

EU Settlement Scheme

Summary and Recommendations

The EU Settlement Scheme (EUSS) allows applicable EU/EEA citizens living in the UK before 31st December 2020 to maintain their rights to live and work in the UK. The EUSS closes on 30th June 2021. COSLA and the International Organisation for Migration (IOM) have been working in partnership to assist Scottish local authorities in identifying vulnerable citizens who may need additional support to complete their applications.

This report provides members of the Children and Young People Board with an update on COSLA and IOM's work with local authorities in this area, and highlight the important role of councils in promoting the EUSS and seeking to ensure that all EU citizens in our communities are aware of the EUSS and have applied in the next 7 weeks.

The Children and Young People Board is invited to:

- i. Promote the EUSS in their local authority and continue to identify vulnerable individuals who may need support to complete the EUSS applications;
- ii. Note the ongoing work of COSLA and IOM in paragraphs 3 – 8; and,
- iii. Agree the proposed approach and next steps in paragraphs 13 – 18.

References

Previous reports:

- CWB Board, Jan 2021 – Migration: Changes to migrant rights and entitlements post-transition
- COSLA Leaders, Sept 2019 – EU Settlement Scheme: Applications
- COSLA Leaders, Aug 2018 – EU Settlement Scheme

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Purpose

1. This report updates the Board on work being undertaken by COSLA in partnership with IOM to prepare local authorities for the closure of the EUSS.
2. We are rapidly reaching the deadline for applying to the EUSS. EEA nationals resident in the UK will need to apply to and obtain pre-settled / settled status through the EUSS in order to continue to live, work and access services in the UK.

Current COSLA position

3. The EUSS allows applicable EU/EEA citizens living in the UK before 31st December 2020 to maintain their rights to live and work in the UK. The EUSS closes on 30th June 2021. COSLA and IOM have been working in partnership to assist Scottish local authorities to identify and support vulnerable people through the EUSS application process.
4. There are currently three IOM caseworkers supporting EUSS applications in Scotland. In January 2021, COSLA gained two additional IOM caseworkers to work alongside the original caseworker who has been based with COSLA and working with local authorities since 2019. One of the caseworkers works exclusively with the third sector, and another works exclusively with looked after children and care leavers. This has been an important development given [the duty placed on local authorities](#) surrounding this group. The IOM team can provide Office of the Immigration Services Commissioner (OISC) Level 3 advice, meaning they can provide the highest level of immigration advice.
5. With the additional capacity, COSLA and IOM have hosted a number of awareness raising sessions for local authority front line staff. The sessions ensure local authority officers can identify potentially vulnerable citizens and explain how local authorities can work with IOM to refer complex cases. To ensure maximum awareness of these sessions, we have been working with Chief Executives, Chief Social Work Officers, EU Exit leads and ADES to share information about these sessions across their local authorities. So far across 15 sessions, we have engaged with 195 front line staff from a range of services, such as social work, housing, welfare, legal and education.
6. These sessions have been either general sessions, involving frontline workers from a range of services, or targeted sessions on looked after children and care leavers. We also offer briefing sessions for individual local authorities to give a more detailed session for staff in a particular service. For the individual local authority sessions, we have conducted 13 sessions, with 386 attendees. These sessions have been held for teams involved in housing, anti-poverty/No Recourse to Public Funds and children's services.
7. COSLA has also worked closely with professional associations and networks such as Social Work Scotland, ADES, SOLAR and the Scottish Councils Equality Network (SCEN) to highlight our partnership work with IOM and the dates of training sessions. This has helped ensure that awareness is shared as widely as possible across these networks and local authorities, and has allowed front line workers with different remits to learn how they can assist with identifying vulnerable individuals, and work with IOM to support them.

8. Since January 2021, IOM has received 101 new application cases and provided 68 cases of second tier advice to support local authority staff to submit applications. Please see Appendix A for a breakdown of referrals by nationality, vulnerability, and further barriers.

What is changing?

9. The Home Office ran a survey in late 2020, asking local authorities across the UK to provide data on looked after children and care leavers who will need to apply to the EUSS. The survey results identified 46% of eligible children and young people had applied to the EUSS by November 2020. A follow up survey was carried out in March 2021 and the results will be published in May. The Home Office has indicated that applications for looked after children and care leavers have increased. However, it must be recognised that local authorities face significant challenges with identifying eligible children and young people, and it can take a significant length of time to process these complex cases. For example, IOM are currently working on looked after children cases that have been open for many months due to their complexity.
10. On 5th May 2021, Age Scotland and Scottish Care were among a group of organisations across the UK calling for the Home Secretary to extend the EUSS deadline. In an open letter, they shared their concerns that many older people, particularly those that have lived in the UK for many years or are living in care homes or living with dementia, may be unaware of the requirement to apply to the EUSS or are facing barriers to apply. Age Scotland estimated that there could be more than 1,600 over 65s in Scotland who are eligible for the EUSS but are yet to apply. We have reached out to Scottish Care and CCPS to provide awareness raising sessions.
11. As well as looked after children, care leavers and the elderly, there is a similar position in relation to other vulnerable groups and it can therefore be assumed that there will be a significant number of people whose applications will not have been made or completed by 30 June.
12. While the Home Secretary confirmed in April 2020 that people can apply after the deadline, they must have 'reasonable grounds to apply late'. The Home Office has published guidance on late applications, which can be found from page 26-44 of the [caseworker guidance](#). Although this guidance is helpful and covers a range of scenarios, further analysis will be needed to determine the impact this may have on local authorities. COSLA will work closely with the Home Office, as well as organisations such as Social Work Scotland, to determine this impact. However, a number of issues have already been raised, including the potential complexity of the late application system and questions about access to public funds and services while an individual is making a late application.

Proposed COSLA Position

13. As we enter the final six weeks before the 30 June deadline, COSLA and IOM will continue to offer our range of awareness raising sessions for local authority front line staff, helping them to identify vulnerable citizens and explaining how they can work with IOM to refer complex cases.
14. We are aware that elected members are increasingly receiving queries in relation to the scheme, and we will be utilising our political structures to update on the current position and highlight the importance of the next six weeks in maximising applications to the EUSS. We are also planning to hold an awareness raising session for councillors and an invitation will be sent out to all elected members across Scotland.

15. The IOM caseworkers are funded by the Home Office and Scottish Government. Two are funded until September 2021, while the specific looked after children / care leaver funding ends on 30 June. COSLA is pressing for an extension of the funding for all three posts to ensure individuals that have missed the deadline can still receive support, and so that support can be provided for those who are seeking to move from pre-settled status to settled status. A significant number of people (44% of total EUSS applications) have pre-settled status (limited leave to remain in the UK for 5 years) and will need to re-apply to change their status to settled status (to live, work and study in the UK on an indefinite basis).

Next Steps

16. COSLA is encouraging elected members to take an active role in promoting the EUSS across all local authorities. This could involve examining what further actions can be taken to encourage applications, encouraging council communications to highlight the importance of the EUSS and its deadline, and promoting the EUSS in day to day activities, such as through community meetings and surgeries.
17. As COSLA and IOM continue our awareness raising sessions, elected members are also encouraged to ensure there is maximum uptake from front line local authority staff, and to attend the focussed awareness raising session for councillors if that would be helpful.
18. COSLA will seek additional funds from the Home Office and Scottish Government to ensure continuation of the support and advice provided by IOM caseworkers, particularly in relation to supporting local authorities with individuals making late applications and those moving from pre-settled to settled status. We will also continue to engage with the Home Office as we seek clarity on the rights and entitlements of people who remain without settled status after 30 June.

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