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# EALC Changes to freedom of movement after Brexit

January 2021

Citizens Advice Cymru are pleased to provide an update briefing for the External Affairs and Additional Legislation Committee's review of the Inquiry Freedom of Movement after Brexit.

We would like to provide evidence to members of the Committee from the perspective of our Welsh Government funded EU Citizens Rights project which is geared towards providing information, guidance, advice to EU/EEA/Swiss nationals and their families with EU Settlement Scheme applications (OISC Level 1 casework) and also specialist advice to ensure they understand their workplace rights and are able to challenge exploitation. Please see the [service homepage](#) for further details.

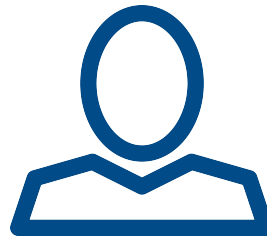
We have participated in both rounds of focus groups, the initial round in 2019 and the most recent on the 13 January 2021 to support the committees final deliberations on the inquiry. We hope this briefing will provide an useful addition to the input to these sessions on the basis of our client's experiences.

**The EU Citizens Rights Service is available on 0300 3309 059 between 9am to 5pm, Monday to Friday**

***If you have questions or would like more information on the content of this briefing, please contact:***  
[\*\*\*policy.cymru@citizensadvice.org.uk\*\*\*](mailto:policy.cymru@citizensadvice.org.uk)

## Project Statistics

Since the project's inception:



**We have supported over 2,000 clients**

**With 8,263 issues**



**Including 4,230 immigration and asylum cases**  
(which also involves EUSS applications)

**And, 3,300 employment issues**



The majority of these cases are to deal with issues around settled and pre-settled status and linked issues, including the immediate challenges of completing applications through a digital process and the required documentation to achieve this; access to benefits and housing, along with fair employment practices.

# Common Issues

We have appended a **selection of case studies** that bring to life these common issues and can be listed below, most of which are related to UK government policy and procedures but have a significant effect on our clients.

- **I.T:** Many clients don't have access to the right smartphone, are not confident in sending of documentation (especially national ID cards, passports or birth certificates) to the Home Office
- **Facial recognition technology:** On these apps have been discriminatory for BAME in the fact it can take several takes/photos to be accepted.
- **Accessing benefits:** EEA nationals living in the UK have to prove that they are eligible to receive benefits. If an EEA national has been living in the UK for 5 years or more, they can apply for settled status. This automatically means they have a right to reside and should be able to access benefits. However, our evidence forms show that clients with settled status are still regularly being rejected for benefits in error by the DWP. We are also seeing an increasing number of people who are refused Universal Credit who can demonstrate their pre-settled status but are struggling to evidence their "right to reside" and often find themselves in a situation without recourse to public funds if they cannot access our support. Our recent report [Nowhere to Turn](#) (Section 2) provides further detail of this evidence on the issue of "Right to reside and the HRT for EEA migrants" and makes the recommendation that the Habitual Residence Test should be temporarily suspended from the application process for benefits such as Universal Credit.
- **Problems with accessing an NI number:** and therefore gaining employment. Employers should be accepting an EU passport as evidence of right to work, but some employers are refusing jobs for clients without NI numbers, causing more problems around integration, especially around benefit eligibility and the need to obtain worker status on pre-settled status to be eligible for the means tested benefits.
- **Further Information:** They have also seen an increase in EU citizens being asked to provide further identification at job interviews when passports have been provided, which has continued to pose a problem and causes concern for future employment practice being directly or indirectly discriminatory.
- **Long Waiting Times:** Clients have experienced long waiting times to try and get an appointment with embassies to renew national ID cards or passports that have expired in order to be able to apply to the EU Settlement Scheme online. Multiple embassies are not answering calls, or responding to our clients' emails when individuals try to make direct contact with their Embassy.
- **Evidence:** The fact that Settled or Pre-Settled status can only be evidenced by a Home Office email/correspondence without a physical "status" or "identity" card is likely to cause problems for many citizens (particularly those who are digitally excluded or illiterate) wanting to upgrade their status from pre-settled to settled in the future, and/or to access public services and jobs.

# Recommendations

- ① The Welsh Government should seek to fund a sustainable and accessible immigration advice services to enable that non UK citizens (including those who would have qualified for the EUSS) to have continued support around their immigration status, accessing public services and general citizenship support post the grace period, especially in light of the approach taken with the Nation of Sanctuary Plan, the investment made to support EU citizens with their EUSS applications under the banner "We want you to stay in Wales" and the right to vote in local and Senedd elections for Qualifying Foreign Citizens.
- ② We would suggest that all Government departments review their facial recognition technology for the public so that it is non-discriminatory and look to introduce UK identity Cards for those with settled and pre-settled status.
- ③ Habitual Residence Test should be temporarily suspended from the application process for benefits such as Universal Credit.

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