

EU Settlement Scheme in Wales

July 2022

1. Introduction

1. The [Equality and Social Justice Committee](#) (the Committee) has considered quarterly monitoring reports on the EU Settlement Scheme (EUSS) since its establishment in June 2021.
2. This is the fourth report which marks the first year of the Committee's [EUSS monitoring](#). It presents the statistics from the EUSS' launch in March 2019, up to 31 March 2022, and sets out a number of key issues and conclusions raised by the Committee in its work.

2. Background

3. 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.
4. 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.
5. The [EU Settlement Scheme](#) is the UK Government's scheme to which European citizens must apply in order to stay in the UK after Brexit.
6. Since its launch, almost [6.6 million applications](#) have been submitted. Successful applicants are [granted a status](#) of either 'settled' or 'pre-settled'. For background, see Senedd Research's [article on this issue](#).



7. The EUSS is a requirement of the citizens' rights parts of agreements reached between the UK, the EU and other European countries as part of Brexit, including the Withdrawal Agreement. The rights of European citizens in the UK are guaranteed by agreements with the EU, Norway, Iceland, Liechtenstein and Switzerland.

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

9. 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.

3. Overview

Applications received by 31 March 2022

10. Up to 31 March 2022, 106,020 applications were received from Wales, including 18,460 applications for those aged under 18, against an estimated 95,000 eligible citizens who needed to apply. The number of applications has therefore surpassed the number of estimated eligible persons.

Applications that received a decision

11. 102,500 applications were decided by the end of March and are referred to as 'concluded applications'.

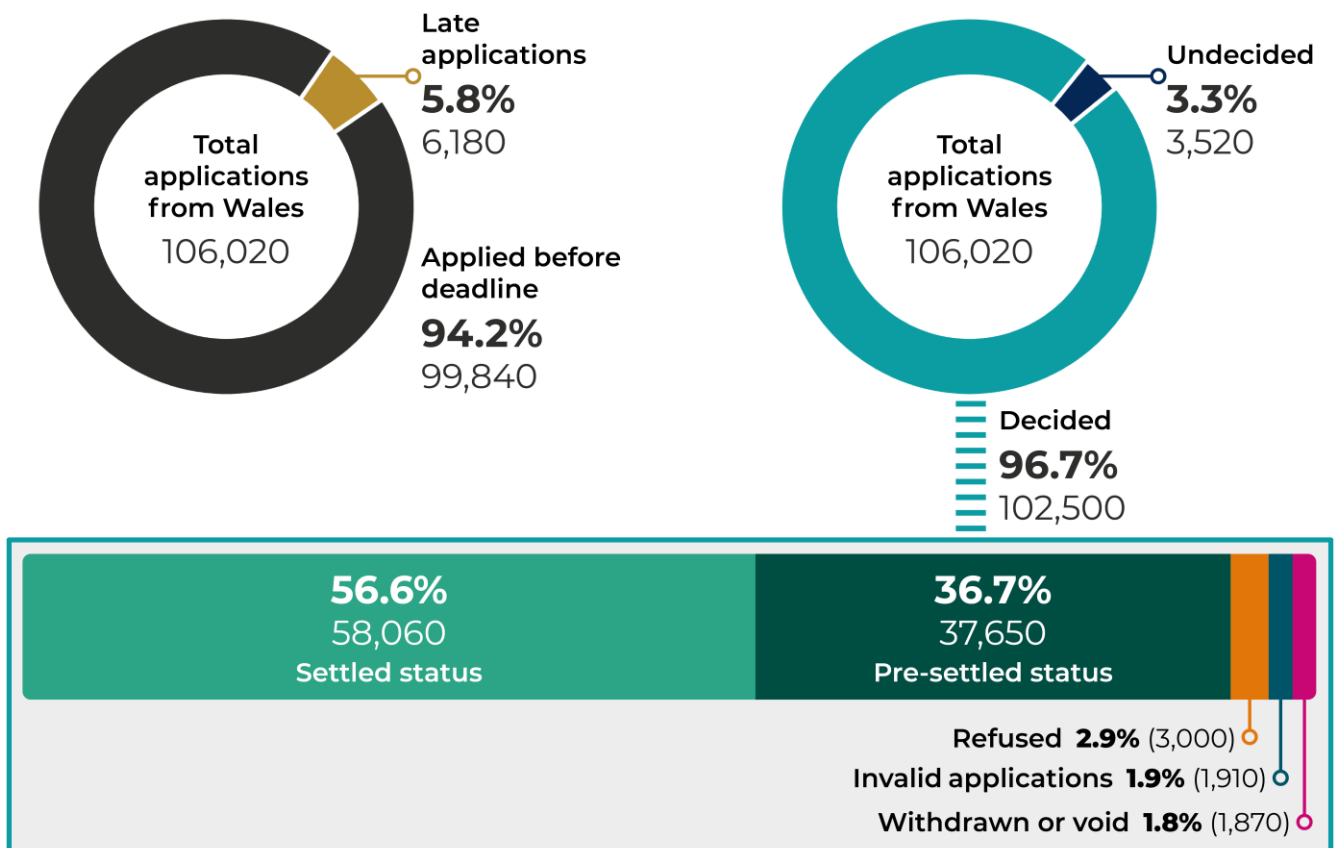
Successful outcomes

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

13. Since the EUSS opened, 56.6% of applicants in Wales have been granted settled status up to 31 March and 36.7% have been granted pre-settled status.

14. 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 to date.

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



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

'Settled' or 'pre-settled': more information

15. Up to 31 March, 56.6% of concluded applications from Wales (58,060 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.

16. 36.7% of concluded applications from Wales (37,650 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 6 months abroad every 12-month period (with some exceptions).

17. 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.

18. Unsuccessful applications are also reported. From Wales, 2.9% were refused (3,000 concluded applications), 1.8% were withdrawn or void (1,870 concluded applications) and 1.9% were invalid (1,910 concluded applications).

Late applications

19. The number of late applications from Wales increased to 6,180 on 31 March 2022 from 4,240 on 31 December 2021. More information is provided below in section 5.

20. The EUSS remains open to receive late applications, which are allowed if a person has reasonable grounds for missing the deadline of 30 June 2021. Examples include where a parent has failed to apply on behalf of a child or where a person has a serious medical condition.

4. Pre-settled citizens: second application to stay

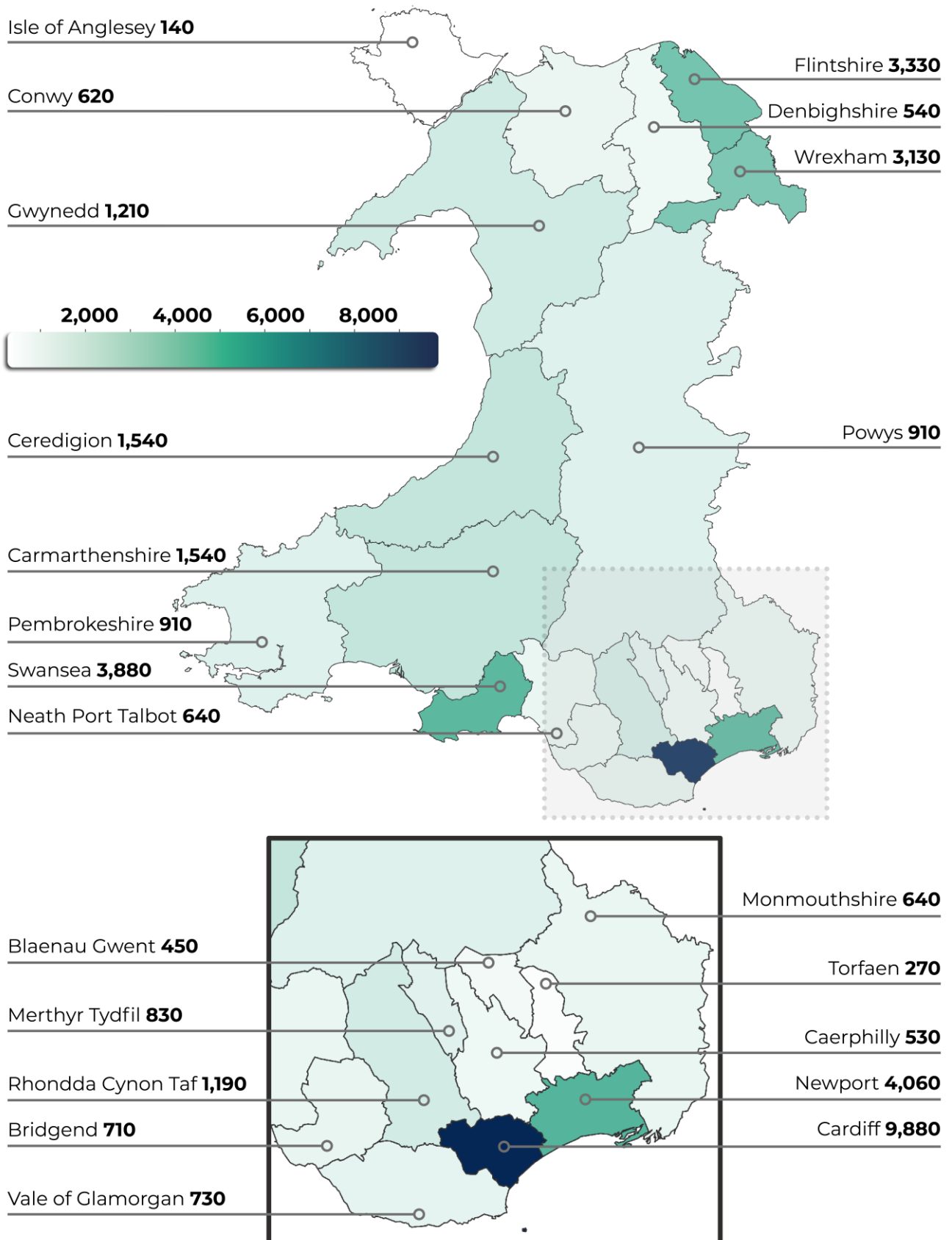
21. Pre-settled status expires after five years and must be converted to settled status via a second application.

22. This means that the 37,650 citizens who have been granted pre-settled status and want to stay in Wales beyond its expiration will need to apply again.

23. 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.

24. 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 2021. No further information has been released at this time.

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



Converting pre-settled status to settled

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

27. UK-wide statistics show that 328,350 pre-settled citizens have converted their status to settled status. Information by UK nation is not provided. This means it is unknown 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 in its response in February 2022.

28. In correspondence in April 2022, the Minister advised that officials would soon be reviewing a recent publication by the Migration Observatory, How Secure is Pre-Settled Status for EU Citizens After Brexit? to ensure that support continues to be specific to the needs of pre-settled citizens in Wales, and of vulnerable citizens in particular. The report identifies several features of the EUSS that will impact the ability of vulnerable residents to upgrade their status, as follows:

- a double application process with multiple individual deadlines;
- a digital application process and only-digital status;
- a more onerous application process for settled than for pre-settled status;
- uncertainty about the level of support that will be available in the future, including interpretation and translation services; and
- breaks in continuous residence.

Key issues and follow-up actions

Statistical gaps in the number of citizens seeking to convert their status from pre-settled to settled in Wales.

Seek clarity on whether the Welsh Government can identify citizens with pre-settled status, including for the purpose of providing support and reminders for second applications.

Request key findings and outcomes resulting from the Welsh Government's review of the Migration Observatory report.

5. Late applications

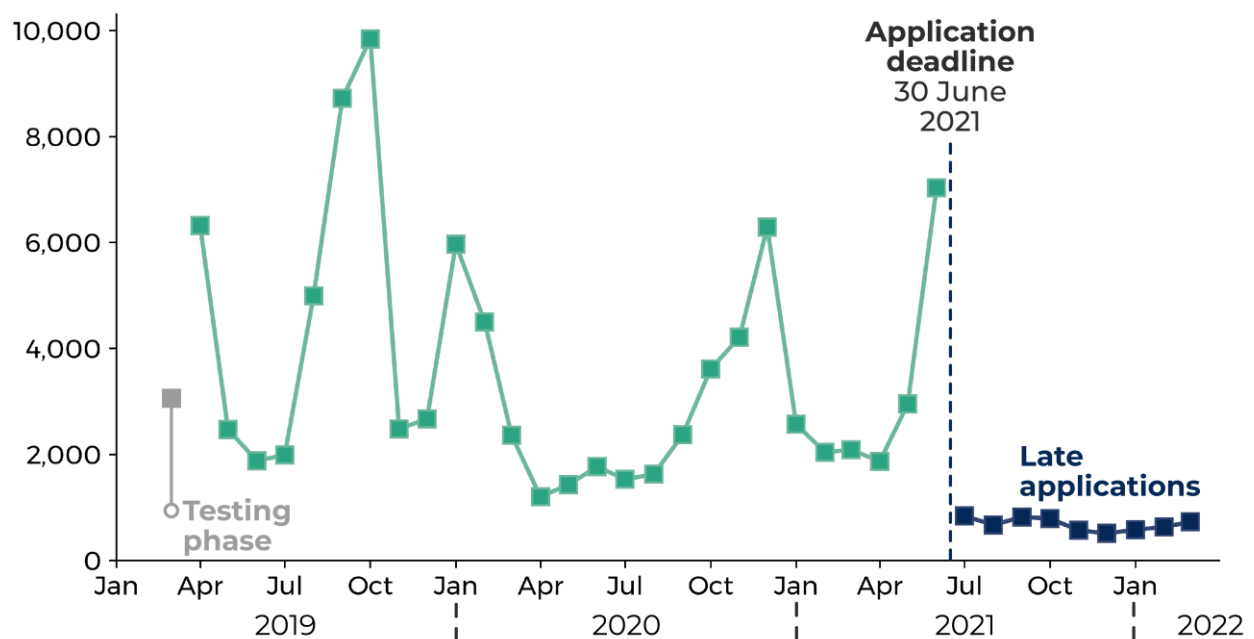
29. 543,100 applications were received UK-wide after the application deadline of 30 June 2021 up to 30 April 2022.

30. The number of late applications from Wales increased to 6,180 on 31 March from 4,240 on 31 December 2021.

31. 510 late applications were received in December, which marked the lowest month of late applications received. However, late applications have increased month-on-month in 2022, with 580 late applications in January, 630 in February and 730 in March.

32. The chart below shows the 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, March 2022](#)

33. 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.

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

35. In February 2022, the Committee wrote to Welsh MPs asking whether they could indicate the extent to which constituents have raised issues relating to late applications and pre-settled status. No responses have been received to date.

Conclusion 1. The Committee remains concerned regarding the treatment of citizens making late applications to the EUSS, and those who have made no application (see section 6 below).

Key issues and follow-up actions

Seek clarity on:

- the Welsh Government's view of the increases in the number of late applications from Wales; and
- whether the Welsh Government is aware of issues relating to late applications.

6. No application

36. 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.

37. 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.

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

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

Key issues and follow-up actions

Seek clarity on:

- whether the Welsh Government is aware of issues relating to citizens who have made no application; and
- whether the Welsh Government has an indication of the number of eligible citizens who have not applied.

7. Welsh Government

40. This section summarises the information provided to the Committee by the Welsh Government during its first year of monitoring the EUSS.

Free advice and support

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

42. The funding for these services has been extended several times in line with extensions by the UK Government. 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.

43. In April 2022, the UK Government announced additional funding of £2.5million for 68 organisations located throughout the UK which help people to apply to the EUSS who have vulnerabilities such as language barriers and IT support. The organisations include charities, local authorities and community groups who provide support to vulnerable groups, including disabled people, children, those with severe mental health conditions, victims of human trafficking or domestic abuse, and the homeless, elderly or isolated.

44. A list of organisations was not published alongside the announcement, however, the announcement included a quote from Tom Finney, EUSS Team Manager at Newport Mind, who said:

Home Office's decision to award this crucial funding is very welcome. As a result of this grant, Newport Mind can continue to provide European Union citizens living and working in Wales with vital assistance and support. With these new funds, we aim to continue to develop our service to meet the changing needs of our most vulnerable clients.

45. The Welsh Government advised the Committee that it attends fortnightly meetings with the UK Government. However, it is unclear whether the Welsh Government was involved in the UK Government’s decision to grant additional funding.

Key issues and follow-up actions

Seek clarity on:

- whether the Welsh Government will extend support beyond September 2022;
- the Welsh Government's involvement in the UK Government's additional funding to UK-wide organisations, including whether the organisations in receipt of the funding are key partners of the Welsh Government; and
- how the Welsh and UK governments coordinate in funding allocation for EUSS support.

Information sharing

46. The Welsh Government's EUSS Coordination Group comprises several external partners that support citizens in applying to the EUSS.

47. In February 2022, the Minister advised that the group agreed to the Committee's request to share its meeting minutes for as long as the group continues to meet.

48. The Minister attached the minutes from its January meeting to her correspondence. They summarise the activities of the following external partners of the Welsh Government:

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.

49. The Committee has received this set of minutes only to date.

Key issues and follow-up actions

Request the minutes from the EUSS Coordination Group's next meeting.

8. Ukraine & EUSS family permits

50. 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 permits beyond 29 March 2022. The Minister described these developments in correspondence to the Committee in April 2022.

51. This route allowed family members of eligible British citizens to come to the UK but required families to have returned to the UK **and** have applied to the EUSS by 29 March. Late applications are allowed in certain conditions, based on “reasonable grounds” criteria.

52. An extension to the scheme’s 29 March deadline was not granted by the UK Government and this route is now closed to eligible Ukrainian family members unless they can meet the late applications criteria.

Conclusion 2. The Committee is disappointed that the deadline was not extended in order to provide an additional route to those fleeing the war in Ukraine.

Statistics

53. Applications were captured in EUSS statistics during the period between Russia’s invasion of Ukraine, which began on 24 February 2022, and the route’s deadline of 29 March 2022. They show that 13,030 Ukrainians had applied to the EUSS up to 31 March, 12,540 of whom received a decision. Information by UK nation is not available.

54. In March, the Minister explained that the extension of the Welsh Government’s 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.”

Key issues and follow-up actions

Establish if the Welsh Government knows the number of applications received from Ukrainians arriving in Wales who applied to the EUSS.

Request an update on any further discussions between the Welsh and UK governments on this issue.

9. Committee activity

55. Following each monitoring report provided to the Committee in its first year, 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;

- request the Welsh Government's latest assessment of the EUSS in Wales, including particular elements; and
- write to MPs to share EUSS statistics and to ask for an indication of the extent to which EUSS-related issues are raised.