

## Key limitations of statistical reporting on the EU Settlement Scheme

1. **Problems with population data:** there is no benchmark against which the EU Settlement Scheme [EUSS] performance could be assessed.

*The UK has no centralised record of EU population resident in the country.* It relies on a census conducted once a decade by the Office for National Statistics, and the most recent one was in 2011. The 2021 Census results will not be known until a year after the EUSS deadline. Given the lack of population data, the ONS relies on the Annual Population Survey to produce population estimates. These are:

- *Different in terms of coverage:* some groups eligible for the EUSS are not captured in ONS estimates (e.g. non-EEA family members) and some of those captured in these estimates may not need to apply, or may not be eligible to apply (e.g. those with Indefinite Leave to Remain [ILR] or dual EU/UK citizens)<sup>1</sup>. In addition, the EUSS statistics are published with little delay (up to two weeks after the end of each month) whereas the ONS estimates are based on survey data collected over a year before the date of publication. This means some of those who applied to or were granted status under the EUSS may have left the UK, but may still be included in ONS estimates; it is impossible to estimate this number. As a result, “we do not know how many people granted status through EUSS still live in the UK<sup>2</sup>.”
- *Not granular enough:* the lower level the data are (e.g. broken down by ethnicity, age, area, etc.) the wider the confidence interval becomes;
- *Not precise enough:* the estimate of EU citizens resident in the UK does not include certain groups, such as those living in communal establishment (some workers, elderly citizens); it does not allow for precise estimates of numbers eligible for settled and pre-settled status; it is likely to undercount some groups, as in the example below.

*Real-life example:* The lack of precision and granularity described above could explain why Bulgaria, which according to the ONS has 109,000 citizens in the UK, accounted for 171,400 applications received under the EUSS by end March 2020. On the face value this figure shows that 157% of Bulgarians have already applied under the EUSS. It raises serious questions over the utility of population statistics for EUSS monitoring, and shows it is not possible to know how well the Scheme is performing in numerical terms.

2. **Problems with data reporting by the Home Office:** inaccuracies in reporting render data meaningless in the long term.

Since August 2019 it has been possible to re-apply to the EUSS. However, neither the monthly nor quarterly statistics since released states how many of the 3,468,700 *applications* received by end March 2020 were in fact *re-applications*, either from those already granted pre-settled status and seeking to upgrade it to full settled status, or submitted for any other reasons (delays, errors, etc.).

Re-applications come from EU citizens already processed under the Scheme, which means the actual number of those who applied to the EUSS is lower than the headline number cited in the Home Office statistics. In October the Home Office admitted there were thousands of such reapplications and this

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<sup>1</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/onthedifferencebetweenonspopulationestimatesbynationalityandhomeofficeeuropeanunionsettlementschemeusstistics/2020-02-24>

<sup>2</sup><https://migrationobservatory.ox.ac.uk/resources/reports/not-settled-yet-understanding-the-eu-settlement-scheme-using-the-available-data/>

problem only increases as the EUSS matures, rendering statistics on the numbers of applications meaningless because this:

- inflates the number of *applicants* (data is reported for *applications*, which there are more of than *applicants*);
- distorts the ratio between pre-settled and settled status grants, given outcomes for repeat applicants are double-counted in the statistics;
- may disguise refusals on eligibility grounds as repeated grants of pre-settled status to those who already hold it.

We estimated the number of such double-counted re-applications to be between 4,000 and 10,000 in October 2019, based on information provided by the Home Office<sup>3</sup>. In April 2020 the Home Office stated that “initial analysis of internal figures suggest that re-applications currently represent less than 2% of applications received<sup>4</sup>.” This could mean up to 69,000 repeat applications by end March 2020, but the actual number is not known.

**3. Lack of transparency in the Home Office reporting:** data fundamental for monitoring equalities impacts is not being disclosed even though it is collected.

Equalities impacts of the Settlement Scheme are currently difficult to assess because the Home Office, citing gaps in data or problems with processing data it holds, refused to engage on these topics or release its Policy Equality Statement (PES) for the EUSS.

The Home Office has now committed to disclosing its PES, in response to the report<sup>5</sup> by the Independent Chief Inspector of Borders and Immigration (ICIBI). An inspection of the Settlement Scheme was completed by the ICIBI in September 2019, but the Home Office withheld the report for 21 weeks before publication, instead of the statutory maximum of eight weeks. While the PES is now due to be released in spring 2020, the ICIBI report raised further concerns over the Scheme’s transparency and the Home Office’s reporting on it:

- The Home Office previously refused to disclose the number of applicants who stated they had over 5 years of residence in the EUSS application, but were only granted pre-settled status and therefore effectively refused settled status on eligibility grounds. However, p. 45 of the ICIBI report clearly states there were 7,690 such cases by the end of June 2019, when the inspection has finished.
- The Home Office also refused to disclose application volumes and outcomes by gender to assess if men and women are treated equally under the scheme. Responding to our Freedom of Information request in December 2019, the Home Office stated “any request involving the gender breakdown of EUSS applications” is likely to be refused “due to gender not being a mandatory field on EU Settlement Scheme applications.” However, the now disclosed ICIBI report states at paragraph 6.83 that a “Live Dashboard” function of the Settlement Scheme database does capture data on applicants’ gender and “provides ‘snapshots’ showing, for example, a breakdown of applicants by age range, and by nationality and *gender*, and the number of days taken to complete cases.”
- Requests for breakdowns of “unusual” (above 5 days) waiting times by waiting time and key characteristics (age, gender, nationality, status applied for, etc.) was also refused by the Home Office. It has insisted that cases usually take five days to process until autumn 2019. However, the

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<sup>3</sup><https://www.freemovement.org.uk/home-office-admits-double-counting-in-the-eu-settlement-statistics/>

<sup>4</sup><https://commonslibrary.parliament.uk/home-affairs/immigration/the-progress-of-the-eu-settlement-scheme-so-far/>

<sup>5</sup><https://www.gov.uk/government/publications/an-inspection-of-the-eu-settlement-scheme-april-2019-to-august-2019>

ICIBI report states on p. 22 that “the overall average processing time for all types of EUSS applications was approximately 23 days” in the inspection period ended in June 2019.

- Paper applications (e.g. for persons with a derivative right to reside) are excluded from the EUSS statistics altogether and their numbers and outcomes are not reported on publicly<sup>6</sup>.

There are multiple other gaps but data on the correct status granted or not (settled for those with >5 years of continuous residence) and outcomes by gender are fundamental issues that may potentially affect large numbers of applicants. Any issues are likely to disproportionately affect the young, the elderly, women, and family members in particular. The Home Office holds relevant data but it refuses to disclose them, and more troublingly claims not to hold them in response to requests through User Groups or under the Freedom of Information Act.

Equally concerning is the fact that the Home Office delays the publication of independent reports on its policy and practice. The Windrush review by Wendy Williams suffered another delay in February 2020. *The Times* reported<sup>7</sup> its conclusion, which described the “hostile environment” policy of immigration enforcement as “institutionally racist,” was now “toned down.” The report was finally published on 19 March 2020.

The concern about the EUSS is therefore two-fold: not only does the Home Office fail to report on the scheme’s operations and progress in a meaningful way, but it also appears to obstruct independent scrutiny of its work by delaying publication of inspection reports.

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<sup>6</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/845257/euss-quarterly-statistics-user-guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/845257/euss-quarterly-statistics-user-guide.pdf)

<sup>7</sup><https://www.thetimes.co.uk/article/home-office-is-institutionally-racist-said-report-into-windrush-scandal-76w9mrw2w>