice period will not be eligible for work, benefits or services and will not pass tenancy checks.

They may be liable for enforcement action, although the UK Government emphasises that deportation will not be automatic.

Employers and landlords are also required to notify the Home Office of persons who have not applied.

8. Welsh Government free advice and support

The Welsh Government has established free advice and support services for European citizens who wanted to continue living in Wales after Brexit.

The services were due to cease at the end of 2021, however, the Welsh Government announced in October that they would be extended until “at least” March 2022.

9. Committee activity: update

Following the Committee’s consideration of its first monitoring report in October, Members agreed to:

- publish regular monitoring reports on European citizens’ rights in Wales, available on the Senedd’s website;
- share its reports with the Independent Monitoring Authority; and
- request the Welsh Government’s latest assessment of the EUSS in Wales, particularly with regard to how it will support late applicants and pre-settled citizens in future.

In response, the Minister for Social Justice provided more detail on the Welsh Government’s activities, as follows:

EUSS Co-ordination Group

The Minister confirmed that its EUSS Co-ordination Group, chaired by the Welsh Government, comprises several external partners that support citizens in applying to the EUSS.

The following external partners attend:

Newfields Law, Wales Civil Society Forum, Citizens Advice Cymru, Migrant Help, Newport Mind, the Wales Council for Voluntary Action, TGP Cymru, the Welsh Local Government Association, Settled, Wales TUC Cymru, the Royal Association for Deaf People and the Public Law Project.

The group meets every two months, where stakeholders provide updates on the work they have undertaken to date and the work they have planned for the future.

The next meeting was scheduled for 22 January 2022. The Minister advised she would propose to share minutes of future meetings with the Committee and would notify the Committee of the outcome after the meeting.

Raising awareness

The Minister described the Welsh Government's latest awareness raising activities. This includes targeted communications at healthcare settings, such as vaccination centres and local general practices in a number of European languages.

A digital campaign is planned for the coming months, to focus on messaging around:

- late applications;
- applications for children and other cared for family members;
- applications for joining family members and;
- to encourage EU citizens to update their online digital status.

The Minister confirmed that she has written to fellow Cabinet colleagues requesting their continued support for this work.

Free advice and support services

The Minister explained how the Welsh Government will make use of its ~~recently-~~
~~extended~~ free advice and support services.

The Minister's letter also outlined the types of support delivered by the Welsh Government's external partners. More information is available from the [EU Citizens' Immigration Advice Service in Wales](#).

Identifying gaps in service

The Minister outlined how the Welsh Government engages regularly with external stakeholders and other governments to monitor ongoing concerns or issues.

It also explained that the Welsh Government's policy officials attend fortnightly meetings with the UK Government to discuss EUSS developments, ongoing communications efforts and to raise any concerns and queries.