

Leaders item 03

**EU Settlement Scheme Applications**

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| **Summary and Recommendations**  Leaders have been clear about the need to maintain the rights of EU citizens and ensure the process around the EU Settlement Scheme (EUSS) is accessible. However, COSLA is concerned that, to date, uptake for the EUSS has been slow. This could have serious implications for the rights and entitlements that individuals could have to services and public funds and, ultimately, for their legal status to remain in the UK. It is suggested that, in order for more people to recognise that the EUSS is important to them, the message needs to be local, personal and relevant to them. This is particularly important for some of the more vulnerable members of our communities, who may not be as aware of the EUSS and what it means for them.  This paper invites Leaders to:   1. Agree that councils’ feed back to COSLA any concerns and issues they are experiencing with the EUSS; 2. Agree that councils recognise the need for local awareness raising and messaging about the EUSS, and consider more localised means of publicising the scheme; and 3. Encourage their council staff to access the COSLA/IOM support service for vulnerable EEA citizens applying for status. |

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| **References**  Previous reports**:**   * COSLA Leaders August 2018 – EU Settlement Scheme * CWB Board May 2018 – Brexit: EU Settlement Process and Engagement with EU Citizens |

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**September 2019**



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# Purpose

1. Councils have been voicing their concern to COSLA that they believe uptake for the EUSS is low and varies significantly among sub-groups of EEA nationals (see paragraph 5). This concern has been validated by the recent release of Home Office figures, which provides a breakdown of EUSS applications by council area. The figures suggest that approximately 30% of EEA citizens in Scotland have applied to the EUSS scheme, although an accurate estimate is impossible as there is no certainty about how many EEA nationals are currently resident in the UK.
2. There are significant implications for EEA citizens who do not acquire settled status by the deadline (according to the most recent Home Office advice, this will be December 2020 if we leave with ‘no deal’, or June 2021 with a deal). The impetus to apply for settled status has become more pressing with increasing uncertainty around potential changes to UK migration policy in the case of ‘no deal’. This has raised serious concerns and implications about the ability of EU / EEA citizens living in the UK to easily come in and out of the UK, particularly for those who have still to apply for settled status.

# Current COSLA Position

1. There have been two national campaigns running to engage EEA citizens with the EUSS process – the Home Office’s EUSS campaign and the Scottish Government’s ‘Stay in Scotland’ campaign. COSLA has been working closely with both the UK Government’s EU Exit Communications Team and the Scottish Government’s Migration and Population Division, who are running these campaigns. In addition, the Home Office is funding a number of third sector organisations to support vulnerable groups through the EUSS process, and Scottish Government is funding Citizens Advice Scotland to provide advice on the EUSS to EU / EEA citizens.
2. COSLA is working in partnership with the International Organisation for Migration (IOM) to provide Scotland-wide assistance to councils in supporting vulnerable people through the EUSS application process. We have an IOM caseworker based in COSLA, who can provide a range of support for councils, including one-to-one immigration advice and support on vulnerable individual cases. This project is funded by the Home Office until 31 March 2020 in the first instance.

# What is changing

1. It is highly likely that vulnerable groups are overrepresented in the population that has not yet applied for settled status. Concerns have been raised that EEA migrants with health difficulties, the elderly, those with poor English or digital literacy, and excluded groups such as the Roma community and those with chaotic lifestyles are particularly likely not to have registered. Frontline workers in Edinburgh also report high levels of misinformation amongst the homeless population. This suggests that local authority services that deal with vulnerable or marginalised groups are likely to be disproportionately affected by any complications deriving from the EUSS scheme.
2. The potential complications for local authorities could be significant. Currently EEA citizens in Scotland are, with a few exceptions, eligible for council services and benefits in the same way as UK nationals. After 31 October, there will be four categories of EEA citizens, between whom councils will have to distinguish:
   1. EEA citizens with settled status;
   2. EEA citizens with pre-settled status;
   3. EEA citizens who are eligible for settled/pre-settled status but who have not yet applied; and
   4. EEA citizens who come to the UK after Brexit day, and have temporary immigration status under the Euro Temporary Leave to Remain (Euro TLR) until 31 December 2020.
3. Current indications are that there may be further consequences arising from a no-deal Brexit. For example, because pre-settled status is a form of limited leave to remain, some lawyers argue that EEA migrants with that status will no longer be eligible for homelessness accommodation. This means councils may have to triage categories of EEA migrant, turn away those who currently would be eligible for support, or provide support without being assured of eligibility.
4. Over the past couple of months, we have seen the UK Government change position several times on whether the status quo ante on free movement will continue to apply after 31 October. There has been an appetite within government for significant changes to immigration policy to coincide with Brexit. The UK Government has now published a policy paper on ‘No Deal immigration arrangements for EU citizens arriving after Brexit’. The paper states that, for a transitional period after Brexit on 31 October 2019 until 31 December 2020, EU citizens and their close family members will be able to apply for temporary immigration status – European Temporary Leave to Remain (Euro TLR). EU citizens who wish to stay beyond 2020 will need to apply for a UK immigration status granting them permission to stay.
5. Councils will be at the front line of the implications of this: determining eligibility for services based on Europeans’ immigration status is complex, as councils may not have access to the necessary official or documentary means to distinguish between them. There is therefore a risk that councils will either deny services to citizens who are eligible for them or provide them for those who are not.

# Proposed COSLA Position and next steps

1. COSLA will continue to work with the UK and Scottish Government to promote the national campaigns. We will continue to feed back councils’ concerns and issues they are experiencing with the EUSS to the UK and Scottish Government to try to ensure that their campaigns are as effective as possible.
2. However, it is recognised that there is a need for local awareness raising as well as national campaigns. In order for some people to recognise the EUSS is important to them, the message needs to be local, personal and relevant to them. This is particularly relevant to some of the more vulnerable members of our communities. Leaders are therefore asked to consider means of reaching people with more localised messaging about the EUSS.
3. COSLA will continue to promote our IOM caseworker resource to provide assistance to councils supporting vulnerable people through their applications.

**September 2019**