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REPORT

Unsettled Status – 2020:

Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?

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Executive Summary

As the UK moves towards the end of free movement, the government has designed a system to allow EU citizens and their family members who are already living in the UK to retain their residence rights: the EU Settlement Scheme (EUSS), which is based on the EU-UK Withdrawal Agreement. Since it first opened fully in early 2019, the scheme had already received 3.81 million applications of which 3.59 million had been concluded (at the time of writing). Along the report, we will use the 'EU citizens' to refer to EU, EEA (Iceland, Liechtenstein and Norway) and Swiss citizens.

Applying to EUSS is mandatory for all EU citizens (excluding Irish, for whom is voluntary) and their non-EU family members, if they wish to remain in the UK, with a deadline for applying set on 30 June 2021 for those who are resident in the UK by 31 December 2020. The application process is streamlined and more 'user-friendly' than existing Home Office applications, with many able to complete the full process in less than an hour. The eligibility criteria have been simplified so that (almost) all EU citizens living in the UK by the end of the post-Brexit transition period will be eligible.

One challenge facing any large-scale government programme is coverage: how to enable everyone who is eligible to participate. For EU citizens and their non-EU family members to secure status, they will need to (1) know about the programme and the need to apply; (2) be able to navigate the system and make an application; and (3) have identity evidence (passport or ID card in the majority of cases) and residence evidence that they have been living in the UK.

EU citizens living in the UK are on average a young and highly educated population that should not be expected to have problems understanding and navigating a simplified application process. However, securing status will be more difficult for certain groups of people, whether because they lack awareness of the process or the need to apply, are vulnerable for different reasons (social exclusion, abuse or exploitation), have difficulty navigating the application system, or cannot provide evidence of their citizenship (identity evidence), their time spent in the UK (residence evidence) or, in the case of non-EU applicants, their relationship to an EU citizen. It is not possible to know exactly what share of eligible people will fall into these categories but it is possible to analyse some of the characteristics associated with greater risk. This report, which updates a previous Migration Observatory report published in April 2018, examines the factors expected to be associated with a higher risk of falling through the cracks.

First, a potentially significant number of people **may not be aware that the scheme exists and/or, even if they are aware, that they can and need to apply**. In practice many different people could fall into this category, although specific groups include:

- **Very long-term residents**, such as the estimated 139,000 non-Irish EU citizens who arrived at least 30 years ago, who might think that they do not need to apply. These people tend to be older (in 2019, the average age of non-Irish EU citizens with at least 30 years of residence in the UK was 68) and thus might face other difficulties in applying.
- **People with permanent residence**—at least 145,000 non-Irish EU citizens have been granted permanent residence from 2004 to 2019 but are not yet UK citizens.
- **Children of EU citizens** whose parents do not themselves apply, do not realise that children need to apply, or mistakenly believe that their UK-born children are automatically UK citizens. There are an estimated 689,000 children living in the UK with non-Irish EU citizenship. This excludes UK-born children whose parents report that they are UK citizens, although complex citizenship laws mean that in some cases parents will be mistaken about their child's citizenship status.
- **People who have been rejected for permanent residency or who were previously ineligible** may believe that they are not eligible for status and therefore will not apply unless they receive reliable information to the contrary. Other people who were previously ineligible (e.g. due to lack of comprehensive sickness insurance,) might not realise that the criteria to obtain status under the EUSS have been made less restrictive.
- **People with past criminal convictions, who were removed in the past, and people in prison**. People with criminal records and people who have been removed in the past might be reluctant to apply due to fear of being refused status

(for not meeting the suitability requirement), even if they are in fact eligible. People in prison are in theory entitled to apply, although they might be unaware of the scheme or unable to submit their application due to practical difficulties. Also, time in prison breaks the continuity of residence, which means that inmates with less than 5 years of residence before they are sentenced will be ineligible if they apply for prison.

- **People without good social networks.** People who feel isolated and have very few close social contacts and/or social interactions might not be aware of the EUSS or might be more likely to miss the deadline to apply. Widowed older homeowners living alone and with long-term health conditions; unmarried, middle-age people with long-term health conditions; younger renters who are not in a partnership with little sense of belonging to their area; and single-parent households.
- **EU citizens born outside the EU.** Non-EU born EU citizens will not necessarily face more problems to secure status than EU-born EU citizens. However, those lacking English language skills and/or with lower levels of education might not be aware of the EUSS and that they need to apply. In 2019, an estimated 15% (41,000) had no educational qualifications and 15% (30,000) reported English language problems in 2018.
- **People who are expecting to return** home may believe that they do not need to apply because they are expecting to return home before 30 June 2021.

Second, **applications may be more difficult for people who already face social exclusion of some kind or whose independence or autonomy is reduced.** Some of these people might not be aware of the EUSS or might be less likely to apply for some reason. The Government has given £9 million of grant funding to a [list of organisations](#) to reach and provide support to vulnerable groups of the population and an [additional £8 million](#) of funding for the year 2020-2021 was announced in March 2020. Some groups that can be included in this category are the following:

- **Children in care and recent care leavers.** According to Home Office estimates, there are around 5,000 children in care and 4,000 care leavers who would be eligible to apply to the EUSS, but some local authorities might not have information about their citizenship and hence do not apply on their behalf. In addition, some children might lack a valid ID and/or might not be able to provide evidence of their residence in the UK before coming into care.
- **Victims of domestic abuse** could struggle to complete the process. According to ONS survey data, EU citizens are less likely than UK citizens to be victims of domestic abuse, although an estimated 101,000 male and female EU citizens between the ages of 16 and 74 reported experiencing some form of abuse (either once or repeatedly) in the year ending March 2019. Non-EU victims do not necessarily need to rely on their EU (ex)-partner for evidence and might be able to retain rights of residence if they can provide evidence of domestic violence.
- **Victims of modern slavery**, which includes victims of labour, sexual or criminal exploitation. People in this situation have their freedom restricted by force, threats, coercion or deception. As a consequence, they might not know about the EUSS and, even if they do, they are likely to experience difficulties in applying. According to Home Office data, 1,389 EEA citizens were referred as potential victims in 2018 and 2019 and an additional 1,619 EEA citizens were referred under other legal provisions between 2016 and 2018.
- **People living in poverty.** Eligible citizens living in poverty might not apply to the EUSS because they are under stress and might not be aware of the scheme or the deadline. People in poverty might also be more likely to work informally or in precarious jobs (Williams, 2014) and thus might struggle to provide evidence of their continuous residence in the UK due to their lack of contact with government bodies. In 2017-2019, the share of foreign-born adults with non-Irish EU citizenship living in poverty was 10% when we do not consider housing costs, and 22% when housing costs are considered.
- **Homeless people and rough sleepers** are likely to experience difficulties in providing identity and residence evidence when they apply to EUSS. In the first quarter of 2020, there were 4,250 households with an EEA citizen main applicant who were estimated to be eligible for homelessness assistance. In the autumn of 2019, one estimate suggested that there were 937 rough sleepers with EU citizenship in England, though separate figures using a different methodology produced estimates of 1,000 non-Irish EU citizen rough sleepers in London alone between April and June 2020.
- **Migrant Roma communities** were estimated to be at least 200,000 in 2012 and originated mainly from Romania,

Slovakia, the Czech Republic and Poland (Brown et al., 2013). Migrant Roma people may struggle with their applications due to lack of passport/ID card and residence evidence, as well as their average poor IT skills and lack of access to technology.

Third, **some people will struggle to navigate an application due to difficulties accessing or using the application.**

This could be because of factors such as:

- **Language barriers.** Data on language proficiency are imperfect but, in 2018, 244,000 non-Irish EU citizens age 18 or over reported experiencing language problems language difficulties in education and/or keeping or finding work.
- **People with low levels of literacy,** such as early school leavers, may find the process more difficult to navigate and may also have less knowledge of the EUSS programme. In 2019, there were an estimated 78,000 non-Irish EU citizens age 18–64 who left full-time education before age 16, and a further 235,000 who reported having no formal qualifications.
- **Elderly people** may face a range of barriers, including degenerative aging conditions such as dementia, isolation or low digital literacy. EU citizens are a relatively young population but an estimated 58,000 were age 75 or above in 2019.
- **Low digital literacy,** that is, lack of skills required to use information and communications technology, which are necessary to navigate a primarily digital system such as the EUSS. Internet use is high among EU citizens, but in early 2020 an estimated 2% or 42,000 non-Irish EU citizens nonetheless said that they had never used the internet or had not used it in the last 3 months.
- **People with conditions involving a cognitive disability whose family members or carers are unaware of the scheme.** There are an estimated 1,130,000 adults with a learning disability in the UK and, in the year 2017/2018, there were 150,000 people over age 18 receiving long term social care support due to their learning disability (ONS, 2019; PHE, 2016). It is not known how many of these people may be EU citizens.
- **People with mental health problems.** While some people with these conditions might be able to function at work and at home on their own, others might need constant help from family members or carers. Even when people with mental health disorders are able to live autonomously, some may struggle with the application process, especially if their cases are complex. An estimated 15,000 non-Irish EU citizens between the ages of 16 and 65 reported that they had a mental health problem that limited their daily activity ‘a lot’.
- **People with some physical health problems and disabilities** may struggle with an application unassisted. This is the case, for example, of people with reduced mobility who need an in-person appointment to process their application, particularly if their case is complex or they do not have internet access.

Fourth, **people who lack evidence proving their eligibility.** Some people may either be refused status or decide not to apply because they do not have a passport or ID card and/or they struggle to provide evidence of their time in the UK. Many EUSS applicants do not need to provide evidence that they are living in the UK and instead can rely on ‘[automated checks](#)’ by providing their National Insurance Number (NINo), which is then checked against of government tax, benefits and pension records by HMRC and DWP. In the early testing phases, a majority of applicants (88%) provided their NINo and 73% did not need to provide any further residence evidence (Home Office, 2019: 7). The people with the greatest difficulty producing identity and/or residence evidence will be those who lack evidence of *both* residence and economic activity. This could include:

- **People lacking identity evidence** may have difficulty demonstrating their nationality. At the time of the 2011 Census, 100,000 or 5% of EU-born residents of England and Wales reported not holding a passport.
- **People lacking evidence of their relationship to a qualifying EU citizen.** While EU citizens can qualify for EUSS simply because of their citizenship and residence in the UK, non-EU family members need to show that they are in a relationship with a qualifying person, which makes the burden of proof higher for this group
- **People without bank accounts,** who are conducting their daily lives in cash (whether they are working or non-working—such as retirees or people looking after family). An estimated 3% of people age 18 and over did not have bank accounts in 2016–2018, equivalent to 83,000 non-Irish EU citizen adults.

- **People who lack proof of address in their name**, for example, because they were living rent free with parents or friends, may find it difficult to show evidence of continuous residence in the UK if their daily activities have not generated a paper trail.
- **People in precarious or non-standard housing**. People who live in communal establishments (e.g. hostels, B&Bs or caravan parks) may not have a defined address and/or proof of address. At the time of the 2011 Census in England and Wales there were an estimated 45,000 residents or staff of communal establishments who held passports from EU countries other than Ireland (Census table DC2119EW1a). The number of such residents is likely to have increased due to further EU migration since 2011.
- **People who have arrived shortly before the cut-off date for eligibility**. People who arrive in the weeks and months preceding the cut-off date (31 December 2020) are more likely not to have bank accounts, leases, or potentially verifiable informal activity such as membership of clubs or contracts for services. Nonetheless, a used travel ticket confirming travel to the UK might still be considered valid evidence to show eligibility to the scheme.

Finally, there are people who might fail to convert from pre-settled to settled status. By the end of July 2020, there had been 1,475,000 grants of pre-settled status, which represented 41% of concluded applications. Anyone with this status who wants to remain permanently in the UK will need to apply again to the EUSS to secure settled status. To qualify for settled status in the future, applicants will need evidence of a full five years of residence, stretching back retrospectively. It is not clear how easily applicants—particularly those in vulnerable groups—will be able to meet this requirement, although organisations and charities will continue receiving outreach funding to support vulnerable applicants. The Home Office has said that it will remind applicants when they need to reapply (Home Office, 2018: 9), something that will be dependent on their contact details remaining the same or being updated.

Simply having one of the characteristics identified in this report does not mean that a person will fail to secure settled status. People are likely to face greater difficulties if there is a combination of factors. For example, barriers to access due to language, disability or lack of digital literacy will be most relevant for people with complex cases because they lack evidence, or for those who are isolated and cannot easily rely on friends and family for help.

The individuals who are most likely to be excluded from the EUSS process are those who are already socially vulnerable. This includes children in care and recent care leavers, victims of modern slavery, or migrant Roma communities. Many of these people might not even be aware of the EUSS and that they need to apply and, even if they do, they are likely to need help completing the process.

Finally, arguably the biggest challenge if the government aims for comprehensive take-up of the EUSS is awareness about the need to apply. There are some large groups of people who would not normally be classified as 'vulnerable' but who may not realise that they need to apply, from children to very long-term residents. In addition, there will be people who simply forget or delay their application until after the deadline expires. There is little clarity about the policy plan for people who miss the deadline and do not have a 'good reason' for doing so. If a significant number of eligible people do not apply, enforcing a strict deadline would increase the illegally resident EU-national population in the UK. As a result, perhaps one of the most important unresolved policy questions affecting the completeness of the EUSS process is what contingency plans will be in place for people who do not apply by the deadline.

Understanding the policy

Since the EU referendum in 2016, the status of EU citizens currently living in the UK has been one of the major questions in the migration policy debate. EU citizens who are already living in the UK will need to be able to demonstrate their legal status if they are to remain here after the post-Brexit transition period, which is scheduled to end in December 2020.

The government has responded by developing the EU Settlement Scheme. EU citizens and their family members who have until now enjoyed free movement rights are required to come forward and apply to EUSS if they want to retain their residence status. The government has invested significant efforts into creating a programme that is inclusive and easy to use, and EUSS is much more straightforward for users than other Home Office immigration applications. For example, for most people can complete the whole process online, and the eligibility criteria have been simplified so that applicants only need to meet residence requirements in the UK, and not necessarily involved in specific economic activities here. Nonetheless, between 30 March and 31 August 2019, of the 173,000 applicants who indicated in their online application that required assistance, 83% received help from a family member or friend, 7% from an immigration adviser, 4% from a charity or community group and 0.2% from a social worker or local authority (ICIBI, 2020: 34).

Applying to the EUSS is mandatory for almost all EU citizens and their non-EU family members, although Irish citizens are not required to apply because they have separate rights under the UK-Ireland Common Travel Area arrangements. Non-EU family members of Irish citizens do need to apply to EUSS, however. From the 24th of August 2020, non-EU family members of people of Northern Ireland (as defined in Annex 2 of the [Belfast/Good Friday Agreement 1998](#)) can also apply to EUSS on the same basis as Irish citizens without dual nationality (Northern Ireland Human Rights Commission, 2020). Before that date, non-EU family members of people of Northern Ireland needed to apply for a family visa.

Eligibility criteria

EUSS applicants will need to have established residence in the UK by 31 December 2020, and must apply to EUSS by the end of June 2021. Most applicants must be resident in the UK, although it is possible to apply from abroad if a person's absences are not so long as to disqualify them. This includes people who previously lived in the UK for at least five years and have been absent for no more than five years since then (although people in this position may not be aware that they are eligible).

Applicants must also meet 'suitability' criteria which are assessed on a case by case basis based on the following factors: their personal conduct in the UK and abroad; their past criminal convictions that appear in their criminal record (note that there is no requirement to declare spent offences or cautions, such as penalty notices for speeding [Home Office, 2020a:8]); and their honesty in their EUSS application (adult applicants failing to disclose their criminal records might be refused status on grounds of deception [Home Office, 2020a: 8]).

The main legal reason for refusing status on suitability grounds is whether applicants' criminal conduct could make them subject to a deportation order or exclusion decision, which occurs when a person is refused entry to the UK. Different deportation rules apply depending on whether the criminal conduct occurred before or after the end of the transition period. After 31/12/2020, UK deportation rules apply, which are significantly more restrictive and offer less protection to applicants compared to EU law (Greater London Authority & Here for Good, 2020: 69). For example, under current UK law, a prison sentence of 1 to 4 years will entail a presumption of automatic deportation, and a sentence of less than one year might still lead to deportation if 'conducive to the public good'.

Some non-EU citizens have what is known as 'derivative' rights of residency under EU law; these are in most cases for adult carers and are linked to the rights of residence of a UK or EU citizen child and include Zambrano carers, Chen carers and Ibrahim and Teixeira cases (Coram Children's Legal Centre, 2019). People with derivative rights of residency can apply to

EUSS but cannot do it online and they need to contact the EU Settlement Resolution Centre to request a paper application form. People with retained rights of residency are non-EU citizens who had a relationship with an EU citizen in the past and lived in the UK for a certain period time; people in this category include children in education whose EU citizen parent died or left the UK, or a non-EU citizen who was married to an EU citizen, although this person has to meet certain criteria in order to be considered eligible (see [Home Office application criteria](#)). At the moment of writing, of the 3060 refusals for which there is a breakdown up to the end of June, 780 (25%) were derivative rights applications (770 corresponding to Zambrano carers).

Settled vs. pre-settled status

People who have lived in the UK for at least five years are eligible for 'settled status', which entitles them to live permanently in the UK and later apply for UK citizenship if they choose to. People living in the UK for less than five years are eligible for 'pre-settled status' and can apply for settled status once they reach five years of residence. Children under 21 are eligible for settled status if one of their parents has been granted settled status, even if they do not have five years' residence (e.g. where the children are less than five years old or arrived later than their parent). There are also some [limited categories](#) in which adults can receive settled status in less than five years.

Pre-settled status allows people to live, work and study in the UK although certain conditions are more restrictive. For example, access to some benefits for economically inactive people with pre-settled status is restricted and if they have a child in the UK, the child would not automatically be a UK citizen at birth. Pre-settled status lasts for 5 years and people with this status must reapply to EUSS to get settled status if they want to remain in the UK beyond that point.

Deadlines and timing

Although applicants must be resident in the UK by the end of December 2020, there is a 6-month 'grace period' until the end of June 2021 to allow people to apply. The default policy position at the time of writing is that anyone has not applied by this deadline without reasonable grounds will lose their legal residence status in the UK. People who miss the deadline will be able to apply later if they have 'reasonable grounds', although what will qualify as reasonable grounds has not yet been published at the moment of writing (Home Office, 2018b). Some organisations have argued that instead of requiring an application for EU citizens to retain their legal status, the Settlement Scheme should be made 'declaratory', i.e. that EU citizens should automatically retain their status regardless of whether they apply to the scheme, with the scheme simply providing proof of legal status (Home Affairs Committee, 2019).

Impact of the COVID-19 pandemic

The COVID-19 pandemic has likely generated additional barriers to apply for the EUSS among some EU citizens and their family members for various reasons: firstly, many organisations supporting applicants have cancelled their face-to-face activities and are now only offering online and/or telephone help. While this might not affect many applicants, it could be a problem for those who are socially vulnerable or who do not own their own mobile phone and have no internet access or digital skills skills (for more information, see the [Global Exchange on Migration & Diversity briefing](#), which looks at the impacts of access to information on migrants in the UK and their integration before and during the COVID-19 pandemic [Kierans, 2020]). Secondly, the Home Office did not accept paper forms until the end of May, which might have affected applicants who could not submit their applications online (e.g. non-EU citizens with derivative rights of residence, people without a valid ID or those who do not have internet access). Thirdly, people who were in their country of origin and could not come back to the UK during the lockdown might have broken the continuous residence requirement (to qualify for settled status, applicants must have lived in the UK for at least 5 years without a period of absence of more than 6 months in any 12-month period, or of 12 months for an important reason). And finally, the COVID-19 pandemic and the economic

crisis that has unfolded have moved media attention away from the EUSS and likely affected the EUSS outreach strategy and the ability of organisations to raise awareness among disadvantaged groups of the population.

Understanding the Evidence

To identify the groups of EU citizens discussed in this report, we have reviewed existing reports and publications (e.g. Yeo, 2018; O'Brien, 2017; Ryan, 2017; Desira, 2017; Gbikpi, 2018; Benton, 2017; Spaventa, 2017; Valcke, 2018; Rutter and Ballinger, 2019; Macdonald and Wilkins, 2020; Lagrue et al., 2020; The Children's Society, 2020; Unlock, 2019) and consulted stakeholders working in the field, including immigration lawyers and service providers with EU citizens as clients or beneficiaries. We have attempted to be as comprehensive as possible in our coverage of the different groups identified in this process. However, this report is not designed to be a legal analysis and because there is little quantitative data about the actual characteristics of people who have not (yet) secured status through EUSS, the information is by its nature qualitative and at times speculative. In addition, neither the Home Office nor the Settlement Resolution Centre capture relevant applicants' personal data that could identify those who are vulnerable, such as ethnicity or labour market status.

Because this report focuses on EU citizens already living in the UK, we do not discuss groups of people who are not living in the UK but who were UK residents in the past (and thus might be eligible), or those who might come in the future, such as family members of people protected by the EU Withdrawal Agreement.

The survey data in this report comes from two main sources:

First, the Labour Force Survey (LFS) 2019 and the Annual Population Survey (APS) 2019, which is made up of wave 1 and wave 5 of the Labour Force Survey (LFS) plus annual sample boosts to enhance the geographical coverage. The APS/LFS are official surveys collected by the Office for National Statistics (ONS). The APS/LFS currently only captures one citizenship, which is the first nationality mentioned by the survey respondent. This means that we do not know whether EU nationals also have UK citizenship, which would make them ineligible for EUSS; we also do not know how many of those who report their first citizenship as being from a non-EU country also hold EU citizenship. For more discussion, see the Migration Observatory report [Not Settled Yet? Understanding the EU Settlement Scheme using the available data](#). Like most survey data, the APS/LFS has some limitations. It does not capture those who do not live in private households, such as in hotels, caravan parks and other communal establishments. Its response rate has declined over time, and is now below 50% (ONS, 2016); this means that people who are more likely not to respond to the survey may be undercounted, and ONS analysis based on the Census suggests that non-response is a greater problem among people born outside of the UK (Weeks et al, n.d.); it is also likely to undercount circular migrants and some of the vulnerable groups discussed in this report, such as people with low language or literacy skills. From Q3 2017 onwards, the LFS data files available to researchers no longer enable separate breakdowns of the data for EEA citizens, so the tabulations in this report are therefore for EU citizens only. The status of people from countries that enjoy free movement rights but are not part of the EU (i.e. Norway, Iceland, Liechtenstein and Switzerland) has not been discussed in detail in the public debate. In year ending December 2019, there were an estimated 22,000 Norwegian and 17,000 Swiss citizens living the UK; the number from Iceland and Liechtenstein was too small to estimate using the APS.

Second, the UK Household Longitudinal Survey (UKHLS), also known as Understanding Society, which is a longitudinal survey of approximately 40,000 households that follows household members over time. By contrast to other surveys, the UKHLS interviews everyone in a household on a yearly basis. By contrast to surveys relying on a different population sample every year (e.g. LFS or APS), longitudinal surveys allow us to examine phenomena that change over time, as the same individuals are interviewed every year. Some of the drawbacks of longitudinal surveys are that participants tend to drop over time (selective attrition) or that sometimes can be difficult to maintain the representativeness of the sample due to selective

attrition or because the population on which the sample is based on changes considerably (for example, due to intense migration flows). This is why most longitudinal surveys include refreshment samples that may boost a particular sub-group of interest or try to cover new groups of the population, such as recent migrants. UKHLS wave 8, which is used in this report, is representative of the UK population that has been continuously living in the UK since 2014/2015, whereas estimates based on administrative data refer to the whole UK population in a single year (Borkowska, 2019).

This report attempts to quantify groups with different characteristics relevant to the EUSS process but because the characteristics discussed vary widely, we do not provide a single estimate of the total number of 'at-risk' people. Note that it is *not* possible to create such a figure by adding the statistics provided for different groups, as there will be significant overlap between many of them.

Margins of error in the estimates

Because the LFS/APS and the UKHLS are surveys, their estimates come with margins of error. This means that small differences between numbers or percentages may not be statistically significant. A difference between two groups is considered statistically significant when the probability that this difference is caused by chance is very small. In that case, we assume that the differences we observe in the data are likely to exist in the population. Note that small differences between estimates for different groups may not be statistically significant if they are not described in the narrative of the briefing.

Introduction

In April 2018, the Migration Observatory published a report pointing out that while most EU citizens should not have difficulty navigating the simplified system the government has developed, some groups of EU citizens could face difficulties—whether because of lack of awareness, personal barriers to making an application or lack of evidence that they meet the criteria (Sumption and Kone, 2018). These groups are relevant both to those interested in policy design (such as the approach to the EUSS deadline), and those interested in understanding how to target advice and outreach to EU citizens once the application process begins. This report updates our 2018 analysis with new data and evidence that has emerged over the past two years. It looks at five main categories of people at risk of failing to secure status:

- People who are not aware of the scheme and/or do not realise that they can and need to apply
- People who are already socially vulnerable (e.g. victims of modern slavery or homeless people)
- People with other barriers to navigating or understanding the system itself
- People who cannot provide their identity, eligibility and/or residence evidence that they have been living in the UK
- People who do not convert from pre-settled to settled status within five years of first receiving status through the EUSS

Even though large numbers of people have now successfully applied to EUSS, discussion of vulnerable groups remains as relevant as it was when the first edition of this report was published in 2018. That is because there is no reliable statistical evidence on the shares of different demographic groups that have actually applied, or who have not yet come forward. The reasons for this are discussed in a separate Migration Observatory report ([Sumption, 2020](#)), and include the facts that official figures on the size of the EU citizen population do not capture everyone who is or has been eligible since the scheme opened, including those who are no longer in the UK.

1. How many people are eligible for status?

By the year ending December 2019, there were an estimated 3.4 million non-Irish EU citizens living in the UK, excluding residents of communal establishments such as hostels or caravan parks. There were also approximately 130,000 non-EU citizens who are partners of non-Irish EU citizens and an additional 4,000 non-EU citizens who

were partners of Irish nationals (134,000 non-EU partners in total). This, however, excludes other non-EU family members of EU citizens who are also eligible to apply, e.g. children, grandchildren or great-grandchildren under 21; dependent parents, grandparents or great-grandparents; or other dependent relatives holding a residence card to prove their relationship to the main applicant. These numbers are not known because of a lack of data, although the vast majority of these people should be eligible for EUSS if they are living in the UK. There are also other non-EU citizens who may be eligible based on their derivative rights of residence (mostly primary carers of EU or British children) or retained rights of residence (non-EU citizens who had a relationship with an EU citizen in the past and lived in the UK for a certain period of time).

However, the figure of 3.4 million plus non-EU family members is not the same as the total number of people we should expect to apply to EUSS in order to continue living legally in the UK after Brexit. As described in a separate Migration Observatory report, [Not Settled Yet? Understanding the EU Settlement Scheme using the available data](#), there are several reasons to believe that grants of status through the EUSS should be higher than the official estimate of the EU citizen population (Sumption, 2020). These include both the fact that official estimates do not cover the whole eligible population, and that they are simply a snapshot of EU citizens living in the UK at any one time—whereas applications and grants figures will include anyone who has ever been eligible for EUSS and went on to apply. Potentially importantly, some people who have been granted pre-settled or settled status will no longer live in the UK (ibid).

Essentially this means that the total number of people expected to apply to EUSS is not known. Based on current data sources, it will not be clear in the coming years how many of those who were granted pre-settled status are still in the UK and need to apply to EUSS again to secure settled status (and risk losing their residence rights if they do not). In order to understand how many people have not come forward—or who have failed to convert pre-settled to settled status a few years from now—new statistical sources would need to be developed. For example, this could involve linking government records to identify the numbers or characteristics of people who are active in tax or benefits systems but for whom there is no record of an application with the Home Office (Sumption, 2020).

2. Who might fail to secure status and why?

EUSS may be unique in the context of UK immigration policy, but there is a large amount of research on what affects participation in other types of government programmes, such as income-related benefits – usefully summarized in Finn and Goodship (2014) and Daigneault et al (2012).

That research makes it clear that 100% coverage of the eligible EU citizen population within a period of a couple of years is not likely. Many government functions that require people to apply have incomplete take-up, even when it is apparently in the interests of individuals to participate. For example, an estimated 14% of families eligible for child tax credits did not take them up in 2017-18, and 7% of eligible children did not have child benefit claimed on their behalf (HMRC 2019: 14). In 2018, 6.5% of people missed the deadline for submitting their self-assessment tax return to HMRC despite facing an immediate financial penalty for doing so, and more than a quarter submitted their self-assessment in the last two days before the deadline (HMRC, 2018). In the United States, an estimated 34% of unauthorised migrants eligible for the Deferred Action for Childhood Arrivals regularisation programme had not applied 3.5 years after the programme began (Hipsman et al, 2016).

Participation in government programmes depends on a complex web of factors from the design of the process itself to the characteristics and attitudes of the applicants. For someone to participate, they must know that the programme exists and that they are eligible; they must believe that applying will benefit them enough to justify the hassle or costs; and their application must be accepted (Daigneault et al, 2012). They must also get around to it: even people who want to complete a task (such as applying for a benefit) may repeatedly postpone it, particularly if there are immediate barriers to doing so, such as gathering complex documentation (O'Donoghue and Rabin, 1999).

As a result, it is not surprising that studies on the take-up of government programmes find that barriers to participation include lack of awareness, which can be affected by factors such as literacy, language proficiency, and the availability of independent support; perceived ineligibility, including due to complex rules or previous experience of rejected claims; the hassle involved in applying, especially where there are complex requirements to navigate; and any negative perceptions about the value or risks of participating, including within a person's social network (Finn and Goodship, 2014; Daigneault et al, 2012). Individual characteristics such as low qualifications, being socially isolated, and being a migrant (particularly recent arrivals and those with language barriers) have also been found to be associated with lower take-up of income-related benefits (Dubois and Ludwinek, 2014).

The UK government unit [Behavioural Insights Team](#) (2014) finds that government programmes can nudge people towards participation in a given programme by making systems easy to use (e.g. by reducing the number of steps people have to complete and making the guidance clear); making it attractive (e.g. through personalised communication tailored to the situation of the recipient); making it social (e.g. by showing that a majority of people are complying or relying on social networks to spread information); and making it timely (e.g. prompting people to act as a deadline is coming up). Other research has found that the way information is provided can affect participation in government programmes, such as using trusted intermediaries who understand the characteristics of target groups, local-level campaigns by government agencies or voluntary organisations (Finn and Goodship, 2014; Eurofound 2015), using in-person outreach to more vulnerable groups (Daigneault, 2012), and providing information through multiple different channels (TNS BMRB, 2015).

This report focuses on the circumstances and characteristics of the EU citizens who will need to navigate the EUSS process, rather than on questions such as how the programme is publicised. The following sections therefore examine factors that are likely to affect EU citizens' awareness and knowledge of the EUSS, as well as the ease with which they can participate and demonstrate their eligibility if they need to. We focus on identifiable demographic and socio-economic factors likely to affect applications, and do not cover more general attitudes or behaviours that could nonetheless play an important role, such as not wanting to apply (for example people who believe out of principle that they should not be required to).

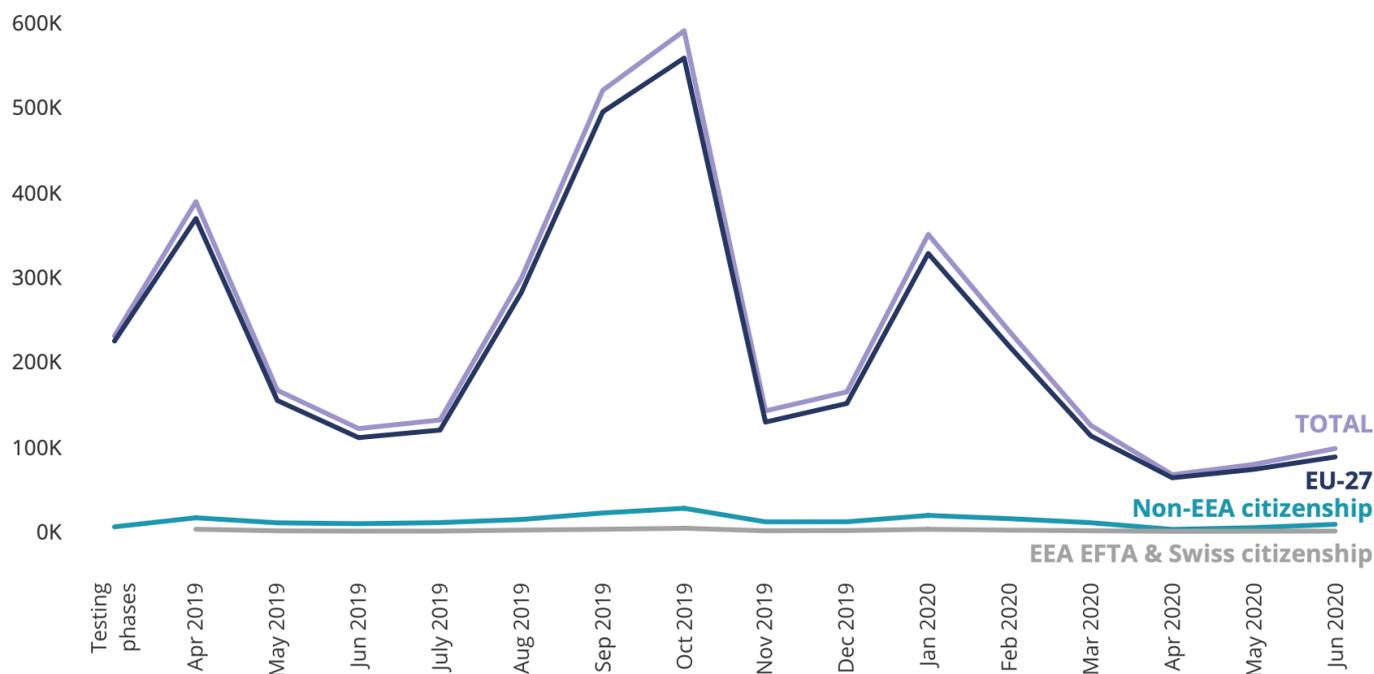
2.1. People who are not aware of EUSS or who not realise that they can and need to apply

Awareness and knowledge is a challenge for the EUSS process for various reasons. First, the population of EU citizens is large, dispersed across the entire country and across a host of social, economic and demographic groups. Because there has been no obligation to register in the UK, most EU citizens do not have any experience of being in contact with government agencies about their immigration status. There is also no 'list' of eligible individuals the government can contact, and the government will not necessarily know who has not applied: coverage will rely on EU citizens understanding the programme and coming forward to make an application.

Second, research on participation in government programmes suggests that people are often prompted to act by 'triggers' such as salient personal or external events (van Oorschott, 1998; Behavioural Insights Team, 2014). Since EUSS has been open, monthly application numbers have indeed fluctuated, with peaks when the scheme first opened and in the run-up to a possible 'no deal' Brexit in October 2019. Application numbers in March 2020 fell considerably (from 218,000 in February 2020 to 113,000 in March 2020) and bottomed in April 2020 at 63,000 (Figure 1), potentially as a result of the coronavirus crisis which pushed Brexit out of the headlines and created enormous disruption among individuals and families across the country. Slowing monthly application numbers may also reflect the fact that the pool of people who have not yet applied is getting smaller; in addition, due to coronavirus, fewer people are arriving who would be eligible.

Figure 1

EU Settlement Scheme applications received, April 2019 to June 2020



Source: Migration Observatory analysis of the ONS EUSS statistics, 18 June 2020, Table EUSS_MO



Under current policy, people who miss the June 2021 deadline would lose their residence status. These people will be accepted ‘where there are reasonable grounds’ (as stated in the [EU-UK Withdrawal Agreement](#)), although the government has not yet set out in detail how this will be applied.

Very long term residents

People who have lived in the UK for several decades may not be aware the EUSS exists, or believe that their status is secure and that EUSS is for more recent arrivals. Some of these people will previously have had some form of residence authorisation, such as refugee status or Indefinite Leave to Remain (ILR), before their country of origin joined the EU, but no longer have the documents. While people with valid ILR are not required to apply to the EUSS, they will need to do so if they cannot demonstrate this status. Non-Irish EU citizens who are married to or in a partnership with a UK or Irish citizen might believe that they do not need to apply to EUSS.

By 2019, 94,000 non-Irish EU citizens had lived in the UK for at least 40 years, 139,000 for at least 30 years, and 281,000 for at least 20 years (Table 1). An estimated 63,000 non-Irish EU citizens in a partnership with a UK or Irish citizen had been in the UK for at least 30 years.

Table 1

Duration of residence in the UK of non-Irish EU citizens, 2019

Non-Irish EU citizens in London and the rest of the UK, all ages

	London	Rest of UK	Total
Less than 10 years	565,000	1,195,000	1,760,000
10-19 years	281,000	763,000	1,044,000
20-29 years	63,000	79,000	142,000
30-39 years	20,000	25,000	45,000
+40 years	29,000	65,000	94,000
Born in UK	96,000	237,000	333,000
Total	1,054,000	2,365,000	3,419,000

Non-Irish EU citizens in a partnership with a UK/Irish citizen, age 18+

	London	Rest of UK	Total
Less than 10 years	34,000	84,000	119,000
10-19 years	32,000	114,000	146,000
20-29 years	12,000	38,000	50,000
30-39 years	7,000	15,000	22,000
+40 years	8,000	33,000	41,000
Born in UK	2,000	4,000	6,000
Total	96,000	290,000	385,000

Source: Migration Observatory analysis of the Annual Population Survey 2019 and the Labour Force Survey 2019 (average of four quarters).

Note: duration of residence based on most recent year of arrival. Figures may not sum to total due to rounding

**People with permanent residence (PR) cards**

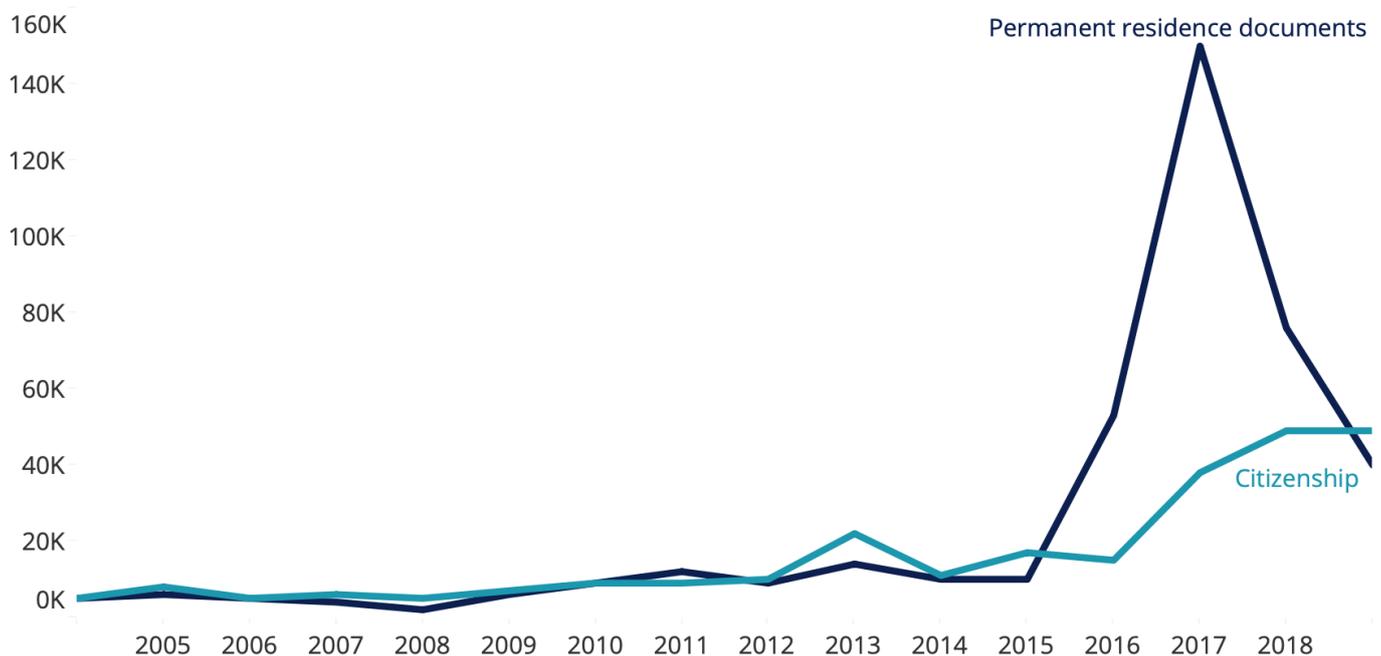
Eligible people who have already received permanent residence (PR) but are not yet UK citizens may not realise that their 'permanent' status is not actually permanent and that they also need to apply to the EUSS to remain in the UK. These documents will no longer be valid after 31 December 2020.

From 2004 to 2019 there were 410,000 PR documents were issued to non-Irish EU citizens, 37% of which (150,000) issued in 2017 alone (Figure 2); a further 137,000 documents were issued to non-EU family members during the same time period (total 547,000). Some but not all of these people will have become UK citizens.

During 2004 to 2019, 264,000 non-Irish EU citizens were granted UK citizenship. Because possession of PR documents were not a requirement for applying for citizenship before 2015, a share of those 264,000 people will not previously have had them. As a result, there are a minimum of 145,000 non-Irish EU citizens (i.e. 410,000 minus 264,000, with rounding) who were granted PR documents from 2004–2019 but who are not UK citizens (Figure 2). There are no data on how many of these people are still living in the UK (some will have emigrated or died).

Figure 2

Permanent residence documents issued and citizenship granted to non-Irish EU citizens in the UK, 2004-2019



Source: Migration Observatory analysis of Home Office Immigration Statistics May 2020, tables ee_02 and cit_D01.
 Note: at least 145,000 non-Irish EU citizens were issue PR documents but not citizenship from 2004-2019. Excludes non-EU citizens with PR documents on the basis of their relationship with an eligible EU citizen



Children of EU citizens

Children under 21 may link their application to one of their parents or apply on their own by relying on their own residence in the UK. However, it may not be universally understood that children are required to apply to EUSS, especially when they are dependent children—for example, if parents assume that school attendance means the government is already aware of their residence here, or if they mistakenly believe that their children are UK citizens because they were born in the UK. Many parents will apply for their children as a matter of course, once they have completed their own application (the EUSS application allows children to be linked to an adult application that has already been made, so that children should receive the same status as their parent). Children whose parents are not themselves applying for any of the reasons discussed in this report, however, are more likely to be excluded from the process.

The EU citizen population now includes a substantial share of children: in 2019, there were an estimated 689,000 children under 18 reported as non-Irish EU citizens, based on the Annual Population Survey (note that citizenship data in the Annual Population Survey and the Labour Force Survey is self-reported and thus measures the perceived citizenship rather than the definite legal citizenship. For children under 16, responses are provided by a parent or other adult relative).

The rules on how children become UK citizens are complex (Yeo, 2018). Children under age 18 born in the UK to at least one British or settled parent (with permanent residency) at the time of birth are automatically British citizens and do not have to pay any fees for their citizenship application. Children can also apply to register as British citizens (and thus pay a fee for their application at a cost of £1,012 per child) by entitlement if (1) they were born in the UK and their parents became British citizens or settled residents; (2) they were born and lived in the UK until age 10; or

(3) they were born in the UK, have always been stateless, have lived in the UK for the last five years and are under 22 years old at the date of the application. EU citizens have had difficulty securing permanent residence documents in recent years, with about one quarter of applications either rejected or sent back to the applicant as invalid in the 15 months following the referendum (Sumption, 2017). Many will not have met the requirements (e.g. due to not holding comprehensive sickness insurance or having breaks in employment), and others may be unable to demonstrate it; for example, because they did not have retrospective documentation showing their status 5 years prior to the child's birth. This means that the citizenship status of many children born in the UK to EU citizen parents is uncertain.

People who have been rejected for permanent residency (PR) or who were previously ineligible

People who have been rejected for PR may believe that they are not eligible and therefore will not apply unless they receive reliable information to the contrary. Other people who were previously ineligible for PR (e.g. due to lack of comprehensive sickness insurance, which is a legal requirement for EEA students or self-sufficient people) and so did not apply, might not realise that the criteria to obtain status under the EUSS are less restrictive; they may thus be reluctant to apply to the EUSS.

There are no data on the number of people who have been refused a PR document and who have not reapplied successfully. From 2004 to 2019, 67,000 permanent residence document applications from non-Irish EU citizens were refused and an additional 57,000 were sent back as invalid because the applicant did not include all the required information or did not enclose the fee (Home Office Immigration Statistics, table ee_02). Many of these people will subsequently have reapplied successfully, however, and others may have left the UK. The number of people refused PR documents has substantially decreased after 2017, reflecting the sharp decrease in applications after that year.

People with past criminal convictions, who were removed in the past, and people in prison

People with criminal records and people who have been removed in the past might be reluctant to apply due to fear of being refused status (for not meeting the suitability requirement), even if they are in fact eligible. This includes, for example, people with *minor past* convictions or cautions ranging from traffic violations to those with custodial sentences for offences below the threshold of being removable on EU law grounds. Note, however, that different deportation rules apply depending on whether the criminal conduct occurred before or after the end of the transition period (see Understanding the policy section).

Data on the number of EU citizens with past convictions are not publicly available; however, there are over 11 million people (1 in 6 adults) with a criminal record in the UK, so the number of EU citizens with criminal record could be significant. Note that the share of EU citizens with criminal record is likely to be different than the average for the UK population due to differences in the demographic profile between the two populations.

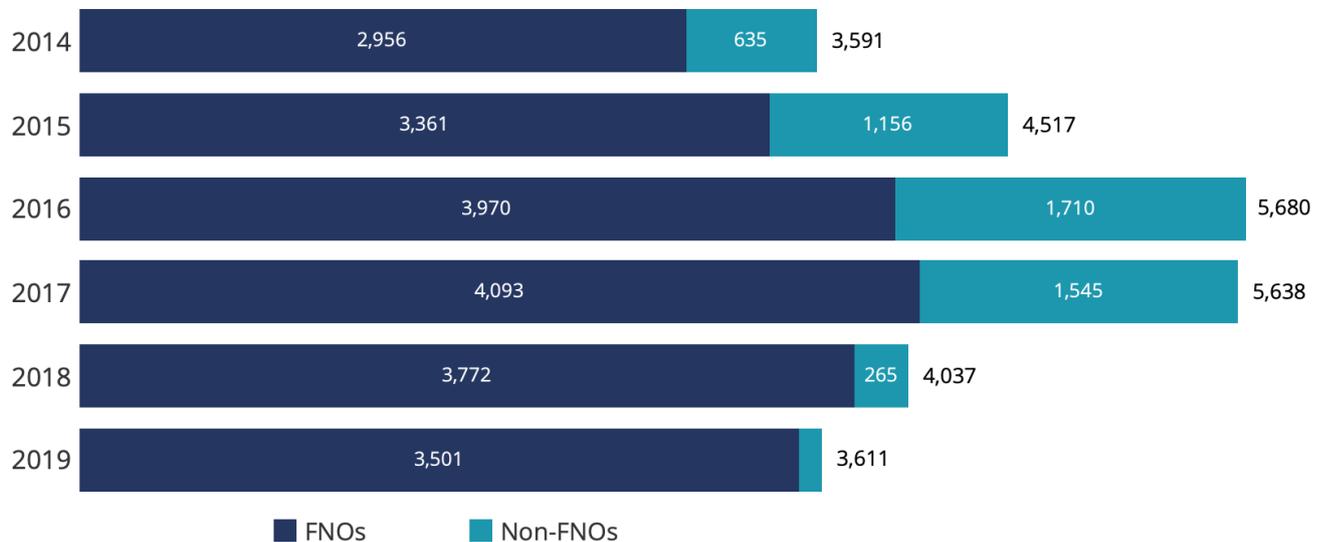
EU citizens who have previously been removed from the UK (which includes both enforced and voluntary removals) and subsequently returned here may also be reluctant to apply to the EUSS (people removed for not exercising or misusing their treaty rights can return after 12 months and in some cases earlier (Home Office, 2017a). Enforced and voluntary removals of EU citizens averaged approximately 4,512 per year from 2014 to 2019, in part due to policies towards homeless people who the UK deemed to be misusing their free movement rights; references to rough sleepers are, however, no longer in the official guidance on removing EEA nationals, following a High-Court decision in December 2017.

Most EU citizens removed during 2019 (97%) are considered by the Home Office Foreign National Offenders (FNO), who have been convicted either in the UK of any criminal offence, or abroad of any serious criminal offence (Figure 3). Based on figures provided to Unlock in response to a Freedom of Information request ([FOI number 53305](#)), over a third of EU citizens considered FNO and removed between 2014 and 2018 had a last recorded sentence of less than

a year. It is not known how many EU citizens may have subsequently returned to the UK after their removal.

Figure 3

Enforced and voluntary removals of EU citizens, 2014-2019



Source: Migration Observatory analysis of Home Office Immigration Statistics, Tables ret_D01 and ret_02.

Note: A foreign national offender (FNO) is a non-British citizen who has been convicted either in the UK of any criminal offence, or abroad of any serious criminal offence.



According to the Home Office, EU citizens in prison will not generally be eligible to apply to the scheme while they are serving a prison sentence (Parliament [written question 282340](#)), although in theory they are entitled to do so. However, those with less than 5 years of residence, will be refused on eligibility grounds because a sentence of imprisonment breaks the continuity of UK residence, which will restart from scratch when they leave prison ([FOI number 55571](#)). Others might not even be aware of the scheme or cannot submit their application while they are in prison due to practical difficulties. As of June 2020, there were 4,150 EEA citizens in prison (Figure 4).

Figure 4

Prison population as of 30 June 2020, by gender and citizenship

	UK citizens	EEA citizens	Non-EEA citizens	Citizenship not recorded
Men	88% 67,047	5% 3,982	7% 5,021	0% 209
Women	90% 2,943	5% 179	4% 126	0% 7
Total	88% 69,990	5% 4,150	6% 5,158	0% 216

Source: Migration Observatory analysis of Ministry of Justice and HM Prison Service Annual Prison Population 2020 data, Table A1.12i

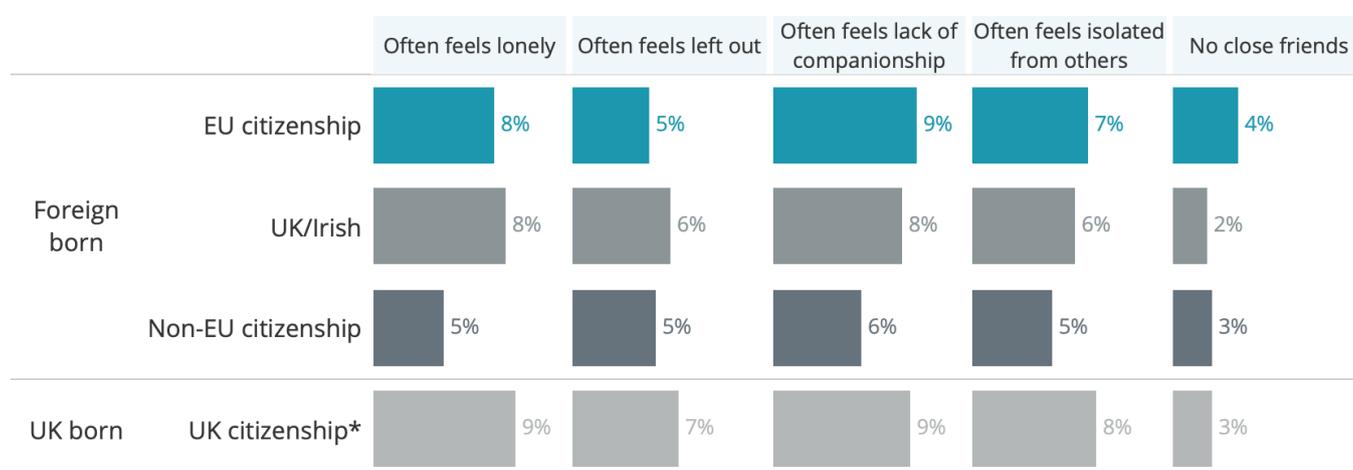


People without good social networks

People who feel isolated and have very few close social contacts and/or social interactions might not be aware of the EUSS and might be more likely to miss the deadline to apply. An estimated 8% of EU citizens aged 16 and older reported that they often feel lonely and 4% said that they have no close friends (Figure 5). Differences across nationalities are, however, not statistically significant. Some groups of people are more at risk of feeling lonely (ONS, 2018b), including widowed older homeowners living alone and with long-term health conditions; unmarried, middle-age people with long-term health conditions; younger renters who are not in a partnership with little sense of belonging to their area; and single-parent households.

Figure 5

Perceived loneliness and people with no close friends, by citizenship, 2017-2019 Population aged 16+



Source: Migration Observatory analysis of the UKHLS (Understanding Society), wave 9 (2017-2019).

Note: UK-born respondents and children under age 16 are not asked about their citizenship. Most UK-born respondents aged 16+ in the UKHLS are UK citizens.



EU citizens born outside the EU

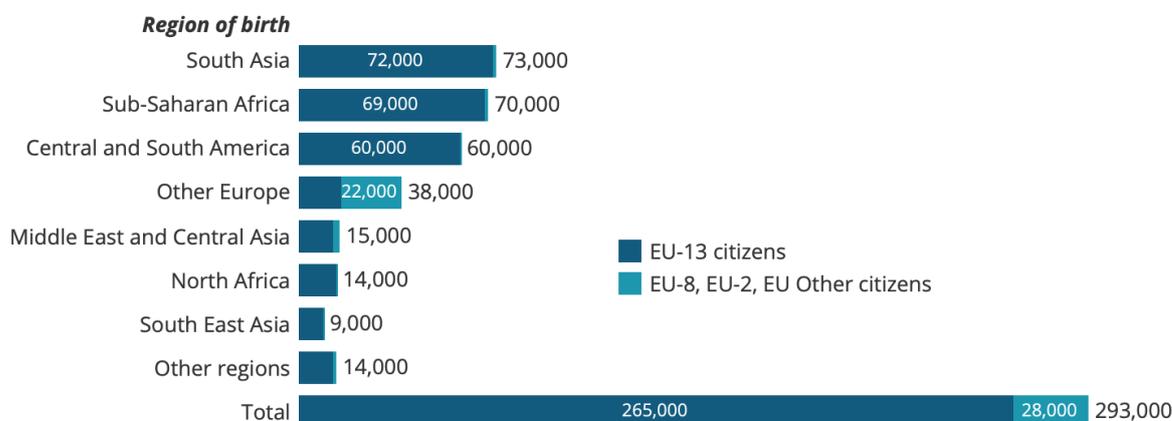
Not all EU citizens living in the UK were born in an EU country or in the UK; for example, in 2016 (the last year when individual country data was available in the APS), an estimated 6,000 people born in Somalia had passports from The Netherlands. Non-EU born EU citizens will not necessarily face more problems to secure status than EU born EU citizens. However, those lacking English language skills and/or with lower levels of education might not be aware of the EUSS and that they need to apply to continue living in the UK. In 2019, an estimated 15% (41,000) had no educational qualifications and 15% (30,000) reported English language problems in 2018.

In 2019, there were an estimated 293,000 non-Irish EU citizens age 18 and over who were born in a non-EU country (Figure 6). Most of these people are likely to have dual citizenship but moved to the UK with their EU passport. For some, UK might be their second destination after their migration from their country of birth to an EU country (Ramos, 2017; Della Puppa & King, 2019). Other might not be proficient enough in the language of the EU country of which they are citizens of, so they may lack social connections with other EU co-nationals and thus might be less likely to be aware of the scheme. The large majority (265,000) are EU-13 citizens and were born in South Asian countries (72,000), Sub-Saharan Africa (69,000) and Central and South America (60,000).

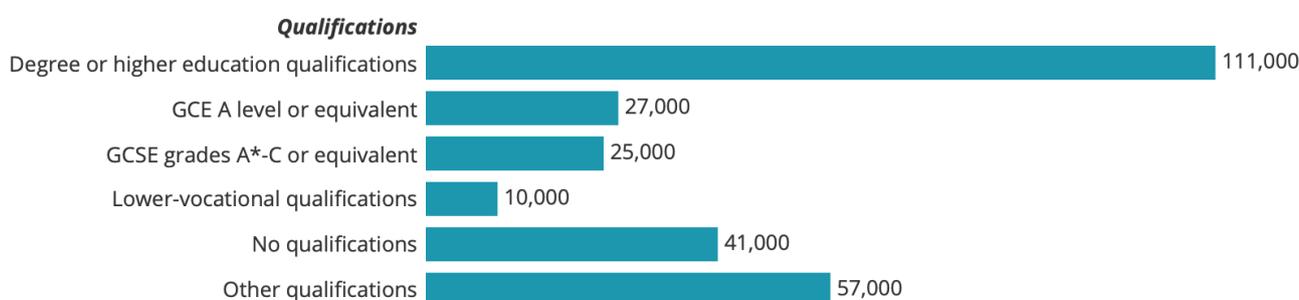
Figure 6

Non-Irish EU citizens born in non-EU countries, 2019

By region of birth, age 18+



By level of education, age 18-69, excluding full-time students



Source: Migration Observatory analysis of the Annual Population Survey 2019.

Note: academic qualifications only asked to respondents aged 16 to 69 and age 69+ if they are working. Figures may not sum up to total due to rounding.



People who are expecting to return home

Some people may believe that they do not need to apply because they are expecting to return home before June 30th 2021, which is the deadline to apply to EUSS. Many people who migrate do not have firm plans, and initial intentions to stay temporarily can lead to permanent migration as people integrate into work or meet partners. People who are expecting to return home but end up staying in the UK are likely to be relatively recent arrivals, since most migrants who emigrate tend to do so within five years of arriving (Kone and Sumption, 2020). These people will not necessarily keep track of documentation to ensure they can apply later.

2.2 Socially vulnerable people

People who are already vulnerable for various reasons might not be aware of the EUSS. Even among those who realise that they should apply, a range of personal circumstances may create barriers to successfully navigating the process. The reasons for this are complex and not easily captured in data, but include those who already face social exclusion of some kind or whose independence or autonomy is reduced. The Government has given £9 million of grant funding to a [list of organisations](#) to reach and provide support to vulnerable groups of the population. An [additional £8 million](#) of funding for the year 2020-2021 was announced in March 2020.

Children in care and recent care leavers

Child applications that are not linked to a parent are common among children under age 21 who are in local authority care or who are recent care leavers (Greater London Authority and Here for Good, 2020). These children and young people are particularly vulnerable because they may have difficulty proving their identity and eligibility. It is, however, the role of the local authorities to identify all the eligible children and to apply for them or help them with their application (Home Office, 2020b). Children in care and recent care leavers might not always be able to provide a valid ID document and residence evidence for various reasons, including local authorities not having clear information about a child's residence in the UK before entering into care (Greater London Authority & Here for Good, 2020: 84).

In 2019, the Home Office estimated that there were approximately 5,000 EEA citizen (including Irish) children in care (Parliament [written question 222791](#)) and 4,000 care leavers (The Children's Society, 2020), although the figures are very uncertain and no reliable data exist on this population. The Children's Society, a non-profit organisation, found that, as of January 2020, 153 out of 211 local authorities in the UK have identified 3,612 children eligible for EUSS and 11% had been awarded status ([The Children's Society, 2020](#)).

Victims of domestic abuse

People in abusive or controlling relationships, a majority of whom are women, may struggle to make applications, especially where they rely on their partner for evidence of their residence in the UK. Victims of domestic abuse may also be unable to provide a valid ID because the perpetrator will have taken their passport (Greater London Authority & Here for Good, 2020: 151), although there is provision for alternative ID evidence if victims can demonstrate that they have been subject to domestic violence.

Abusive relationships could be more problematic for non-EU citizen family members, since they need to provide relevant evidence of domestic violence if they cannot rely on their relationship to a qualifying person.

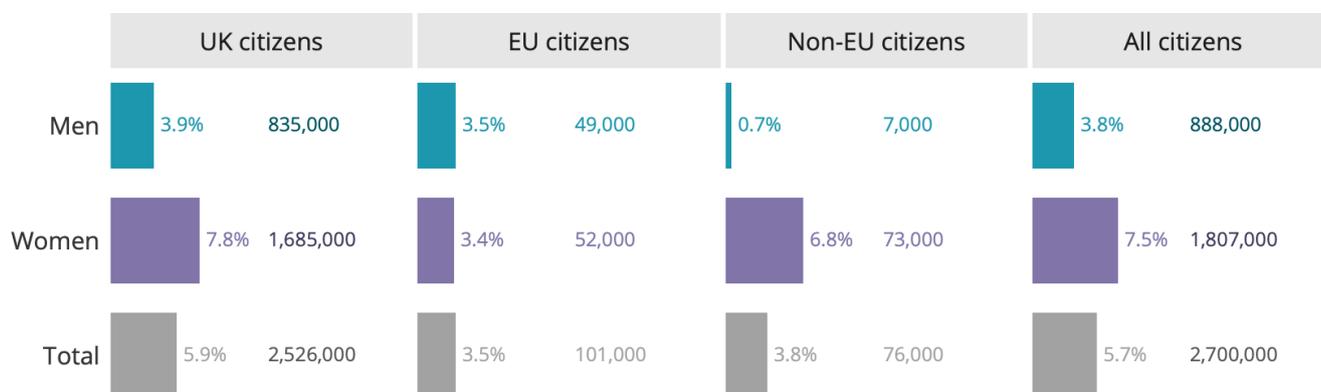
In the [Statement of Changes to the Immigration Rules](#) published on 14th May 2020, the government expanded the eligibility for those applying under the EUSS on the basis of retained rights of residence for victims of domestic violence by including other family members (durable partners, child, dependent parent or dependent relative) in addition to spouses or civil partners. Non-EEA citizens whose family relationship with an abuser has broken down can therefore retain rights of residence, although these rights are not guaranteed by EU law. However, data on non-EU family members of EU citizens who are victims of domestic violence or other crimes are not available and thus the number of people in this situation is unknown.

EU citizens were less likely to have been victims of domestic abuse than UK citizens, according to self-reported data from the Crime Survey of England and Wales collected by the ONS. An estimated 3.5% of EU nationals age 16 to 74 interviewed in the year ending March 2019 said that they had been victims of domestic abuse within the past year (Figure 7). Note that this estimate comes with large margins of error given the small size of the EU citizen population in the survey. These figures include all experiences of domestic abuse, regardless of whether they were reported to the police, and do not distinguish between one-off or minor incidents from ongoing patterns of behaviour that could be characterised as 'coercive control'. In this regard, previous research has found that experiences of coercive control have much more serious impacts on their victims, who are more likely to be women (Myhill, 2015).

Figure 7 breaks the figures down by gender and estimates the total number of victims of domestic abuse, assuming the same prevalence of this behaviour in Scotland and Northern Ireland as in England and Wales, where the survey is conducted. The data suggest an estimated 52,000 female victims and 49,000 male victims of domestic abuse of some kind within the 16-74 age group of EU citizens (including Irish). Men experiencing domestic abuse are more likely to experience it from a family member who is not their partner ([ONS 2019](#)).

Figure 7

Victims of domestic abuse (including non-physical abuse, threats, force, sexual assault or stalking by partner or family), by nationality, year ending March 2019
Age 16 to 74



Source: data provided by ONS from Crime Survey of England and Wales, Year ending March 2019; population estimates from Migration Observatory analysis of Labour Force Survey for Q1 2018 – the mid-point of the period during which crimes reported in YE March 2019 would have occurred.

Note: this measure of any domestic abuse experienced in the last year relates to adults aged 16 to 74 only and is taken from the self-completion section of the survey which is designed to reduce the extent of underreporting for sensitive issues that respondents may not want to discuss openly with an interviewer. Full details of the offences included are provided in ONS (2020). All figures include Irish nationals.



Victims of modern slavery

Victims of modern slavery may experience different types of exploitation, including labour, sexual and criminal exploitation, as well as domestic servitude and organ harvesting (ONS, 2020). Among potential adult victims identified by public authorities, the most common type of exploitation in 2018 was labour exploitation (52%), followed by sexual exploitation (20%) (HM Government, 2019). Victims of exploitation or trafficking may struggle for several reasons, including the fact that they may not have evidence that they have been living in the UK (discussed below). Others might not be aware of the EUSS due to their restricted freedom of movement and forced social isolation.

Quantifying the prevalence of modern slavery is extremely difficult due to the hidden nature of the crimes involved, although the Home Office estimated the number of victims at 10,000-13,000 of any nationality as of 2013 (Home Office, 2017b). Potential victims of modern slavery in the UK are identified through the National Referral Mechanism (NRM) and the ‘duty to notify’ provision, which was introduced by the Modern Slavery Act 2015 and requires certain public bodies (e.g. the police, the National Crime Agency and local authorities) to report to the Government all potential adult and children victims of modern slavery encountered in England and Wales. Duty to notify data reflects the number of adult victims who do not consent to enter the NRM (HM Government, 2019). According to Home Office data, 1,389 EEA citizens were referred as potential victims to the NRM between 2018 and 2019, and an additional 1,619 EEA citizens were referred under the ‘duty to notify provision’ between 2016 and 2018 (Figure 8).

Figure 8

Potential victims of modern slavery reported to the National Referral Mechanism (UK) and under the 'duty to notify' provision (England and Wales), by citizenship

		UK citizens	EEA citizens	Non-EEA citizens
National Referral Mechanism	2018	1,625	667	4,693
	2019	2,871	722	7,034
Duty to notify	2016-2018	330	1,619	2,148

Sources: National Referral Mechanism statistics UK: End of year summary 2019, second edition, Table 4. Duty to notify data by nationality included in 2019 UK Annual Report on Modern Slavery, Table A9.

Note: adults must consent to being referred to the NRM, while children under the age of 18 do not need to give consent to be referred. Duty to notify data shows the number of adult victims who do not consent to enter the NRM.

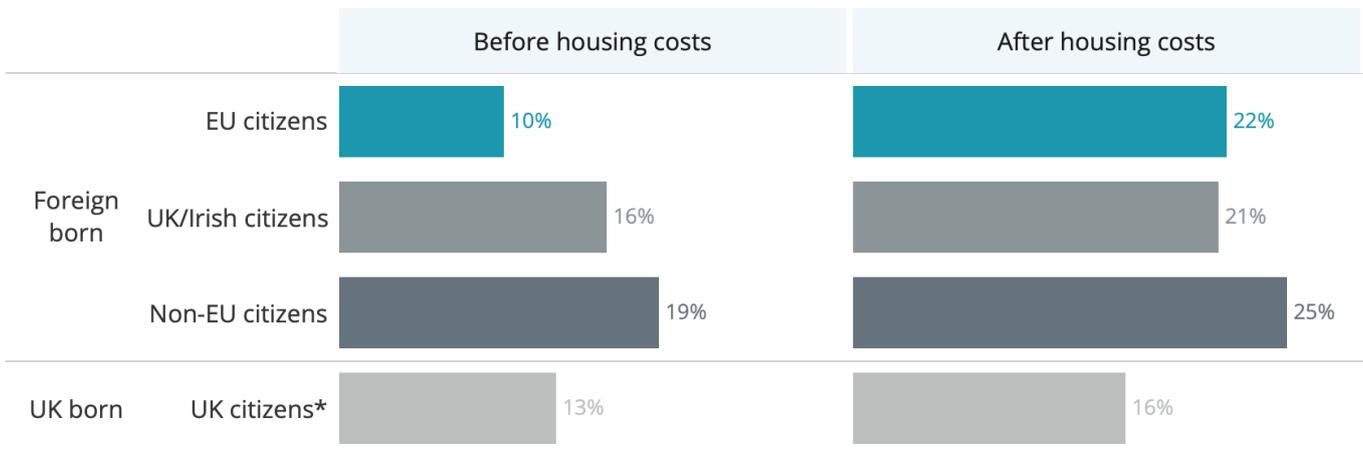


People living in poverty

Living in poverty, particularly when it is persistent, negatively affects the mental health and the cognitive functions of those who experience it (Fell and Hewstone, 2015), including people's coping behaviour and decision making processes (Sheehy-Skeffington and Rea, 2017). Eligible citizens living in poverty might not apply to the EUSS because they are under stress and might not be aware of the scheme or the deadline. People in poverty might also be more likely to work informally or in precarious jobs (Williams, 2014). Based on Understanding Society data for the years 2017–2019, the share of foreign-born adults with non-Irish EU citizenship living in poverty was 10% (before deducting housing costs), and 22% when housing costs are deducted from households' available income (Figure 9). This difference in levels of poverty before and after housing costs largely reflects the fact that, compared to the UK-born population, a larger share of EU citizen population lives in London, where housing costs are higher than in the rest of the UK.

Figure 9

Estimated share of adult population in relative low income households, 2017-2019
Population age 16+



Source: Migration Observatory analysis of the UKHLS (Understanding Society), wave 9 (2017-2019).

Note: UK-born respondents and children under age 16 are not asked about their citizenship. Most UK-born respondents aged 16+ are UK citizens.

Income indicates the total household net income after individual/household deductions. It has been equivalised (adjusted for household size and composition), taking an adult couple with no children as the reference point. Low-income households are those with net income below 60% of the median household net income. Note that differences in shares of low income households BHC between foreign-born EU citizen households (10%) and UK born-UK citizen households (13%) are not significant.



Homeless people and rough sleepers

A person is considered homeless if s/he has no accommodation where they are entitled to live or has accommodation but cannot occupy it (e.g. because of a threat of violence), while rough sleepers are people sleeping in the open air or in buildings or other places not designed for habitation (ONS, 2019). Data on rough sleepers are particularly limited and the Government recognised the need to collect better quality information about this vulnerable sector of the population (Cromarty, 2019). Both homeless people and rough sleepers are likely to experience difficulties in providing identity and residence evidence when they apply to the EUSS; they may have their passport or ID stolen when they become homeless and they also need to gather multiple documents to prove their continuous residence in the UK (Greater London Authority & Here for Good, 2020). Moreover, homeless people and rough sleepers might also experience additional barriers to access the system, such as mental health problems and substance addiction problems, which are sometimes factors that trigger people’s homelessness (Wilson and Barton, 2020). In fact, mental health issues are the most commonly recorded support need of homeless people in England who are eligible for support ([MHCLG Statutory Homelessness live tables](#), Table A3).

Local authorities in England have a duty to secure accommodation for unintentionally homeless households who fall into a ‘priority need’ category, which includes pregnant women, households with dependent children or young people under 21 and people who lost their accommodation as a result of an emergency (Wilson and Barton, 2020); however, eligibility for homelessness assistance depends on people’s immigration status. In the first quarter of 2020, there were 4,250 households with an EEA citizen main applicant who were estimated to be eligible for homelessness assistance ([MHCLG Statutory Homelessness live tables](#), Table A11).

The Ministry of Housing, Communities and Local Government (MHCLG) estimates the number of rough sleepers in a local authority area on a given night in autumn; based on MHCLG statistics (Table 2b of [MHCLG Rough Sleeping snapshot in England](#)), in 2019 there were 937 rough sleepers with EU citizenship in England (481 in London); while the Combined Homelessness and Information Network (CHAIN) counted 1,000 non-Irish EU citizen rough sleepers in London alone between April and June 2020 (Greater London Authority, 2020).

Migrant Roma communities

In Europe, the 'Roma' population includes the Roma, Sinti, and Kale communities as well as people who self-identify as Travellers or Gypsies, who are typically born in the UK and have UK citizenship (Brown et al., 2013). However, the term Roma is typically associated in the UK to communities born in Central and Eastern Europe.

The Census 2011 included the 'Gypsy or Irish Traveller' ethnic category for the first time, but there was no specific category for 'Roma', which will be added in the 2021 Census. Research by the University of Salford estimates that the migrant Roma population in the UK was at least 200,000 in 2012 and originated mainly from Romania, Slovakia, the Czech Republic and Poland, in order of size (Brown et al., 2013). Foreign-born Roma not only migrated to the UK for work, but also to escape discrimination and violence against their communities in their origin countries (Cook et al., 2011; Zawacki, 2018). The size of this population is likely to have increased since 2012 due to the lifting of restrictions on the access of Bulgarian and Romanian citizens by the end of 2013.

The official estimates of both the migrant and non-migrant Roma communities are thought to underestimate the size of this population due to factors such as the lack of trust by potential respondents, their long standing exclusion, low levels of literacy and English language problems (Brown et al., 2014; Morris, 2016). Based on the Census 2011, table KS201UK, 63,000 of people self-identified as Travellers or Gypsies, many of whom maybe UK born, while other estimates yielded between 200,000 to 300,000 Travellers and Gypsies (Brown et al., 2013).

According to the Roma Support Group, a non-profit organisation, the vast majority of migrant Roma communities do not know much about the EUSS and how to apply (Roma Support Group, 2020). They may struggle with their applications due to lack of passport/ID card and residence evidence. The lack of IT skills and access to technology have been identified as two important barriers to access the scheme among Roma people and to use their digital status after they secure status (Roma Support Group, 2020). During the Home Office's beta testing of the EUSS, the Roma Support Group found that 85% of Roma applicants did not have sufficient reading and writing English skills to navigate the process and only 3% (2 out of 69) Roma people could submit an application without the assistance of a caseworker. Applicants struggled to provide documents proving their residence in the UK for the last 5 years since many of them worked in the informal sector and had no stable housing (Brown et al., 2018; Godin and Bica, 2019). For this reason, some are thought to have received the less secure pre-settled status despite having lived in the UK for more than 5 years (Roma Support Group, 2020). By the end of February 2020, charity organisations had provided information about the EUSS to an estimated 7,000 Roma people and have supported more than 3,000 to submit their applications ([Roma Support Group, 2020: 7](#)).

2.3. People with barriers to accessing or understanding the system

EU citizens living in the UK are on average a highly educated population (based on the Annual Population Survey 2019, an estimated 43% have a higher education qualifications, excluding full-time students) that should not be expected to have problems understanding and navigating the EUSS. A minority of EU citizens will find the process itself difficult to navigate, however, for reasons such as language barriers, low literacy, cognitive and/or physical disabilities or low digital knowledge. In practice, the experience of these people will vary depending on the severity of their barriers and what help is available to them. Those with good support from family and friends may face few problems.

English language barriers

People with limited English proficiency may lack access to high-quality information about settled status (although there is an [online guide](#) for applicants in 26 different languages) and/or find it difficult to navigate the process of acquiring evidence, for those who need it. Information on language proficiency among migrants in the UK is imperfect, although the Labour Force Survey asks respondents whether they have had English language difficulties in education

and/or in keeping or finding employment. In July-September 2018 (the most recent quarterly data in which this question was asked), the large majority of adult EU citizens said they did not, but 244,000 non-Irish EU citizens age 18 or over reported experiencing language problems (Figure 10). This does not include people who speak little English but do not need English for work or education. Other information on language proficiency comes from the 2011 Census, in which 288,000 EU passport holders reported not speaking English well (Census table CT0066), although these figures could have changed substantially since 2011 as existing residents improved their English skills and new migrants with different proficiency levels arrived.

Low level of literacy

People with low levels of literacy, such as early school leavers, may find the process more difficult to navigate and may also have less knowledge of the EUSS programme. In general, EU citizens have high levels of education compared to the UK population, though this differs considerably between residents born in EU-13 countries and those born in new accession countries (in 2019, 51% of EU-13 adults aged 18-64 who were not in education had a Bachelor’s degree or equivalent qualifications, while this share was 25% among those born in new EU accession countries). In 2019, there were an estimated 70,000 non-Irish EU citizens age 18-64 who left full-time education before age 16 and have qualifications below GCSE A*-C; and a further 218,000 who reported having no formal qualifications (Figure 10)—making up about 9% of the non-Irish EU citizen population age 18-64, excluding full-time students. The Labour Force Survey July-September 2018 data suggest that 19% (46,000) of non-Irish EU citizen adults reporting language problems also reported having no qualifications (not shown in Figure 10).

Figure 10

Self-reported language problems and educational background of non-Irish EU citizens, 2019

Age 18-64, full-time students excluded

	EU-13 citizens	EU-8, EU-2, EU Other citizens	Total non-Irish EU citizens
English language difficulties caused problems in education or keeping/finding work (age 18+, 2018)	65,000	179,000	244,000
Left full-time education before age 16	35,000	35,000	70,000
No qualifications	65,000	153,000	218,000

four quarters) and the Annual Population Survey 2019.

Note: questions about language use only asked to respondents aged 16+. Only respondents aged 16 – 64 or 65+ and working are asked about the age when they left continuous full-time education. Only respondents age 16-69 or those in employment with qualifications are asked about their educational qualifications. Note that respondents saying that they left education before 16, but have qualifications GCSE A*-C or higher are excluded (15,000).



Elderly people

Elderly people may face a range of barriers. In addition to the fact that many are very long-term residents (discussed earlier), degenerative aging conditions such as dementia may mean that older residents have limited information on their immigration status – including whether they have become a UK citizen already and whether they previously held another status such as ILR. Older foreign-born residents were also among those more likely to report not having a

passport in the 2011 Census, as discussed below. In 2019, there were 58,000 non-Irish EU citizens age 75 or older living at private addresses (Table 2). People living in care homes are not included in the Labour Force Survey, but the 2011 Census included 5,600 non-Irish EU born people age 75 or older who were living in communal establishments such as care homes (Census Table DC2118EW1a).

A total of 84,150 applications submitted to the EUSS up to the end of June 2020 (77,290 corresponding to EU citizens) were from people over age 64. In 2019, there were an estimated 126,000 non-Irish EU citizens aged 65 and older living in the UK (3.7% of the non-Irish EU citizen population). However, it is not possible to make direct comparisons between ONS population data and EUSS statistics, which makes it hard to be confident about the extent to which older EU citizens may be underrepresented among applicants (Sumption, 2020).

Table 2

Age distribution of non-Irish EU citizens, 2019

Age distribution by region of residency, 2019

	London	Rest of UK	Total UK
Under 18	191,000	498,000	689,000
Age 18-34	402,000	851,000	1,253,000
Age 35-64	427,000	945,000	1,372,000
Age 65-74	24,000	44,000	68,000
Age 75+	16,000	42,000	58,000
Total	1,061,000	2,380,000	3,440,000

People over age 64 living in single-person households or with their partners without children, 2019

	Single-person	Couple without children	Total single-person and couple without children
Age 65-74	16,000	32,000	48,000
Age 75+	19,000	24,000	43,000

Source: Migration Observatory analysis of the Annual Population Survey (2019) and the Labour Force Survey 2019 (average of four quarters). Figures may not sum to total due to rounding.



Dementia among some elderly prospective applicants may be a problem, particularly in cases where they live alone or have little contact with family members. In 2019, an estimated 34,000 non-Irish EU citizens aged 65 and over were living alone and an additional 56,000 were living only with their partners (Table 2). The Alzheimer’s Society (2014) suggests that 1 out of 14 of all those of age 65 or over suffers from dementia in the UK, though the prevalence varies across age groups; if the prevalence of late-onset dementia is the same for EU citizens as for the rest of the population (Prince et al., 2014), there could be an estimated 9,000 non-Irish EU citizens over age 59 with this disease (Table A1 in the Appendix).

People with conditions involving a learning disability or lack of mental capacity whose carers are not aware of the scheme

People with neurocognitive disorders involving some degree of cognitive impairment such as dementia (Table A1 in

the Appendix), or with conditions that involve cognitive disabilities of certain degree (e.g. Down’s syndrome or other learning disabilities) may struggle with the application process without assistance. There are an estimated 1,130,000 adults with a learning disability in the UK and, in the year 2017/2018, there were 150,000 people over age 18 receiving long term social care support due to their learning disability (ONS, 2019; PHE, 2016). It is not known how many of these people may be EU citizens, although 0.8% of non-Irish EU citizen respondents aged 15 to 64 reported a learning disability in the LFS 2019.

Low digital literacy

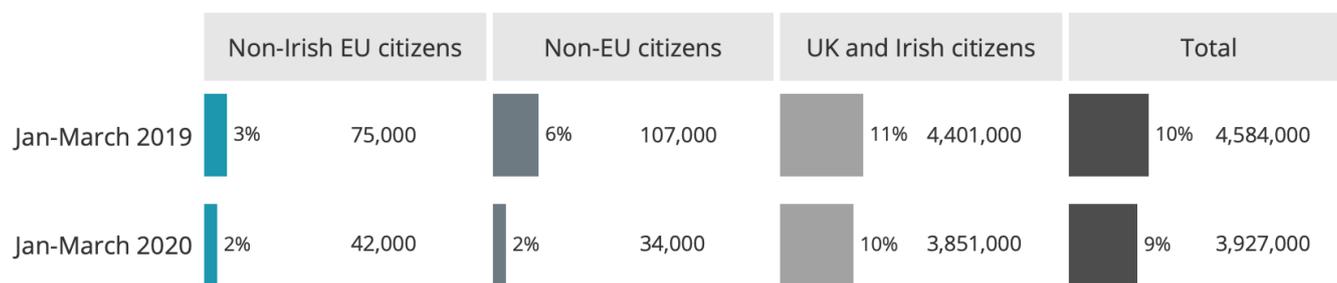
Older people are also more likely to have poor digital literacy, which can exclude people from online government services (LITRG, 2012). Applicants who are not computer or internet users can however get phone support with their application through the government’s [‘Assisted Digital’ support service](#).

Internet use varies between socio-economic and demographic groups, but research suggests that age is the most important factor, with older people much more likely to be non-users, alongside less educated and low-income groups (Blank et al, 2017). Perhaps not surprisingly due to their young age profile and high education, EU citizens have high rates of internet use. In January–March 2020, 42,000 or 2% of non-Irish EU citizens age 16 and over said that they had never used the internet or have not used it in the last 3 months, compared to 2% of non-EU citizens and 10% of UK and Irish citizens age 16 and above (Figure 11). This is significantly lower than the estimate of 75,000 for the same period a year earlier, in 2019, perhaps because of increased penetration of the internet in society as well as the passing of elderly people, who are less likely to be internet users.

A majority of non-Irish EU citizens not using the internet (19,000) were age 65 or above. There are certain vulnerable groups of EU citizens with limited IT skills who are likely to need the assistance of a caseworker to make their application; this is the case, for example, of migrant Roma community (Roma Support Group, 2020).

Figure 11

People who has never used internet or has not used it in the last 3 months, by citizenship, 2019-2020
Age 16+



Source: Migration Observatory analysis of the Labour Force Survey January-March 2019 and Labour Force Survey January-March 2020.

Note: question about internet used only asked to people age 16+. Includes people who has never used internet, who has used it more than a year ago, or between 3 and 12 months ago.



Of course, many of these people will have children or family members who can help with their application, though this will be difficult for those who live alone or have few social contacts. Separate research from the Oxford Internet Institute suggests that the most common reason for not using the internet is that people are ‘just not interested’ (Blank, 2013a); and that around 70% of internet non-users have someone else who can use the internet on their behalf (Blank, 2013b).

People with mental health problems

Mental illnesses vary substantially in severity and in the extent to which they affect people’s ability to live on their own and access to services they need. They include a wide range of conditions from anxiety and depression to bipolar disorder or schizophrenia (Mental Health Foundation, 2020). While some people with these conditions might be able to function at work and at home on their own, others might need constant help from family members or carers. Even when people with mental conditions or cognitive disabilities are able to live autonomously, some might struggle to complete an EUSS application.

Mental health is difficult to measure using surveys. It is likely to be underreported and Labour Force Survey questions on health are only asked systematically to the working-age population. In 2019, non-Irish EU citizens were less likely to report a mental health condition as their main long-lasting (i.e. at least 12 months) health problem compared to UK and Irish citizens. However, 59,000 (2.3%) non-Irish EU citizens between the ages of 18 and 65 reported that they had a mental health problem and about a quarter of those (26% or 15,000) said that it limited their daily activity ‘a lot’ (Figure 12).

Figure 12

People reporting physical or mental illnesses as their main long-lasting health problem, by citizenship, 2019

Age 18 to 64

		Non-Irish EU citizens	Non-EU citizens	UK and Irish citizens
Physical health condition	Limits activity a lot	3% 69,000	4% 75,000	6% 2,100,000
	Limits activity a little	6% 147,000	6% 113,000	8% 2,977,000
	Does not limit activity	5% 131,000	7% 129,000	12% 4,159,000
Mental health condition	Limits activity a lot	1% 15,000	1% 21,000	2% 784,000
	Limits activity a little	1% 29,000	1% 29,000	3% 1,042,000
	Does not limit activity	1% 15,000	1% 13,000	2% 556,000

Note: respondents select main problem from a list of physical and mental health conditions. Physical conditions include limb problems, sensorial conditions, skin conditions, respiratory problems, cardiovascular conditions, digestive conditions, diabetes, epilepsy and progressive illnesses. Mental health conditions include depression, bad nerves or anxiety, and other mental illnesses, phobias, panics or other nervous disorders. Figures may not sum to total due to rounding.



People with physical health conditions

People with some physical health problems and disabilities may struggle with an application unassisted. This is the case, for example, of people with reduced mobility who need an in-person appointment to process their application, particularly if their case is complex or do not have internet access (although they will be able to rely on phone support provided by the government’s [‘Assisted Digital’ support](#) service). Non-Irish EU citizens report lower prevalence of health problems than UK citizens, presumably in part due to their younger age profile. In addition, many health problems reported by respondents in the Labour Force Survey will not be severe enough to interfere with an application. In 2019, 69,000 or 3% of non-Irish EU citizens age 18-64 said that they had a physical health problem that limited their daily activity a lot (Figure 12).

2.4. People who lack proof of identity and nationality and/or who cannot prove their eligibility

People without a valid ID card or passport will not be able to submit their application or their application will be considered invalid (note that the Home Office might accept alternative identity evidence in specific circumstances [Home Office, 2020c: 28–32]). Other people may either be refused status or decide not to apply because they might struggle to provide evidence of their time in the UK. As of July 2020, there had been 4,600 refusals of EUSS applications, and the vast majority were eligibility rather than suitability refusals. Eligibility refusals can be either due to lack of residence evidence or failure to show a relationship to an EU citizen; based on June 2020 EUSS quarterly statistics, 75% of the refusals were due to lack of residence evidence.

Many EUSS applicants do not need to provide evidence that they are living in the UK and instead can rely on ‘[automated checks](#)’ by providing their National Insurance Number (NINo), which is then checked against of government tax, benefits and pension records by HMRC and DWP. In the early testing phases, a majority of applicants (88%) provided their NINo and 73% did not need to provide any further residence evidence (Home Office, 2019: 7), although more recent figures are not available. If the automated checks do not return sufficient data, however, applicants have to upload their own evidence, which can include a range of formal documents such as bank statements, pay slips, invoices or boarding passes.

People who lack one form of documentation (e.g. those with no tax records because they are not working or working informally) may have others available (e.g. evidence of residence such as council tax statements). The people with the greatest difficulties producing evidence are therefore likely to be those with a limited paper trail across several domains, such as housing *and* work or other non-work activities. Some socially vulnerable groups described in the previous section (e.g. migrant Roma communities, homeless people or rough sleepers) are in this situation. This section of the report identifies a few of the different groups of people who are not necessarily socially vulnerable but who could fall into this category.

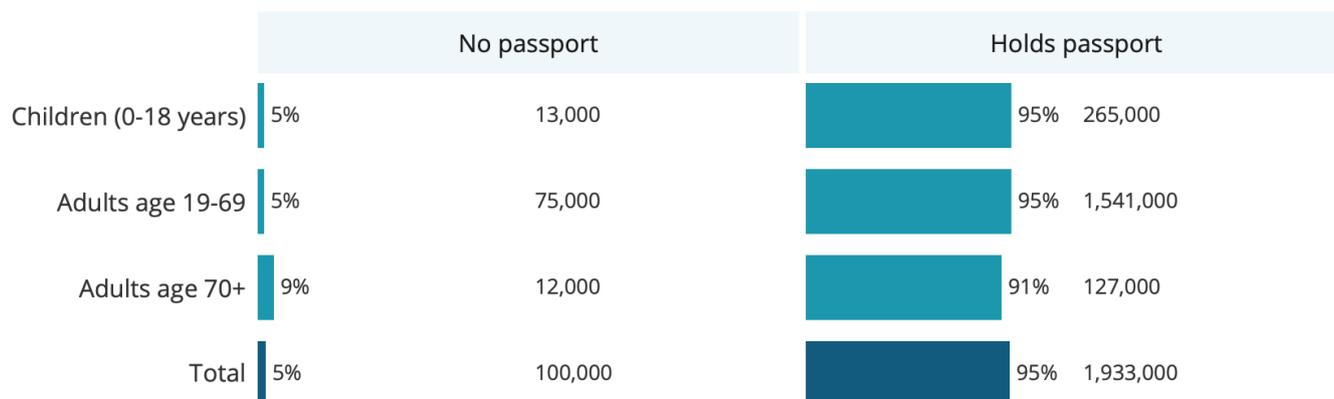
People lacking identity evidence

Applicants need to show that they are in fact EU citizens, using either a passport or a national identity document. In the large majority of cases, this will be very straightforward. But some EU citizens do not hold passports or national identity documents or these might have expired, which means that they will need to obtain one or renew it to apply. The turnaround times for obtaining or renewing passports or ID cards varies across EU–27 Embassies and Consulates, but there are substantial delays, especially among first time applications (Brown et al., 2018). For example, several NGOs reported that many Roma people do not have valid IDs and that applying for new passports for their children can be difficult and lengthy (Roma Support Group, 2020).

At the time of the 2011 Census in England and Wales, 100,000 or 5% of people born in EU countries did not hold a passport (Census table LC2280EW), though some of these people will be UK citizens who have naturalised in the UK or were born abroad to British parents. Separate Census microdata suggests that these individuals were mostly evenly distributed across age groups, although the share was highest (9%) among adults age 70 and above (Figure 13). Data on whether people hold national identity documents other than passports are not available.

Figure 13

People born in EU countries (excluding Ireland) living in England and Wales, 2011



Source: Migration Observatory analysis of 2011 Census microdata.

Note: figures rounded to nearest 1,000 and derived from 5% sample, so may differ slightly from published tables

People lacking evidence of their relationship to a qualifying EU citizen

While EU citizens can qualify for EUSS simply because of their citizenship and residence in the UK, non-EU family members also need to show that they are in a relationship with a qualifying person, which makes the burden of proof higher for this group. In some cases, people can apply based on a past relationship (i.e. they have a ‘retained’ right of residence, see [Home Office, 2020d](#)). People who are no longer in contact with their qualifying family member (for example due to relationship breakdown) may face additional difficulties proving their eligibility for the scheme. There are no available data to analyse the likely size of this group. As of June 2020, 25% of eligibility refusals (780 out of 3,060) corresponded to applications based on a derivative right to reside (EUSS quarterly statistics June 2020, tables EUSS_03_UK and EUSS_DR_1).

People without bank accounts

People who conduct their daily life with cash rather than electronic payments may have limited paperwork to provide residence evidence. This could include, for example, casual workers who do not realise that their employers do not have proper payroll systems, are not providing them with payslips, and/or are not paying required tax and national insurance contributions. It could also include self-employed people in low-skilled jobs such as cleaning, construction or childcare in private households, who may have failed to pay tax either intentionally or inadvertently (e.g. due to a poor understanding of the requirements (see e.g. TNS BMRB, [2015])).

An estimated 3% of people age 18 and over in 2016–2018 did not have a bank account (ONS user requested data for Great Britain based on the Wealth and Assets Survey). Reliable information by citizenship is not available, but if the share of non-Irish EU and UK citizen adults without bank accounts were the same, this would mean approximately 83,000 non-Irish EU citizen adults did not have bank accounts (3% of 2.7 million age 18 and above). In practice, the true number could be higher because EU citizens are more likely to be in low-skilled jobs where cash payment is more common, reducing the need for a bank account; and setting up a bank account is more difficult for foreign nationals and the recently arrived, since obtaining an acceptable proof of address can take time. Some EU citizens may also have a bank account but only outside of the UK.

People without proof of address

An estimated 1,966,000 or 73% of non-Irish EU citizens live in private rented accommodation, primarily from individual private landlords rather than organisations. In most cases, at least one person in the household will have a written tenancy agreement (CLG 2011) or other documents such as mortgage or property deeds.

However, not everyone in the household will have documents in their name—for example because they are informally subletting, do not pay rent, or are part of a family where only one person's name is on the paperwork. Large numbers of EU citizens have living arrangements in which this problem could arise. For example, 218,000 non-Irish EU nationals in 2017 were living in households with two or more adults who were not a couple; 521,000 were in households with more than one family unit; and 170,000 EU citizens age 18 or older were living with their parents—all situations involving a greater risk of limited paperwork.

People in precarious or non-standard housing

People without clearly defined addresses are at greater risk of not having evidence of residing in the UK. This could include people who move regularly between locations to reduce costs (e.g. staying with friends or family). This kind of movement is not captured in the LFS. Homeless people, rough sleepers and Roma migrant communities (discussed above) are also likely to live in non-standard housing and/or move between addresses without generating paper evidence of their residence.

Some people who live in communal establishments (e.g. hostels, B&Bs or caravan parks) will not have a defined address. The LFS excludes people living in communal accommodation, such as hostels or communal employer-provided housing on farms or other work sites. At the time of the 2011 Census in England and Wales, there were an estimated 45,000 residents or staff of communal establishments who held passports from EU countries other than Ireland (Census table DC2119EW1a). The number of such residents is likely to have increased due to further EU migration since 2011.

People who arrive shortly before the cut-off date

Most of the EU citizens living in the UK are established residents who have been here for some time. People who arrive shortly before the cut-off date, however, will be less likely to have time to set up a bank account and/or acquire proof of address; some, such as the self-employed, will also not yet be captured in tax records on which the government hopes to draw. Unlike people with several years of residence, recent arrivals are more vulnerable to being excluded because they might not be aware of the scheme or because they lack documentation proving their residence during 2020. Nonetheless, a used travel ticket confirming travel to the UK might still be considered valid evidence to show eligibility for pre-settled status.

In the most recent figures at the time of writing (year ending December 2019), 158,000 EU citizens arrived in the UK intending to spend at least a year here (International Passenger Survey, Table 3), continuing the decreasing trend of EU migration flows to the UK since 2016. The coronavirus crisis has had a large impact on international travel patterns, including international migration, due to travel restrictions and entry bans in multiple countries (OECD, 2020). There is uncertainty regarding how EU migration flows to the UK will be during the second half of 2020, although they are likely remain low.

People without evidence of formal work in the UK

For people who lack proof of residence, evidence of work is a potential substitute. However, people who are not working or who are doing informal work in the home such as caregiving may lack evidence of their activities. Unpaid care, in particular, is widespread: in the Census 2011, 5.8m people reported providing unpaid care to people with long-

term ill health or disabilities; among them, 292,000 had a main language that was not English, although breakdown by nationality or country of birth is not currently available (Census table CT0750). This will include people who are also working and providing care outside of their working hours.

In 2019, an estimated 143,000 non-Irish EU citizens were not working because they were looking after family members, the most common reason for being economically inactive (Figure 14); more than 95% of these people were women. Note that the figures do not include non-related informal carers—people who look after others in return for room and board, with no money changing hands. These economically inactive people are likely to have greater problems finding evidence if they also lack residence documentation, for example because all proofs of address are in the name of a partner or other household member.

Figure 14

**Economically inactive non-Irish EU citizens (numbers and share among total adult population of each gender)
Age 18+**

		Men		Women		Total
Retired from paid work	3%	41,000	5%	71,000	4%	112,000
Looking after family/home	0%	6,000	10%	137,000	5%	143,000
Long term sick or disabled	1%	18,000	1%	19,000	1%	37,000
Other inactive	2%	21,000	2%	32,000	2%	53,000
Total inactive	6%	86,000	18%	259,000	13%	345,000

Source: Annual Population Survey 2019. Figures may not sum to total due to rounding.



Young people not in employment, education or training (NEET) may have no paperwork in their name. For children and young people, school records are likely to be a major source of evidence on UK residence. However, a small number of EU citizens are NEET. This applied to an estimated 41,000 non-Irish EU citizens age 16 to 24 in 2019, about 15,000 of whom were living with their parents. Children under 21 may link their EUSS applications to their qualifying parent, as well as non-EU citizen children over 21, who will also need to show dependency in order to qualify; EU dependent children over age 21 have to apply in their own right and, if they are dependent, they need to provide evidence that they cannot meet their basic needs without the support of their qualifying parent.

Among people who are working, some types of jobs will be more difficult to document, whether because they involve multiple short-term engagements, variable or unpredictable hours, informal HR practices with limited paperwork, a lack of a traditional employer-employee relationship, or all of the above. In 2019, there were an estimated 141,000 non-Irish EU citizens being paid via an agency, which may include people being paid from an agency in their home country. About 60,000 non-Irish EU citizens were on zero-hour contracts and 124,000 had temporary contracts (these categories are not mutually exclusive).

2.5 People who do not convert from pre-settled to settled status

While public discussion about the EUSS has naturally focused on the number of people making their first application to

the scheme, many people will have to apply more than once because they have been granted pre-settled status. By the end of July 2020, there had been 1,475,000 grants of pre-settled status, which represented 41% of concluded applications. Anyone with this status who wants to remain permanently in the UK will need to apply again to the EUSS to secure settled status.

This raises some important challenges for the future. In particular, the availability of pre-settled status has created a kind of ‘safety net’ for people, including those in vulnerable situations, who have limited evidence of their residence in the UK. This is because it is possible to secure pre-settled status with just one piece of evidence of residence. To secure settled status in the future, however, applicants will need evidence of a full five years of residence, stretching back retrospectively. It is less clear how easily applicants—particularly those in vulnerable groups discussed throughout this report—will be able to meet this requirement. This means that there may be people who were able to complete an initial application successfully but will have more difficulty the second time or might not even be aware that they need to apply for settled status.

Some applicants may not realise that they need to re-apply to EUSS, because the deadlines will be less salient (due to there being different deadlines for each person) and pre-settled status holders will have been living as normal in the UK for some time. The Home Office has said that it will remind applicants when they need to reapply (Home Office, 2018: 9), something that will presumably be dependent on their contact details remaining the same or being updated.

The requirement to convert from pre-settled to settled status also means that absences after the cut-off date could make some applicants ineligible. Before the cut-off date at the end of December 2020, applicants can qualify for pre-settled status even if they have only a very short period of residence. However, absences after the cut-off date could jeopardise eligibility. People with settled status can spend up to five years outside the UK without losing their status, but for those with pre-settled status an absence of six months (or of 12 months if there an important reason) would break the continuous period of residence that would later be required to secure settled status. This means that, for example, if a person with pre-settled status left the UK temporarily in May 2021 and came back after 31 December 2022, they would likely lose their path to settled status and would have no option to renew or reinstate their status because the cut-off date would already have passed.

Current migration statistics provide only partial insight into absences from the UK, but show that there is substantial mobility among EU citizens. Available data suggest that the number of people making substantial trips away from the UK annually is in the low tens of thousands. (Note that all the statistics in this paragraph include Irish nationals). In 2016, an estimated 23,000 EU citizens who had previously lived in the UK moved back to the country after an absence of 1–4 years (IPS Table 3.15). In the year ending mid-2015 (the most recent data available), EU citizens who were living in the UK made an estimated 45,000 short-term trips out of England and Wales, which they expected to last for 3–12 months (ONS 2017b). The average length of stay abroad was 4.5 months, so most of these trips will not exceed the 6-month threshold. These figures will not capture the movements of people making a large number of much shorter trips that could, cumulatively, exceed 6 months in a given year (EU citizens took 367,000 1–3 month trips in the year ending mid-2015, but it is not known how many of these were by the same people). This could include people who travel frequently for work providing services, for example.

Conclusion

The large majority of EU citizens should not have difficulty making an application to EUSS, and as of 31 July 2020, the scheme had already received 3.81 million applications of which 3.59 had been concluded. EU citizens in the UK have high average levels of education, a large majority are working, they are on average younger than the general population, and the large majority do not report any problems such as low language ability or poor health. The share of EU citizens who are not internet users is low, so most should be in a good position to navigate the online application system.

This report has outlined the characteristics of people whose cases are more complex, particularly those groups who are socially vulnerable. The nature and severity of the barriers they face will vary and thus are difficult to compare among each other. However, a few observations are warranted. First, simply having one of the characteristics identified in this report does not mean that a person will fail to secure status. People are likely to face greater difficulties if there is a combination of factors. For example, barriers to access due to language, disability or lack of digital literacy will be most relevant for people with complex cases because they lack evidence, or for those who are isolated and cannot easily rely on friends and family for help.

Second, the individuals who are most likely to be excluded from the EUSS process are those who are already vulnerable for other reasons. This includes victims of abuse and exploitation, and people who face social exclusion (e.g. homeless people or migrant Roma communities) who are not participating in mainstream institutions such as banking and formal work or study. As a percentage of the EU citizen population, the number of people falling into these ‘most vulnerable’ categories is likely to be small. However, available data suggest figures in the tens of thousands for groups such as women experiencing domestic abuse and young people not in education, employment or training, and at least 200,000 migrant Roma people. There will also be smaller groups of people with very serious vulnerabilities, such as the homeless or those with serious mental health problems.

If people with significant vulnerabilities miss the deadline for applying to EUSS, they may still be able to apply later by showing that they had ‘reasonable grounds’ for not having applied—although it is also possible that they will lack the confidence to come forward after the deadline because their status has become insecure. The fate of applicants who miss the deadline without a particular reason—whether due to lack of information or even in-principle objections to the idea of having to apply—is currently unclear.

Having a deadline can encourage more people to apply who might otherwise postpone the task indefinitely (Altmann et al, 2017). But if a significant number of eligible people do not apply, enforcing a strict deadline would increase the illegally resident population. As a result, perhaps one of the most important unresolved policy questions affecting the completeness of the settled status process is what contingency plans will be in place for people who do not apply by the deadline.

Third, it is important to note that for many applicants, simply coming forward to apply to EUSS before the deadline is not enough: people granted pre-settled status will also need to apply again to secure settled status if they want to remain in the UK. Many of the same vulnerabilities that could affect an initial application could also affect people’s ability to make a second application, as discussed above.

Finally, policy decisions about how to address the situation of people who do not apply to the EUSS or who receive pre-settled status and do not apply a second time to secure settled status, are likely to take place without data on the numbers of people affected. There are currently no direct data sources measuring the size of the EU population without an EUSS status, although it would be possible in theory to develop them (Sumption, 2020). For the time being, this means that regardless of the numbers of applicants to the EUSS or the number converting from pre-settled to settled status (the latter is not published), there will inevitably be some people who fail to secure settled status without this being clear to stakeholders or the government.

Evidence gaps and limitations

The quantitative analysis presented here has some important limitations. First, quantitative analysis of people with a given characteristic often fails to convey the nuance of individual experiences. For example, people reporting language barriers will include both those with very significant communication problems and those who speak relatively good English but have had problems in specific circumstances (e.g. accessing high-skilled work). Similarly, and as noted above, people reporting being victims of some form of domestic abuse will have experiences that vary enormously in

their severity and impacts.

Several characteristics that could be quite important in the EUSS process are not easily captured in nationally representative data sources like the LFS. For example, social isolation could have a large impact on individuals' knowledge of the process and ability to seek help if they need it, but is not easily measured. It is also hard to identify people who lead chaotic lifestyles for some reason, and who might thus not be able to navigate the process. Similarly, there are no obvious sources of quantitative information identifying how 'connected' EU citizens are to mainstream sources of information such as mainstream media, online news sources, or local institutions such as community centres or GPs; or how easily people could receive help from others to complete their application.

Where data do exist, it is often the case that limited demographic breakdowns are possible (e.g. on characteristics such as age, gender, place of residence, occupation or income). This is because of limitations in the sample size of surveys like the LFS, and the fact that data from administrative sources (e.g. people who have been granted or refused permanent residence) tend not to include much of this kind of information. There is also quite limited information on household income of EU migrants in the UK, since the LFS does not provide data on earnings from self-employment or on unearned income.

Appendix

Table A1

Expected number of non-Irish EU citizens with late onset dementia, 2019 Age 60+ living in private homes

	Prevalence of late onset dementia	Non-Irish EU citizens	Expected number of non-Irish EU citizens with late onset dementia
Age 60-64	0.9%	64,000	600
Age 65-69	1.7%	39,000	700
Age 70-74	3.0%	29,000	900
Age 75-79	6.0%	26,000	1,500
Age 80-84	11.1%	15,000	1,700
Age 85-89	18.3%	13,000	2,500
Age 90-94	29.9%	3,000	1,000
Age 95+	41.1%	1,000	400
Total age 60+		191,000	9,200

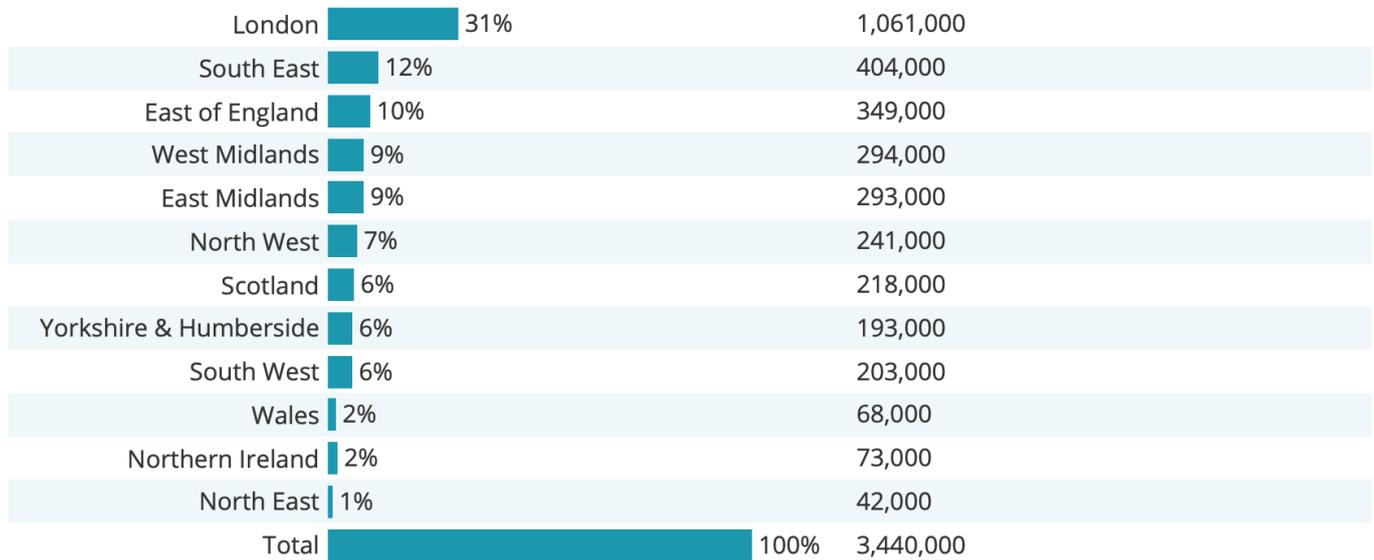
Source: Migration Observatory analysis of the Annual Population Survey 2019. Population prevalence of late onset dementia based on Prince et al. (2014) Dementia UK: Update Second Edition report produced by King's College London and the London School of Economics for the Alzheimer's Society (Table A).



Table A2

Regional breakdown of non-Irish EU citizens, 2019

- All population
- Children under 18



Source: Migration Observatory analysis of the Annual Population Survey 2019



Table A3

Non-Irish EU citizens with non-permanent jobs, agency workers and self-employed in routine or elementary jobs, 2019
Age 16+, selected regional breakdowns

	London	Rest of UK	Total
Non-permanent job	27,000	98,000	124,000
Agency job	51,000	146,000	197,000
Self-employed in routine or elementary job	56,000	56,000	112,000

Source: Migration Observatory analysis of the Labour Force Survey 2019 (average of four quarters)

Note: The permanency of a job relates to the job itself, not the respondent's intentions about that job. Routine and elementary jobs corresponds to the Standard Occupational Classification major groups 8 (Process, plant and machine operatives) and 9 (elementary occupations)



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