

Monitoring report (October-December 2021): EU Settlement Scheme in Wales

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol | 21 Mawrth 2022
Equality and Social Justice Committee | 21 March 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.

Statistics 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 October-December 2021. 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 6.4 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 from 1 October to 31 December 2021.

The next quarterly statistics will be available in May 2022.

Applications received by 31 December

Up to the 31 December, 104,040 applications were received from Wales, including 18,060 applications for those aged under 18, against an estimated 95,000 eligible citizens who needed to apply.

Applications that received a decision

99,860 applications were decided by the end of 2021 and are referred to as 'concluded applications'.

Late applications

The number of late applications from Wales increased to 4,200 on 31 December 2021 from 2,340 on 31 December.

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.

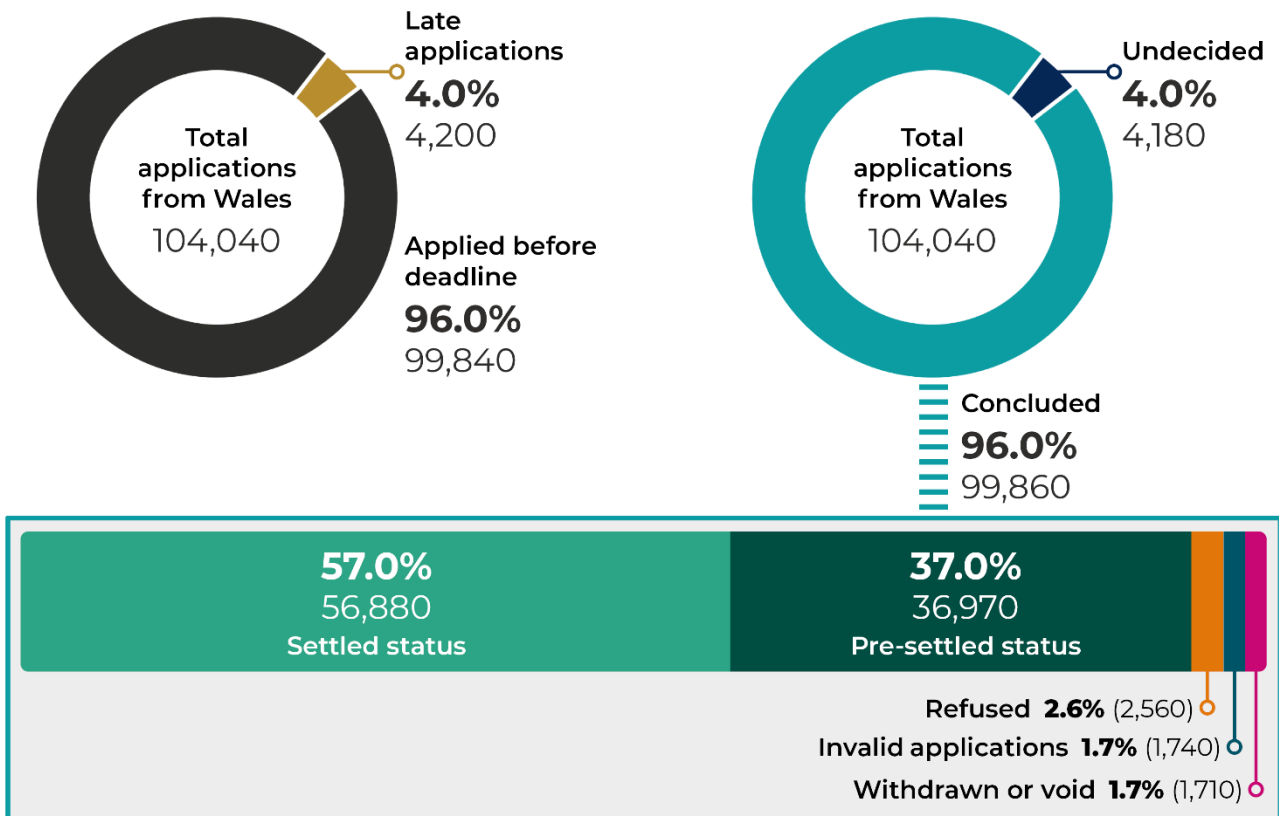
Successful outcomes

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

Since the EUSS opened, 57% of applicants have been granted settled status up to 31 December and 37% 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 (“concluded”) and the outcome of applications for European citizens in Wales to date.

EUSS applications from Wales by date, concluded applications and outcomes by percentage and number:



Source: UK Government [EU Settlement Scheme quarterly statistics, December 2021](#)

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

Up to 31 December, 57% of concluded applications from Wales (56,880 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% of concluded applications from Wales (36,970 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, 2.6% were refused (2560 concluded applications), 1.7% were withdrawn or void (1,710 concluded applications) and 1.7% were invalid (1,740 concluded applications).

4. Pre-settled citizens: second application to stay

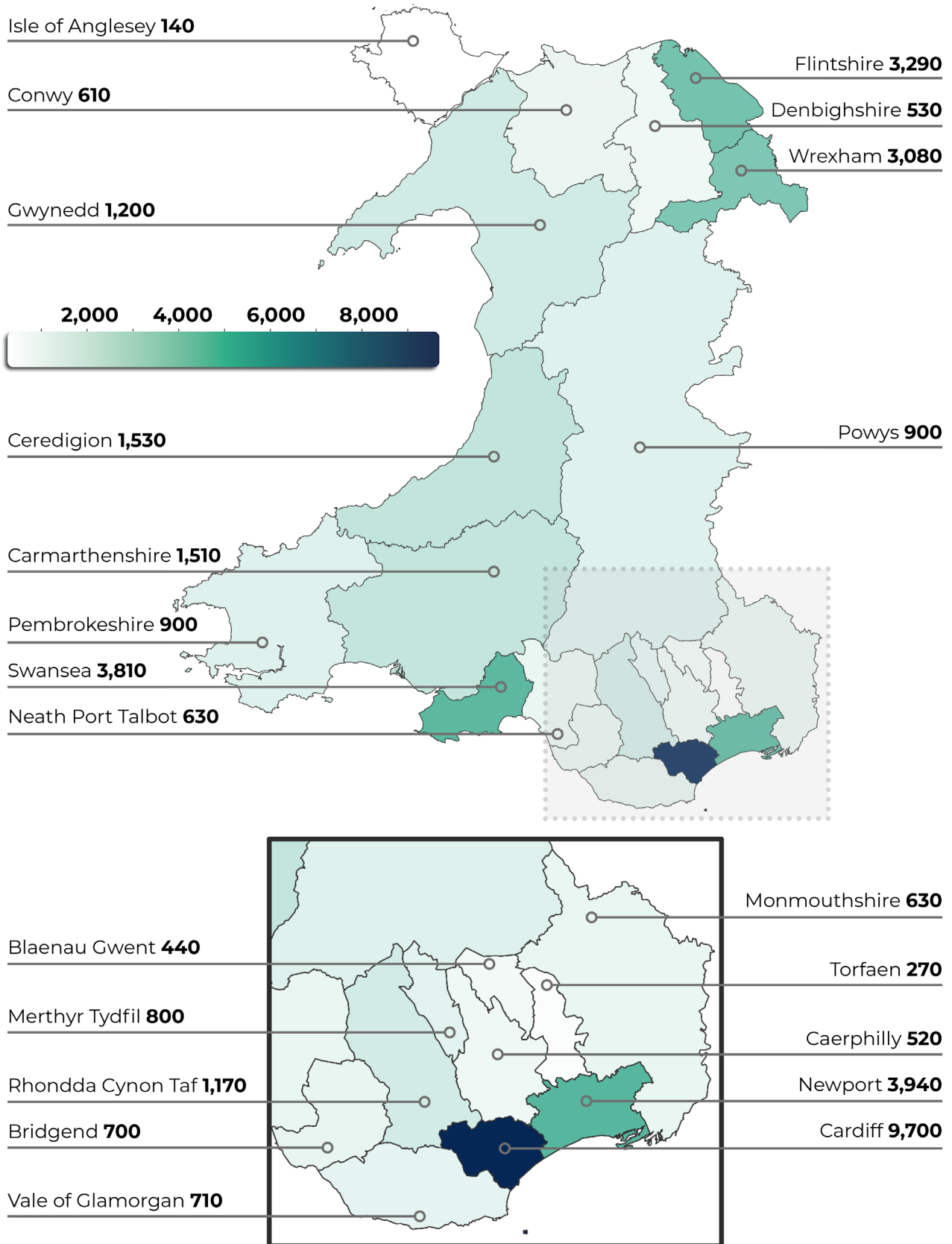
Pre-settled status expires after five years and must be converted to settled status via a second application.

This means that the 36,970 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 liable 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 initiated judicial review proceedings against the UK Government to challenge this on 14 December. No further information has been released at this time.

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.

UK-wide statistics show that 289,180 pre-settled citizens have moved to settled status. Information by UK nation is not provided. This means we do not know how many applications have been received from pre-settled citizens in Wales trying to convert their status.

The Committee asked the Welsh Government whether it had more information but none was provided.

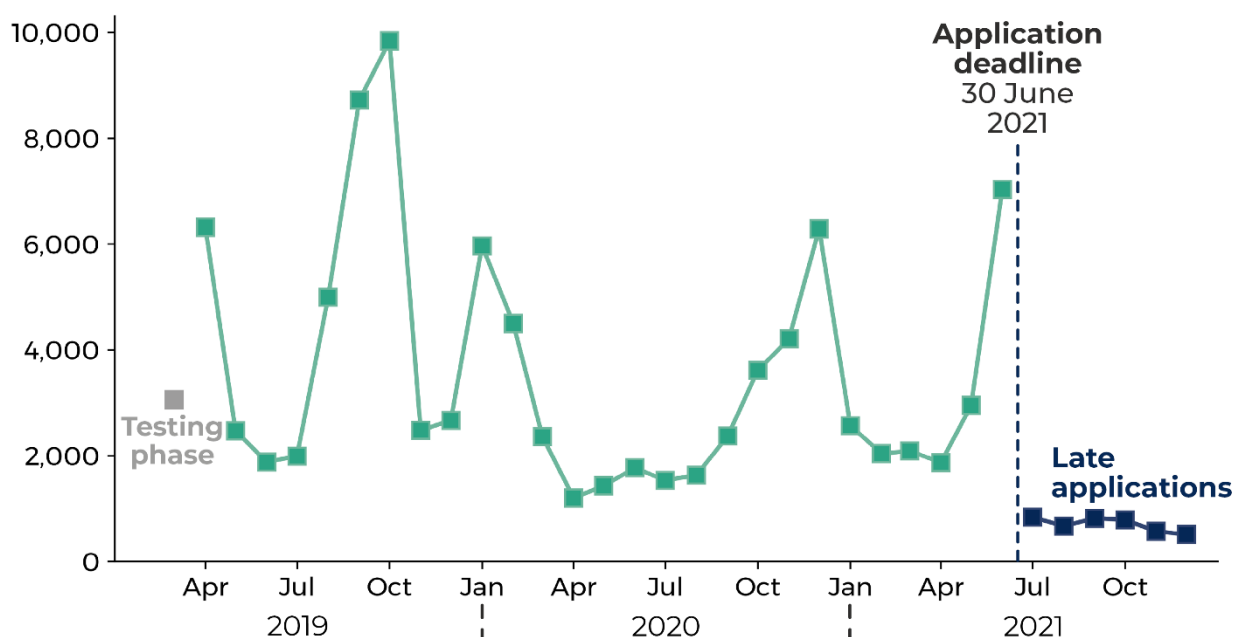
5. Late applications

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

The number of late applications from Wales increased to 4,200 on 31 December 2021 from 2,340 on 30 September. In October, 790 late applications were received, followed by 570 in November and 510 in December.

The chart below shows how December marked the lowest monthly number of applications received from Wales since the EUSS opened in March 2019.

EU Settlement Scheme monthly applications received in Wales



Source: UK Government [EU Settlement Scheme quarterly statistics, December 2021](#)

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.

The [UK Government has promised](#) to protect the rights of those with reasonable grounds for missing the deadline.

6. No application

If a 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.

7. 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 March 2022, however, the [Welsh Government announced](#) on 3 March 2022 that they would be extended until “at least” 30 September 2022.

8. Committee activity: update

Following the Committee’s consideration of its second monitoring report in January, [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 the number of pre-settled citizens in Wales seeking to convert their status.
- to write to MPs to see what casework they have that is linked to the EUSS.

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 Group agreed to the Committee's request to share its meeting minutes for as long as the group continues to meet. The latest meeting minutes have been provided and summarise the activities of the following external partners:

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.

Raising awareness

The Minister described the Welsh Government's latest awareness raising activities. This includes targeted communications at late applicants.

Ukraine

As part of the measures taken in response to the **Russian invasion of Ukraine**, the **First Minister has asked** the Prime Minister to extend the deadline for **EUSS family permits**. This allows family members of eligible European citizens to come to the UK. The scheme is due to end on 29 March 2022. After this, the 'reasonable grounds' criteria, applicable to late applicants, applies.

The EUSS statistics show that 12,480 Ukrainians had applied to the EUSS up to 31 December, with 11,160 having received a decision. Information by UK nation is not available.

The Minister also explained that the **extension of its free advice and support** to the end of September will “ensure that services are able to provide support to citizens, including Ukrainian nationals, who may wish to join family members who are already settled here in Wales.”