



# HOUSE OF LORDS

European Union Committee

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Rt Hon Sajid Javid MP  
Home Secretary  
2 Marsham Street  
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3 April 2019

Dear Secretary of State,

I wrote to you on 27 February 2019 setting out the concerns of the EU Justice Sub-Committee about four major aspects of the EU Settlement Scheme, and 11 technical issues. I would like to thank you for your very full reply of 20 March 2019. This has allayed some of our concerns. There are others, like awareness of the scheme and assistance with applications, where we appreciate what you are doing, and will have to wait to see if this is going to be enough.

There are however some issues where we would be grateful for your further help.

## ***Awareness of the Scheme***

In this part of my letter I referred to the importance of urgent passage of the legislation necessary to implement abolition of the fee, and to refund fees already paid. You do not mention this in your reply, and the Committee would like to know details of the progress that has been made.

## ***Physical proof of status***

Under the current Scheme, it continues to be Home Office policy that individuals granted pre-settled status or settled status will not be provided with any official documentation to prove their status, but rather will receive an electronic code. Whilst they will receive an email or letter informing them of the decision, this will not amount to proof of status. As you know from our discussion on 22 January, as well as from my letter, this is a continuing concern.

In your evidence to us you said that passports and driving licences have to be documented because there is an international standard. Surely the reason that international standards require a hard copy is because of the importance of the document. We can see that there are situations where a digital system may be simpler and more convenient, at least for the Home Office, though we are not persuaded that it will necessarily be safer. We continue to believe that it is essential that individuals who are granted settled status have the opportunity to acquire a document as evidence of their right to be in the United Kingdom which will provide them,

especially the vulnerable, with reassurance as to their status. We appreciate that you are concerned about the risk of fraud through counterfeit physical documentation, and we propose that the documentation could include the citizen's reference number to allow cross-checks against the online system, as is the case with other documentary systems such as passports. We urge the Government to reconsider options for providing physical proof.

### ***Transfers from pre-settled status to settled status***

You say that you are considering whether it would be possible to implement a reminder system to prompt those whose pre-settled status is about to expire to apply for settled status, assuming that they intend to remain in the UK. It is very important that the Home Office devises a system to allow this to be done, which would presumably be at no great expense compared to the investment in the database thus far. We stress again the importance of avoiding any possibility of individuals being removed because they had failed to apply for settled status in time.

### ***Technical enquiries***

#### *Assistance to vulnerable applicants*

We noted that an estimated 10-20% of the EEA population resident in the UK may be categorised as vulnerable, as opposed to the 1% categorised as such in the PB2 trial. We do not think that the £9 million grant that you will be making to voluntary and community organisations will be enough to cater for help for this number of people needing assistance. This will be particularly important for those who are not computer-literate.

#### *Multiple employment documents*

We would be surprised if a substantial proportion of self-employed people and economically inactive people did not need more than ten documents to prove residence over a period of five years. Has the Home Office made any estimate of how prevalent this problem is likely to be? It would surely help the Home Office as well as the people concerned to change the system to allow more documents to be uploaded by the applicant without the need for intervention by a caseworker.

#### *Use of data received under the Scheme*

Your letter gave high level examples of where data gathered under the Scheme could be used by the Home Office for other purposes. We remain concerned that the Scheme is operating in parallel with the EEA Treaty rules, and such data-sharing could be used to target citizens for removal under those rules. Please set out all of the groups within the Home Office and its agencies that are allowed to use data gathered that is gathered under the Scheme, and please also set out which of these have used such data to date.

In summary, the points on which we request further information are:

- The timescales for the abolition of the fee and issuing of refund;

- Further justification of your opposition to providing physical proof of status, and your thoughts on our proposal for operating physical proof in tandem with the centralised system;
- Further details of the reminder system that you are considering for citizens who have pre-settled to apply for settled status;
- Details of the assessment of the adequacy of the £9million allocated to assisting vulnerable applicants, compared to the estimated scale of that population;
- The rationale for placing a limit of ten on the number of documents that an applicant can upload, and your assessment of the number of people who will be affected by this limit; and
- Further details about data-sharing between the EU Settlement team and the EU Removals team.

We ask that you reply to this letter within ten days.

This letter has been copied: to the Chair of Home Affairs Committee; the Chair of Joint Committee on Human Rights; and Ben Macpherson MSP, Minister for Europe, Migration and International Development, Scottish Government.

*Yours sincerely*  
*H. Kennedy*

Baroness Kennedy of The Shaws  
Chairman of EU Justice Sub-Committee