

15 July 2024

Dear Prime Minister,

Congratulations on your election results on 4th July and on forming the new Government. We look forward to working with you.

We are writing to you as organisations and grassroots groups of EU citizens in the UK. We represent the 5.7m EU citizens and family members who have made the UK their home since before Brexit. For the last eight years, the most vulnerable people in our communities have suffered unfair consequences of the UK's decision to leave the European Union.

Hostile environment immigration policies have led to people struggling to get justice, secure their immigration status and access their rights to live with dignity in this country.

- The EU Settlement Scheme backlog stands at 137,040 applications, each of them a person waiting in limbo to secure their immigration status.
- Over 1.8m people hold pre-settled status, a precarious form of leave under a cloud of uncertainty, with the Home Office threatening that status may be taken away in future from those who struggle to evidence their continued residence in the UK.
- None of the 5.7m people with EU Settlement Scheme status have proof of being a beneficiary of the Withdrawal Agreement, as the previous UK government refused to acknowledge the intrinsic connection between status under the Scheme and full rights under the Withdrawal Agreement.
- Proving their status (and thereby their rights to live, work, travel, study and more in this country) has been taken out of people's hands by the flawed implementation of digital-only immigration status, locking tens of thousands of people out of their immigration status.

It doesn't have to be this way.

We are recommending tangible steps that you can take as a new Government to fix the broken immigration system, so people can access their rights and justice, find belonging in the UK, and continue to play their part in our economy and society.

We are calling on you to urgently:

- **Clear the EU Settlement Scheme backlog.** Save costs to the Home Office, the court system, the DWP and other government departments by automatically granting settled status on the 5-year anniversary of a grant of pre-settled status, where there are no significant new suitability issues. This would give people peace of mind and access to their rights, while freeing up resources to process late applications efficiently.
- **Change the approach to late applications to the EU Settlement Scheme** to ensure that people who are eligible for status under the scheme are not prevented from accessing that status simply because they applied late. Many of the late applicants are people who have lived in the UK for decades and are clearly eligible for status. Most simply don't realise that they need to apply, or that the scheme applies to them, until a life event triggers their awareness. This includes vulnerable individuals. They are genuine applicants, and the UK is their home. They should not be penalised for not having applied before the deadline. The rules around late applications must be urgently changed to prevent a repeat of the Windrush disaster.
- **Fix digital status.** EU citizens and family members under the EU Settlement Scheme were treated as guinea pigs, as the first to be issued with digital-only status. The planned roll-out to all migration routes by the end of 2024 must be halted. This system is not fit for purpose and chaos will ensue in 2025 if changes aren't made now. Digital status is inaccessible to many, and recent media reports have shown that the underlying Home Office data systems are seriously compromised. People are not issued a digital document; instead, there is a need to repeatedly engage with an online-only process which often fails at one of the several steps needed before status is displayed. A stakeholder consultation process must be urgently set up to look into alternative implementations that give the status holder a secure, cost-effective proof of status that is accessible at all times. There are existing proposals ready to be explored.
- **Mitigate against the travel cliff-edge of expiration of all UK residence cards on 31 December 2024.** The Electronic Travel Authorisation scheme must be paused immediately. An urgent transition period must be implemented in which expired biometric cards are accepted by carriers (and also by employers, landlords and others who need to check status). The Government must start printing new biometric cards that are valid beyond 31 December 2024, until such time as there is a digital status that is suitable for all citizens, in all circumstances, and can be recognised by all carriers.
- **Stop unfair NHS charges.** Ensure that people who are granted status under the EU Settlement Scheme, but who failed to apply before their deadline, can access NHS treatment without charge. This could be done through the introduction of secondary legislation to allow grants of status to be backdated to the application deadline. If an individual is granted (pre-)settled status, they should not have to pay for their NHS care, and they should be reimbursed for any charges incurred before they submitted their application.

- **Everyone with status under the EU Settlement Scheme must be considered to have Withdrawal Agreement rights.** The UK currently considers that some people with status under the EU Settlement Scheme are part of the ‘true cohort’ and have Withdrawal Agreement rights, whereas others are part of an ‘extra cohort’ and only have a domestic UK immigration status. Citizens with pre-settled status usually only find out that they do not have Withdrawal Agreement rights at the point of needing help from the state, when they are refused Universal Credit, Housing or Homelessness Assistance. They can face a spiral into destitution unless given the help they need. Ensuring everyone with pre-settled status has access to welfare when needed will take pressure off local authorities and courts which currently need to consider complex legal matters when making these welfare assessments.
- **Ensure that funding is available for legal advice.** Many eligible people continue to struggle to compile the evidence they need to prove their rights, especially following the end of the transition period. Though the numbers applying to the EU Settlement Scheme have remained fairly constant, the funding available for qualified advice has steadily declined since the end of the transition period, leaving vulnerable people without vital access to the support they need to secure their status and access their rights. Ensuring that people have access to legal advice will protect the rights of vulnerable citizens, streamlining services by keeping people out of destitution.
- **Implement residence based voting rights.** Ensure everyone who lives in England and Northern Ireland can vote for their local representatives, just as people in Scotland and Wales are able to. Ensure people with indefinite leave to remain (who have lived and paid their taxes in the UK for more than 5 years) can vote in General Elections.
- **Engage constructively with the EU citizens and the rights advocacy sector.** Adopting the recommendations of Wendy Williams’ Windrush report, ensure meaningful and lasting engagement with communities, civil society and the public, with the aim for that engagement to lead to efficient and fair community-focused policy.

We believe you can begin the crucial work of building a fair and compassionate immigration system in your first 100 days as a new Government. We hope we can work together to uphold human rights and ensure people are treated with respect and dignity.

Kind regards,
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