

**Jeremy Miles AS/MS**

**Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd  
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**Llywodraeth Cymru  
Welsh Government**

David Rees MS  
Chair of the External Affairs and Additional Legislation Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

25 August 2020

Dear David,

I am writing in response to your letter of 30 July following my appearance before the External Affairs and Additional Legislation Committee on 14 July.

In your letter you asked a number of questions on Citizens' Rights and Common Frameworks that were not covered at Committee because of the time available. The questions and my response to them are set out below.

### **Citizens' Rights**

- 1. According to the best available data, as of the end of May, over 20,000 EU citizens estimated to be living in Wales had not yet applied to the EU Settlement Scheme. Please confirm whether the Welsh Government has a targeted strategy to encourage the remaining EU citizens in Wales who have not yet applied to apply ahead of the June 2021 deadline?**

As of the end of July 2020, the Home Office had received 62,700 applications from Wales, although this refers to the numbers of applications rather than the number of applicants. I am not sure what best available data you refer to but as the Migration Observatory have reported, it is not possible to accurately calculate the number of EU citizens who have not applied. This is because the UK Government does not know how many EU Citizens are eligible to apply for EUSS and estimates of the number of EU citizens living in the UK have important limitations. Some of those who applied to the scheme will have left the UK, but it is not known how many.

This means it is not possible to compare numbers of people granted status with official EU citizen population estimates. For some nationalities, more people have already applied for the scheme than official data estimate are resident.<sup>1</sup>

Also while Irish citizens can apply to the EU Settlement Scheme many are unlikely to do so as they can move freely and reside in the UK under the Common Travel Area agreement. There are estimated to be 10,000 Irish citizens living in Wales<sup>2</sup>.

We will continue to press the Home Office for clearer statistics on which groups seem not to be applying and for much more clarity on those rejected applications (particularly as these people may be eligible and may be able to benefit from more tailored support for their application).

Although this matter is wholly reserved, Welsh Ministers have committed both time and funding to support Wales-based residents to apply successfully for settled status. Our central concern has been those in more vulnerable or more excluded groups who may be unable to easily access Home Office services. Welsh Government work has included social media campaigns and direct funding of third sector groups who can connect with and support these groups. Specifically, we have provided around £2m of funding through the European Transition Fund and other funding to organisations including Citizens Advice Bureau, Settled, Local Authorities, and Newfields Law to reach out and support more complex cases, less connected groups, looked-after children and adults in social care.

The EUSS Wales Co-ordination Group, chaired by the Welsh Government, and which comprises Newfields Law, Citizens Advice Cymru, the successful Home Office grant recipients, the Home Office and other key delivery partners, such as the WLGA and the WCVA, is currently mapping planned communication and awareness raising activities to further identify hard-to-reach groups. This will help to develop a collective strategy to target EU citizens at risk of not applying through to the June 2021 deadline.

The Covid-19 pandemic has prevented groups working directly in face-to-face environments to support people in their applications, and led to the temporary closure of a number of Home Office support services. I recently wrote to the Home Secretary to press her to consider extending the deadline for applications to the scheme so that vulnerable people who require additional support are not doubly penalised as a result of the pandemic.

The UK Government has refused to extend the deadline and maintains that where someone has reasonable grounds for missing the deadline, they will be given a further opportunity in which to apply. As a result I continue to be concerned that EU citizens, particularly children and young people, who are unaware of the need to apply for the EU Settlement Scheme, will become unlawfully resident in the UK.

As the deadline nears, we will press the UK Government to grant a moratorium to people who have not applied for EUSS by the deadline to avoid the “cliff edge” scenario of potentially thousands of people becoming illegally resident overnight.

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<sup>1</sup> Not Settled Yet? Understanding the EU Settlement Scheme using the Available Data <https://migrationobservatory.ox.ac.uk/resources/reports/not-settled-yet-understanding-the-eu-settlement-scheme-using-the-available-data/>

<sup>2</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationality>

**2. Can you confirm whether the Welsh Government is actively monitoring analytics from its online resources for EU citizens to determine the level of engagement with the public, i.e. number of visits, enquiries or regular feedback reports from third party partners, such as Newfields Law firm or Citizens Advice Cymru?**

The Welsh Government monitors analytics through the Preparing Wales website on a monthly basis. The website provides advice and guidance for EU citizens who need to apply for settled status.

A focused digital campaign to raise awareness of the EUSS ran from 24 February to 24 March 2020 and targeted EU citizens in Wales, seeking advice about the EUSS and users browsing websites in an EU language to help enhance the performance and delivery of the campaign. The material was produced in three priority languages – Polish, Portuguese and Romanian.

The Welsh Government receives monthly activity reports from Newfields Law Immigration Advice Service and regular meetings are held between Newfields Law and the Welsh Government's European Transition team to review progress and monitor activity.

Citizens Advice also provide regular updates to Welsh Government. They are required to report formally each quarter and have weekly meetings with the Welsh Government's EU Citizens' Rights project manager. The weekly update is a verbal meeting designed to keep in touch and share information from both parties.

The quarterly report contains a dashboard of statistics in relation to the number of clients seen and the volume and type of issues handled. It also reports on the number of clients supported with EUSS applications. The dashboard is supplemented by a narrative which outlines engagement activities, events attended, as well as networking that has been undertaken to promote use of the advice provision.

**3. In responding to the above question, can you please describe the key findings from these analytics and how these will be used in the time remaining?**

A number of different sources of information are considered such as Home Office statistics on EUSS applications, feedback from the information shared at the co-ordination groups by service providers, LG Brexit co-ordinators and community cohesion co-ordinators as well as from group working with people who may be vulnerable to not applying. This collective picture informs the coordination group's strategy for further targeting, communications and outreach work. Based on work to date, we will be targeting:

- a. People who do not realise that they can and need to apply such as children, people (often older ) who may have once held another form of status, those who have previously been rejected for a form of status, and those with criminal records.
- b. People in vulnerable circumstances because of their age, or their capabilities (including but not only language barriers and computer literacy).
- c. People who are 'hard to reach' because they are working long hours in relatively isolated circumstances and people living in remote locations where transport services and other infrastructure are limited and where ties to others from the same nationality or in similar circumstances, are distant.

**4. Can you confirm whether the Welsh Government funded EUSS Coordinator post, funded as part of its No Deal planning to raise awareness of the EUSS, is active and to provide an update on their work and reach?**

The Wales Coordinator post within Settled (a charity which works with vulnerable and hard-to-reach EU/EEA citizens in the UK) was funded to recruit, develop and manage a network of volunteers, (or Settled Status Angels), advising EU citizens in the community, operating under the Office of the Immigration Services Commissioner (OISC) EUSS Level 1 exemption. By the end of March 2020, the Coordinator had 10 OISC-registered Settled Status Angels in Wales and they all have links to EU communities. One Angel is based in West Wales, the others are concentrated in the South Wales area. They speak many different EU languages between them e.g. Italian, Spanish, Czech, Slovak, Greek and Bulgarian, and professionally they have varied experiences e.g. Benefits Adviser, Secondary School Teacher, ESOL Teaching Assistant, Local Authority Manager and 5 University lecturers.

Given the concentration of EU citizens in social care and other public services, Settled made links with Unison the union and have recruited a further 17 volunteers to become Angels – these are based in Cardiff, Bridgend and Abergele. Training had commenced but due to the coronavirus it has been difficult to complete OISC registration (so to date 7 are registered).

Settled have also been attending events to promote the EUSS, offering 1-to-1 support on applications and engaging with organisations and groups Wales wide.

Settled are members of the EUSS Wales Co-ordination Group.

**5. Is the Coordinator's work limited to Wales or have they reached citizens from Wales residing in the EU27?**

The funded Settled post of Wales Coordinator is to work within Wales and there has not been work conducted with Welsh citizens residing in the EU27. The responsibility for assisting UK citizens resident overseas is clearly a reserved matter and we would have neither the information nor resources to identify and assist UK citizens who are, or identify as, Welsh.

**6. What support, if any, is available from the Welsh Government to those whose applications are not successful? Have you discussed this with the UK Government?**

Through Newfields Law Immigration Advice Service, and the Citizens Advice EU Citizens' Rights Project, the Welsh Government is supporting all EU citizens to apply for their settled status. Where a case is considered particularly complex, then Newfields Law will look at these types of cases and see where they can best provide support. There is also advice available for people who have not been successful with their application and wish to go through the appeals process or be supported to re-apply when people have been awarded pre-settled status when they believed they should have been awarded full settled status.

The Welsh Government has pressed the UK Government on why there have been refusals, and officials have indicated that it is largely due to the applicant not meeting the criteria, or lack of evidence to meet the criteria. A small number of applications have been refused on serious criminality grounds.

The Welsh Government will continue to press the UK Government for more information relating to refusals.

**7. Have any discussions taken place with the EU institutions, or EU27 Member States, on EU citizens in Wales?**

Last October I hosted an event with the Honorary Consuls in Wales and we will continue to work with the consulates to promote our advice services in Wales. The First Minister and myself will meet the recently appointed EU Ambassador to the UK in the coming weeks.

**Common Frameworks**

**8. Will there be any opportunity for legislatures and stakeholders to input into framework outline agreements before they become operable at the end of the year?**

Both legislatures and stakeholders will have the opportunity to influence the development of framework outline agreements:

- The legislatures' opportunity will be via technical briefings to their committees.
- Stakeholders will have the opportunity to input through technical consultation. This process will be tailored to the individual frameworks. Several Frameworks are currently preparing for technical consultation including Public Procurement and Food and Feed Safety and Hygiene Law.

The above processes are intended to conclude by December 2020. Formal scrutiny will then take place from the beginning of 2021.

We anticipate that a small number of frameworks which are more advanced will reach formal scrutiny earlier, i.e. in the Autumn.

**9. For those framework areas where no framework outline agreement is reached by the end of the year, can you describe what the interim arrangement will be and what it will include?**

The governments are still in discussion about what interim arrangements might be needed for Frameworks which do not reach Outline Agreement stage by the end of the year.

I hope the Committee finds this information helpful.

Yours sincerely,



**Jeremy Miles AS/MS**

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