

Hidden Impact: How Pre-Settled Status Creates Barriers to Welfare

Entitlements

Eligibility

Right to reside

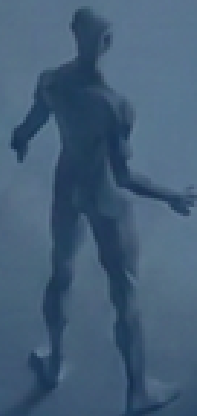
Habitual residence

Pre-settled status

DWP

Social security

Local authority



Introduction



When you are granted pre-settled status through the EU Settlement Scheme (EUSS) the letter from the Home Office explains what you can do in the UK:

- work in the UK
- use the NHS
- study in the UK
- access public funds such as benefits and pensions, if you are eligible for them
- travel in and out of the UK

For many pre-settled status holders, the fine print of "if you are eligible" means that people face a hidden "no recourse to public funds" condition.

For means-tested benefits such as Universal Credit, Housing Benefit and Income Support, applicants have to pass the "habitual residence test". In the case of pre-settled status holders, applicants have to show they have a "qualifying right to reside". This right to reside does not refer to their pre-settled status. Instead people have to satisfy one of several conditions - some examples include being a worker, having retained worker status, or being a family member of a worker. This is all before the regular 'eligibility' criteria for benefits are considered such as levels of income and savings. People who hold pre-settled status are therefore often unable to access the necessary support when they are facing a crisis or a change of circumstances.

More than a million people hold pre-settled status in the UK and can face barriers to accessing support while in crisis. This lived experience of instability is shared with the majority of migrants in the UK who are subject to an explicit NRPF (No Recourse to Public Funds) condition attached to their immigration status. The testimonials and insight collected from those who provide support and those who have been impacted shed light on the harms of adding administrative barriers for people in crisis.

Pre-settled status holders face additional challenges when they are unable to qualify for support, as - unlike people with an explicit NRPF condition on their immigration status - they cannot apply to have the restriction from their status lifted. They often also cannot turn to the advice services that support people on other immigration routes. This leaves people in crisis with very limited options for securing support.

After speaking to advisors and people who had problems accessing mainstream welfare services, it is clear that the barriers people face are complex. We know that removing administrative barriers for pre-settled status holders is one way to ensure EU citizens and their families can live with dignity. However, people face individual barriers to applying for support for their families even before they reach the habitual residence test. Change for pre-settled status holders, and for all migrants who need support, requires a change in rhetoric and approach towards those seeking support.

About the Project

An Advisor told us: *"Pre-settled status is being treated as an automatic disqualification for public funds, without any proper assessment of whether the individual might meet specific criteria given their particular situation. A large number of applications are refused automatically."*

This research is based on interviews with case workers who support those who are facing problems accessing mainstream welfare services and with people with lived experience. From our conversations with case workers and those with lived experience we tried to identify systemic barriers that people with pre-settled status face when trying to claim benefits or other forms of support.

From the insights of caseworkers we were able to get feedback on the cohorts of people who are often restricted when it comes to accessing support, and insight into the decision making process for different UK government agencies. We noticed in our conversations with case workers that there can be differences for people due to how devolved nations handle welfare decisions. In Northern Ireland the Department for Communities are in charge of all welfare entitlements, including Universal Credit. In Scotland, Social Security Scotland has some benefits that are handled separately from the Department for Work and Pensions (DWP), such as the Adult Disability payment. Across every nation pre-settled status holders are subjected to the right to reside test for means tested benefits. Devolved powers do not change this regulation.

Shared among all the caseworkers and organisations we spoke to is a common concern that there is limited capacity and funding for groups, despite the growing need for specialist advice.

We spoke to a number of people with pre-settled status about their experience trying to get access to mainstream welfare support. We conducted individual interviews with people who were willing to share their story, to understand the impact the administrative hurdles had on their lives, sense of security and families. Our work with people with lived experience demonstrates that legislative and policy changes do not necessarily translate into change on the ground for pre-settled status holders, who continue to face barriers beyond the right to reside itself.

Alongside the individual interviews, we hosted monthly lived experience forums with people who had difficulties accessing welfare support. These sessions focused on participants sharing their experiences and feeding back on the recommendations and resources of this report. We hosted these sessions online once a month throughout the project as a less formal way for people to continue to provide feedback and co-produce the project.

We are thankful to all those who participated in this project for sharing their stories and showing the impact of the hidden 'no recourse to public funds' that pre-settled status holders face. Everyone who participated in the project is an expert on what it means to try to navigate both the immigration system and welfare support.

Glossary

People who have navigated both the immigration system and welfare become experts in decoding the language used by administrative authorities. Language used by the Home Office and welfare authorities can act as barriers for people when they are trying to determine their eligibility.

We asked people in our lived experience forum to define the key terms that people navigating immigration and welfare will have to understand. Language is not neutral and we asked people to capture the emotional reaction to the words.

EU Settlement Scheme

How the government defines and uses this term:

If you're from the EU, Switzerland, Norway, Iceland or Liechtenstein, you and your family might be able to apply to the EU Settlement Scheme to continue living in the UK. To be eligible you or your family member had to be living in the UK before 31 December 2020.

"In my opinion, it was poorly designed and the recurrent changes in the conditions and subsequent extensions have made it way messier and complicated than it should be... Anytime I have to confirm my visa status I dread it, because it usually entails having to explain to my employer everything to make them understand what my current status is and any other relevant paperwork."

"Following UK departure of EU, the UK government launched digital only scheme to legalise right to reside status to people from EU and their family members living prior to 31st December 2020 in the UK".

"right to be in the uk with pre-brexit rights".



Habitual Residency Test:

How the government defines and uses this term:

A two part test, for means-tested benefits, states that people must have a 'right to reside' and be habitually residing in the UK. Pre-settled status does not by itself qualify as a 'right to reside' so pre-settled status holders must prove a 'qualifying right to reside' under the Immigration (EEA) Regulations 2016.

"It means to confirm where I usually live. It involves bringing bills or other documents that confirm my current address. It is usually an extra step that makes it feel more complicated than necessary but now I already account for it and have paper bank statements for this purpose, always at hand".

"Failed me and my disabled son. It has so many faults and is unfair"

"Assessment of whether I have proof that I live in the UK - I am not sure which documents can be submitted".

Right to Reside

The government does not define this clearly in any public-facing guidance. Citizens Advice provide an explanation of how EEA citizens and family members can prove their right to reside:

People with EUSS pre-settled status, a certificate of application to the EUSS, or relevant joining family members with temporary protection will only have a qualifying right to reside if they are additionally undertaking a relevant activity, such as being a worker or self-employed, or having retained worker or self-employed rights. Alternatively they can derive a qualifying right to reside from a relevant family member. An EEA citizen may have a right to reside as a qualified person in their own right or as the family member of an EEA citizen with a right to reside. A non-EEA citizen can only have a right to reside as a family member, they cannot have the right to reside as a qualified person.

"This one is contradictory. You give me pre settlement, which in itself a residence permit, then say you don't have a right to reside. If I don't why I'm not deported??!! Grey area so they can twist it as they wish".

"It always makes me feel confused and dread the next steps because as someone with pre-settled status I don't have a clear document that includes all the relevant information for the authority to assess what my right is and if it is still valid".

"I've had issues with this".

Recommendations

Those who navigated both the EU Settlement Scheme and accessing welfare are able to reflect on their own journey to recommend practical ways to improve the systems.

We asked our lived experience forum for their recommendations:

USE PLAIN AND ACCESSIBLE LANGUAGE

- Language should be clear on the documents that are given to people - to help those with English as a second language.
- Clear, consistent and accessible - both on initial grant letters from the Home Office and welfare decisions.
- Make all welfare rights clear inside the letter of acceptance of pre-settled status, including access to NHS, child benefit and nursery funding.

EVISA USER CONTROL

- Pre-settled status holders should be able to have control over when and if the expiry date for this status is shown.

INCREASE AWARENESS AND RESOURCES TO HELP FAMILIES KNOW THEIR RIGHTS AND REQUIREMENTS FOR THEIR CHILDREN

- Provide clearer information for families on the rights and entitlements of their children.

SUPPORT FOR PEOPLE UPGRADING FROM PRE-SETTLED TO SETTLED

Those who cannot be automatically upgraded to settled need to have sufficient and appropriate support in submitting a manual application. Participants in our research project shared what is not considered for those who need to apply for an upgrade namely the intense time demands and emotional strain for applicants.

Behind every request for evidence, document or proof by a public official potentially lies hours of applicants' time trying to contact previous doctors, landlords, employers whilst in difficult situations.

SPREAD THE WORD ON RIGHTS

Flyers and brochures in GP offices and other community spaces that may help people who have pre-settled status know if they are entitled to care.

- Use community spaces and physical locations people often go to for information, such as the Post Office, supermarkets and places of faith or grassroots organisations, to have leaflets in.

Advisor recommendations

- Reinstate Grant Funded Organisations (GFOs) to ensure that people have access to affordable, appropriate and accessible advice. People with pre-settled status may require help upgrading to settled status and people who have not yet applied require complex support.
- Increase the opportunities for additional training and resources for advisors to ensure they are confident navigating new legislation or rules that could help their clients.
- Revisit the training for DWP call agents. The inconsistency and unprofessional tone towards claimants from DWP call agents is a massive barrier.

Shared concerns across the UK

After speaking with advisors and people with lived experience, it was clear that the barriers and problems people faced could vary or be intensified depending on where they lived in the UK. Welfare justice should be accessible to all, regardless of where they live within the UK. Some nations have devolved control over welfare rights, and we focused on trying to understand what the concerns were for caseworkers and applicants in these regions.

Across the UK, people raised the following issues:

- Across the UK, advisors and organisations mentioned that the groups most likely to be impacted by the administrative barriers to support are:
 - Single mothers
 - Young adults
 - People from the Roma community
 - Elderly people
 - People with disabilities or mental health problems
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- There are intersectional problems that act as barriers to people getting support. The process of getting mainstream support can be difficult for people with disabilities and for those without digital literacy, but people who first need to secure their immigration status require complex support and assistance with both applications.
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- Waiting for security
 - While a person's application for status or support is being decided, there are few options available to ensure they have somewhere to sleep or to give immediate support for people in crisis.
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- The rhetoric and hostility towards migrants and people who need support was a shared concern throughout the UK. People may fear or mistrust governmental bodies, and this can delay them reaching out for support until they are facing destitution.
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- Lack of support for people to secure their immigration status. Often, the most straightforward route for people with pre-settled status to receive support is to upgrade to settled status. However, submitting an application requires additional advice, and smaller organisations that do not offer immigration advice cannot help.
 - The lack of advice on both immigration and welfare support means people can turn to advice sharks or to members of their community who do not have the relevant qualifications.
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- Transparency about why a decision was refused. Often, clients come for support after their claim has been closed, and it is hard for advisors to discern the reason.
 - Because the DWP system is digital only, people's claims for welfare can be closed without a full explanation of why the application was denied.

Northern Ireland: Advice Landscape

Who is in Charge?

Northern Ireland does have devolved powers over benefits, however the accessibility and types of support are the same as in England and Wales. The body that coordinates support is the Department for Communities. The [Housing Executive](#) can provide emergency support for people who are facing homelessness.

Lost in translation:

- When we spoke to caseworkers who support people in Northern Ireland one of the biggest barriers their clients have is understanding their rights. For some of their clients the confusion can come from:
 - The use of the habitual residency test to determine someone's eligibility can be easily confused with their immigration status.
 - Lack of competent translators or flexibility in how information is presented.
 - Information is only available online - this is a major barrier for people who struggle to access technology.
 - Advisors that work with the Roma Community note that 60% to 70% of their clients cannot read or write in their native language and may not know English.
 - The private firm [Capita](#) now carries out assessments for Universal Credit, Employment Support Allowance and PIP in Northern Ireland. Caseworkers raised the issue that since the expansion of the Capita contract in Northern Ireland the quality of translation and processing seems to have declined. Capita has delivered the assessment for PIP in Northern Ireland since [2016](#). In July 2026 there were concerns raised by MPs over the delivery of [Capita's delivery of Civil Service Pensions](#) - after the company failed to deliver the programme within the agreed upon timeframe.
- Advice workers and people with lived experience reflected that even people who have proficient English or are educated to a PhD level can have problems understanding the bureaucratic language used by DWP and the Home Office to explain people's entitlements.



Northern Ireland: Advice Landscape

“Lot of clients, most of them, don't understand what it is, the habitual residency test. They hear the word "residency" and associate that with the EU settlement scheme because when it translates, in Romanian and most of Eastern European languages, residency means being habitual, having settlement scheme.”

“One specific case where there was no word for arthritis in the client's language, and when the assessor from Capita asked about pains and aches and the client asked what arthritis meant, the call was terminated straight away. It is the lack of capacity, the lack of understanding, and the dialect issue combined with the complexity of the benefits system.”

“Probably 95% of my clients from this community struggle with digital access. Even if they have smartphones, they don't know how to use them. They barely know where to find the email function. One hundred percent of them do not know how to read emails, reply to them, or upload documents. It is a massive vulnerability.”

Violence towards migrants and racialised people:

Caseworkers and advice services who support people in Northern Ireland spoke about the concerns of violence towards racialised migrant groups and racialised people as a barrier for their clients.

One advisor spoke about supporting families after the Ballymena riots in June 2025 who had their homes burned down and were left without suitable accommodation.

- Those impacted by the violence were turned down for social housing accommodation because of their pre-settled status.
- People with lived experience reported increased anxiety and are apprehensive when seeking advice due to previous experience of discrimination and dismissal by public officials.

“Unfortunately, to this day people are still being pressured to leave their homes. Their homes are still being attacked and targeted – banging on doors and windows, slogans sprayed on doors, paint thrown, broken windows. Just a few days ago, I had another family of seven – mother, father, their son, his wife, and three children – who had to leave Ballymena because they were under constant, non-stop attack. Even though we reported this to the police, it seems to be ongoing.”

Northern Ireland: Advice Landscape

Capacity Issues

The availability of EUSS specific advice and immigration advice more generally is a particular barrier in Northern Ireland. The majority of the research interviews with advisors in Northern Ireland took place before the Home Office stopped funding for EUSS advice, often referred to as Grant Funded Organisations (GFO).

- Advisors were concerned that their services still received requests for support, often with complex cases and needs.
- When families or individuals need support but cannot get an appointment there is a concern that people will seek support from unscrupulous actors, often called 'advice sharks'.

An advisor told us: "My next appointment is in three months. Maybe you have a job interview tomorrow, or Universal Credit gave you two weeks to give them the share code. Will you wait for me for January? No. You'll find somebody, but that somebody might charge you."



Northern Ireland: Case Studies



HA lives in Northern Ireland and held pre-settled status when he encountered problems accessing support.

After being made redundant, HA claimed Jobseeker's Allowance without difficulty. When he needed to move onto Universal Credit, his claim was refused for failing the habitual residence test. He was shocked. He had lived in the UK continuously, worked in senior positions throughout (over 3 years in the UK) and held the documentation to prove it. HA challenged the decision himself and the refusal was overturned, but the process took weeks and placed the burden of proof entirely on him. He described how the emotional and mental demands of that administrative process take away from your ability to manage other parts of your life. HA reflected on the process as "it's all human, isn't it? Ultimately, human decisions are made, but sometimes they miss things."

HA faced a further barrier moving from pre-settled to settled status.

JDS was born in Mozambique and moved to Northern Ireland in 2007. He received pre-settled status as the family member of an EU national, his now ex-wife. After his relationship broke down, JDS faced difficulties affording his rent.

JDS felt like life kept working against him and he did not know who to trust. He reflected on the difficulties in his relationship, which left his flat vandalised; he did not feel he could call the police. JDS said as a black man, he was concerned that his side of the story would not be heard or believed. A friend recommended he seek help from the Department for Communities for support. However, JDS says going into the offices to speak with officials was one of the worst days of his life, and he has never felt so humiliated. He recalls feeling dismissed after disclosing his pre-settled status.

After providing evidence and the necessary documents, he struggled to get past the administrative barriers. Reflecting on this experience, JDS says he now fears going back to the office because of the treatment he faced, despite now holding settled status.

Northern Ireland: Aspirations

Hopes

- Ring fenced funding for Northern Ireland to meet the needs of the community.
- Simplified and transparent decision making practice from the Department for Communities so that applicants and advisors can understand the reasons an application was denied.
- For the Government and the public to see 'beyond the numbers' and see the people behind the decisions - both in welfare and in immigration.

Good Practices:

- Advisors spoke about the success of their in-person, informal sessions with community members in working with families to explain the importance of keeping evidence, documentation and applying for their children.

"I hope to humanise the process"



Scotland: Advice Landscape

Who is in Charge?

Scotland has a devolved system of welfare that is handled by Social Security Scotland. There are different benefits for non-means tested payments, like Adult Disability Payment that has been piloted to replace the Personal Independent Payment (PIP). There is the Scottish Welfare Fund which is managed by the Local Councils that is open to people facing homelessness.

Lack of Support for Rural Communities and specialised advice

- Those who live outside the major cities may not have access to the resources or level of support needed for people with pre-settled status.
- A majority of advice services are in the cities in Scotland, but those who work in the agriculture or fisheries sectors in rural areas of Scotland often did not know about available services or received bad advice about their immigration status.
- Advisers in major cities may not have experience supporting EU citizens, and training for welfare advisors may be tailored to other immigration routes. Groups are often more familiar with the process for people who can apply to have the 'No Recourse to Public Funds' condition lifted from their immigration status.

"We're no longer at the start of the EU Settlement Scheme, we're in a much more advanced stage. The easy applications that could have been made have been made, and people have some status, not everyone, but those who could get status easily have got it. When I say status, I mean any kind of status, pre-settled or settled."

"The other group worth mentioning is non-EU dependants of EU nationals, often people from ethnic minorities who struggle because they're not just ethnic minorities but also not EU citizens, which seriously complicates their situation"

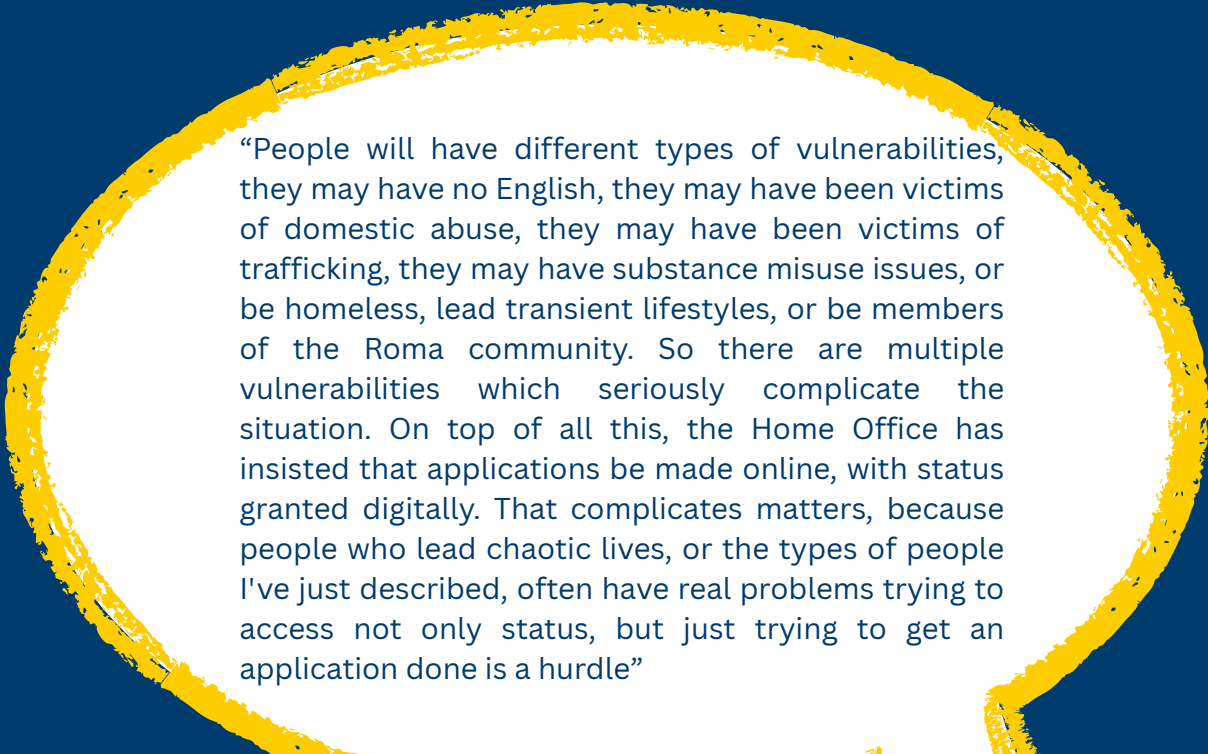


Scotland: Advice Landscape

Coordination with Home Office and DWP

The Habitual Residency Test is not the only barrier that pre-settled status holders face when accessing support.

- Those applying for non-means-tested benefits, like the Adult Disability Payment, are required to prove their immigration status. If there is an error or a problem with their eVisa due to a technical error on the part of the Home Office or because their eVisa hasn't been updated with a new identity document by the status holder, this can cause serious issues for status holders.
- Errors on an eVisa can include extensions of pre-settled status not reflecting on people's accounts. If this happens someone's pre-settled status appears to have expired and people do not have any other backup to prove their continued rights and entitlements. Some groups are not able to benefit from automated upgrade to the more secure settled status, such as children under 18 or sponsored family members, and receive extensions of pre-settled status instead
- There are people who struggle to apply on their own or prove their status under the EU Settlement Scheme and may therefore be blocked from applying for mainstream benefits. Participants noted that there is an exhaustion that comes from the seemingly endless loop of administrative tasks of applying for, proving and maintaining their immigration status and their benefits.
- Support workers noted that for people to get support from Local Authorities in Scotland, often claimants are told to first get Universal Credit, then to return for housing support. This creates a dangerous situation for pre-settled status holders who are facing destitution or already sleeping rough as they may not be able to demonstrate a qualifying right to reside.



“People will have different types of vulnerabilities, they may have no English, they may have been victims of domestic abuse, they may have been victims of trafficking, they may have substance misuse issues, or be homeless, lead transient lifestyles, or be members of the Roma community. So there are multiple vulnerabilities which seriously complicate the situation. On top of all this, the Home Office has insisted that applications be made online, with status granted digitally. That complicates matters, because people who lead chaotic lives, or the types of people I've just described, often have real problems trying to access not only status, but just trying to get an application done is a hurdle”

Scotland: Case Study

Marta is a PhD candidate studying in Scotland and has lived in the UK for six years, having established their life working and studying at their university.

Due to the COVID pandemic, Marta left the UK to return to Spain while finishing their master's degree due to the disruption caused by the pandemic. Since returning to the UK to continue their studies, Marta has faced issues proving their status to the university, as the immigration team was not familiar with the protection of pre-settled status. Pre-settled status cannot simply expire, and holders are not legally obliged to provide an expiry date to employers or other third-party checkers; however, the rules at higher education institutions are not as clear and they are usually designed with the Tier 4 Visa (or "Student visa") in mind. The university wanted official proof, often produced through a share code, that showed Marta's expiry date. However, the expiry date for pre-settled status holders is not disclosed to third-party checkers.

The problems Marta faced in proving their rights did not stop after they started their PhD. The Home Office has begun the automated process to either extend, upgrade or issue a minded to curtail notice. Pre-settled status holders rely on this process working properly to reflect their status accurately and in time.

For Marta, the insecurity of their status struck again when the most recent extension of their pre-settled status was not processed in time. To live independently as a disabled person, and to help with the financial strain that disability entails, Marta receives support from Social Security Scotland. When Marta's pre-settled status was not reflected on their eVisa, their support from Social Security Scotland was at risk of being stopped. Marta describes the experience as their status and support falling off a cliff. There was no clear path to redress the issue of the extension not being reflected, and it meant that Marta had to navigate collecting even more documentation, calling the Home Office and negotiating with Social Security Scotland over what type of proof would ensure their support was not stopped.

For Marta, in a critical moment, they could not rely on their only form of immigration proof, highlighting the insecurity that pre-settled status holders face in accessing and proving their entitlements.



Scotland: Aspirations

Hopes

- A change of narrative that ends the perception of ‘deserving’, as those who have disability and are migrants reflected the mental exhaustion of having to constantly prove their ‘value’ or contribution to society
 - Changing the rhetoric around both migration and welfare support to help break down mental barriers for people who need help.
 - Clear messaging about people’s rights and entitlements, and humanising processes, would take away the residual fear and emotional burden highlighted by participants, which stopped them from claiming the support they are entitled to.
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Good Practices

- Social Security Scotland has taken over some of the non-means tested benefits in Scotland, like Adult Disability Payment, to no longer be coordinated by DWP.
- Support agencies and people who receive support from the Adult Disability Payment reflected that on average the treatment of claimants by Social Security Scotland is done with more respect, patience and kindness than their counterparts in DWP. *“I’m really grateful for the Adult Disability Payment, ADP, which is dealt with by Social Security Scotland. It’s less punitive than the English equivalent of PIP by DWP, which is usually more focused on why you cannot work. And in Scotland, it has a more holistic perspective on how disabilities are impacting your wellbeing, daily life, and so on. It’s more in line with the Equality Act 2010”.*
 - Participants noted that the process for getting support under Adult Disability Payment was more holistic, including receiving help in how to explain their daily requirements for support.
- Advisors mentioned that the EU Settlement Scheme Vulnerability Team can act as an important bridge to support vulnerable clients to access their status and therefore also welfare support.
- Advisors mentioned that while the approach to take a more holistic look at someone’s entitlements to support is promising, there can be delays in decisions for people.

England and Wales: Advice Landscape

Who is in Charge?

Applicants for most mainstream benefits like Universal Credit (UC) and Pension Credit go through the Department for Work and Pensions (DWP). Local Councils are able to provide emergency support if people are facing homelessness or destitution.

Lack of evidence and documentation

- The burden of proof for people applying for EUSS and welfare is high and can be a barrier for people who may not have a paper, or digital, footprint in the UK.
- Advisors mentioned that their clients often do not have records of their employment, or their housing as they may live with relatives. In some cases people may not have control of their documents if they are fleeing domestic violence.
- Those who support people fleeing domestic violence noted that often clients would not have access to their identity documents. While advisors were able to work with the EUSS vulnerability team to sometimes get someone a grant of status in this situation, the same cannot be said when the client returns with problems accessing welfare.
- Advisors who support people in the Roma community reflected that during the initial rollout of the EU Settlement Scheme, organisations were focused on getting any status for their clients. Often this would be pre-settled due to the lack of documentation people held, even if they had been in the UK for more than five years. At the time the consequence of this was not clear to advisors i.e. that people with pre-settled status could face increased difficulty accessing support. In fact, when the EUSS was first rolled out, pre-settled status did count as a right to reside for benefits purposes. The government introduced regulations to reverse this in July 2019 - see [the3million briefing](#).

England and Wales: Advice Landscape

Training and Awareness for Advisors

Across the UK a concern that was shared among advisors is keeping up with the changes to legislation or rules regarding the rights of EU citizens and their family members. Advisors in England note that the cases they are handling are increasingly complex.

- Government policy on the rights of EU citizens accessing benefits can be changed through legislation or guidance. This does not mean that all decision makers will be aware or enact the rules correctly.
- Advisors who support EU citizens and their family members with welfare were concerned about the ability to continue to stay abreast/ up to date with the changes rolled out for EUSS holders and that it is especially difficult to know the best way to support clients for welfare support.
- People supporting those denied access to welfare stated they struggled to know the proper mechanism to redress decisions made by DWP.

“ People with serious health conditions, those experiencing abuse, those facing labour exploitation, should in principle be eligible. But the rules remain unclear. The pre-settled status decision letter tells people they have the right to reside in the UK and are eligible for public funds, and then when they go to claim they are refused because they do not have indefinite leave to remain. This creates enormous confusion. Some people with pre-settled status are eligible, others are not, and in communities like the Roma community people simply do not know what to do.”



England and Wales: Case Study

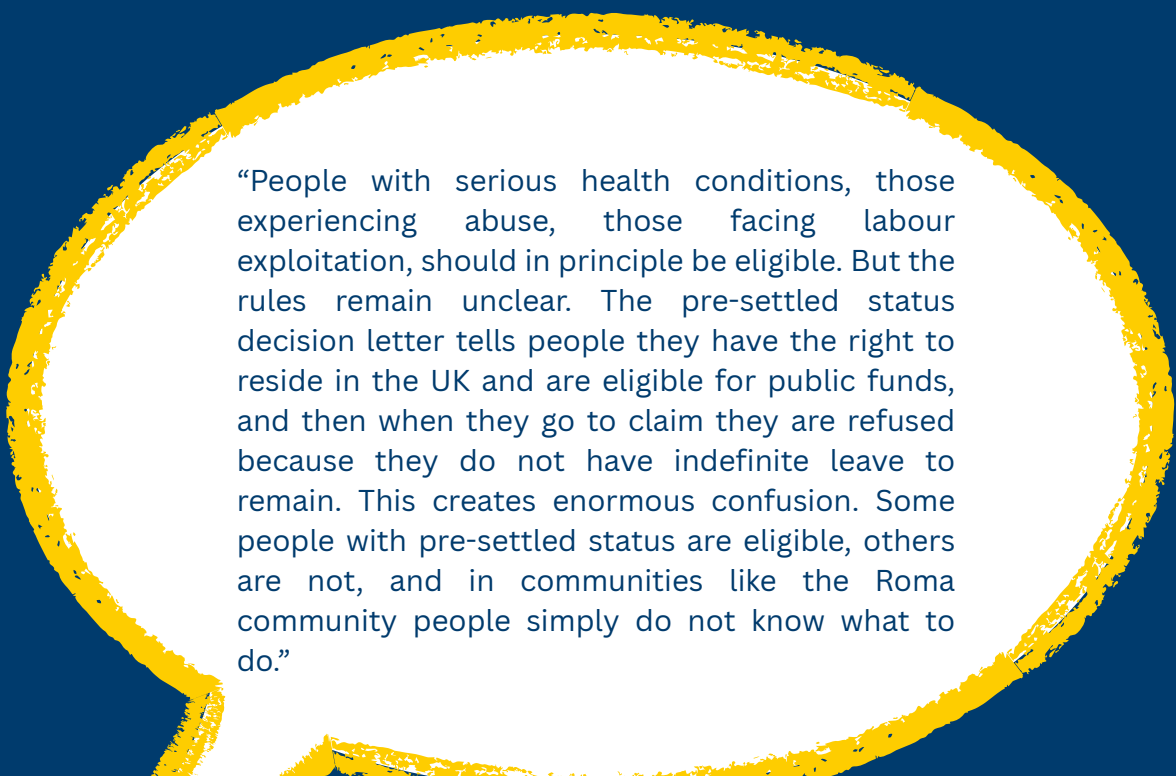


CB moved to the UK in 2022 from Poland with her child to join her now ex-husband and was granted pre-settled status. CB works as a researcher in Computer Science, and also as an educator and interpreter in higher education in the north of England. Due to her pre-settled status and reliance on her ex-husband as her sponsor, CB faced extreme hardship after their relationship broke down due to domestic abuse and coercion and she could not independently access support. CB had to get support in receiving Migrant Victims of Domestic Abuse Concession (MVDAC) to get temporary protections and overcome the barrier of her not having a qualifying right to reside.

At the time CB needed support to leave her relationship, she was working part-time and finishing her PhD. Although she met the means-testing requirements for Universal Credit, she was considered ineligible because her ex-husband was not working, which barred her from mainstream support.

Without mainstream support, CB was caught in a "catch-22": she was working but not earning enough to secure private accommodation for herself and her son, and was facing destitution. Out of safety concerns, she and her son were moved into a refuge, with the support of a charity. However she reflects on this time as extremely stressful, due to the lack of safeguarding protocols, and accommodation that was unsuitable for those seeking protection.

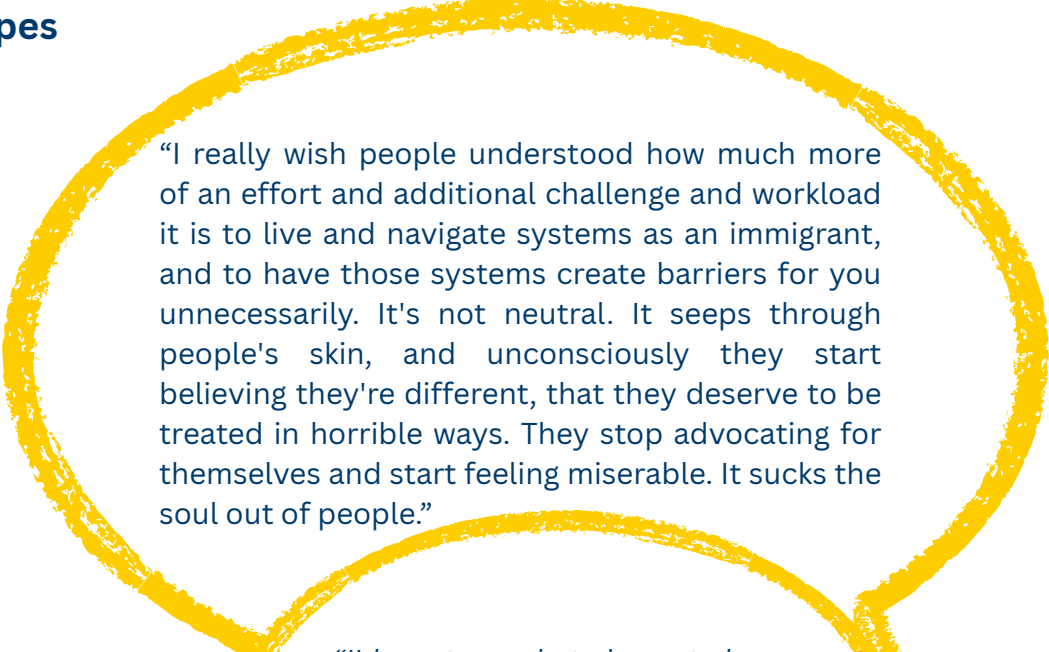
CB reflects that people can be stuck for years if they "do not speak the language" of the rigid system and do not know where to find support. After years of stress and uninhabitable accommodation, CB developed serious medical issues that left her hospitalised. When she was finally able to meet people who could help her advocate for herself and her rights, she was able to stabilise her living situation and her health. From her difficulties accessing support, CB is now using her research and computer science skills to develop technology to help people know their rights.



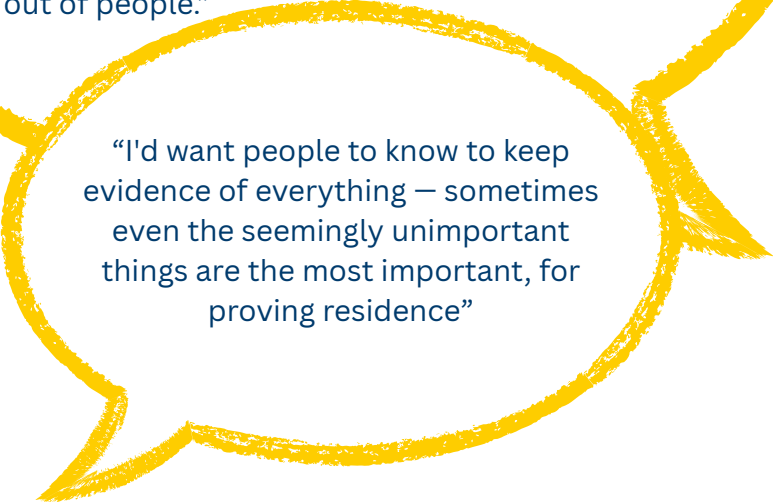
“People with serious health conditions, those experiencing abuse, those facing labour exploitation, should in principle be eligible. But the rules remain unclear. The pre-settled status decision letter tells people they have the right to reside in the UK and are eligible for public funds, and then when they go to claim they are refused because they do not have indefinite leave to remain. This creates enormous confusion. Some people with pre-settled status are eligible, others are not, and in communities like the Roma community people simply do not know what to do.”

England and Wales: Aspirations

Hopes



“I really wish people understood how much more of an effort and additional challenge and workload it is to live and navigate systems as an immigrant, and to have those systems create barriers for you unnecessarily. It's not neutral. It seeps through people's skin, and unconsciously they start believing they're different, that they deserve to be treated in horrible ways. They stop advocating for themselves and start feeling miserable. It sucks the soul out of people.”



“I'd want people to know to keep evidence of everything – sometimes even the seemingly unimportant things are the most important, for proving residence”

Good Practices

- **Finding a Champion -**
 - People reflected that often their ability to receive support came when they found someone to help advocate and champion their case. One person mentioned that the Citizens Advice [Help to Claim Line](#) helped him feel confident in his eligibility for support. Others spoke about groups like the AIRE Centre or people at local authorities that helped them navigate the system.
- **EUSS Vulnerability team**
 - Advisors mentioned that they were able to get their clients status with the Home Office team and have a variety of documentation accepted but this same relationship does not help when it comes to DWP claims.

Legal Explainers

Legal Explainer:

the 3 million have sought legal change for pre-settled status holders, through interventions in legal challenges, by arguing EU citizens and their family members with pre-settled status automatically satisfy the Right to Reside test by virtue of their pre-settled status (as was the case before July 2019).

The AT case took years to settle and involved CPAG who acted for the claimant, and the AIRE Centre and the Independent Monitoring Authority (IMA) who intervened.

- A significant victory for third country nationals, who are or were family members of an EU citizen, was delivered through the SSWP v AT case that found it was unlawful to deny someone who did not have the right to reside support if they were facing destitution.
- From this legal verdict both EU citizens and their family members with pre-settled status who are unable to work and who are facing destitution should be able to get support even if they do not have a qualifying right to reside

In practice, changes in legislation do not mean guaranteed better support for people who are facing destitution. When people seek help from local councils, they are often refused support when they disclose their immigration status.

Legal Explainer:

There is a route for people who hold pre-settled status and are facing domestic violence or their relationship broke down to domestic violence.

People with pre-settled status, and other spousal or dependent routes, are able to apply for Migrant Victims Domestic Abuse Concession (MVDAC) through the Home Office to provide temporary protection and leave in the UK.

If someone has pre-settled status and is granted MVDAC they are able to apply for mainstream welfare support. This concession is a needed protection for those who are fleeing domestic abuse but is an additional administrative barrier for people who are in need of immediate support.

Changing legislation to remove the additional ‘right to reside’ requirement for pre-settled status holders is the first step to ensuring EU citizens and their family members can live with dignity.

Barriers for pre-settled status holders can happen before they ever make an application for support. Case law, such as *SSWP v AT* [2022], provides some limited legal protections for EU citizens and their family members to live in dignity. The challenge with legislative change is the application of the rules must be applied correctly by individual caseworkers.

Our research found that overwhelmingly what needs to change is the attitude, rhetoric and approach to people seeking support. One of the greatest barriers for people to access their rights is understanding the language used by government officials. This impacts people even if they are confident in English.

Welfare justice would mean that everyone who needs support can be heard and helped before they are forced into destitution. Pre-settled status holders are not the only people who struggle to access support they are entitled to, but their experience shows what those barriers do. People with EUSS status fall outside the proposed Earned Settlement changes. However, the precedent of making people wait longer for settlement because they claimed welfare support sends a clear signal to anyone facing a crisis: seeking help carries a cost. The administrative barriers documented in this report are a preview of the harm that would follow if secure status moved further out of reach.

On paper the rights and entitlements for pre-settled status holders may seem similar to those of settled status. It is when people are facing a crisis or financial insecurity that the gaps of their rights begin to show. People who struggled with getting support in a time of crisis noted that they postponed having more children or other major life choices until they received settled status.

Conclusion

Acknowledgments

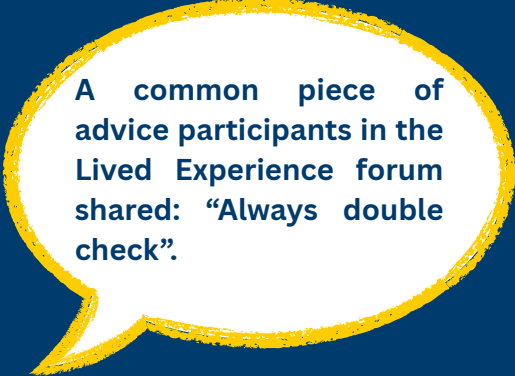


We would like to thank our participants with lived experience of facing barriers accessing welfare support for sharing their stories that have shaped this research. We would also like to thank the caseworkers who used their valuable time to speak to us about the issues they see clients experience. We could not have done this without:

- Belfast Intercultural Romanian Community
- Child Poverty Action Group
- Citizens Rights Project Scotland
- Clifton Learning Partnership
- Eastern European Resource Centre
- Edinburgh Advice Network
- Europaia
- Hanseatic Union
- Inter Ethnic Forum
- Migrant Centre Northern Ireland
- Roma Support Hub
- Settled

Resource Hub

We asked the participants from our Lived Experience what groups, tools and advice they would pass along to people facing problems accessing welfare.



A common piece of advice participants in the Lived Experience forum shared: "Always double check".

UK Wide:

- AIRE Centre - <https://www.airecentre.org/>
- Contacting your local Law Centre - <https://www.lawcentres.org.uk/>
- Women Aid - <https://womensaid.org.uk/information-support/>

Northern Ireland:

- Belfast - Society of St Vincent Paul - <https://www.svp.ie/northern-ireland/>
- STEP NI - <https://www.step.org/branches/step-northern-ireland>

England/Wales:

- Changing Lives - <https://changing-lives.org.uk/find-support/>

Scotland

- Local Poverty groups - <https://www.povertyalliance.org/about-us/our-members/>

For Advisors:

- Elearning guide from CPAG - <https://elearning.cpag.org.uk/enrol/index.php?id=1448>
- Note on SSHD v AT - <https://cpag.org.uk/sites/default/files/2026-01/16-01-2026-CPAG-note.pdf>
- Note on MVDAC - <https://www.gov.uk/government/publications/victims-of-domestic-violence/migrant-victims-of-domestic-abuse-concession-accessible>
- Link to multiple immigration status - <https://www.gov.uk/guidance/prove-pre-settled-status-if-you-have-another-uk-immigration-status>

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About the3million

the3million represents EU citizens and their family members who made the UK their home before Brexit.

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