

EU Settlement Scheme in Wales (June 2022)

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol | 21 Tachwedd 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 are recorded by the UK Government. High level statistics are published monthly and detailed statistics, including Wales-level data, is published quarterly.

This report presents EUSS statistics relating to Wales up to 30 June 2022. 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, almost 6.7 million applications have been submitted to the UK's EUSS. Successful applicants are granted a status of either 'settled' or 'pre-settled'. For background, see Senedd Research's previous article.

2. Latest quarterly statistics

Applications received by 30 June 2022

Up to the 30 June, 107,860 applications were received from Wales, including 18,880 applications for those aged under 18, against an estimated 95,000 eligible citizens who needed to apply.

Applications that received a decision

104,910 applications received a decision by the cut off for the statistical reporting and are referred to as 'concluded applications'.

Successful outcomes

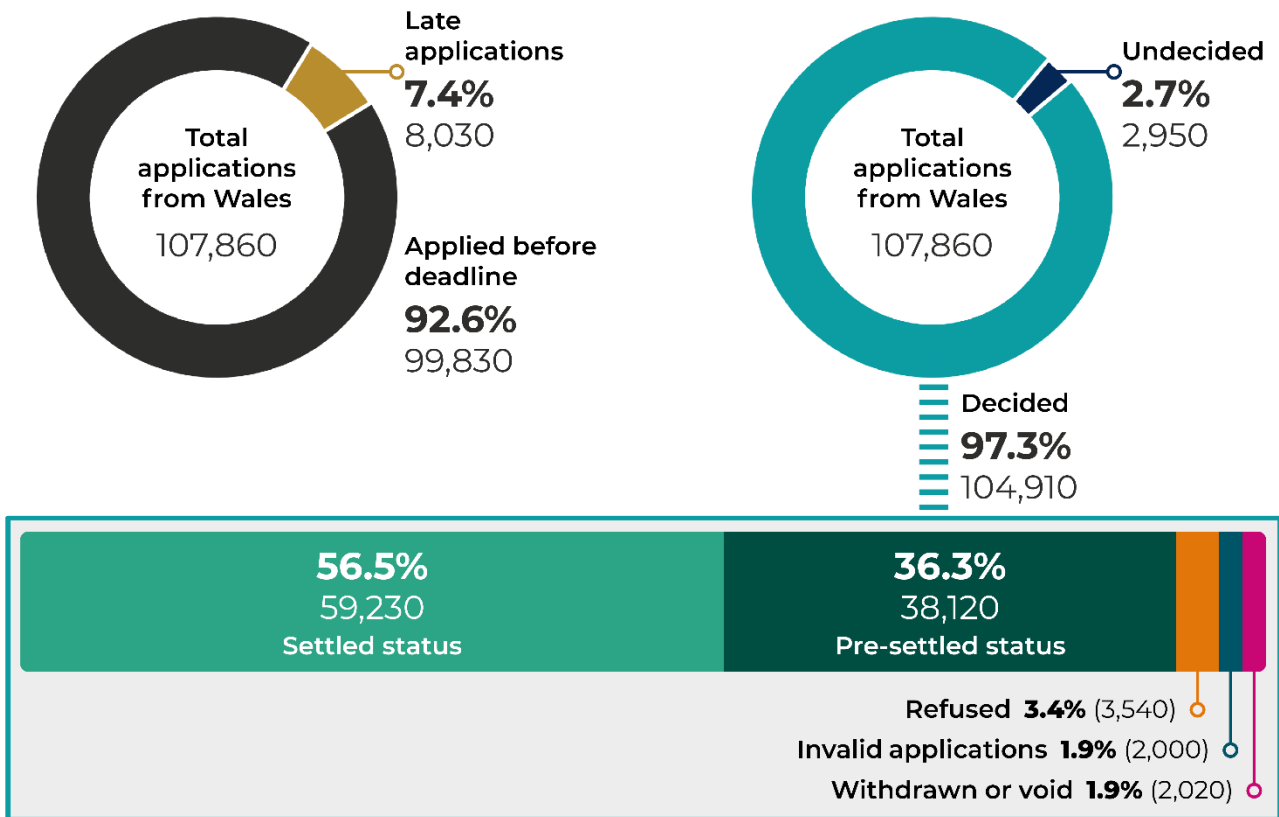
Successful applicants are granted a status of either 'settled' or 'pre-settled'. Both settled and pre-settled citizens can work in the UK and can access healthcare, education and public funds. They can also travel in and out of the UK and apply for citizenship. However, pre-settled citizens cannot bring family members to join them.

Since the EUSS opened, **56.5% of applicants in Wales have been granted settled status** up to 30 June 2022 and **36.3% have been granted pre-settled status**.

Unsuccessful applications are also reported. From Wales, 3.4% were refused (3,540 concluded applications), 1.9% were withdrawn or void (2,020 concluded applications) and -1.9% were invalid (2,000 concluded applications).

The 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 up to 30 June 2022.

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

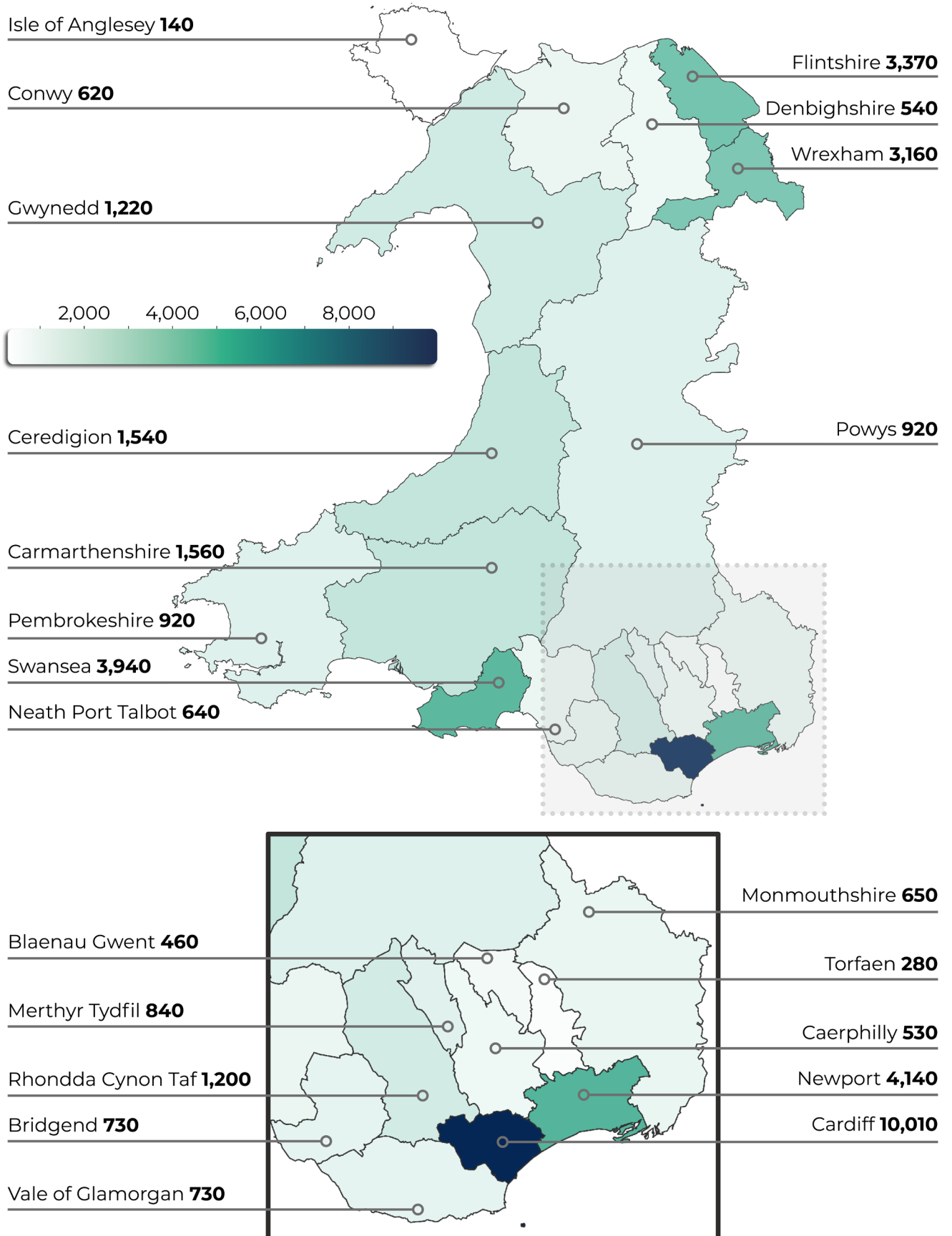


Source: UK Government [EU Settlement Scheme quarterly statistics, June 2022](#)

3. 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 38,120 citizens who have been granted pre-settled status and want to stay in Wales beyond its expiration will need to apply again.

The map below shows the number of pre-settled citizens in each Welsh [local authority area](#):



Converting pre-settled status to settled

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

These show that 384,470 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.

Court case begins at High Court

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.

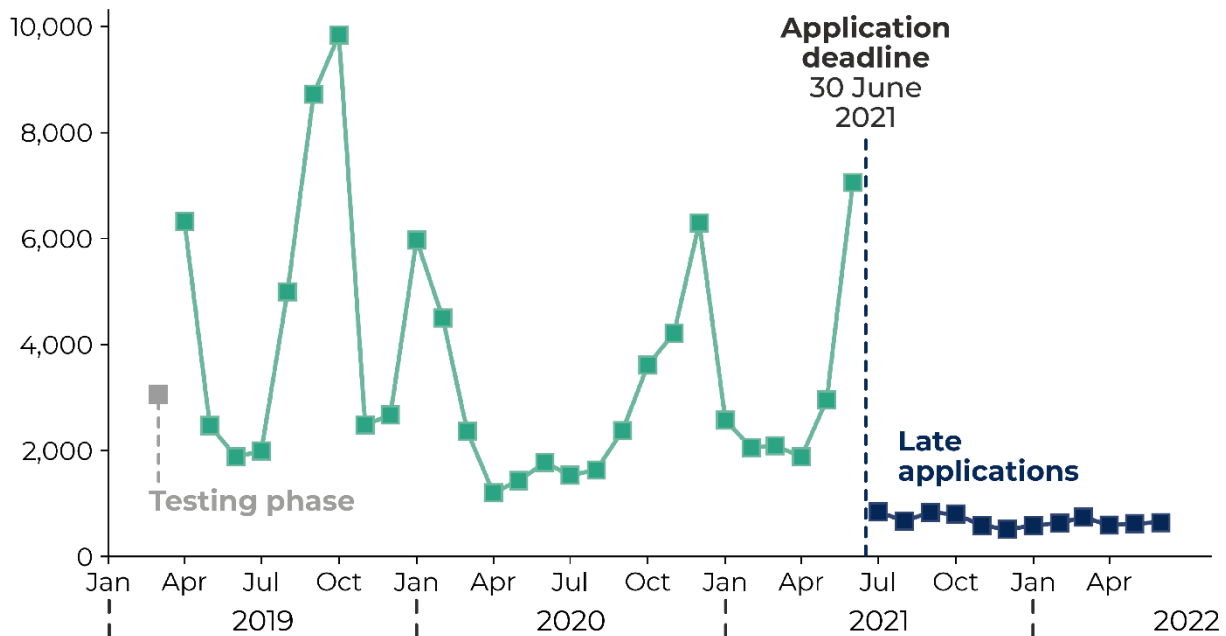
The body responsible for monitoring European citizens' rights in the UK, the Independent Monitoring Authority (IMA), believes that this automatic loss of rights is unlawful because it breaches the UK's agreements with the EU and other European countries. The IMA's judicial review proceedings against the UK Government began at the High Court on 1 November.

4. 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. The UK Government has promised to protect the rights of those with reasonable grounds for missing the deadline.

The number of late applications from Wales increased to 8,030 from 6,180 on 31 March 2022. Late applications remain steady, with 590 in April, 620 in May, and 640 in June, as shown on the graph below.

EU Settlement Scheme monthly applications received in Wales



Source: UK Government [EU Settlement Scheme quarterly statistics, June 2022](#)

5. 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.

6. Ukraine

As part of the measures taken in response to the [Russian invasion of Ukraine](#), the [First Minister asked](#) the Prime Minister to extend the deadline for [EUSS family permit scheme](#) to allow Ukrainian family members of eligible European citizens to come to the UK. The scheme was not extended beyond its 29 March 2022 deadline. After this, the 'reasonable grounds' criteria, applicable to late applicants, applies.

The EUSS statistics show that 13,520 Ukrainians had applied to the EUSS up to 31 December, with 13,090 having received a decision. Information by UK nation is not available.

7. Welsh Government response to annual report

The Committee’s first annual report asked key questions of the Welsh Government’s EUSS support and activities. The Minister for Social Justice, Jane Hutt, thanked the Committee for its work and said the Welsh Government “stands with the Committee in its advocacy for EU/EEA and Swiss citizens”.

She said that it’s encouraging that the Welsh Government is already addressing the report’s key findings in some capacity.

The table below shows each finding alongside the Minister’s response:

ESJ Committee report	Welsh Government response
<p>Concerns relating to statistical gaps in the number of pre-settled citizens seeking to convert their status to settled.</p> <p>Whether Welsh Government is able to identify pre-settled citizens in order to provide tailored support, including reminders to convert their temporary status to permanent before it expires.</p>	<p>Welsh Government is unable to determine when repeat applications will need to be made.</p> <p>It has requested more detailed data but UK Government staff have said it’s not within their remit to publish it. The Home Office has since provided assurances to the Welsh Government that it will send timely reminders to pre-settled citizens to apply for settled status and confirmed that the first pre-settled statuses will expire mid-2023.</p> <p>Welsh Government’s response details steps taken to support pre-settled citizens, including targeted digital campaigns and the dissemination of expiration reminder cards.</p>
<p>To seek the Welsh Government’s view on month-on-month increases in late applications from Wales during the first quarter of 2022.</p> <p>Whether the Welsh Government is aware of any particular issues for this, or any issues relating to citizens who have made no application.</p>	<p>Welsh Government is not aware of particular issues relating to late applications and has been advised by the UK Government that “no EU citizen in Wales has had any rights revoked due to not making an application to the EUSS to date.”</p>

<p>Continued funding for the Welsh Government's free advice and support services for Europeans in Wales applying to the EUSS.</p>	<p>Free advice and support will continue to the end of March 2023. Welsh Government is reviewing EUSS advice services in Wales.</p>
<p>How support is coordinated between the Welsh and UK governments.</p>	<p>Some Welsh organisations received UK Government funding but Welsh Government has not been made aware of future UK Government funding plans. UK Government is invited to the Welsh Government's EUSS Coordination Group.</p>
<p>UK Government closed the EUSS' Family Permit Scheme for Ukrainian family members fleeing the war. Whether the Welsh Government is aware of how many Ukrainians in Wales applied to the EUSS.</p>	<p>Welsh Government is "very disappointed" by the UK Government's decision not to extend the application deadline of 29 March 2022, despite calls from the Welsh and Scottish governments to keep this route open. This route is now closed unless family members can meet narrower late applications criteria. The Minister notes that the UK Government's data shows only 'non-EEA' applications, and so it does not know how many Ukrainian arrivals in Wales applied to the EUSS.</p>
<p>Request key findings and outcomes resulting from the Welsh Government's review of a recent Migration Observatory report.</p>	<p>Not addressed.</p>
<p>Request the latest minutes of the Welsh Government's EUSS Coordination Group, which are ordinarily shared with the Committee.</p>	<p>Minutes of 3 meetings provided.</p>

8. Next steps

In addition to its ongoing work on the EUSS in Wales, the Committee agreed in January 2022 to routinely:

- publish regular monitoring reports on European citizens' rights in Wales, available on the Senedd's website; and
- share its reports with the Independent Monitoring Authority.