

Summary of engagement

Follow-up: changes to freedom of movement after Brexit and the implications for Wales

January 2021

Background

As part of the External Affairs and Additional Legislation Committee's follow-up work on **changes to freedom of movement after Brexit and the implications for Wales**, the Senedd's Citizen Engagement Team has been gathering the views of EU citizens and representatives from support services, on their experience of the EU Settlement Scheme (EUSS hereafter).

Methodology

The Citizen Engagement Team proposed a qualitative approach to the engagement, comprising an online focus group and one-to-one interviews to gather the views and experiences of individuals who had previously contributed to the Committee's work.

A session was arranged with individuals who shared their views on the online discussion board, Loomio and during focus groups with the Committee in Cardiff in September 2019.

Format

The online focus group took place on Microsoft Teams on 13 January 2020 with representatives from organisations which are part of the EU Citizens' Immigration Advice Service in Wales and a representative from a local authority. The organisations offer free additional advice and support for any EU citizen living in Wales concerned about applying to the EU Settlement Scheme. One-to-one



interviews with EU citizens took place on 15 and 18 January. All sessions were facilitated by a member of the Citizen Engagement team. 6 participants contributed their views.

Summary of key themes

The digital-only operation of the EU Settlement Scheme

“For the first time, the Home Office has rolled out a scheme which is 100% digital, from the application stage to the point you receive your status. Even though the guidance is available in all European languages, the application itself is English only, so a lot of support is still needed.”

Focus group participant 1

The digital-only nature of the Scheme was identified by participants as a significant issue, further complicated by the restrictions introduced in light of the pandemic. One participant explained that whilst the online nature of the Scheme meant there was little disruption in terms of its operation and avoided any need to “*move things online*”, the restrictions exacerbated existing barriers.

Language barriers and issues such as lack of digital literacy and online accessibility were cited by participants as challenges more difficult to circumvent when restrictions prevented face-to-face engagement with service users.

“When it came to the stage where the applicant needed to provide evidence, we were able to support them through that process, as well as helping them to access their status and explain what it meant. Covid has put a stop to all of that. People who were digitally excluded are now even more so, because we’ve been forced to work remotely.”

Focus group participant 1

“Due to the pandemic, I still have a list of people I need to see face-to-face. I have one elderly man with no mobile phone and no internet access, so what do you do in that situation?”

Focus group participant 4

All participants involved with supporting applicants to navigate the EUSS process agreed that the volume of applications had fallen due to the pandemic. As a result, one participant explained that the nature of her role had changed somewhat.

“A lot of our work through Covid is about reassurance and explaining to applicants that they do have time and we are still able to guide them through the process remotely. The concern we now have, is that we’re going back into lockdown and it may be a further two months or so before we’re able to meet people face-to-face. We’ve been having conversations with the Home Office to explain that people will not be able to make the application in time. What will happen between now and the end of June, as well as post-June?”

Focus group participant 1

An individual who successfully navigated the EUSS explained that she found the process straightforward, but conceded that due to the nature of her job, she was familiar with similar websites.

“I found it straightforward but that could be because I’m familiar with websites like HMRC, Companies House and the Gateway. I was a little surprised when I was initially offered pre-settled status instead of settled status. I think it may be because when I arrived in the UK in 2005, I worked for three years and then fell pregnant and became a stay at home parent for the duration of my child’s early years. So from the government’s perspective it may have looked as though I had left the country and then came back. But once I sent all the relevant documentation away, they amended my status very quickly.”

One-to-one interviewee 1

Status

In addition to the online-only operation of the EUSS, all participants reiterated concerns previously raised with the Committee, regarding the lack of physical documentation confirming an individual’s status.

In particular, all participants agreed that a lack of tangible evidence of status would pose difficulties for individuals who may need to access services such as housing, healthcare, education and employment. Some participants explained that an identification card confirming status was necessary.

“The e-mail you get when you’re granted your status says “This is not proof of immigration status.” So how does a housing team at a local authority, tasked with assessing eligibility for housing support, identify whether an individual has settled or pre-settled status? There is also a question around the training and

information that needs to be passed on to all staff involved with delivering services concerning things like housing and healthcare.”

Focus group participant 3

“It’s not inclusive at all and there’s a huge risk around groups that are already at risk of exploitation. If you’re in a situation where you can’t understand what your rights are or can’t understand somebody taking your documents for a legitimate reason, like to assess your eligibility for housing, it’s going to cause problems. If you had a card which shows your status, that would help.”

Focus group participant 1

Conversely, one individual who was granted settled status did not have an issue with the lack of physical documentation confirming her status, and suggested that cultural and/or generational nuances may be a factor.

“I don’t feel uncomfortable with the lack of physical proof. It’s recorded in government data. It could be down to certain cultural aspects. People from the Eastern Bloc are very familiar with the need to carry identification documents. It’s been drummed into them from a very young age, but as with everything, things change with the digital age. It might be that the older generation prefer having papers confirming their status. Having said that, I can’t help but think that 20 years from now, there’ll be another Windrush type scenario, where we’ll be told to go home.”

One-to-one interviewee 1

Embassies and identification documents

A lack of physical access to embassies as a result of travel restrictions introduced due to the pandemic was raised as a significant issue by most participants. Notwithstanding those restrictions, participants highlighted the prohibitive financial impact of individuals needing to travel to their country of origin to retrieve the documentation required to proceed with the EUSS application process.

“When we get to the end of the grace period, what will happen to those who haven’t been able to apply or get their documents? People are getting worried. One positive is that the Welsh Government is looking to offer the exceptional route under discretionary assistance, for people who need support with travel costs to go into these embassies to renew their passport.”

Focus group participant 2

Participants agreed that, subject to restrictions, a potential work-around that could make a significant difference to those unable afford to travel to their embassy would be to allow pop-up embassies in Wales.

“The Portuguese embassy made representations to have a pop-up embassy in Cardiff and we would usually have looked to accommodate them, but weren’t able to do so because of the restrictions. It would have been nice to have been able to leverage Welsh Government support on this, because it is an essential service and we need to go above and beyond.”

Focus group participant 3

Participants involved with supporting individuals through the EUSS process, explained that applicants have been far more comfortable sending personal identification documents to them as a support service, rather than directly to the Home Office. Participants referred to an increasing feeling of nervousness amongst applicants, which has seemingly coincided with the end of the transition period.

“We can take a photo of the passport and biometric chip and then send people their log-in details because they’ve given us third party authority. When the face scan needs to be completed, that’s usually done in person. Now, the technology allows for a good photograph of the passport to be verified. Clients have really appreciated that type of work-around and it makes them more confident in the process. But we have seen a drop-off of people wanting to send us their documents – I’m not sure whether it’s to do with the end of the transition period and the sensitivities around citizenship.”

Focus group participant 2

Whilst work-arounds adopted by support services as a result of the pandemic have largely been welcomed by applicants, they have, on occasion, been problematic.

“One issue we’ve encountered is to do with facial recognition, which has been discriminatory against darker skin tones. We had an embarrassing situation where we had to take a photo of an applicant a number of times for it to be accepted.”

Focus group participant 2

Data

Some participants discussed the challenges of identifying individuals who may be eligible to apply for the EUSS but had not yet done so. One participant working at a local authority described working with *“imperfect data”*, as existing internal systems are not designed to identify EU citizens.

“We’re reliant on services that weren’t designed to record immigration status. So identifying EU nationals who are engaged with social services can be challenging. It’s been a large exercise for us which has highlighted a number of issues. One thing we’ve picked up on is in relation to adult social services. Unlike young people who are usually engaged through their primary worker due to duty of care, it’s not the same with adults and so we’re relying on the system in a way we didn’t anticipate.

We had one case of an individual who doesn’t have a social worker, who we think is eligible to make an application to the EUSS, but has been missed up until now. There could be more like him who’ve slipped through the cracks.”

Focus group participant 3

Lack of awareness and/or understanding of the EU Settlement Scheme

Most participants agreed that one of the principal reasons some people have yet to apply for the EUSS is due to a lack of awareness and/or understanding of the Scheme.

“Some people think that if they apply for themselves, they don’t need to apply for their kids. Others think they have been here long enough, paid taxes and have worked here for years so assume they don’t need to apply.”

Focus group participant 4

Some participants explained that whilst the Scheme is relatively straightforward to navigate when compared to other immigration schemes, those who are vulnerable or unfamiliar with making online applications would struggle.

“When you consider those involved with social services, they’re a hugely vulnerable and marginalised group that often require face-to-face support in normal circumstances. It’s not just about digital accessibility, but issues of capacity to make the application.”

Focus group participant 3

“We have people who are afraid of making the application for fear of getting it wrong. They fear deportation so they hold off until they can see a support service because it gives them assurance they’ll be able to secure their right to stay. Now that the transition period has ended, people want to keep hold of their ID documents as it’s the only thing that proves who they are and that they’re “allowed to be here.”

Focus group participant 1

One participant explained that she would often hand out envelopes to her service users and write notes on their behalf, to enable them to ask for recorded delivery at the Post Office.

“We’ve had people who’ve not sent their passport off and think they’ve done everything needed to complete the application. The fear of someone keeping their passport after the transition period has grown.”

Focus group participant 1

Welsh Government support

Most participants felt strongly about the need for a publication campaign to raise awareness of the EUSS, a matter which has been raised with the Welsh Government and Members of the Senedd on a number of previous occasions.

“We’ve had some positive soundings from Members of the Senedd regarding the idea of using the electoral roll to send out information on the EUSS from the Welsh Government, but it’s been a constant frustration to get acknowledgement from the Welsh Government and the WLGA (Welsh Local Government Association). This is a strategy that should have been in place at the outset, as well as a coherent mapping out of where services could be

prioritised. We'd have expected a more strategic response from politicians, but it hasn't been forthcoming."

Focus group participant 2

"We've all been pushing for the publication campaign in the "call of nations" we have with Welsh Government. Being able to push messages out across social media in a number of languages would be incredibly useful. As organisations, we all have Facebook pages that we could use, as well as our personal accounts. At Christmas, Newport Council created a leaflet and sent it to European citizens around St. Nicholas Day, which thanked them for choosing Newport as their home. It was extremely powerful."

Focus group participant 1

"I would have liked more of a reiteration of messaging about the importance of the EUSS and why it's essential and needs to carry on, as safely as possible."

Focus group participant 3

Participants also discussed the funding of their services and expressed concern that funding may cease on 1 July 2021, even though the demand for support is unlikely to fall.

"A lot of our funding will run out after the grace period. We know there'll be many challenges from 1 July onwards; people who've not applied, people who can't access their status or people who have been granted pre-settled status and have up to five years to convert that into settled status. Our concern is that funding will stop on 1 July, but the work won't. We need greater certainty now, so that we can plan ahead."

Focus group participant 1

One participant explained that the Home Office has changed its messaging to reflect a more urgent tone. Participants agreed that more cohesive messaging needs to come from the Welsh Government and UK Government.

"Welsh Government could put the spin on it of "we care and we want you to stay. Make an application to the EUSS." People need to understand that it's not a choice."

Focus group participant 1

Attitudes towards EU citizens

“It’s no secret that since the referendum, hate crime has increased. People were emboldened to say what they want. It’s still happening to an extent which is why reiterating the message that EU citizens are welcome here is important. It’s more obvious in urban settings, but the reach needs to be wider and more visible in rural areas.”

Focus group participant 1

“I work in a more rural area and I didn’t think the message saying that EU citizens are welcome here was as well-communicated. I always think about what Nicola Sturgeon did – she made it clear on the front page of their newspapers that EU citizens were welcome. I cried when I saw that and wish we had something similar here. I did however have a letter from the Welsh Government to say that I would be able to vote in the Senedd elections, and I thought that was nice.”

One-to-one interviewee 2

“With the transition period coming to an end, our front line advisers were having messages from clients saying they don’t feel welcome –even in areas that purport to support this nation of sanctuary concept.”

Focus group participant 2

One participant explained that as an organisation, they have seen an emerging pattern which suggests that workplace discrimination is more commonplace. Examples were given of EU citizens seemingly being overlooked for promotions and permanent contracts, in favour of colleagues with less experience and who had been at the organisation for less time.

“As with many employment discrimination cases, it might be difficult to prove the origin of that, however we shouldn’t be fearful of saying we sense there’s an emerging pattern.”

Focus group participant 2

Capacity

Most participants agreed there were organisational capacity issues as a result of the pandemic.

“There’s only so much bandwidth within organisations to tackle so many issues. Everything has an opportunity and cost associated with it. The Brexit issue has been pushed to the side; you see it at a national level.”

Focus group participant 3

“We’re concerned about the impact lack of capacity will have on people who need to go through the EUSS process. We need for councils to have the expertise to deliver a service – we can deliver workshops and webinars to the WCVA, councils and other organisations. I don’t think we expect everyone to have all this information straight away.”

Focus group participant 1