



Welsh Government response

Equality and Social Justice Committee Annual Report: European Union Settlement Scheme

June 2024

On 8 April 2024 the Equality & Social Justice Committee published its annual report on the delivery of the EU Settlement Scheme in Wales.

The report highlights the complexities of the EU Settlement Scheme and the large amount of work which is still needed to ensure all eligible citizens are able to secure their pre-settled and settled status. The specific reference to the most marginalised and underrepresented communities, including the Roma community, is noted as an on-going concern.

The report appears to echo concerns the Welsh Government and stakeholders have discussed in relation to the changes to the scheme, including the closure of 'EUSS Family Route' and 'Administrative Reviews'. The importance of engagement and the need to strengthen relationships between the UK Government and the Welsh Government is a strong theme throughout the report.

This document sets out the Welsh Government's response to the Committee's recommendations.

Contents

1.	The Welsh Government and the EU Settlement Scheme	4
2.	Recommendation 1.....	6
3.	Recommendation 2.....	8
4.	Recommendation 3.....	10
5.	Recommendation 4.....	11
6.	Recommendation 5.....	12
7.	Conclusion.....	14

1. The Welsh Government and the EU Settlement Scheme

Since June 2019, the Welsh Government has provided a suite of free support to EU, EEA and Swiss citizens who wish to remain in Wales. Welsh Government has always been determined to ensure citizens who have chosen to make Wales their home feel they are valued members of our communities.

Since the beginning of the EU Settlement Scheme (EUSS), over 122,690 applications have been made by Welsh residents and many of those individuals have accessed some form of support in completing their applications.

Following the announcement of the EU Settlement Scheme (EUSS), the Welsh Government developed the EU Co-ordination Group, to provide stakeholders in Wales with a forum to raise and discuss issues. The forum continued until the end of 2023 and was productive in opening a reciprocal dialogue around how the EUSS is delivered in Wales. The EU Co-ordination Group has now been replaced by the EU Citizens Forum which facilitates a space for discussion regarding wider issues experienced by EU citizens.

The support to date, which was introduced in 2019, has meant EU citizens and their family members, have been able to access digital support, get help with basic queries about eligibility, access advice on social welfare issues and workplace rights and obtain free specialist immigration advice from our Welsh Government funded partners. Up until March 2024, this support also included advice from immigration legal specialists, Newfields Law.

The Welsh Government will continue to support EU citizens in Wales. We will endeavour to ensure there is continued free help and advice available to them when making an application, supporting adjoining family members, accessing rights or moving from pre-settled status to settled status.

We remain concerned about the number of EU citizens in Wales who may still not have applied to the settlement scheme for various reasons, or need continued support to upgrade their status and the Welsh Government is continuing its outreach work in this area. We welcome the role our stakeholders continue to play in ensuring those facing the greatest barriers in our communities can access support and we are pleased to have recently been able

to extend our funding for the 'EURE' organisation to continue its EUSS advice service until March 2025.

In addition to the support provided by the Welsh Government, the UK Government has funded Welsh partners to deliver additional support services in Wales and has maintained dialogue at an operational level. However, the UK Government has continued to make decisions regarding the scheme, which impact Welsh residents, with no prior discussions or engagement with the Devolved Governments.

We welcome the UK Government's announcement made on 21 May 2024, outlining the changes to the EUSS to further support the implementation of the High Court judgment in Judicial Review proceedings, brought by the Independent Monitoring Authority (IMA) for the Citizens' Rights Agreements. Over the coming weeks, we will ensure all Welsh Government guidance, including our EU Factsheets, are updated to reflect the changes. We will continue to signpost to the relevant advice services via our Nation of Sanctuary, to ensure those seeking advice are able to access these services promptly.

I would like to thank Members of the Equality and Social Justice Committee for their report on the EUSS. I am particularly pleased to see the Committee's recommendations are in line with our current and future plans. I have set out my response to the Report's individual recommendations below.

Lesley Griffiths MS

Cabinet Secretary for Culture & Social Justice

June 2024

2. Recommendation 1

The Committee recommends:

The Welsh and UK Governments work together on implementing the changes to the EUSS, in light of their important implications for European citizens living in Wales.

Response: Accept

The recent changes to the EUSS, which include changes to “reasonable grounds”, closure of ‘Administrative Reviews’ and the implementation of the outcome of the Judicial Review, have resulted in an increase in complex cases and subsequent concerns from stakeholders.

Welsh Government policy officials will continue to attend Home Office forum meetings, to ensure we remain updated on emerging changes. In recent months, Home Office officials have attended the Welsh Government’s EU Citizens Forum to provide updates and address questions from Welsh stakeholders.

However, there is still significant challenge with regards to establishing early engagement with the UK Government on changes to the EUSS before they are introduced. The Welsh Government continues to call on the UK Government to effectively engage with us, in a timely manner, on all aspects of the EUSS.

In June 2023, the previous Minister for Social Justice & Chief Whip wrote to the then UK Minister of State for Immigration, to state our disappointment at the lack of engagement on phase 1 of the changes to EUSS guidance following the Judicial Review. This made it extremely difficult for us to support our external stakeholders and had inevitably led to increased uncertainty for them. We, once again, requested engagement with both the Welsh Government and Welsh stakeholders on the development of phase 2, which would enable us to manage the implications for, and expectations of, EU citizens in Wales. Unfortunately, once again for engagement was ignored.

Whilst the Welsh Government welcomes the UK Government’s recent announcement informing the duration of pre-settled status extensions will be increased from 2 to 5 years, and the removal of the pre-settled status expiry date from digital profiles, it is disappointing no notification was given to us prior to

the announcement. Until our calls for engagement are met by the UK Government, the Welsh Government will continue to push for improved engagement.

Financial implications: There will not be any financial implications as this is undertaken as part of Welsh Government's day-to-day business activity.

3. Recommendation 2

The Committee recommends:

The Welsh Government closely monitor late applications from Wales to determine the implications of changes to the EUSS, including narrowed criteria and the closure of EUSS routes, on European citizens living in Wales until at least the end of 2025.

Response: Accept

The UK Government is responsible for collecting the data on EUSS applications, which are released to the public on a quarterly basis. The latest statistics released, show there had been 587,310 late applications across the UK up until 31 March 2024. The number of late applications for Wales is 22,840. This figure is lower than other Devolved Nations, with Scotland having 60,550 late applications and 34,570 late applications in Northern Ireland.

The Welsh Government has made numerous requests for improvements in data collection, to allow us to obtain data which can aid us in understanding the need for future support at Local Authority level. It is pleasing a recent request for data on the number of EU citizens who have already been automatically upgraded to Settled Status, was met. We are unable to share this data as it has not been released into the public domain and the data will not be shared with Devolved Governments routinely.

Alongside data gathering, we continue to work with stakeholders to gain an understanding of the issues EU citizens in Wales continue to face and the support they are seeking via our partners. We have been made aware of stakeholders' concerns on the recent changes announced to "reasonable grounds" for late applications. To allow those with complex cases to access support, we have extended our funding of the 'Eiddo' organisation until March 2025. In addition, it is vital the UK Government recognises the importance of the current funding for 'Eiddo' and TGP Cymru to provide additional support services in Wales. We will continue to call on the UK Government to ensure the most vulnerable EU citizens are able to access support for the near future, at least.

Financial Implications: There will not be any financial implications as this is undertaken as part of Welsh Government's day-to-day business activity.

4. Recommendation 3

The Committee recommends:

The Welsh Government continue to support European citizens living in Wales in future, including those applying to the EUSS.

Response: Accept in principle.

As applications continue to be made and the option of an administrative review has been removed, it is evident there is still a need for EUSS advice services. As a consequence of the Home Office rejecting applications, Welsh stakeholders have seen more requests for pre-application advice and support.

We are aware that the complexity of EUSS applications is creating an increased demand for support. This is why the Welsh Government chose to continue its funding to Third Sector organisation, *Settled*, until March 2025. This funding will enable *Settled* to continue to offer support and advice to EU citizens in Wales.

As part of our support package, we have created our EU Factsheets which are available on our gov.wales and [Sanctuary](https://www.settled.org.uk) websites. We have developed these so EU citizens understand their rights when it comes to areas such as work, rent, housing and health and are signposted to support, should they require it.

The Welsh Government has also recently developed a new EU Citizens Forum which provides the opportunity for stakeholders and representatives of EU citizens in Wales to raise awareness of issues. Policy officials will continue to monitor the on-going need for EUSS support, along with support to deal with the wider issues EU Citizens may be facing. This will enable us to identify future needs.

Financial Implications: The on-going demand for support is reviewed on an annual basis. As long as the need for support is evidenced, we will continue to consider funding support within the Welsh Government's budgets.

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6. Recommendation 5

The Committee recommends:

We note the Minister's response, that she is not aware of any specific issues for Ukrainian citizens following the closure of the EUSS Family Permit route. We nevertheless, call on the Welsh Government to continue monitoring this situation and to notify the Committee if the position changes.

Response: Accept

The Welsh Government will continue to support Ukrainian citizens residing in Wales and monitor any issues they may be experiencing. To date, we have not received any information to suggest Ukrainian citizens are experiencing issues relating to the closure of the EUSS Family Permit route.

However, in February 2024, the Ukraine Family Scheme visa route closed to new applicants and the Homes for Ukraine visa route could no longer be used by those with temporary status to sponsor relatives to join them in the UK.

Welsh Government has written to the Home Secretary, asking them to expand the UK Government's Family Reunion scheme to ensure it is more accessible to sanctuary seekers with UK-based family members, regardless of their nationality. No response was received due to the General Election.

If any issues are brought to our attention, we will ensure the Committee is made aware of these promptly.

Financial Implications: There will not be any financial implications as this is undertaken as part of Welsh Government's day-to-day business activity.

7. Conclusion

We welcome the findings and recommendations of the Equality and Social Justice Committee's Annual Report. The Welsh Government will take forward the recommendations as part of our ongoing monitoring and support of EU Citizens and the EU Settlement Scheme in Wales.

The Welsh Government will continue to engage with the UK Government and other Devolved Governments to share best practice and discuss concerns. We will continue to actively engage with the Independent Monitoring Authority to support their inquiries and reviews to ensure Welsh Government guidance and policies are compliant with the European Union (Withdrawal) Act 2018.

The development of the new EU Citizens Forum is a positive step forward and policy officials will continue to build on the membership to ensure all relevant stakeholders are identified.

Over the remainder of this financial year, discussions with our grant funded organisation 'Eura' will continue to review progress and establish future requirements for advice services.

We will continue to urge the UK Government to consult properly and effectively with the Devolved Governments and stakeholders on future decisions regarding the scheme, to ensure the Welsh Government's position is considered. Policy officials will continue to attend the UK Government's stakeholder meetings and request the relevant Home Office officials attend our quarterly EU Citizens Forum.