

EU Settlement Scheme (EUSS): monitoring report

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol | 16 Medi 2024
Equality and Social Justice Committee | 16 September 2024

Following Brexit, European citizens who were living in Wales before 31 December 2020 must have applied to stay by 30 June 2021. Applications must be made to the UK Government's EU Settlement Scheme (EUSS). This applies to citizens from EU Member States, Norway, Iceland, Liechtenstein and Switzerland. Irish citizens are exempt under separate arrangements.

Citizens' rights form key parts of separation agreements reached between the UK, the EU and other European countries as part of Brexit. The agreements, which include the UK-EU Withdrawal Agreement, guarantee the rights of citizens from the EU, Norway, Iceland, Liechtenstein and Switzerland in the UK, and vice versa.

The Welsh Government and Senedd must comply with these agreements. The Welsh Government's Minister for Social Justice, Jane Hutt MS, is responsible for EUSS-related activities in Wales. Former Cabinet Secretary for Culture and Social Justice, Lesley Griffiths MS, was responsible for the EU Settlement Scheme between **21 March 2024** and **16 July 2024**.

The UK's independent watchdog, the Independent Monitoring Authority (IMA), was established to protect the rights of European citizens in the UK. This is required by Article 159 of the UK-EU Withdrawal Agreement and Article 64 of UK-EEA EFTA Separation Agreement. Swiss citizens are not covered by the IMA.

The number of eligible European citizens in Wales and the UK is unknown so nobody knows how many applications there should be. Since its launch, 8.1 million applications have been made to the EUSS UK-wide relating to 6.3 million people (some will have multiple applications). Initial estimates showed there

could be 95,000 eligible citizens in Wales but the latest statistics show that there have been 108,666 successful applications already.

EUSS statistics are recorded by the UK Government. High level statistics are published monthly and detailed statistics, including Wales-level data, are published quarterly. Between its launch in 2019 and 13 June 2024, EUSS statistics were presented as standalone statistics. Since then, they have been integrated into Immigration system statistics.

Quarterly reports are provided to the Committee to inform its EUSS monitoring. This report presents Wales-level statistics up to 30 June 2024. In April 2024, the Committee published its second annual report, to which the Welsh Government responded in June 2024. This quarterly report provides an update ahead of a Plenary debate on the annual report in Autumn 2024.

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1. Latest quarterly statistics (up to 30 June 2024)

Applications received

124,642 applications were received from Wales, including 21,809 applications for those aged under 18. 123,112 applications (98.8%) received a decision by the cut off for the statistical reporting and are referred to as 'concluded applications'.

Successful outcomes

108,666 European citizens who lived in Wales before Brexit can stay, either permanently or temporarily.

Successful applicants are granted a status of either 'settled' or 'pre-settled'. 68,412 (55.6%) applicants in Wales were granted settled status and 40,254 (32.7%) were granted pre-settled status.

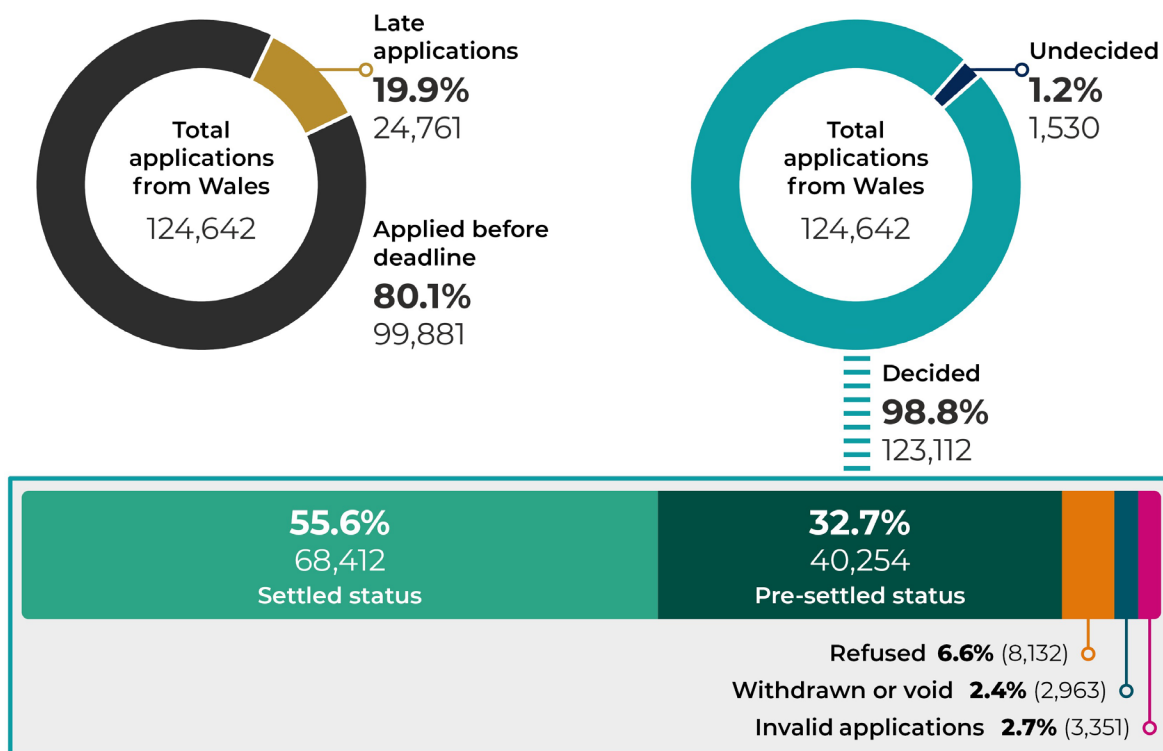
Unsuccessful outcomes

Unsuccessful applications are categorised as refused, invalid, withdrawn or void. 6.6% were refused (8,132 applications), 2.4% were withdrawn or void (2,963 applications) and 2.7% were invalid (3,351 applications).

Infographics

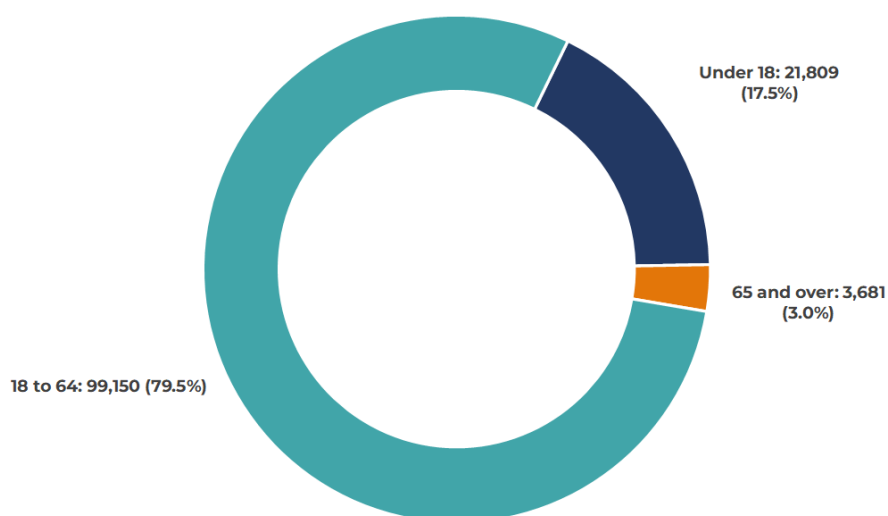
Figure 1 below shows the percentage and number of applications from Wales. It shows whether they were received before/after the deadline, whether they received a decision ("concluded") and the outcome.

Figure 1: EUSS applications from Wales by date, concluded applications and outcomes by percentage and number:



Source: UK Government [Immigration System Statistics: EU Settlement Scheme – Summary tables, June 2024](#). Numbers are rounded to the nearest 10 therefore breakdowns may not match overall totals.

Figure 2: Total applications by age (124,642 total)



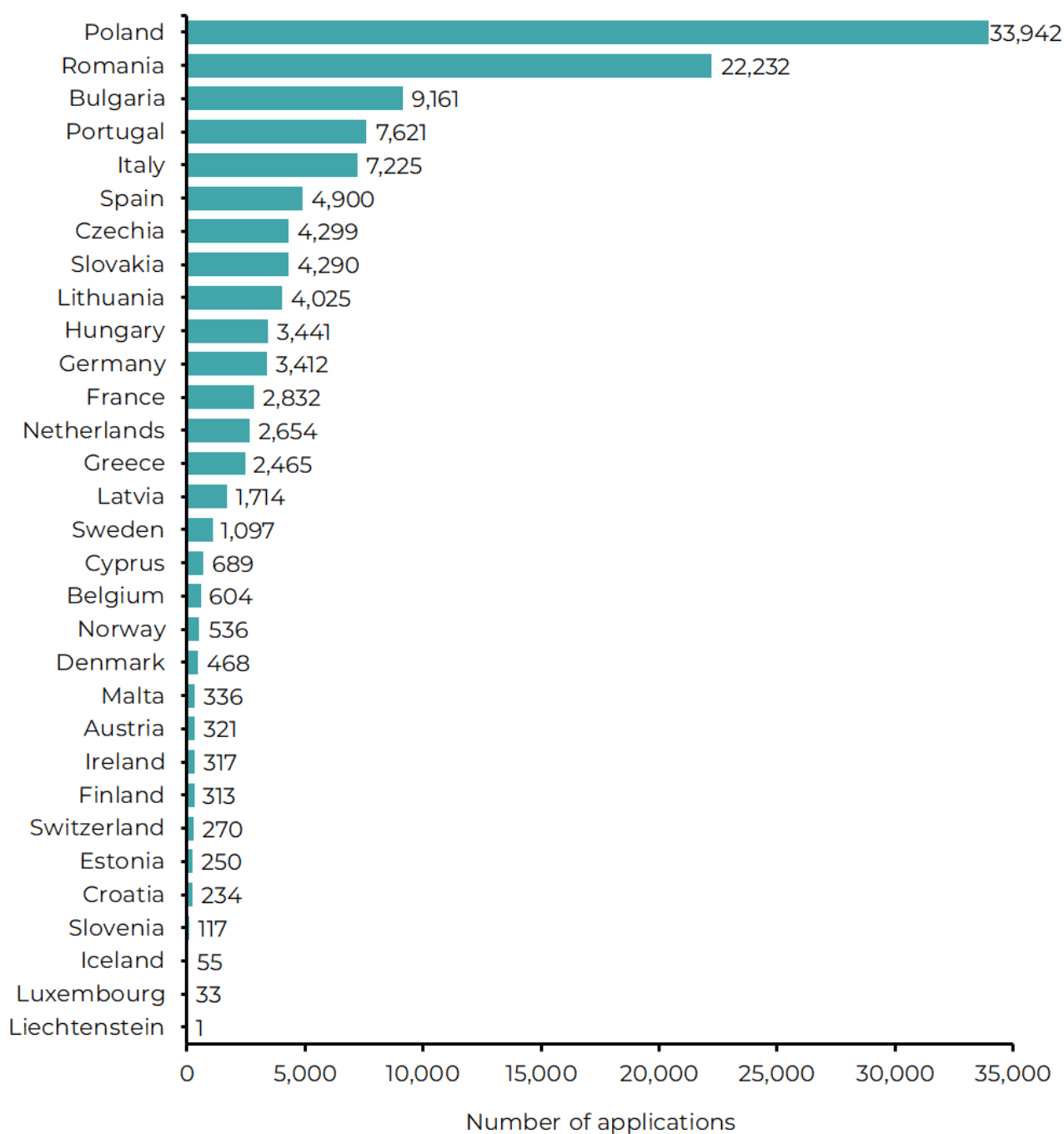
Source: UK Government [Immigration System Statistics: EU Settlement Scheme – Summary tables, June 2024](#).

Figure 2 above shows applications by age group. Of 124,642 applications from Wales:

- 99,150 (79.5%) were between 18-64 years of age;
- 21,809 (17.5%) were under 18; and
- 3,681 (3.0%) were 65+.

The [Migration Observatory](#) advised the Committee on 1 July 2024 that local authorities hold information on the number of applications from care-experienced children in their areas.

Cambridge University's Fiona Costello told the Committee that the group of applicants aged 65+ "is a real issue that maybe hasn't been looked at as much as it should be". She said this group is likely to have lived in the UK for "quite a long time" and to believe the EUSS doesn't apply to them. They also could have missed out on support as services moved online during the pandemic, particularly those in care or with dementia.

Figure 3: Total applications by European country (123,112 total)

Source: UK Government [Immigration System Statistics: EU Settlement Scheme – Summary tables, June 2024](#).

Figure 3 above shows applications by European country. Of 124,642 applications, the greatest number of applicants are made by citizens from Poland (33,942) Romania (22,232), Bulgaria (9,161), Portugal (7,621) and Italy (7,225). The Migration Observatory's [Mihnea Cuibus explained](#) why this is significant:

we can see around half of all applications that were submitted in Wales came from these three nationalities [Poland, Romania and Bulgaria], which is important to keep in mind, because our research has shown that a lot of these eastern European nationals tend to be concentrated in lower-income work, and they're often more likely to be in situations that make them more vulnerable to missing out on the EUSS.

Fiona Costello added that it was a “missed opportunity” not to collect data on ethnicity and gender which would have given “a fuller picture”.

2. Pre-settled citizens

Originally, pre-settled status expired after five years and had to be converted to settled status via a second application. This means that the 40,254 citizens who have been granted pre-settled status and want to stay in Wales beyond its expiration would need to apply again. Failure to reapply would result in the automatic loss of the right to work, access housing, education and benefits, and could result in deportation.

On 21 December 2022, the High Court ruled that the automatic loss of rights for failing to make a second application was unlawful under the Brexit separation agreements. The former UK Government did not appeal the decision and initial changes to the EUSS scheme were announced on 17 July 2023. More changes were announced in May 2024, detailed below.

Changes to pre-settled status

The former UK Government announced in July 2023 that pre-settled citizens:

- will **automatically have their status extended by 2 years from September 2023**. Citizens will be notified of extensions, and their digital status will be automatically updated. In May 2024, this **extension was increased from 2 to 5 years**.
- will be **automatically upgraded to settled status, starting “during 2024”**. This will be done by the Home Office on the basis of automated residence checks (i.e. those whom the Home Office can evidence to have lived in the UK continuously for the last 5 years). Those who have not lived in the UK continuously for 5 years are not eligible for an automatic upgrade. Citizens will be notified of automatic upgrades but

do not need to wait to be automatically upgraded. Citizens can apply to upgrade as soon as they are eligible.

In May 2024, the former UK Government **confirmed** more changes:

- the Home Office will also **remove the pre-settled status expiry date** from the digital profiles shown to third parties in the online checking services for Right to Work, Right to Rent and View and Prove.
- **employers, landlords and letting agents will not be required to conduct a further right to work or rent check** where the individual remains in their employment or as part of that tenancy agreement.

Key questions raised by the changes

Migration Observatory explained why the changes, though positive, give rise to important questions, such as:

What happens to pre-settled status holders after those five years? There's no plan currently in place for that. There are also questions about what happens to those individuals who've had their pre-settled status extended by two years, between May of this year and July of last year. So, will those extensions automatically go from two to five years, or will they not? We're still not sure of that.

And on automatic upgrades:

Once again, we see that certain groups that are most vulnerable are again most likely to be missed [...]. Again, children are unlikely to leave that kind of work paper trail. People in informal work are much more likely to be missed by this kind of system.

So, again, even though for a number of people this solves the problem of moving from pre-settled to settled, there's still a large population that will have to eventually apply themselves to have their status upgraded, and that's a big question for the future.

Settled agreed with the Migration Observatory, that there's confusion around how much time a pre-settled citizen can spend outside the UK, as this has not been extended in proportion to the status extensions. Pre-settled citizens may unknowingly spend too long overseas, thereby nullifying their eligibility for settled status in the long-term.

Settled also gave some insight into issues arising from how the changes have been communicated:

They've all been sent a letter and, because the whole thing is so convoluted, that letter is incredibly long and legal, and organisations like Settled are now being inundated with people saying, 'I've got this letter and I don't understand it.'

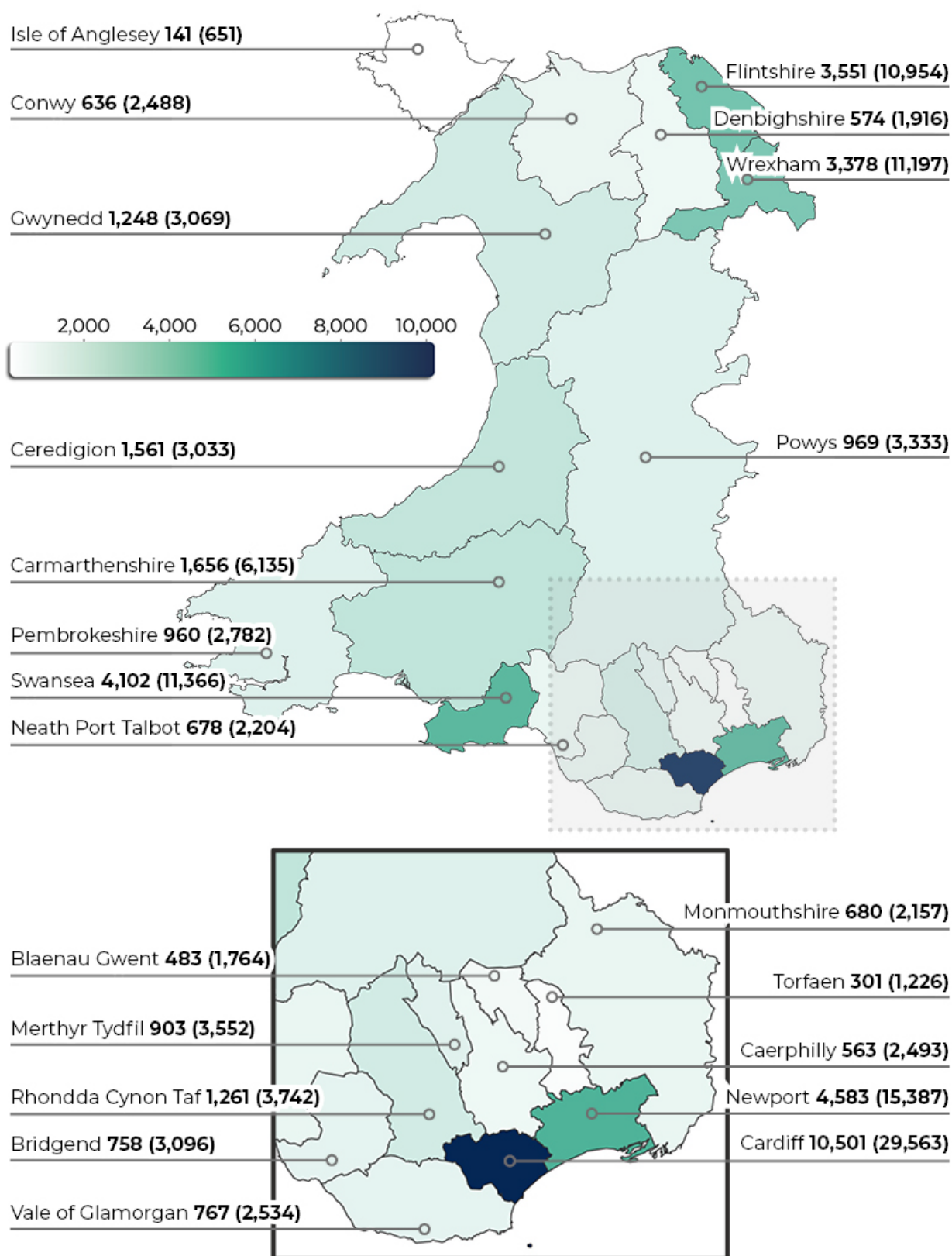
So, we've got some people saying, 'I've got this letter and I think it means I don't need to apply for anything anymore.' We've got some people saying, 'I've got this letter and I think it tells me I've got to leave the country now', and all sorts of things in between.

We've said this to the Home Office and they said, 'Well, the situation is so complicated we had to put all of the scenarios in the letter to cover ourselves legally.' You can see why they would say that, but it is causing a lot of confusion. So, they're kicking the can down the road.

Pre-settled citizens in Wales

There are 40,254 pre-settled citizens in Wales, all of whom have individual status expiry dates. The map below shows the number of pre-settled citizens in each Welsh local authority area. The total number of applications is shown in brackets.

Figure 4: Map of Wales showing the number of pre-settled citizens in each Welsh local authority area, with the total number of applications shown in brackets



Source: UK Government [Immigration System Statistics: EU Settlement Scheme – Summary tables, June 2024](#).

Upgrading pre-settled status to settled

The number of those applying to convert their status from pre-settled to settled status are reported as a UK-wide statistic. [916,960 pre-settled citizens](#) have upgraded to settled status via a second application. Automatic upgrades are not yet reported.

Information by UK nation is not provided. This means we do not know how many second applications have been received from pre-settled citizens in Wales trying to convert their status, nor how many have been upgraded.

The Welsh Government's EUSS Coordination Group meeting minutes from September 2023 record that the Welsh Government had requested that future published statistics show breakdowns of those who have been automatically upgraded and those who applied to be upgraded. The minutes note that the request was being considered and that officials would respond in due course.

The [Welsh Government's response](#) to the Committee's second annual report in June 2024 states that it's made "numerous requests" to the UK Government to improve EUSS data collection and that:

It is pleasing a recent request for data on the number of EU citizens who have already been automatically upgraded to Settled Status, was met.

However:

We are unable to share this data as it has not been released into the public domain and the data will not be shared with Devolved Governments routinely.

It is not clear whether the former Cabinet Secretary for Culture and Social Justice, Lesley Griffiths MS, is referring to the new system of automatic upgrades, or upgrades via second applications.

3. 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 Migration Observatory told the Committee:

There's a number of people who are simply not aware of the need to apply —some people who have been here a long time.

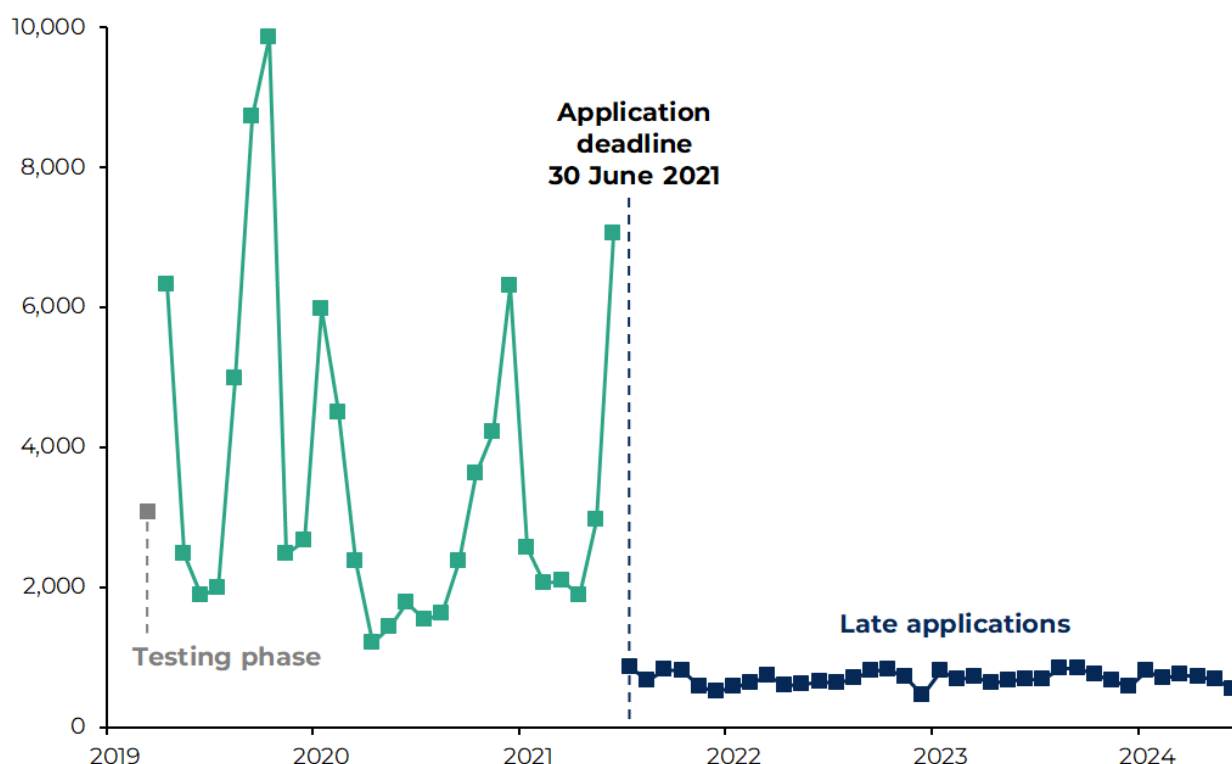
There are also situations where people found themselves in very difficult personal circumstances, so long-term illness for example, or very specific vulnerable positions.

We know that a number of people applying late to the scheme are actually victims of domestic abuse or even modern slavery.

Late applications from Wales

The number of late applications from Wales reached 24,761 up to the end of June 2024. Statistics show that there were 537-808 late applications each month in 2024, as shown on the graph below.

Figure 5: Monthly applications received from Wales



Source: UK Government Immigration System Statistics: EU Settlement Scheme – Summary tables, June 2024

Migration Observatory explained that UK-wide trends show the majority of applications after the deadline are second applications to upgrade from pre-settled to settled. A smaller share of applications are from 'late' applicants seeking a status for the first time:

[At a UK-level] Out of 40,000 to 60,000 applications a month, about 10,000 to 15,000 are actually late applications. Unfortunately, the Office for National Statistics doesn't release any breakdown for Wales, so we're not aware of how many of those 600 to 800 applications are actually late applications. It would be very important to have more information on this issue.

If the relevant percentage ratios at a UK-level are applied to Wales, of 600-800 monthly applications received after the deadline:

- 150-200 would be first-time 'late' applications; and
- 450-600 would be applications to upgrade from pre-settled to settled status.

Narrowed eligibility criteria

In addition to the changes to pre-settled status described above, changes were also made to the reasonable grounds guidance to narrow the eligibility criteria. Fiona Costello explained:

What used to happen was that people would submit another application, previously, once they were rejected, when it was, in a sense, easier to do so. But now that's not the case, and people find that they can't submit another application as easily, they can't receive their certificate of application [proof they've applied to the EUSS] and then the domino effect on the rest of their lives happens when they can't work and they can't rent, et cetera.

Refusal rate increase following narrowed criteria

The Migration Observatory notes that, UK-wide, "the refusal rate for applications has increased sharply over time, from below 3% of all decisions in early 2021 to 37% by June 2023". Fiona Costello noted in evidence to the Committee that, in Q1 2024, Wales saw a 10% increase in late applications, and also an increase in rejected and invalid applications. She concluded:

now that it's become more difficult to make a valid late application, we're seeing these rejections happen in larger numbers, as well.

4. 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.

Two EUSS routes closed to new applications

The UK Government closed two EUSS routes to new applications from 8 August 2023:

1. EUSS Family Permit: applicable to family members of a qualifying British citizen (known as 'Surinder Singh' cases); and
2. Zambrano 'right to reside': applicable to primary carers of a British citizen (more information can be found in an article by [Turpin Miller](#)).

5. Welsh Government

This section provides an update on the latest developments at the Welsh Government.

New EU Citizens' Rights Forum replaces former co-ordination group

In its second annual report, the Committee welcomed the evolution of the EUSS Coordination Group into a reconstituted EU Citizens' Rights Forum in Conclusion 11. It added:

Given that the process of securing rights after Brexit is yet to conclude, we hope that the Forum will guarantee continued engagement with these issues in future.

Conclusion 12 also said that:

The Welsh Government's commitment to continue sharing meeting minutes of the new EU Citizens' Rights Forum with the Committee complies with our previous recommendation. We warmly welcome this commitment to transparency.

The commitment has been codified in the Forum's Terms of Reference, which were shared with the Committee in January. These confirm that the Forum "will feed into the Nation of Sanctuary Partnership Board".

The Committee has not yet received meeting minutes from the Forum.

Welsh Government response to annual report

The Welsh Government responded to the Committee's second annual report in June 2024. The response was provided by former Cabinet Secretary for Culture and Social Justice, Lesley Griffiths MS. A summary is shown on the table below and a chronological list of the Committee's conclusions and recommendations is included as an Annex to this briefing.

Recommendation	Welsh Government response & key points
<p>Recommendation 1:</p> <p>The Welsh and UK governments work together on implementing the recent changes to the EUSS, in light of their important implications for European citizens living in Wales.</p>	<p>Accept.</p> <p>The response describes "significant challenges" with Home Office engagement, and that the Cabinet Secretary's last request "once again...was ignored". This, she says, has made supporting stakeholders "extremely difficult" and has led to "increased uncertainty" for them. The Welsh Government will continue to push for improved engagement.</p> <p>Officials from both governments continue to attend meetings with counterparts.</p>
<p>Recommendation 2:</p> <p>The Welsh Government closely monitors late applications from Wales to determine the implications of changes to the EUSS, including narrowed criteria and the closure of EUSS routes, until at least the end of 2025.</p>	<p>Accept.</p> <p>"The Welsh Government has made numerous requests for improvements in data collection, to allow us to obtain data which can aid us in understanding the need for future support at Local Authority level".</p> <p>The response describes stakeholder concerns regarding narrowed eligibility criteria through its work with stakeholders and confirms its extended its funding to Settled until March 2025 to support complex cases. It also says it's "vital the UK Government recognises the importance of the current funding for Settled and TGP Cymru to provide additional support services in Wales. We will continue to call on</p>

	the UK Government to ensure the most vulnerable EU citizens are able to access support for the near future, at least”.
<p>Recommendation 3:</p> <p>The Welsh Government continues to support European citizens living in Wales in future, including those applying to the EUSS.</p>	<p>Accept in principle.</p> <p>The response explains that narrowed eligibility criteria and the removal of the right to an administrative review has resulted in increased demand for advice and support.</p> <p>The complexity of cases is a key part of this and has contributed to the Welsh Government’s decision to continue funding, create <u>EU Factsheets</u> (on housing, benefits, work etc), and the development of the EU Citizens’ Forum (from the EU Co-ordination Group). Officials will continue to monitor issues faced by Europeans in Wales, including with the EUSS, to “identify future needs”.</p>
<p>Recommendation 4:</p> <p>The Welsh Government continues targeting support at harder to reach, underrepresented and vulnerable groups, including the Roma community.</p>	<p>Accept in principle.</p> <p>The response states that Welsh Government support has targeted vulnerable EU citizens since the EUSS’s establishment in 2019. It describes how it jointly funds Settled’s specific support for Roma communities with the UK Government and hopes that the new EU Citizens’ Forum will build additional capacity with awareness raising and signposting, “particularly within marginalised communities”.</p>
<p>Recommendation 5:</p> <p>We note the Minister’s response, that she is not aware of any specific issues for Ukrainian citizens following the closure of the EUSS Family Permit route. We nevertheless, call on the Welsh Government to continue monitoring this situation and to notify the Committee if the position changes.</p>	<p>Accept.</p> <p>The response confirms “we have not received any information to suggest Ukrainian citizens are experiencing issues relating to the closure of the EUSS Family Permit route”.</p> <p>However, combined changes to the (non-EUSS) Ukraine Family Scheme and Homes for Ukraine visa route mean Ukrainians can no longer sponsor relatives to join them in the UK, including their children they may have had to leave behind.</p>

	<p>One family's case was highlighted in a report by <u>the Independent</u>. The Home Office <u>reversed its decision</u> for this family but has not changed its rules. Settled were key to the U-turn and, as a result, said in August they are receiving 5-10 new cases daily of more parents coming forward for help.</p> <p>The Welsh Government wrote to the UK Government calling on it "to expand the Family Reunion scheme to ensure it is more accessible to sanctuary seekers with UK-based family members, regardless of their nationality" but no response was received "due to the General Election".</p> <p>It promises to make the Committee aware of any issues brought to its attention.</p>
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6. Ukraine

UK-wide statistics show that 16,843 Ukrainians had applied to the EUSS up to 30 June, with 16,270 receiving a decision. The latest statistics provide the outcome of concluded applications, as follows: 5,972 (36.7%) were granted settled status and 8,866 (54.5%) were granted pre-settled status The remaining applications were refused (475 – 2.9%), withdrawn or void (598 – 3.7%) or invalid (359 – 2.2%).

The number of applications by UK nation is provided for the first time, as follows:

- England: 16,106
- Scotland: 318
- Northern Ireland: 144
- Wales: 104

No further information is provided. 'Other and unknown' is listed as an additional category with 171 applications.

7. Committee evidence sessions: key themes

This section sets out additional themes emerging from the Committee's evidence session on 1 July with the3million, Settled, the Migration Observatory and Fiona Costello of Cambridge University.

Lack of awareness

Settled:

- “awareness is probably one of the biggest problems that we're facing in Wales for numerous reasons. Services—maybe historically Wales is not great; immigration advice provision has led to a kind of sense of, or just lack of awareness that these issues exist within statutory services and also within third sector organisations that don't particularly deal with migration issues on a daily basis. **There's a lack of confidence** across the two sectors with regard to migration issues in particular”.
- “We have a particular example where the **local authority is relying upon Settled** as an organisation **to almost consult on decisions**. These are **housing decisions**, and the local authority in these cases is the decision maker. It's possibly an indicator of a lack of in-house support or just general training within local authorities on how to deal with these issues. I think that that's something that's a significant thing, and maybe unique to Wales as well—or maybe not unique, but possibly more heightened in Wales—considering we have a dispersed migrant population and some local authorities will be much less familiar with these cases if there just aren't that many people within their constituency who are migrants”.
- “if we can get maybe one thing out of today in terms of support from the **Committee** and also Welsh Government, **it's around raising awareness** to people on the continued issues that exist”.

The3million:

- “we've seen **a lot of problems for university students**. We've seen issues with university students **being charged overseas fees** when they should have been charged home fees, and we've also

seen students facing difficulties with **right to rent checks**, which has meant that they've not been able to take up university places in cities other than the ones that they live in. We had an example of a family who are living somewhere in south Wales where the daughter of the family was not able to attend university in England because she **wasn't able to obtain a tenancy agreement** and it was too much of a commute for her”.

- “the problems that we're finding out about **are probably** just the tip of the iceberg”.

Inter-generational impact

Settled:

- “we see the EUSS and the issues that it's thrown up as being a **long-term, generation-long issue**, where people are continuing to come out of the woodwork who still, even now, didn't know that they needed to apply or have had difficulty applying. And it may well be a generation until the children of the current EU citizens have grown up before we can be assured that everybody who needed to sort out their status has done it, and is able to use the digital scheme to demonstrate it”.
- “this is a generation-long issue that we're dealing with and there isn't anything that is really child-specific, and something that would help around that, I think, would make a big difference”.

Fiona Costello:

- “We may not know for maybe a generation who hasn't actually **applied yet to the scheme**. And equally, the funding that has been provided by the Home Office to help people make these applications has been crucial, but we can see that that funding is decreasing as time goes on, and it's not guaranteed beyond March 2025 [Note: this is the same as Welsh Government funding]. So, I think, in terms of the evolution of the scheme, that advice, access to advice, is really important, particularly for those who are more vulnerable.

Linked to the funding decreasing is this idea or the assumption that the need is decreasing, but actually, while there are still groups who need to apply, there are also 2 million people with pre-settled status who may need to apply again. So, **the scheme is very much still not done [...]** it's an ongoing lifetime commitment, really, that you have to your immigration status."

- "Many don't know that they need to apply again, or think that, because they have pre-settled status and they're hearing about automatic upgrades, that is what will then happen to them and they're okay, for example. So, that will go on for a long time to come, and then, of course, **we have future generations and children who may reach issues even further down the line.** So, it's really important to take that long-term view, although that can be difficult with funding and funding might be annual, et cetera. But, on the whole, **it's important to take that long-term view of the EUSS in order to avoid a Windrush situation in the future for future generations**".

Migration Observatory:

- "There's been, to a certain extent, **a sense in Government that the EUSS will be an issue that will gradually go away.** It's been a long time since the scheme was introduced. **But these problems will continue to be here for a very long time,** and I think it's very important that that certainty is available, both for these groups and for the organisations that are supporting them."

Data

Settled:

- "I think a lot of this could be potentially solved with data. And, specifically, people who've got pre-settled status at the moment who will need to go to settled status at some point, **the Home Office and the UK Government have data on all of those people, and especially all of the ones in Wales.** It is something that we've raised before to the Home Office directly, but I think it's something that maybe we could push for a bit more, and maybe **the Welsh Government could support us** in doing that, in sharing

that data somehow, or at least in communications to those pre-settled status holders in Wales.”

Digital status

The3million:

- “the **lack of digital literacy is a real concern**. The current form of digital immigration status that has been rolled out, in the form that it has been rolled out, is really problematic across the board, but it's particularly problematic for people who have poor digital literacy skills, and the **Roma community** is, of course, one of the key groups that struggle with that”.
- “what we're seeing is that a lot of people who struggled to prove that they were already entitled to settled status when they made their initial EUSS application are struggling at this stage as well. So, there are many people who may well have been in the UK for many, many years and actually ought to have been granted settled status from the off, but, at the point at which they made their initial application, they **didn't have enough of a footprint** to show that they had been in the UK that long. So, what the Home Office did was they granted them pre-settled status instead, but, of course, **at the end of the next five years, those people are having to prove again that they've got that footprint, and they're really struggling**”.
- “we know that in the next year or so the [former UK] Government is going to start curtailing the leave of people who they don't think qualify for settled status, and it's this sort of group of people that are going to find themselves in the most trouble at that point as well”.

Fiona Costello:

- “We've been working particularly with people in **low-paid work, what's called low-skilled work, and about 70 per cent report very low English language skills and about a similar number report low digital skills**. So, the digital nature of the status and the online nature of the status is indeed a significant problem. We recently ran a survey with about 400 EU nationals, of which about 14 per cent self-identified as Roma, and **the majority who had applied**

were unable to generate their own share code and were very reliant on children or other friends and family, or if they were lucky enough to have an advice organisation in their local area who could help them with their application, they would go back to that [...] And that's kind of okay if you have time and, obviously, you want to decrease that dependency on others, but if you're in a time-critical situation, for example, if you're at the airport or you need to provide a share code to your employer or your landlord, it then **can get you into significant difficulties** if you have a status that's only online, but you're not able to access it.”

Migration Observatory:

- “[W]hile some people do argue that bringing back a paper-based document would be good, it's unlikely that the Home Office will be doing that. **The EUSS was the first national visa scheme that was digital only and it was also supposed to be a pilot for gradually moving the entire visa system to a digital-only format.**”

Late applications

Settled:

- Process has “significantly tightened over recent months, and it's **much harder now to make a late application** that will be accepted as valid”.
- “often they [late applicants] are people in some of the most **vulnerable situations**, and we encounter them—. They'll come out of the woodwork, so to speak, in a kind of **crisis situation**. That's when we'll encounter them.”
- “we still do see **cases of people** who you wouldn't necessarily class as vulnerable or fit into these vulnerability categories but **who have been in the UK or been in Wales for 20 or 30 years**, and basically thought that it just didn't apply”.
- “the Home Office's response is that just **not knowing about [the EUSS]** by itself is not enough to warrant a reasonable ground for

a **late application**. So, there would need to be something else [...] within that application to make it valid”.

The3million:

- “[the former UK Government] **are really raising the bar to try and, it would seem, exclude as many people as possible, to be frank,** because it's clearly not being rolled out and designed to be a straightforward process because of this shifting, raising the bar, and evidential threshold that people are having to meet.”

Roma community

Settled:

- the Roma community is “**the most, or certainly the vulnerable category** that we do the most support with in Wales”.
- face “multiple different barriers” and “multifaceted problems”, including language barriers. A “lot of the problem” is that many “don't know how to use the digital access, or they're just nervous of going to statutory services”.
- Described an **over-reliance on children** who may speak better English and it’s “worried about the welfare of the children in that situation”.

The3million:

- “around **41% of initial applicants who were non-Roma were granted pre-settled rather than settled status**, whereas, for the Roma community, it was 62% who were granted pre-settled rather than settled; it's a real, real difference.”

Fiona Costello:

- “our recent survey that we undertook that had about 14% of people who self-identified as Roma, actually, **25% of that group had refused applications and 15% pending applications.**”
- “**92% were non-English-language speakers** in that cohort, and over **75% were unaware of their citizens' rights** under the

Withdrawal Agreement, and none had ever made a complaint to the IMA”.

Independent Monitoring Authority (IMA)

The3million:

- “We have a **fairly close working relationship with the IMA** as well, in that there's a team there that we meet with on a very regular basis, and who we have a good working relationship with. I think **the IMA has done some very positive work**, most notably perhaps in taking the Government to court in the judicial review of 2022”.
- However, the IMA has started taking a “**fairly narrow view**” about who are Withdrawal Agreement beneficiaries, and can be a “**very cautious**” institution.
- “One example of that would be the fact that we've sought for a very long time to persuade the IMA to investigate the roll-out of digital immigration status, and, for a long time, the IMA was **wary of taking issue with the digital roll-out, because the Withdrawal Agreement stipulates that status can be issued in the form of a digital document**. Thankfully, having seen a lot of evidence of the ways in which the current form of digital status is problematic, the IMA is **changing its view on that, but it has taken a lot of work, and that, I would say, is frustrating.**”

Settled:

- “The **big win for the IMA has been the court case** where they challenged the Home Office on the pre-settled status. That's a really significant piece of work that we're all very grateful for.”
- “UK wide, we're getting 200 inquiries a week from people with concerns about their situation, but the number of those people who, having come to us and we've resolved their case, then want to go and tell the IMA about it is **minuscule**, really. People can't be bothered to go and tell the IMA about their problems because they know that the IMA is not immediately going to resolve them. And **therefore, inevitably, the IMA is under-representing the scale of problems**. So, when the IMA then talks to the Home Office, they'll say, 'Well, we've had hardly anybody contact us this

month', whereas of course what Settled is seeing is hundreds of people contacting us. So, I think that is a problem.”

- “They're cautious, and they set the evidence bar high. So, you know, even if they get some complaints about an issue, they say, 'Well, we haven't really had enough people come to tell us about this point for us to feel that we can do something about it. And the point we want to make to them is that, actually the Home Office are reasonably receptive [...] **the IMA could be a bit more proactive in raising issues even when they haven't been given a mass of examples.**”

Future of the EUSS

Settled:

- “the important thing is that it doesn't go off the agenda entirely. I think there's a real feeling that this is job done now [...] So, the real worry is that it just begins to feel like job done, and, as we've been saying, **one of the real takeaways, hopefully, from this session is that we think that there is going to be a generation's worth of scrutiny needed** to make sure that everybody's rights are safeguarded, because **we don't know—none of us know—**how many people haven't applied or will fall foul of the pre-settled to settled status rule, or have got their status but can't use the digital system. We just wait.”
- “We don't really know what the future holds, but I think **the need for advice agencies for a generation is really important**”.

The3million:

- “even in the last quarter the Home Office statistics show that there were **174,000 applications** [UK-wide]. That just goes to show how very much **this is not an issue that is going to go away quickly.**”

Fiona Costello:

- “the **people that have really struggled** to make their application will potentially, for some time, still struggle to be able to interact

with that status, and they **will continue to need help**, and looking at where that funding might come from.”

Migration Observatory:

- “most of the uncertainty, actually, is more around pre-settled status than settled status, and I think a lot of the issues will be there. But that continuing support and, finally, **the issue of making sure that everyone who has to be upgraded**, everyone who has acquired residency rights, actually ends up applying. That's going to be **an issue long into the future, and I think so is going to be maintaining the scheme**. Of course, people with settled status who spend another 12 months in the UK are eligible to apply for citizenship, but still, even though we've seen an increase after Brexit, the proportion of EU nationals applying for naturalisation is relatively low, especially when compared to other kinds of migrants in the UK. So, there is definitely a long-term future for the scheme, and there's the question of if the majority of them will eventually acquire citizenship or not.”

Role of the Committee and the Senedd

Settled:

- “the **biggest thing**, which I think we've mentioned a few times, is around awareness and around utilising what kind of levers or resources the committee and also the Welsh Government have to **promote and encourage participation in training**, to look at what training can be provided, in terms of, maybe, commissioning or contracting training that we've previously provided out, again, and looking at a different model of that, possibly, for it being a bit more long term. Yes, **general awareness raising, general promotion of the issues**.”
- “the need for **sustainable, more-than-annual funding programmes** [...] it makes it difficult to plan long term.”
- The Committee's remit means it can “**place EU citizens within a framework of equality and justice and culture and integration, and so pulling on different areas of policy, and the work around future generations**” [rather than in the wider migration policy framework].

- “work on that relationship with the Home Office, because I do think the Welsh Government's capacity to influence the Home Office could be—. There is more potential there, depending on how much resource is invested and time is invested in that relationship, but I think **the Welsh Government has got perhaps more clout with the Home Office than it realises and maybe it isn't making as much use of that as it could.**”

The3million:

- “we need is **more certainty and clarity from the [UK] Government** about what really is going to happen to people further down the line”.
- Raised the possibility of repeating **joint letters from the devolved governments** in 2021, saying “how helpful I think it is to have letters from the Senedd and other devolved Governments to central Government, highlighting the key issues of concern”.

Migration Observatory:

- “the really important thing with this scheme is making sure that the citizen engagement is there”.
- “I think it's a matter of continuing most of the work that's been done in **three areas**, and **one is monitoring**, so keeping ahead of the issues that are arising. These issues will keep popping up in different ways, and I think **the work of this committee, and organisations similar to it, is essential in keeping ahead of those.** I think it's important **to make sure that that support is there for these vulnerable groups** and these support programmes potentially go into the future with a long-term perspective. And finally, **working with local authorities**, because, in the end, they have a better awareness of what's happening in communities on the ground, and making sure that they're organised and really making an effort to both understand the vulnerable spots in communities and engage with certain groups.”

Fiona Costello:

- “make sure that we're **communicating those who don't speak English**, or who live in more rural areas and who are quite

isolated, and that their views are also being represented and fed back at both levels as well”.

- [The Committee’s reports] “are incredibly useful, and the view that the committee’s taken, and the investigations that are happening, really bring to the forefront the experiences of EU citizens in Wales”.

8. Annex

Below is a chronological list of conclusions and recommendations from the Committee’s second annual report.

Conclusion 1. We welcome steps taken by the Minister to ascertain the impact of the EUSS system error on European citizens living in Wales.

Conclusion 2. We welcome steps taken by the Welsh Government to support pre-settled citizens in Wales with the changes announced by the UK Government, such as updating resources and maintaining regular contact with the Independent Monitoring Authority.

Conclusion 3. We are disappointed to learn that the Welsh Government received no prior warning from the UK Government of changes made to the EUSS. However, we also note the subsequent improvement in engagement between both governments and expect this to continue.

Recommendation 1. We call on the Welsh and UK governments to work together on implementing the changes to the EUSS, in light of their important implications for European citizens living in Wales.

Conclusion 4. We note the concerns of the Minister that cases are increasingly complex.

Conclusion 5. We are disappointed that the Welsh Government received no prior warning of further changes to the EUSS relating to a narrowed criteria and the closure of EUSS routes.

Conclusion 6. We note that our long-standing concerns relating to persons making late applications have not been addressed. Furthermore, we consider that the bar is set high for late applicants by recent changes to the EUSS, and share the concerns of the Minister for those making genuine applications.

Recommendation 2. We call on the Welsh Government to closely monitor late applications from Wales to determine the implications of changes to the EUSS, including narrowed criteria and the closure of EUSS routes, on European citizens living in Wales until at least the end of 2025.

Conclusion 7. We welcome steps taken by the Welsh Government to support EUSS applicants in Wales.

Conclusion 8. We reiterate our previous concerns, that those who have failed to apply at this stage may be from harder to reach, underrepresented and vulnerable groups.

Recommendation 3. We call on the Welsh Government to continue to support European citizens living in Wales in future, including those applying to the EUSS.

Recommendation 4. We call on the Welsh Government to continue targeting its EUSS support at harder to reach, underrepresented and vulnerable groups, including the Roma community.

Conclusion 9. We reiterate our long-standing position, that the EUSS Family Permit route provided one of many vital routes to the UK for Ukrainian citizens. We were disappointed that its original application deadline was not extended, and that its closure represents a reduction in available routes to the UK for those fleeing the war in Ukraine.

Recommendation 5. We note the Minister's response, that she is not aware of any specific issues for Ukrainian citizens following the closure of the EUSS Family Permit route. We nevertheless, call on the Welsh Government to continue monitoring this situation and to notify the Committee if the position changes.