

SUBMISSION TO THE INDEPENDENT CHIEF INSPECTOR OF BORDERS AND IMMIGRATION

A FURTHER INSPECTION OF THE EU SETTLEMENT SCHEME (EUSS)

WRITTEN EVIDENCE SUBMITTED BY ROMA SUPPORT GROUP (RSG)

Roma Support Group was the first and is the largest Roma Charity in the UK. RSG has nearly 22 years' experience supporting Roma communities settling and living in the UK. Ever since it was established, one of RSG's main concerns was related to the immigration status of Roma in the UK. We have supported members of our community going through the Asylum Seeking process whilst they were escaping former communist regimes, we have regulated their status once their countries of origin joined the EU, and we are supporting them through Brexit and the EUSS process today.

Summary

This submission will cover:

- A. Pre-EUSS background and issues raised
 - Only 3% of Roma are able to complete an EUSS application completely independently.
 - About a third of all Roma applicants under the PB2 phase required further EUSS support when asked to provide additional evidence.
 - The EUSS information available is not accessible to Roma communities.
- B. The main issues experienced by Roma communities going through the EUSS process
 - Limited access to information and support.
 - Many Roma women applying for Pre-Settled Status even though they are eligible for Settled Status.
 - 10-15% of Roma do not possess valid identity documents.
 - 15-25% of Roma children are not making applications.
 - The majority of rough sleeping Roma are not making applications.
 - Digital status is not working and is not accessible.
- C. Main issues experienced by organisations providing EUSS support to Roma communities
 - Limited resources.
 - Difficulties accessing the Home Office (HO) funding.
 - Limited access to support for those with complex cases.
- D. Gaps and positive examples
 - What is missing.
 - What is working.

A. Pre-EUSS background and issues raised

RSG was one of the charities invited by the Home Office to participate in the EUSS testing trials, more specifically, the Private Beta 2 (PB2) phase that looked at vulnerable groups¹. Between November and December 2018, RSG supported 69 Roma community members to go through the EUSS process. The main issues encountered in the PB2 phase are listed below and were raised in a report produced by RSG.²

1. Digital exclusion, language barriers and lack of IT skills prevent Roma from making EUSS applications without support.

RSG asked all 69 beneficiaries going through PB2 to make their applications on their own. Only 3% had the knowledge, equipment, skills and confidence to do that. 5 beneficiaries could not make applications at all, even with support being provided.

2. The EUSS is designed to automatically check for records that can confirm an applicant's residence in the UK. A third of PB2 EUSS applicants were required to provide additional evidence.

Applicants who had employment records, pensioners, and mothers looking for children faced issues under the automatic records checks. This confirmed that at least a third of applicants (excluding complex cases) would require additional support when making applications. This additional support could have included identifying the right evidence and scanning and uploading evidence. This raised concerns regarding the capacity and resources that Roma charities possessed to provide EUSS support to Roma and meet their needs adequately.

3. The EU Settlement Scheme works for the Roma community as long as appropriate resources and support are in place.

The PB2 testing trial showed that the EUSS can be an effective procedure for the Roma community. RSG was able to provide support in 3 different languages and had the manpower, tools, knowledge and skills to provide language and IT support to EUSS applicants. All 64 applicants that did submit an application during PB2 were granted status. Only 1 applicant was initially granted the wrong status but that was later rectified.

B. Main issues experienced by Roma communities going through the EUSS process

Since the EUSS was launched in March 2019, RSG has worked closely with organisations providing support to Roma across the UK. This engagement included networking with 30 organisations that have direct interests regarding Roma and the EUSS process. This networking drew on the expertise and experience of 6 organisations, including RSG, that have provided EUSS support to over 7000 Roma. The information collected is available through the "Brexit, EU Settlement Scheme and the

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772139/EU_Settlement_Scheme_Private_Beta_2_Report.pdf

² https://drive.google.com/file/d/1c_Yvx_S10Zc2UgE8z8Ql4chvscWBHRRS/view

Roma communities in the UK”³ report that RSG released in June 2020. The report addressed the following main issues:

4. The Home Office (HO) EUSS communication strategy is not reaching those facing language barriers and digital exclusion such as Roma

The HO EUSS communication strategy is mainly focused on delivering information through social media platforms, tv and radio adverts. Communities such as Roma are less likely to be consumers of UK media and generally prefer media from their countries of origin. This is mainly due to language barriers. Additionally, many Roma work long hours, and therefore their consumption of all media is very low, whether or not it derives from the UK or from their country of origin. Social media platforms such as Facebook are used by Roma, but their usage is lower than the national average. We have seen the vast majority of Roma using sources of information on social media which are accessible to them, such as videos in the language of their country of origin. The majority of Roma we have engaged with told us that they heard about Brexit from news sources from their country of origin or from friends. Very few were able to give further details, for example, information about Brexit day and the transition period. Very few were aware of the existence of a new immigration system called the EU Settlement Scheme. Even less knew details about it, including the information that it is an online application or that it is free. Very few reported that they had heard about the EUSS from their workplaces or from the schools of their children.

5. Roma women applying for Pre-Settled Status

During the PB2 process we saw that about a third of those making EUSS applications were required to provide additional information. Since the EUSS was launched in March 2019, we have seen that the section of the Roma community most affected by this hurdle are Roma women. In many cases they have gaps in their employment history, often coinciding with periods when they have stayed at home to look after children.. Some have no history of employment altogether. This can be due to them having larger families and having to stay at home more often as a result. Large numbers of Roma work in low paid jobs, and culturally, Roma mothers often prefer to look after their children themselves. This means that Roma are not likely to rely on childcare providers. It is therefore common for Roma mothers to stay at home beyond their maternity period. This affects their EUSS residence records. When making EUSS applications, and when asked to provide additional evidence, many Roma, especially women, tend to pursue the lesser Pre-Settled Status for fear of being refused the full Settled Status, even though they are eligible.

One charity reported that 90% of the Roma women they supported who were asked to provide additional evidence applied for Pre-Settled Status despite the fact that they had lived in the UK for more than 5 years. RSG believes that the issue stands with the support provided by organisations. Working with such cases requires extra time and resources, and in many cases requires advice from qualified professionals such as immigration solicitor. This has proved to be challenging for many., This is firstly because organisations assisting with the EUSS process had huge numbers of people

seeking support, and secondly because immigration solicitors could only offer limited support and there are not many available.

6. 10-15% of Roma not possessing valid identity documents

Between March 2019 and March 2020, Roma Support Group provided information and support to around 2600 Roma through EUSS Information Sessions, EUSS support workshops delivered in schools or churches, and the RSG EUSS project (funded by the HO). Each month, and during each organised event, we met people that possessed no valid ID document and therefore were not able to make an application at that time. Clients reported difficulties in obtaining new ID documents. These ranged from administrative issues, a lack of any means to pay for a new document or an inability to travel to their country of origin. The main issues raised were difficulties with booking an appointment at the embassy of their country of origin or difficulties in travelling to London. By the end of February 2020, embassies such as the Embassy of Slovakia had a 3-4 month waiting list. By the end of February 2020, the RSG EUSS project recorded a waiting list of 31% of the total clients they had engaged with. The majority of those placed on waiting lists had issues with their ID documents.

7. 10-25% of Roma children are not making applications

Due to a lack of accessible information, many Roma parents believe their children are not expected to make EUSS applications. This is typically because their children were either born in the UK or came to the UK during early childhood. Additionally, many of these children do not possess valid ID documents. Many EU countries, including those in Eastern Europe where many Roma migrants originate from, require both parents to be present and possessing a valid ID when making an application for their child's ID or passport. In some cases, parents encounter issues with their own ID documents when seeking to make applications for their children.

Case study:

S attended one of the EUSS workshops facilitated by RSG and requested support to make an EUSS application. S arrived in the UK in 1998 seeking asylum. She is a mother of six children and four of them were born in the UK. She had no ID documents at the time of her arrival to the UK but her partner, P had a valid passport. They were granted Indefinite Leave to Remain (ILR) but S's name was not included in the ILR letter. A while ago, S obtained her birth certificate and later on she and P got married. They continue to live together, but S still does not possess an ID and all their children possess only birth certificates. Because S does not have a valid ID, the family cannot obtain ID documents for their children as their embassy requires both parents to have valid IDs when applying for their children's IDs. S has contacted authorities in her country of origin regarding her ID but was unsuccessful in obtaining it. Because she does not possess any ID, she cannot travel to her country of origin. Two of her children are now adults and they face the same situation. They also tried to apply for British passports but were unsuccessful.

8. Rough sleepers not making applications

The majority of Roma rough sleepers in London are originally from Romania. The vast majority of them possess only a National ID card. The Romanian National ID cards do not have a readable chip.

This means that they cannot be used with the EUSS Identity Document Check App and such applicants have to send their ID to the HO in order for their identity to be checked. Being regularly stopped and checked by Police, rough sleeping Roma are not willing to send their ID document to the HO because they fear this will make them vulnerable in front of Police and subject to detention. In 2018 and 2019, RSG and Public Interest Law Centre carried out outreach activities and met nearly 300 Roma sleeping rough in London. In 2018, the majority seemed interested in making EUSS applications. In 2019, this interest had shifted, with many fearful and sharing a common message that “the HO wants to identify and deport them.” All those who RSG supported to make EUSS applications have done so because they were offered work opportunities.

9. Awareness, understanding and use of Digital Status

The HO attributes importance to moving towards a digital world and is proud to pioneer world-class digital technology in the form of the EUSS digital status system. However, we believe that whilst launching such an initiative, the same enthusiasm was not applied to the act of raising awareness amongst communities and providing additional support to those struggling to understand the process and how to use the systems involved. Roma communities across the UK are frequently not aware of the existence of digital status. Once they are told about it, they often find it very difficult to understand it. Even beyond grasping it as an abstract concept, Roma are facing major issues when trying to access and use digital status.

Case study:

L is a mother of 2. Her husband died of COVID-19 in April 2020. Each member of L’s family has made an EUSS application and was granted status. 2 weeks after her husband died, L received a letter informing her that the benefits she received were being cancelled. L tried to make a universal credit application. When doing that she was asked to share details of her status in the UK. All of the details relating to her and her family’s involvement with the EUSS had been held by her husband. This made it impossible for L to identify the details needed to access her digital status. Because she could not share her EUSS details with DWP, L’s universal credit application was declined.

N is a single mother of 1. In 2019 She made a EUSS application with support from a unknown third party. In June 2020 N asked for support from a local charity as she was affected by Covid 19. When asked if she is aware of her digital status N said: “this is the first time I hear of something like this? What is this digital thing? Should I supposed to have it with me? [...] I barely know how to use my phone in my own language, how am I supposed to use this digital thing?”

Similar stories are often observed. Due to the limited support available, many Roma make EUSS applications with help from unknown third parties. In order to complete as many applications as possible in a short space of time, the third parties involved often use their own email addresses and/or telephone numbers when making applications on behalf of clients. Many Roma in such cases have lost contact with these third party administrators, and therefore are not able to access their digital status if needed.

C. The main issues experienced by organisations providing EUSS support to Roma communities

The HO announced £9 million worth of funding for charities looking to provide EUSS support to Roma. 57 lead organisations have been granted funding under the program. On different occasions, the HO has stated that many of these grant funded organisations have requested and received funding to support Roma communities. We have seen increased interest from the charity sector to provide support to Roma. However, we have seen that most of them have not designed or resourced their projects to cater to the specific needs of Roma. This means that they either:

a) Reached a limited number of Roma or

b) Relied entirely on Roma champions, activists or organisations to reach the Roma community.

10. A Lack of support, or limited support available in the traditional Roma or Roma-supporting charity sector.

In the UK there are very few Roma-led charities. Many have limited capacity and do not meet the criteria to receive funding grants, such as that provided by the HO. Furthermore, there are only a handful of charities that have a historical engagement with Roma communities. Very few Roma-led or Roma supporting charities benefitted from the HO funding or other resources needed to carry out EUSS support. It is of critical importance for Roma communities that these organisations are involved in the EUSS process. These groups have invested a lot of time and resources into building trust with the community. Their involvement in the EUSS process so far has proved to be essential in the areas in which they operate. Many of the organisations funded by the HO to provide support to Roma soon found it difficult to engage with the community through the usual routes (social media campaigns, public meetings, etc.) This meant that organisations that had established engagement with Roma communities have seen increased demand for assistance from the HO funded organisations. In most cases, this increased demand for assistance was not resourced correspondingly. This has put pressure on Roma-led and Roma-supporting organisations. Without additional resources, they are struggling to meet their increased workload.

11. Engaging with Roma communities directly.

Many of the organisations funded by the HO to provide support to Roma reported difficulties reaching out to Roma directly. This occurred mainly because they have not invested enough time and resources into building relationships with trusted organisations or trusted members of the community.

D. Gaps and positive examples

As confirmed during the PB2 trial, the EUSS is a suitable programme for Roma so long as appropriate resources are in place. The majority of Roma possess the evidence needed to support their application and entitle them to either Pre-Settled Status or Settled Status. However, there are still many who are not aware of the scheme and large numbers who are not able to submit an application without support. There are some sections of the Roma community that the communication strategies of the HO and charities are not reaching. This includes:

- Those who work long hours.
- Those who do not engage with charities.
- Those who do not get mainstream media updates.
- Those who are sleeping rough.
- Those in informal work.
- Dependents of Indefinite Leave to Remain holders (who are also EU citizens).

12. A lack of access to information

Although it has been more than one year since the EUSS was launched, we are still meeting Roma who are not aware of the EUSS. The charity sector across the UK is making great efforts to develop materials and resources that are accessible to those who are illiterate, those with low levels of English and those facing digital exclusion. There is very limited engagement with the EUSS process between employers or work providers and their staff. We have observed confusion and the exchange of misinformation in these environments because employers themselves are not informed about the process and its requirements. We have also observed a similar situation in schools. These stakeholders could be essential to covering gaps in information. It is important that engagement with the EUSS process takes place at the local level.. Many Roma parents have issues communicating in English, both in writing and verbally.. It is important that schools research the best ways to engage with such parents.

13. A lack of support for those in “hard to reach” groups

For the past year, Roma-led charities and Roma-supporting charities have been overwhelmed by requests for EUSS support from Roma communities. As mentioned, many of these organisations have very limited resources to carry out this work. This has limited the reach of these organisations and means that some vulnerable groups have not been attended to in outreach programmes. These groups include:

- Those working in informal or non-regulated workplaces such as car washes.
- Rough sleepers.
- Occasional workers (i.e. individuals waiting to be picked up for work in front of DIY shops).

14. Dependants of Indefinite Leave to Remain (ILR) holders

The first wave of Roma that came to the UK were those escaping former communist regimes in Eastern Europe. Many settled in the UK as asylum seekers and were granted ILR. They requested ILR at the time of their arrival because their countries of origin had not yet joined the European Union. RSG is aware of around 3000 families linked to individuals that were granted ILR. Following their arrival in the UK, many Roma had children. Frequently, children were mentioned as dependents on the ILR letters of their parents and did not receive ILR letters of their own. From our experience in supporting clients who were dependents of their parents, we have seen that authorities often do not accept letters that list them as dependents when trying to access support. Dependents are therefore not treated in the same way as ILR holders. Dependents believe they are full ILR holders and many are hesitant to make EUSS applications. . Additionally,, many dependents now have children of their

own who are entitled to British citizenship. Dependents need to receive ILR letters in their own name and their children need to be provided with the opportunity to apply for British passports. Without letters in their own name, dependents would need to make EUSS applications. The HO needs to ensure that all dependents of ILR holders are aware of this and are guided through this process. However, this not the desirable option because it could put the citizenship of their children at risk. The EUSS regulations state that only children born after their parents are granted status are British by birth. To prevent the children of dependents from losing their right to citizenship, their parents need to receive ILR letters in their own name.

Case study

R is a 28 years old Roma lady. She came in the UK with her parents and brothers when she was 4 years old. Her parents were granted ILR and R was mentioned as dependent child on parent's letter. In 2019 R had to make a Universal Credit application. Her application was declined as based on the ILR letter she submitted to confirm her status (her parent's letter) she had no status in the UK. With support from a charity R was able to overturn the decision in court. R recalls that waiting for the court's decision was a nightmare for her and she hopes she will never have to go through that again. In July 2020, R made a EUSS application but she said: "I would have preferred to keep my ILR status and to have a ILR letter of my own, with my own name, but I am very worried about what is going on so I decided to apply for the EUSS. But my other brothers don't want to do that. "

15. Positive examples

The best examples of successful collaborations are those that included enough time and resources for Roma-led or Roma supporting charities to be able to support their clients. . One example is that of the charity organisation New Europeans. They have initiated engagement with the Roma communities in London since 2017 and subsequently in other parts of the country. New Europeans (NE) has allocated time to identify the best ways of engaging with Roma charities and their clients by meeting staff and discussing how to carry out activities. NE has provided tools and financial resources to the charities to develop and translate materials needed for EUSS support. NE has also resourced the interpreting services needed.

Another example is that of Sheffield Council's community engagement department. The department has understood the need to develop a trust relationship with Sheffield's Roma population and increase positive engagement. The council has made funding available to Darnall Wellbeing, a local charity organisation, so that it can provide effective EUSS support. While the service was open to all EU citizens, the council has made it clear that the focus is on Roma communities. The council has also engaged with local Roma activists to ensure that community members will engage with the project. Hundreds of Roma have been supported successfully. Darnall Wellbeing has reported that the trust relationship developed through the EUSS service has ensured positive engagement with the community during the COVID-19 lockdown.

Engaging directly with Roma communities:

Though there are small numbers of Roma activists across the UK, we have encountered many Roma individuals who are proactive in supporting their communities, including Roma church leaders. We

have also met Roma in professional roles, especially those working in schools. The best and most efficient way to engage directly with Roma communities is through a trusted individual. Roma church leaders and those working in schools are often amongst the most trusted members of their communities. Engaging with these individuals is likely to be essential to successful engagement with the community.. In doing so, organisations need to take into consideration the availability and resources of these individuals. The best example comes from Ipswich. Here, three organisations seeking to provide EUSS support to Roma have engaged with the local Roma church. They have contacted the church leader through a trusted individual. They have also made language support and translated materials available. The groups have offered to cover venue hire costs and remunerated a community member for his time in helping with the organisation and running of an EUSS event. Over 250 Roma attended this event and over 130 successfully made EUSS applications.

Regarding the engagement of schools, the only successful examples are from schools that employ Roma or EU staff. In 2019, RSG emailed over 400 schools in London that had Gypsy/Roma children on their roll to offer EUSS support. Only 4 sessions were organised, attended by 6 people. Comparatively, when RSG worked with schools that employed Roma or EU staff, 11 sessions were organised attended by over 350 people, the majority of them Roma. We have concluded that in general, schools have very limited knowledge and understanding of the EUSS. One teacher we engaged with stated: *“Thanks very much for this session. I was not aware of the EUSS process and its requirements. This is very serious, and it is now clear to me that this is something we have to put more effort into. I am concerned there are many who still don’t know about it and many who got it wrong.”*

Conclusions

- a) *The Digital Status system does not work for the Roma community. The option to have a physical document issued for those experiencing difficulties would ease the pressure on the public services and would avoid such people going through difficult situations*
- b) *More resources need to reach the organisations that are supporting Roma communities across the UK who have recorded huge demands for EUSS support from community members but also have increased demands of collaboration from other organisations or public services*
- c) *Local authorities, schools and employers need to increase their efforts to inform their communities on the need to make EUSS applications and the support available*
- d) *Home Office should ensure that the next round of EUSS related funding will reach the Roma community as well*
- e) *More clarity and support is needed for those not making applications yet, such as children, those with criminal records, rough sleepers*