

Rt Hon Boris Johnson MP
Prime Minister
10 Downing Street
London
SW1A 2AA

8th June 2021

Dear Prime Minister,

We write to you as organisations based across the UK, funded by the Home Office to provide support and information to vulnerable EU citizens and non-EU family members (EEA+ citizens) applying to the EU Settlement Scheme (EUSS). We wish to raise some concerns about the EUSS which require urgent action, by lifting the June 30th EUSS deadline, to ensure that EEA+ citizens can continue living lawfully in the UK with their rights protected.

We strongly welcome the £21.5 million of vital funding the Home Office has granted to 72 organisations over the past two years to allow us to assist over 250,000 vulnerable EEA+ citizens to apply to the EUSS. Many of them would not have managed to secure their status without our support, and this specialised support remains essential going forward, to ensure those most at risk are not left behind. We are also glad that the Home Office has spent over £5 million on marketing and advertising to increase EU citizens' awareness of the scheme and encourage them to apply.

However, this level of funding and model of assistance simply cannot enable us to reach all EU citizens, particularly those who are most vulnerable and socially isolated. We have been able to help many, but we are aware that many more remain unable to access our services. Our success with those we have been able to help must not be used to deny the existence of the many EEA+ citizens who remain at risk.

This would be true even without the global pandemic, as no comparable scheme has ever succeeded in reaching 100% of its audience. But the onset of the COVID pandemic and necessary Government-enforced restrictions have made much of our work significantly more difficult due to a switch to virtual support and limiting of services. Without this in-person support, some of the people we assist do not feel confident or able to make an application to the EUSS, for example where there is limited digital capacity. In addition, many embassies have been forced to close so cannot process identity documents, which has created further delays and challenges to our work.

We are pleased that over 5 million people have secured status through the scheme. However, the number of people who have applied does not mitigate the potentially devastating consequences for those who lose out. Overwhelming evidence shows that significant numbers of eligible people remain at risk of falling out of status and rights after the deadline.¹ If even one percent of the millions of EU citizens resident in the UK are unable to apply, that would leave tens of thousands of EEA+ citizens undocumented, vulnerable to exploitation and facing policies including detention and removal.

¹ The Migration Observatory, 'Unsettled Status – 2020: Which EU Citizens are at risk of failing to secure their rights after Brexit?', September 2020; Migrant Voice, 'Unsettling', November 2019; CORAM, 'Children Left Out?', July 2020; JCWI, 'When the Clapping Stops: EU Care Workers After Brexit', January 2021; The 3 Million, 'Experiences and Impact of the EUSS'; New Europeans, 'Digital Status: Handle with Care', November 2020

We know this is not something anyone wants. Yet it is the people our organisations support – looked-after children, older people, Roma communities, homeless people and survivors of domestic abuse and trafficking – who are most likely to slip through the cracks. Research from the Children’s Society found that of 3543 identified EU looked-after children and care leavers, only 39% have submitted applications to the EUSS, and only 28% have secured their status.² An even more recent Home Office survey run between February-April 2021 found that 33% of identified looked-after children had not yet made an application to the EUSS.³ With just one month until the deadline, these figures throw into sharp relief the dangers facing vulnerable EU citizens across the board.

We welcome the recently published guidance on late applications to the EUSS and the fact the Home Office plans to take a ‘benefit of the doubt’ approach and that many of the marginalised communities we support have been included.⁴ However, the guidance states for most of the groups listed as examples that late application will ‘normally’ but not ‘always’ be accepted. Historically the Home Office has taken a very stringent approach towards “reasonable grounds” and outlines in this guidance that the approach towards late applications will become stricter with time, which raises serious concerns about how this ‘benefit of the doubt’ will actually be applied to vulnerable people.

Most importantly, even in cases where the guidance provides a route back to status, this is not a solution to removing EEA+ citizens’ legal right to stay in the UK, even temporarily. Loss of legal status, barriers to accessing services, liability to criminal penalties and exposure to potential detention and removal creates huge and potentially life-ruining risks. EEA+ citizens who have lived and worked in the UK for years could be criminalised for working, renting accommodation, or even driving a car. And a break in continuous residence of even a few days can severely impede a person’s access to vital resources such as student loans. An EEA+ citizen with support needs may not realise they are undocumented until years later when undergoing right to rent checks, at which point they could face not being allowed to live in the UK, including being barred from renting a home, driving a car, opening a bank account, getting hospital treatment and getting support in times of crisis. We strongly urge the Government to lift the EUSS deadline and ensure continuity of support to ensure all EEA+ citizens can secure their status and rights. This is the only way to ensure that all our European friends, neighbours and the people we support can continue living their lives lawfully in the UK. With the EUSS deadline now in a matter of weeks, we ask that you to treat this as a matter of urgency.

Yours sincerely,

Marianne Lagrue, Policy Manager, **Coram Children’s Legal Centre**

Jackie Murphy, CEO, **TGP Cymru**

Matthew Evans, Director, **The AIRE Centre**

² The Children’s Society, ‘Looked after children and the EUSS’, March 2021, [https://www.childrenssociety.org.uk/sites/default/files/2021-03/Looked After Children and the EU Settlement Scheme.pdf](https://www.childrenssociety.org.uk/sites/default/files/2021-03/Looked%20After%20Children%20and%20the%20EU%20Settlement%20Scheme.pdf), p.7.

³ <https://www.gov.uk/government/publications/eu-settlement-scheme-home-office-looked-after-children-and-care-leavers-survey-2020/eu-settlement-scheme-home-office-looked-after-children-and-care-leavers-survey-2021>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975993/main-euss-guidance-v11.0ext.pdf

Sally Causer, Executive Director, **Southwark Law Centre**

Martin South, Chief Executive, **Tower Hamlets Law Centre**

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