

## **the3million submission to Home Affairs Committee call for evidence Home Office preparedness for Covid-19 (Coronavirus)**

20 April 2020

### **Background**

**the3million** is the largest campaign organisation for EU citizens, formed after the 2016 referendum to protect the rights of people who have made the UK their home. We have campaigned extensively in Brussels and Westminster to ensure that people are able to live their lives as usual beyond 2020, and have presented evidence to the Home Affairs Committee on several occasions regarding Home Office preparations for Brexit.

We make these submissions in response to the Home Affairs Committee's request for questions/evidence relating to the Covid-19 pandemic. We hope you will put our questions and concerns about the current and potential issues to the Home Office to clarify their current policies and procedures.

We submit our evidence under the following terms of reference:

- How the Home Office and its major contractors are working together to ensure the safe and effective operation of contracted services is maintained, particularly where these services affect vulnerable people;
- The effectiveness of Home Office communications to its partners, responders and the wider public about its preparations.

### **Evidence summary and note on this second submission**

Our evidence is informed by the experiences of EU citizens and their family members, and concerns people have raised with us during the pandemic. Key areas are:

- Impact of the Hostile Environment on EU citizens and family members during the Covid-19 pandemic
- Administration of the EU Settlement Scheme
- Returns from abroad and border controls

We submitted evidence on 25 March 2020, before the deadline for evidence was extended to 21 April 2020. We have therefore made some additions to our previous submission, as follows:

Added three further areas of concern:

- Closure of registry offices
- Visitors and access to NHS healthcare
- Administration of British naturalisation applicants

Added an Appendix of Case Studies – and referenced the relevant sections of the Appendix in the main text. Although the main submission is within the recommended 3,000 word limit, the Appendix means this limit is exceeded.

## **How will the Hostile Environment affect EU citizens during the Covid-19 pandemic**

### **Financial support package for EU Citizens**

We have concerns about how EU citizens will be able to navigate the Hostile Environment in these unprecedented times. How will those who lose jobs and become at risk of losing their homes be supported? When will the government measures be in place regarding support for business and guaranteed payment of up to 80% of salaries - for how long, and will all EU citizen employees be eligible for that support?

### **Access to social security and other support**

This is particularly pertinent for those who are newly applying for welfare, social security and housing support in their communities. Travel restrictions are now in place to most EU countries, so returning home may not be an option in the short term.

At present EU citizens have to satisfy the habitual residence test for Universal Credit, other benefits and housing support. This habitual residence test includes proving a right to reside. Being British, having indefinite leave to remain, or having settled status under the EU settlement scheme are some examples of a right to reside. Pre-settled status does not count as a right to reside, so EU citizens with pre-settled status instead need to undergo an assessment of their economic activity. Given that over 40% who applied to the settlement scheme received pre-settled status / limited leave to remain, they will continue to need to show that they are economically active (exercising treaty rights in accordance with EU law) to qualify for benefits and support.

Please note that **the3million** has written to the Home Secretary and the Work and Pensions Secretary on 19 April 2020, in which we explain that our understanding is that the UK Government is not treating citizens who are granted pre-Settled Status via the EU Settlement Scheme equally to British nationals – which is specifically the case with eligibility for Universal Credit. We argue this is an unlawful interpretation of UK Government's obligations under the Withdrawal Agreement. Will EU citizens have access to Universal Credit on an equal footing with British citizens?

Our letter is available to read at [http://www.t3m.org.uk/t3m\\_letter\\_HO\\_WA\\_PreSettledStatus](http://www.t3m.org.uk/t3m_letter_HO_WA_PreSettledStatus), and the European Commission's letter at [http://www.t3m.org.uk/EC\\_reply\\_t3m\\_WAPersonalScope](http://www.t3m.org.uk/EC_reply_t3m_WAPersonalScope) concludes with "All EU citizens who are granted (pre-)settled status by the United Kingdom in implementation of Article 18(1) of the Withdrawal Agreement are beneficiaries of citizens' rights part of the Withdrawal Agreement and can thus rely on the rights provided for in Part Two of the Withdrawal Agreement."

***[See Appendix A-1, case studies 1-6]***

## **The Right to Rent / work checks**

We have concerns about how the Home Office intends to operate the right to work and rent procedure during this time. There are and will continue to be large numbers of people facing the risk of losing their job and home and seeking to enter new employment or rentals. Will the Home Office continue to require employers and landlords to undertake right to work or rent checks during this time, and for how long?

## **Foreign nationals in detention**

Cases are being reported of people detained with the Covid-19 virus and there appears to be no clear policy on how the Government intends to manage this. Given that a lot of those in detention cannot be removed, how is the Home Office addressing the blanket issue of a lack of imminent removal?

With this in mind, “assisted returns” from the UK are not currently available, though the Home Office is offering help on an individual basis<sup>1</sup>. What help will be offered to people who want to return to their home country, where travel is possible?

## **Administration of the EU Settlement Scheme**

Self-isolation, illness and social distancing will impact on the ability of EU citizens to apply and get help. Scanning centres and the resolution centre are closing, and charities with funding can no longer give face to face support. There is less access to legal advice and potentially fewer numbers of HO staff to process and support applications. All this will lead to further delays in the ability of the Home Office to process EUSS applications.

What strategies are in place to ensure that those who need to apply will and do so before the deadline (June 2021)? What assessments are in place to establish when it will be appropriate to extend the grace period and how will that assessment be made?

We understand the EUSS resolution centre has been closed since the last week of March and will remain closed until further notice. Can you confirm this is the case, what measures have been put in place to support those applying, and whether these will be extended if the resolution centre is closed for an extended period?

Face to face support will be mostly unavailable - as an example, Settled (an organisation working as part of a funded by the Home Office funded consortium to provide support to vulnerable and hard to reach EU citizens applying to the EUSS) has taken a number of measures to comply with Government advice and is having to pause outreach activities, including:

1. Cancelled all physical outreach events planned for the remainder of the month until further notice, with future events under review;
2. Moved all advice and guidance for EU citizens to telephone and online support;

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<sup>1</sup> <https://www.gov.uk/return-home-voluntarily/who-can-get-help>

3. Changed all volunteer training sessions to video meetings to avoid the physical presence of trainers and volunteers.

The Home Office has confirmed limited continued funding to the 57 organisations providing support for vulnerable and hard to reach EU citizens for the period from April to June of this year, but has not confirmed the level of funding or the expectations on delivery against this funding. Will the Home Office make an imminent announcement confirming current levels of funding, so these organisations can maintain current staff levels and implement a continued service compliant with current Government advice on the Covid-19 virus?

The Home Office has made clear its intention to tender the next phase of this support within the period of the three month extension of the current funding. Will it proceed with this tender and, if so, what is the timescale for this. If it will not proceed with the tender within this period, will the Home Office extend the current funding levels to the 57 supported organisations further and by how long?

*[See Appendix A-2, case studies 1-5]*

#### **Access to securing status through the EU settlement scheme**

What allowances will be made for difficulty accessing nationality documents with fewer embassy staff, reduced opening hours and delays in re-documenting nationality due to people being unable to safely travel to embassies, if needing to present in person?

Older people are being strongly advised to take particular care observing social distancing. The Home Office outreach team to support elderly people in their homes will be curtailed as will voluntary sector efforts - online services and support are less accessible for this age group, as over 60% of people over 75 do not use the internet according to Age UK<sup>2</sup>. What measures will be taken to ensure people follow the public health advice on quarantine, but are also supported to apply for settled status?

#### **Closure of registry offices**

Closures of registry offices for marriages and civil partnerships can have a serious impact on the ability for some non-EU citizens to apply for pre-settled status before expiry of their existing immigration status. It is also not possible to register births, which prevents parents from applying for pre-settled status for their new-born babies.

*[See Appendix A-3, case study 1]*

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<sup>2</sup> [https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/active-communities/rb\\_july16\\_older\\_people\\_and\\_internet\\_use\\_stats.pdf](https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/active-communities/rb_july16_older_people_and_internet_use_stats.pdf)

## **Visitors and Access to NHS Healthcare**

Some EU Citizens who are visiting the UK and were unable to leave to return to their home country as intended are struggling to access prescriptions and treatment on the NHS, despite having EHIC cards.

*[See Appendix A-4, case study 1]*

## **Home Office communications on the EU Settlement Scheme**

Public advertising encouraging EU citizens to apply for the settlement scheme in public places e.g. on bus stops and underground stations will be less effective now. How will the Home Office adapt its EUSS information expenditure? Will the Home Office use extensive social media advertising alongside TV and radio?

Will the Home Office mandate and fund local authorities to send very clear and simple information about the scheme to reach all EU residents<sup>3</sup>?

## **Administration of British naturalisation applications**

Many closures have a direct impact on British naturalisation applications, such as Life in the UK tests, English language tests and UKVCAS appointments. In some cases this creates onward complications such as risking not being eligible for dual nationality.

*[See Appendix A-5, case studies 1-3]*

## **Returns from abroad and border controls**

There are still family members abroad who need to apply for family permits or are awaiting decisions. They are separated from family members and are unable to join/return to the UK. With many Visa Application Centres closing, what provisions are in place to support those wishing to return to the UK?

What measures are/will be in place in relation to future travel to and from the UK and how will they be communicated?

We have concerns about those wishing to maintain continuity of residence in the UK and not being able to return. EU citizens who break their continuity of residence will be unable to qualify for settled status. Will the Home Office provide concessions for those who have inadvertently broken their continuity of residence by being prevented from returning due to travel restrictions during the Covid-19 crisis?

Although not directly related to those that we represent, we have serious concerns about the functionality of the Home Office's policy for people who cannot leave the UK and are unable to apply for further leave to

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<sup>3</sup> [https://249e1c0f-a385-4490-bfe6-875269a8d3d5.filesusr.com/ugd/0d3854\\_cf15f6432d2a4a8c8698d3ad68c8e8fe.pdf](https://249e1c0f-a385-4490-bfe6-875269a8d3d5.filesusr.com/ugd/0d3854_cf15f6432d2a4a8c8698d3ad68c8e8fe.pdf)

remain<sup>4</sup>. The policy appears to offer no legal protection to those who rely on it. Please can the Home Office confirm the legal basis for this policy, and what legal status will be granted to those who rely on it?

***[See Appendix B, case studies 1-2]***

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<sup>4</sup> <https://www.freemovement.org.uk/coronavirus/>

## Appendix: Summary of concerns raised by EU/EEA and non-EU family members to the3million

### *Note on evidence collection*

Between 31 March 2020 and 17 April 2020, **the3million** collected testimonies from EU citizens and non-EU family members via the organisations' [research@the3million.org.uk](mailto:research@the3million.org.uk) inbox. Several calls were made on **the3million**'s Facebook page, Facebook group, Twitter page and supporter newsletter, asking those affected by Covid-19 to contact the organisation and share their issues. Those who contacted **the3million** with their issues were signposted to relevant organisations where applicable and asked whether their testimony can be used for this HASC submission. In some cases, follow-up calls were used to clarify some information, while in other cases follow-up was by email. The majority agreed that their testimony can be used anonymously, and a few are happy to use their name in the submission.

These case studies illustrate in detail several of the issues identified by **the3million** in the first submission to the HASC.

### **A. The impact of the hostile environment on EU citizens and family members during the Covid-19 pandemic**

#### ***1. Access to social security and other support***

By far the most common issue amongst those contacting **the3million** was being refused Universal Credit or other support, in particular for the self-employed who lost their jobs because of the Covid-19 pandemic.

#### **Case Study A-1.1: EU citizen with pre-settled status refused UC**

Z. is an EU citizen who holds pre-settled status. He lost his job in the hospitality industry at the end of January 2020. His freelance business does not attract clients in the current Covid-19 situation. He applied for UC but he was rejected as he failed the habitual residence test. His account was closed and he is unable to appeal against the decision. He is worried about how he will pay the bills this month as he has no source of income.

#### *Z.'s testimony:*

"I am a musician. I have been dismissed from my bar job at the 25<sup>th</sup> of January 2020 and although I have started setting up my own business as a guitar tutor advertising myself in many online platforms while applying for relevant jobs, the coronavirus crisis hit UK and now I am financially severely affected. I literally don't know how I am going to manage paying the rent at the end of the month. I have applied for Universal Credit but my claim was closed as I only have pre-settled status and I failed the habitual residency test. My journal on universal credit account is also closed so I cannot appeal against that decision."

### Case Study A-1.2: EU citizen with pre-settled status rejected UC and support for self-employed

U. moved to the UK in late 2019 with his family of three and his partner currently expecting a baby. They all hold pre-settled status as EU citizens. He was self-employed and set up a sole trader business the month her arrived in the UK. With the Covid-19 situation, all his clients cancelled their contracts. The self-employment Covid-19 support package announced by the UK Govt in March 2020 is not covering him, as he setup his sole trader company after 6 April 2019. He applied for UC and was rejected as he failed the habitual residency test. U. has already been in touch with his Citizens' Advice Bureau and was told that he should have worked a minimum of 3 months before being eligible for UC and hence could not help his case. He also contacted his local MP who said he is aware of the situation and he encountered similar cases. He contacted the council for a council tax reduction and was told that they cannot reduce it because his UC claim was refused. He currently has no source of income for his family.

#### U.'s testimony:

"I am a settled EU citizen who permanently moved to the UK in October 2019 with my small family of three and we all have obtained pre-settled status. I am a self-employed and already setup my sole trader company in early October 2019. Unfortunately, with the outbreak of the Covid-19 pandemic, my contracts are permanently cancelled. There is a big uncertainty of not knowing when I will be going back to work as a self-employed or finding a way to pivot my job to generate income.

In the meantime, I have to pay rent, bills and buy food for my family without fear of any financial difficulties under this crisis. I know that the UK government is doing its best to support citizens during this unprecedented time and under these difficult circumstances. However, a recently announced package of measures by the government to support the self-employed on 26<sup>th</sup> March is not covering me. Both my accountant and HMRC confirmed that I am not eligible for the self-employed support scheme due to my sole trader company setup after 6<sup>th</sup> April 2019.

On the other hand, my Universal Credit application rejected on the basis that I have failed the habitual residence test because of I am a "jobseeker". My wife is pregnant to our second child and we are expecting the delivery of our baby boy in mid-May. This supposed to be a very exciting time for our family, however under these uncertain circumstances it's a very fearful and stressful for us as we have no idea how we are going to survive financially in the coming weeks/months.

I demand your help that the UK government take action to protect and support self-employed people in my situation via the proposed Covid-19 Financial Support for Self Employed as well as Universal Credit schemes."



### Case Study A-1.3: EU citizen with settled status asked additional evidence for UC

“Z. M. T.” is an Italian citizen with settled status who lost her teaching job given the Covid-19 situation. She was asked for additional evidence for her UC application and she is still waiting for a solution.

“Z. M. T.”’s testimony:

“I’ve recently tried to apply for Universal Credit. I called them several times and waited for around 2 hours each time on the phone, but no one answered. Eventually, they called me, but because I don’t have a British passport they couldn’t finish my application on the phone, as they asked me for proof of residency in the UK. I have been living in the UK for 18 years. I am Italian and have worked and paid taxes in the UK, and I also have successfully applied for Settled Status. I was working in schools as a Teacher Assistant through different agencies, but I’ve lost my source of income as schools are currently closed.”

### Case Study A-1.4: EU citizen with pre-settled status told to wait months for UC, does not qualify for self-employed package

T. applied for UC as she cannot make ends meet as a freelancer without contracts in the current Covid-19 situation. She cannot apply to the self-employed support package as she did not have books before March 2019. The only option was to apply to UC and she was told a decision will take a few months. She currently has no source of income.

T.’s testimony:

“It is devastating being left in the cold and not being treated equally during the Covid19 situation. I have pre-settled status and less than 3 months to go to my 5 years in the UK. All my work has stopped due to the virus. I’m shocked that there is no emergency funding that I can apply for at this critical time. After completing my Masters, I began freelancing in May 2019, after the date needed for the covid19 business funding. My second attempt was applying for Universal Credit I was told it could take two months or more as I’ll be put through a habitual residency test (I thought UC was for Europeans too?). I have received advice from personal accountants and other business advisers and there is no immediate funding to be had. My bank will not extend me the smallest of loans. This puts me in a terrifying situation of not being able to pay rent, bills, nor even have money for food. On a personal note it’s difficult and aggravating seeing all my business associates getting funding. I’ve had to resort to selling items and grovelling. As much as I’m trying to embrace the situation, this is humiliating to say the least. I just received notice from my council that they’ll consider my council tax reduction once my universal credit has been approved! does one laugh or cry?! ”

### **Case Study A-1.5: EU citizen with settled status cannot access proof of her settled status to claim housing benefit**

#### Report on Y.'s case:

Y. is a Hungarian citizen who has been granted settled status. She has been in a violent relationship and her partner is now in prison after attacking her. He applied for her status for her so now she does not have the email which he used for the EUSS application.

Y. needs to claim housing benefit and the housing officer told her she needs to provide the share code for her settled status, which she cannot access.

The Home Office Resolution Centre is closed and she can only contact them via email. She has not yet been able to get support. One EUSS advisor from the charity Settled is currently looking at her case and has been in touch with her social worker who is not well informed about the EUSS.

### **Case Study A-1.6: EU citizen unable to claim Universal Credit while stuck abroad**

N is a German citizen, with settled status. N's testimony:

My job came to an end mid March and as I did not have any other job lined up I visited my home country and was due to fly back after two weeks. My flights have been getting cancelled and I'm still in Germany. As I do not have an income to pay my rent in London, I applied online for Universal Credit. I could find nowhere that you have to be present in the UK at the time of making the application. Today I received a phone call from DWP and from the dialling tone they realised that I'm not in the UK and therefore they told me that they would close my claim. Did this happen to anyone else? Are they within their rights to refuse a claim just on this basis?

## 2. Administration of the EU Settlement Scheme

The EU citizens and non-EU family members who contacted **the3million** expressed concerns about the impact of Covid-19 on the administration of the EU Settlement Scheme. The key concerns raised were the lack of face-to-face support with applications, the inability to send physical documents to the Home Office or complete paper applications for those in that situation (e.g. Chen cases), cancelled appointments for those needing digital support or other assistance to apply, the increase in waiting times (particularly impacting those who are currently on a visa as non-EU family members which is due to expire).

### Case Study A-2.1: Non-EU family member rejected EUSS, facing additional hurdles during Covid-19 to make another application

M. is a non-EU unmarried partner of an EU citizen who holds settled status. Her application for settled status was rejected and currently she is re-applying for an EFM card to use for her re-application to the EUSS. She explains the additional hurdles that Covid-19 poses for those who need to do paper applications.

#### M.'s testimony:

"I am a non-EEA national who has been living in the UK for almost six years with my partner who is an EU national. My partner arrived to the UK one year earlier than me, as an Erasmus student and secured a permanent position afterwards. I arrived as a postgraduate student and has been actively contributing to the society in many ways. My partner's application under the EU settlement scheme (EUSS) went smoothly, whereas I have been working on securing my right to live in the UK for 8 months and the issues is still ongoing. I submitted my application as a family member of an EU national shortly after my partner was granted the settled status. I carefully read the guidance documents that are available on the Home Office website. My troubles started when I could not use the EUSS mobile app because it did not recognise my id. I had to use an online form to submit my application and evidence of my relationship. A caseworker only contacted my once, about a month after the submission date. They asked me for a marriage certificate. I had replied explaining that I am not married to my partner. Nobody replied to me. I followed up on my email - that had no effect.

I should also mention that early in the application process I contacted the Resolution Centre querying the approximate processing time. A call assistant explained to me that my application is more complex because I am a non-EEA national but reassured that the decision on my application will be made in 4 weeks' time. That was not the case at all in my experience because I had been waiting for the decision on my EUSS application for almost 7 months. During all that time I was in regular contact with the Resolution Centre. The Resolution Centre team has changed their approach to my case as the only update that I received was that 'my application is with a caseworker. They will be in touch if any additional information are required'. The Resolution Centre team repeatedly said that some more necessary checks are required but nobody was able to comment on what these necessary checks consist of. Five months in waiting, I was informed by a Resolution Centre assistant about an EEA family member card that would help to speed up the process. I prompted the assistant to tell me a bit more about the card, but they shied away suggesting that I should do some online search on my own. So I went online and found information about two EEA family member cards, one of them can be issued to a partner.

My partner and I carefully read the guidance for both resident cards, submitted an application for me (an EFM application) and received a rejection in about a month time after the submission. A rejection letter cited a very vague reason for the rejection - no evidence of exercising the treaty rights - and no recommendation on what we could do differently if we would like to apply again. What we had to do was to show this letter to several lawyers and ask them for an interpretation. We received different advice from different lawyers and were struggling to make a decision on what to do about the rejection. I must also highlight that the legal advice in the UK is very expensive and I do not think that my partner and I should have been put in a position where we had to look for legal advice. I trust that the Home Office is capable of making sure that their guidance documents are clear and easy to follow for someone who does not have a background in the immigration law. Meanwhile, my EUSS application was still pending and there was no sign of improvement. In about a month and a half I finally received an outcome letter for my EUSS application. The reason for the rejection was the fact that I did not submit an EEA family member card (EFM card) with my application!!! Nowhere during the process, I was told that I must have one.

What is worse is that the EUSS team did not ask me for the card while my application was pending (for almost 7 months). If I was told that I have to apply for the EFM card, I would have done it without any hesitation. I recently submitted my second application for a residence card as an extended family member of an EEA national and I am waiting for the outcome. While I was preparing my application the UK Government announced a national lockdown. It was extremely hard for me to get my application ready because the only option I had was to send my application by post. Under the current rules, I cannot submit my EFM application online. I had to print out hundreds of pages and go to a post office. To my knowledge, there are only 2 post offices that are still open at this point. I urge the review committee to review the current arrangements and allow extended family members to submit their applications online.

On a separate note, being a Tier4 student, I had to keep my university informed about my immigration situation. My experience of dealing with the international student support team has a lot of room for improvement. The university where I study uses a one-size-fits approach. When I described my situation and my plan to switch from one immigration status (Tier 4) to another (EFM residence card), there was only one (!) person who said that they cannot comment on my situation because they do not have any training around the EUSS. The others either chose to give me a standard advice on how to extend my Tier 4 visa or came up with some peculiar threats. A remarkable example is lady who said that if I do not extend my Tier 4 visa, I will be deported immediately. Fortunately, I am educated enough to be able to read and interpret legal documents and I understand that I have the right to stay in the UK while I am waiting for a decision on my application. Overall, the university staff took a very comfortable position: when I had a few months on my student visa, the university wanted brush off all my concerns by saying that my dealings with the Home Office are outside of their interest and it is my responsibility to make sure that I have some documents that secure my right to stay in the UK; when I had 2 months on my student visa they decided to change the tone and send some generic hostile emails threatening me by deportation. I still live with uncertainty as I do not know whether my current EFM application is going to be successful. This gives me a lot of anxiety, and affects my everyday life. It also affected my studies as I had to spend a lot of time on educating myself about my immigration status and collating evidence for my applications."

**Case Study A-2.2: Non-EU family member concern about long waiting times and the impact of Covid-19 as he has no recourse to public funds currently and has issues with right to rent**

R. applied to the EUSS as a parent and carer of his child in June 2019. After many calls to the EUSS helpline, he was asked to submit a Chen paper application in September 2019. Both him and his wife submitted Chen paper applications. He has been waiting for an outcome since then. Despite numerous calls and the involvement of R.'s local MP, he has yet to receive a reply. His family have no recourse to public funds. They are unable to move to a cheaper rent because landlords refuse them, given their certificate of application (COA) was issued more than 6 months ago.

R.'s testimony:

"For my case specifically, I followed the recommendation on applying online based on the guidance then in June 2019. Since then I followed up with the team every week and I was constantly assured that all in order. It was only in September 2019 that they rang me and ask me then to submit a paper application. If I am not mistaken, the guidance on paper applications only came out long after we submitted our digital application.

Anyhow for us as a family, it has created a lot of anxiety. When our tenancy were out for renewal, we found ourselves in a disadvantage position as we were not able to secure a long term (1 year) rental agreement at normal market terms. Landlords and agents looked at our COA which was coming to 6 months old and expressed concerns that if Home Office has taken this long to decide, potentially there is an issue with our application. If they sign us as tenant as a year, there might be chance that we have to leave before 1 year if our application was rejected. As a compromise - the monthly rental is renewed but at a rate with the uncertainty priced in. We were handicapped.

When my wife wanted to apply for her National Insurance Number she was denied so even after providing the COA. As a result she was denied employment opportunity. Just FYI, my wife has been a homemaker since we moved to London in 2015. She wanted to resume her career now our youngest is in schooling age. My wife is a UK certified chartered accountant with multinational experience. There were plenty of jobs.

Now with Coronavirus, my income is impacted. Yet, despite there are plenty job opportunities out there for my wife, she can't go and apply. Our status are in the limbo. Prospective employers look at the long-aged COA as minus points. With the low income and high rent, we are stretched. Nevertheless, we will not be registering for welfare. All our lives we have been paying taxes and contributing to society and never taken welfare benefits from the state and will not start doing so. Our plight is simple - let us know the results. If we are denied than we will plan and move out from UK, and if we are accepted as part of EUSS, we will stay here and contribute. Either way, we need to start to resume our lives. 10 months is too long."

**Case Study A-2.3: EU citizen who has not applied yet to EUSS cannot apply as she has to send in physical ID and cannot do so at the moment**

*F.'s testimony:*

"I am a French national living in the UK and trying to apply for settled status but my passport does not scan so I have to apply by post. However the UK Visas and Immigration office doesn't accept documents by post because of coronavirus. I am disappointed that no alternative is offered and concerned that I may miss the deadline. Also, if this restriction is lifted before the deadline, will the backlog of applications mean that mine will not be processed time? I have been living and working in the UK for 15 years, my husband is British and so are our two children. I am a key worker and cannot understand why the UK would leave me in a position where my future is so uncertain."

**Case Study A-2.4: German citizen concerned about how time spent abroad during Covid-19 lockdown can affect her continuous residence proof for her application to settled status upon return to the UK**

N. is an EU citizen who is currently in Germany after a 'short trip turned into a long trip' given the Covid-19 situation. She fears she cannot qualify anymore for EUSS. N. cannot return to the UK from Germany because of the pandemic; this will result in a stay for longer than 6 months and she fears she may not qualify for settled status.

"I am a 50 year old German male who studied Social Sciences and Nursing in the UK. I have spent a decade or more in the UK, but probably lacking evidence in the middle years.

Due to travel restrictions a short stay in Germany has now turned into a long stay.

Also as I am working in the UK cruise ship industry as a recognized UK seafarer, I am currently unemployed because of Covid 19.

Accordingly, I am now unable to provide evidence of residency for the second and possibly third quarter of 2020.

It appears I will have a gap of more than 6 months in UK residency evidence, even though my PAYE record would have meant I could have qualified for settled status this autumn."

## Case Study A-2.5: EU citizen who has not applied yet for EUSS describes the extra hurdles in the Covid-19 situation

### George's testimony:

"I'm Italian, 62, reasonably computer-savvy and I would not normally have issues with the technology, but I do have issues with the admin process around the whole so-mis-called "settled status" administratrivia. To be specific, having a passport that expires in MAY this year, it would NOT have made any sense for me to apply ASAP last year, amongst other reasons because there is plenty of time left to apply, and because not applying yet is my humble contribution of "civil resistance" to having to "apply" to get my current rights reduced. As I'm evaluating applying [or not] after I will have renewed my passport, one of the considerations is that there are too many restrictions related to how many xxx days you have been abroad in the last yyy. As we know, this year travel has been completely subverted by the partial or total impossibility to travel back and forth. As European in the UK since 1995, I have been always exercising my FOM rights, as part of my lifestyle, traveling extensively professionally and for leisure. As a responsible citizen, I thing it would be wrong to burden the government right now, requesting under Subject-Access-Request via DPA, from the home office, my whole folder, in order to be able to have at my fingertips, the information about my travels that I never had the burden to keep in the first place. Who EXACTLY remembers when he/she travelled from/where/via/etc? Well, apparently the home office wants ME to have that, and if I did NOT have that, the burden of the proof that I'm NOT entitled to stay, would have been reverted into me, despite all the assurances given during pre-brexite deliberations, that the burden would be on the government to prove that EU citizens were not entitled to stay. Let me put it simply, there are probably many countries that would like me to emigrate to, I speak 5 languages, have multiple university degrees - to Master level in top EU universities - with further specialization in Social Data and Analytics done at MIT, journalism at Goldsmiths, cinematography in London, etc. With 30+ years experience, patents, books written, the works. I have been an entrepreneur, created multipole jobs in uk, exported services and products to major customers worldwide. That directly and indirectly created revenue for HMRC and National Insurance contributions, lots of [which is not clear yet how they will work after Brexit]. I also volunteered, from feeding the homeless at Crisis over Christmas, to sleep-outs in stadiums (Lords, Oval) with zero degrees in winter to raise funds for the homeless, to help run and set up important resilience-related non profits organisations, to attend parliament meeting, community events organised by MET police, etc. I DO care about this country - my country, the country where I live and love - and society. I feel very short-changed by the whole process. Maybe in his deep terrified uncomfortable frightened sleep, while being cared in ICU at St Thomas, our illuminated PM, has had the opportunity to reflect on his life achievements, what he really stands for - if he ever stood for something seriously - and maybe, just maybe, he had an iota of a chance of realising how the quality of life - and his life itself - depended on mistreated second-class eu27 little-people citizens now only valued as "workers". Maybe he did not care about the nationality of the nurses and doctors that cared for him, nor the people who raise money for St Thomas (I was one of them too at the time). Maybe there is no hope, maybe the ideology of Brexit has corrupted this country far beyond the point that a stay in ICU could save. Maybe it's time to leave - the country."

### 3. Closure of registry offices

#### Case Study A-3.1: Non-EU fiancée who cannot apply for pre-settled status because civil partnership ceremonies have been cancelled

Testimony by Athanasios C. Dedeoglou from Greece:

I was due to **form a civil partnership** with my Chinese fiancée in May but our ceremony was cancelled. We didn't want to be separated so we decided to make it official, **I have full settled status** and the plan was, **do a civil partnership**, move in and then she can **apply for pre-settled status**.

Due to the coronavirus crisis, **all ceremonies have been cancelled**, even if we have **given our notice** and had the thumbs up from the Home Office.

Her **tier 4 expires in July** and I am having constant panic attacks about being separated. She **can not apply as an unmarried partner** as she does not depend on me and neither of us has any income as we are postgraduate students. If she has to depart, we will never get another chance at this and we will have to separate.

I can definitely not afford to go the UK marriage visa route in the future as that would cost 10K pounds plus. If her visa expires, we haven't been at the register and she doesn't have her pre-settled status, that's it, we won't get another chance to be together for many years. That will be the end of the relationship and me probably. She means the world to me and we don't want to be separated. She's the one.



#### 4. Visitors and Access to NHS Healthcare

##### Case Study A-4.1: EU visitor unable to access NHS healthcare

Mrs Carolina Garcia-Canton is a Spanish citizen whose parents are visitors to the UK and cannot return to their home in Spain due to the Covid-19 travel restrictions. The parents are being denied review of their prescriptions under the NHS despite having EHIC cards issued by Spain. This is her letter to her GP surgery:

Dear Dr H and colleagues,

My family and I are patients in your surgery and have always felt we had the best surgery in the world. Unfortunately, today I have faced a hurdle in relation to some new (not communicated) policy about visitors to the UK.

My parents, who came to visit before the travel restrictions were imposed, have been unable to return to Spain as they had planned due to travel restrictions. They now face a couple of months extended stay. As a result of this unexpected extension, my parents are running low on their prescription medicines. I called the surgery to enquire on how to review their prescriptions as medicines cannot be shipped. My parents have all their required documentation; passports, EHIC card, prescription leaflets etc. However, the feedback from your front desk is that Public Health England does not allow visitors to receive NHS treatment in current COVID-19 situation and they indicated the only solution is a private doctor with their travel insurance. I was surprised as NHS website does not indicate any of this new policy. As you may know, travel insurance will only cover those cases that exceed any EHIC entitlement and that a private doctor visit on a case like this will not be covered.

However, this is not the point. I have a similar incident over a year ago when my mum came to visit during my maternity leave and your staff did not want to book her with the EHIC card. Soon enough thanks to Brexit this will become our new reality, in the meantime my only option is to raise the issue to your attention, the public attention and NHS attention and make you are aware that I did not feel welcome or supported by my surgery on keeping my family safe under current circumstances.

Best Regards,

Carolina Garcia-Canton

## 5. Administration of British naturalisation applications

EU citizens who contacted **the3million** expressed concerns about the administration of British naturalisation applications in the times of Covid-19. They were concerned about how cancelling the biometrics appointments in particular would affect their applications, such as the expiry date of their English Language test and the prospects of dual citizenship before the end of the Brexit transition period.

### Case Study A-5.1: EU citizen worried about UKVCAS appointment deadline and impact on her naturalisation application

G. is an EU citizen applied for British naturalisation in the third week of March 2020. Her biometrics appointment with UKVCAS was cancelled the night before due to short notice service closure given Covid-19 situation. She is worried that she has a deadline by which she needs to attend UKVCAS biometrics appointment (22 May) for her application to be processed. She asked if the Home Office would extend that deadline given the current situation.

### Case Study A-5.2: German citizen worried she may not be able to progress her naturalisation application on time for her to be able to hold dual citizenship before Brexit

O. is a German national with settled status, living in the UK for over 25 years. She is concerned that she will not be able to have dual German - British citizenship as all Life in UK and other appointments have been cancelled and she thinks she may not be able to complete the process on time before the Brexit transition period ends (Germany allows dual nationality with another EU country). She is also concerned she may not be able to use her ID card for her citizenship application.

#### O.'s testimony:

"The concern is over applying for British Citizenship due Covid-19 postponements and losing right for dual Citizenship (British-German). Due to Covid-19 two appointments to take the 'Life in the UK'-test have been cancelled. I am concerned, that by the time I can take the test, maybe even needing a re-test, I won't be able anymore to use my German ID card in the Citizenship application. But having to use my passport would mean that whilst I am waiting for the application to go through, which under normal circumstances could take 6-9months (and likely due to Covid-19 taking 12months or more), I won't be able to travel. Meaning: if something would happen to my family I can't visit, nor could I present papers at International Conferences (as a psychologist I do this regularly). Furthermore: it leaves me with great uncertainty over being able to obtain dual Citizenship since Germany and the UK might change their rules for dual Citizenship after Brexit (German-British)."

### Case Study A-5.3: EU citizen concerned about her English language certificate expiring

K. is an EU citizen who is in the process of applying for naturalisation. Her English Language test expires in June 2021 and she underlines that she may not be able to use it because at the moment all biometrics appointments are cancelled.

K.'s testimony:

"I want to apply for Naturalisation, which is not only extremely expensive, but requires applicants to make an appointment with UKVSAC to provide evidence of all the original documentation. All the appointments are now cancelled due to COVID 19. However, one of the criteria's is to have pass British Language test which expires within 2 years and my expiry date is in January 2021. I worry about the time scale, who knows how long we are going to be in lockdown, will Home Office extend their times scales when it comes to criteria for Naturalisation?"

## B. Returning to the UK

**the3million** has received deeply concerning cases of EU citizens who are stranded abroad and unable to return to the UK. Their testimonies show how difficult it can be for non-British nationals to even access basic information about their options in these circumstances. Below are two examples of concerning cases.

### Case B.1. Polish citizens with settled status who cannot return home in the UK from Uganda

Elzbieta Skowron is a Polish citizen with settled status who has been living in the UK for 19 years. Before the lockdown, she was in Uganda with her four-year-old son Muteesa. Their flight from Kampala to their home in London was cancelled. The only commercial flight available before the lockdown was over \$4,000 for both tickets, which she could not afford. She said that the British Embassy in Kampala 'hung up' as soon as they heard she is not British when asking whether they can assist her and her 4-year-old son to return to their home in London. She is with her son in Kampala within a one-hour walking distance to any food shop and without financial support and health insurance.

#### Elzbieta's testimony:

"I am currently stuck in Uganda with my four-year-old son (Muteesa) and unable to leave as our return flight for 29th March was cancelled. We live in Roupel Park Estate in London, SW2 3LR. We are in a dreadful Catch 22 situation. I've been living, working, studying and paying taxes in London, UK for the last 19 years, and this is also where my son was born in 2015, in a pre-Brexit world. I applied for and obtained settled status in the UK at the beginning of 2020 as required with Brexit.

However, when I phoned the British Embassy in Kampala for information and assistance, they didn't offer support, and didn't even want to speak to me, hanging up the phone as soon as I mentioned that I was an EU citizen. They will not help me to get back to London where we live. It's very frightening situation for me as I am a single mother and I am here alone with my son. I am also self-employed. I have no access to Covid19 funds in the UK and as I don't have any income at the moment and in order to pay for our current expenses in Kampala, I have been forced to stop paying my rent in London. I'm also scared because in an event when my son or I get ill and require hospitalisation I will not be able to pay for it as my travel insurance only covers trips for up to 31 days and that expired on 29th March, when our flight home was cancelled.

To be able to buy food here, I have to walk with my son for an hour one way in the heat as all means of transport are stopped in Uganda as a part of the lockdown. There was one, last commercial flight to London leaving about 2 weeks ago, but I couldn't afford to pay the enormous fare they were asking: \$4,400 for both of us. I feel very anxious and hopeless. As you can see I am mentally struggling in this situation as we don't even have any time frame for how long we will have to stay here. I would be very grateful for any information and help in returning to our home in Brixton. We have Polish Passports. I think the difficult problems are due to the changes of Brexit but we don't live in Poland, and we don't even have a place to stay there. Because Brixton Hill is our home and where we have settled, the Polish embassy advised me to contact the British High Commissioner in Kampala. You can see how this is a dreadful Catch 22."

## Case B.2. EU citizen with settled status unable to return to his home in the UK from North Cyprus

D is an EU citizen with settled status who had a scheduled flight back to his home in the UK on 22 March. Cyprus went into lockdown and he could not travel back. He was also not able to travel between North Cyprus where he was and South Cyprus where there were a few commercial flights available. He found himself at 'the back of the queue' of UK repatriation flights and did not get any support and was even unable to access the information. The British High Commission did repatriate some people who were stranded in North Cyprus via Sovereign Base Areas but this option was not open to him due to his non-British passport. Similarly, a repatriation flight from North Cyprus to Germany was opened to British citizens only and he could not get a seat even if there were empty seats.

### D.'s testimony:

"I'm writing to you as one of the EU citizens currently stuck overseas due to COVID-19 travel restrictions. I have been trying every possible solution to find support in securing government assistance so that I may return to my home and partner in the UK.

I was visiting Northern Cyprus and was due to travel back to London on 22 March. Before I could leave, Cyprus went into lockdown and all scheduled flights have been cancelled. As the border between North & South Cyprus has been closed, I've also been unable to catch one of the few scheduled flights from the South. Unfortunately, my situation is complicated by my settled status as an EU citizen. Despite having lived and worked in the UK for ten years, convention relating to consular services means I appear to be at the back of any queue for any repatriation flights facilitated by the British High Commission (BHC) in Nicosia.

I've been unable to speak to anyone or secure any useful information. Despite assertions that HMG has helped over 5,000 people return from Cyprus to the UK, these have been scheduled flights from the South. Current efforts have largely ignored the hundreds of people trapped in the North. The BHC has now said no further repatriation flights will be arranged from Cyprus from tomorrow onwards. On two occasions, the BHC did facilitate movement of some British Nationals from the North via the Sovereign Base Areas (SBAs), but this option was not open to me due to nationality. Similarly, a single repatriation flight from Northern Cyprus to Germany was opened to British Nationals, but - despite having spare seats available - not other nationals who live in the UK.

While I recognise that the UK government needs to prioritise vulnerable citizens; I would have appreciated support from the government or BHC. I have spoken with FCO in London and British High Commission (BHC) in Nicosia on many occasions and have been denied any advice or support in securing a seat in any of the flights. I have been told on few occasions to wait until commercial flight options are available in order to be able to return back to home which seems to become available on mid-May. However, as the lockdowns are keep being extending; I am now stuck here with no support from the British government."