

# Annual Report:

## European Union Settlement Scheme

April 2024



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# **Annual Report:** European Union Settlement Scheme

April 2024



# About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:  
[www.senedd.wales/SeneddEquality](http://www.senedd.wales/SeneddEquality)

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Current Committee membership:



**Committee Chair:  
Jenny Rathbone MS**  
Welsh Labour



**Jane Dodds MS**  
Welsh Liberal Democrats



**Altaf Hussain MS**  
Welsh Conservatives



**Sarah Murphy MS**  
Welsh Labour



**Sioned Williams MS**  
Plaid Cymru

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The following Member was also a member of the Committee during this inquiry:



**Ken Skates MS**  
Welsh Labour

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## Chair's Foreword

Of the many promises made during the referendum campaign to leave the EU, few could be more consequential than the commitments made on citizens' rights for the nearly 100,000 people estimated to be living in Wales from other parts of Europe, their friends and family.

The Equality and Social Justice Committee has been monitoring and championing the rights of European citizens who wanted to remain living in Wales after Brexit since 2021.

We've received regular monitoring reports on the latest statistics, scrutinised the actions of governments and shared any issues of concern with Welsh Ministers and the UK-wide watchdog, the Independent Monitoring Authority.

This is our second annual report which sets out EUSS statistics for Wales up to 31 December 2023. It shows that additional complexities are emerging which demand our ongoing attention as well as long-standing issues.

We welcome the Welsh Government's commitment to all European citizens in Wales and its readiness to share information. Our conclusions and recommendations are designed to further support European citizens living in Wales and demonstrate the importance of our continued work on this matter.



**Jenny Rathbone MS**

Chair of the Equality and Social Justice Committee

## 1. Introduction

- 1.** The Equality and Social Justice Committee (the Committee) has considered quarterly monitoring reports on the EU Settlement Scheme (EUSS) since its establishment in June 2021.
- 2.** This second annual report presents EUSS statistics relating to Wales up to 31 December 2023 and provides an update on our latest correspondence between the Committee and Welsh Government.



## 2. Background

- 3.** Following the UK's exit from the EU, the UK Government gave European citizens who were living in Wales before 31 December 2020 a deadline to apply to stay here by 30 June 2021.
- 4.** This applied to citizens from EU Member States, Norway, Iceland, Liechtenstein and Switzerland but not to Irish citizens, who are exempt under separate arrangements. The number of citizens from these countries living in the UK is unknown, meaning nobody knows how many applications there should be.
- 5.** The EU Settlement Scheme is the UK Government's programme to which European citizens must apply in order to stay in the UK after Brexit.
- 6.** Since its launch, almost 7.7 million applications have been submitted to the EUSS. Successful applicants are granted a status of either 'settled' or 'pre-settled'. For background, see Senedd Research's article on this issue.
- 7.** The EUSS is a requirement of the citizens' rights agreements reached between the UK, the EU and other European countries as part of Brexit, including the Withdrawal Agreement. The rights of European citizens in the UK are guaranteed by agreements with the EU, Norway, Iceland, Liechtenstein and Switzerland.
- 8.** The Welsh Government must adhere to these agreements and the Welsh Government's former Minister for Social Justice, Jane Hutt (the Minister), was responsible for EUSS-related activities in Wales for the period covered in this report.
- 9.** Statistics on applications to the EUSS are recorded by the UK Government. High level statistics are published monthly and detailed statistics, including Wales-level data, is published quarterly.

## 3. Overview

### Applications received by 31 December 2023

**10.** Up to the 31 December 2023, 120,440 applications were received from Wales, including 21,130 applications for those aged under 18, against an original estimated 95,000 eligible citizens who needed to apply.

### Applications that received a decision

**11.** 118,990 applications (98.8%) received a decision by the cut off for the statistical reporting and are referred to as ‘concluded applications’.

### Successful outcomes

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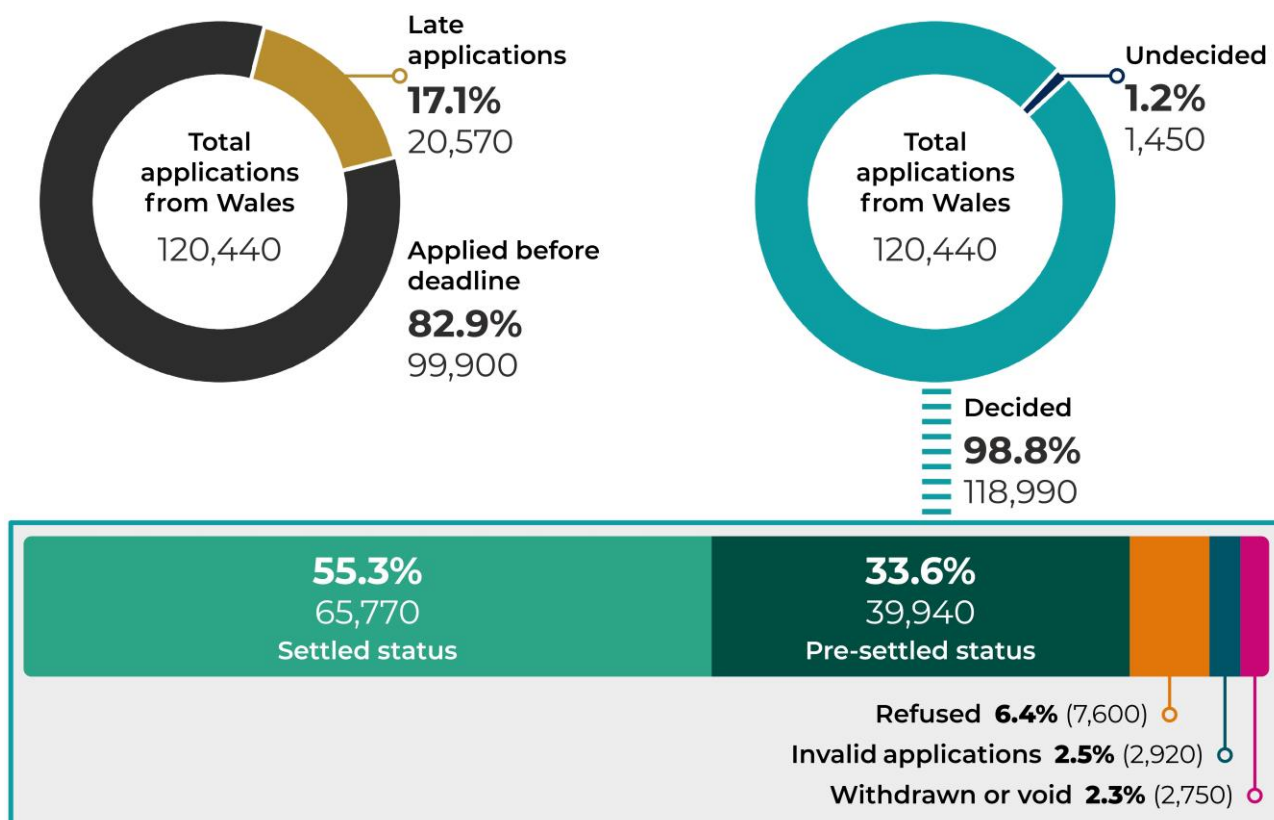
**12.** Successful applicants are granted a status of either ‘settled’ (permanent) or ‘pre-settled’ (temporary for five years). Both settled and pre-settled citizens can work in the UK and can access healthcare, education and public funds (this is more limited for pre-settled citizens). They can also travel in and out of the UK and apply for citizenship. However, pre-settled citizens cannot bring family members to join them.

**13.** Since the EUSS opened, 55.3% of applicants in Wales have been granted settled status up to 31 December 2023 (65,770 concluded applications) and 33.6% have been granted pre-settled status (39,940 concluded applications).

**14.** Unsuccessful applications are also reported. From Wales, 6.4% were refused (7,600 concluded applications), 2.3% were withdrawn or void (2,750 concluded applications) and 2.5% were invalid (2,920 concluded applications).

**15.** The infographic below shows the percentage and number of applications from Wales. It shows whether they were received before/after the deadline, whether they received a decision (“concluded”) and the outcome of applications for European citizens in Wales up to 31 December 2023.

**EUSS applications from Wales by date, concluded applications and outcomes by percentage and number:**



Source: UK Government [EU Settlement Scheme quarterly statistics, December 2023](#) Numbers are rounded to the nearest 10 therefore breakdowns may not match overall totals.

**Outcome system errors**

- 16.** In January 2023, it emerged that the digital status of some European citizens had not been updated to show a refusal decision.
- 17.** Around 141,000 European citizens in receipt of benefits and NHS treatment while awaiting the outcome of their application were required by the UK Government to pay back the amounts received.
- 18.** The digital status of those affected had continued to show as ‘pending’ despite them having received a refusal decision between 27 June 2021 – 19 April 2022.

The Welsh Government’s EUSS Coordination Group meeting minutes from June 2023 record that “only a small number” of citizens in Wales would need to pay back the amounts received.

The Committee wrote to the Welsh Government requesting confirmation of:

- how many European citizens are affected by the system error in Wales, who have been in receipt of services paid for by the Welsh Government;
- whether the Welsh Government has quantified the amounts involved;
- whether the Welsh Government will request costs from devolved budgets, such as health services, to be paid back.

The Welsh Government response states that:

*“Welsh Government officials have liaised with all local health boards in Wales and determined that no EU citizens accessing relevant health services in Wales have been affected by the system error.”*

## **Our view**

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**Conclusion 1.** We welcome steps taken by the Minister to ascertain the impact of the EUSS system error on European citizens living in Wales.

### **Pre-settled citizens**

**19.** Originally, pre-settled status expires after five years and must be converted to settled status via a second application. This means that the 39,460 citizens who have been granted pre-settled status and want to stay in Wales beyond its expiration would need to apply again.

**20.** Failure to reapply would result in the automatic loss of a person’s right to work, access housing, education and benefits, and they could be liable to removal from the UK.

### **Changes to pre-settled status**

**21.** On 21 December 2022, the High Court ruled that the requirement to make a second application to upgrade to settled status is unlawful. The UK Government did not appeal the decision and changes to the EUSS scheme were announced by the Home Office on 17 July 2023.

**22.** The changes mean that pre-settled citizens:

- will **automatically have their status extended by two years from September 2023**. Citizens will be notified of extensions, and their digital status will be automatically updated.
- will be **automatically upgraded to settled status, starting from 2024**. This will be done by the Home Office on the basis of automated residence checks (i.e. those whom the Home Office can evidence to have lived in the UK continuously for the last five years). Those who have not lived in the UK continuously for five years are not eligible for an automatic upgrade. Citizens will be notified of automatic upgrades but do not need to wait to be automatically upgraded. Citizens can apply to upgrade as soon as they are eligible.

**23.** In announcing the changes, Lord Murray, Parliamentary Under Secretary of State for Migration and Borders, said:

*“Automatic extension of pre-settled status ensures that many EU, other EEA and Swiss citizens and their family members in the UK can continue to make a hugely valued contribution to British society without fear of losing their immigration status by simply failing to apply for settled status.*

*The measures we’ve announced today will also enable us to continue robustly tackling spurious EUSS applications, freeing up resource for legitimate late applicants and status-holders, and delivering for the UK public.”*

## **Welsh Government response**

**24.** In March 2023, the Minister for Social Justice, Jane Hutt, told the Committee that she welcomed the UK Government’s decision not to appeal the High Court’s decision. She explained how the Welsh Government:

- continues to reach out to the UK Government for further clarity on what the ruling means; and
- called for the UK Government to involve all devolved governments in any decision making or further policy developments in this area.

**25.** In August 2023, the Welsh Government updated its guidance to reflect the changes made following the High Court ruling. The guidance was promoted on social media in August and September.

## **Commentary on the changes**

### **Migration Observatory at the University of Oxford**

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**26.** On 18 October 2023, Madeleine Sumption and Mihnea Cuibus at the Migration Observatory said that “several key uncertainties remain” about how the changes will work. They raised two key issues:

- The two-year extension “merely pushes the problem into the future, raising the question of what will happen to those still holding pre-settled status by that point”; and
- The automatic upgrade system may “miss a significant number of pre-settled status holders who become eligible for an upgrade but don’t leave a sufficient administrative trail of their continuous residence, perhaps because they don’t pay tax or withdraw benefits”.

### **UK in a Changing Europe**

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**27.** On 25 September 2023, Professor Catherine Barnard and Fiona Costello at UK in a Changing Europe explained that, while an automatic status upgrade “is undoubtedly helpful for many”, the changes “will leave more vulnerable individuals in an ongoing precarious position”.

**28.** The authors set out their concerns for vulnerable groups, including victims of domestic abuse and low paid migrant workers. They also raise important questions, including:

- how the two-year extension sits with the automatic accrual of permanent residency rights provided by the Withdrawal Agreement?
- what happens if someone fails to upgrade after the initial two-year extension?
- what the changes mean for those who do not generate the digital footprint necessary for the automatic upgrade, such as children and migrant workers?

**29.** They conclude that the two-year extension:

*“will mean an extension in the hardship of many vulnerable individuals and families because, as the Home Office’s own literature says, ‘it’s easier to prove your right to live in the UK permanently if you have settled status.’”*

### **Number of pre-settled citizens in Wales**

**30.** The maps overleaf show the number of pre-settled citizens in each Welsh local authority area. The total number of applications is shown in brackets.

### **Converting pre-settled status to settled**

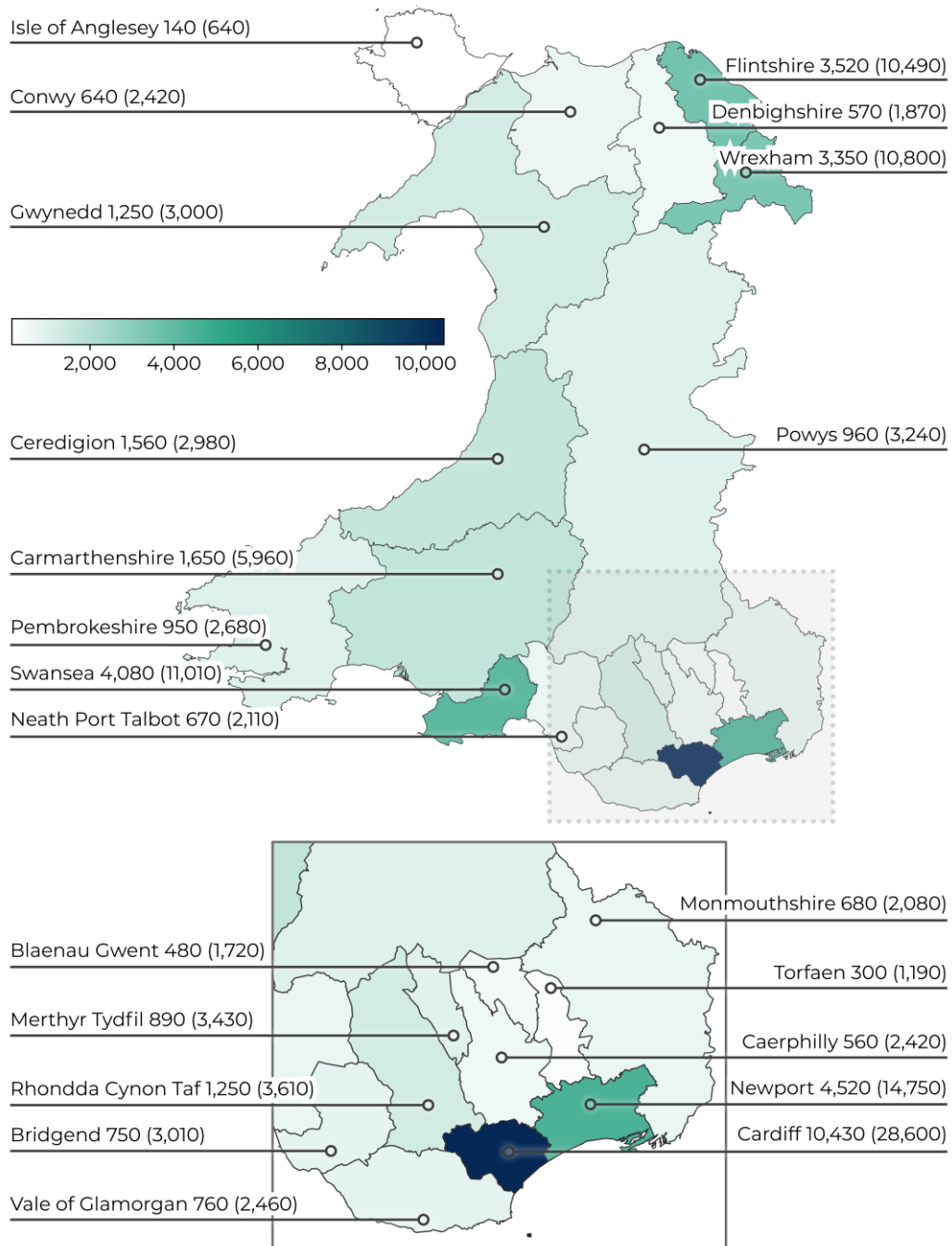
**31.** The number of those applying to convert their status from pre-settled to settled status are captured in UK-wide statistics on repeat applications.

**32.** Prior to the UK Government announcement described above, the statistics showed that 611,960 pre-settled citizens had moved to settled status via a second application. Migration Observatory says this amounts to “around 22% of people who had ever been granted pre-settled status”.

**33.** Information by UK nation is not provided. This means we do not know how many applications have been received from pre-settled citizens in Wales trying to convert their status.

**34.** The EUSS Coordination Group meeting minutes from September 2023 record that the Welsh Government has requested that future statistical updates published by the Home Office show breakdowns of those who have been automatically upgraded and those who applied to be upgraded. The minutes show that the request was being considered and that officials would respond in due course.

**1 - Map of Wales showing the number of pre-settled citizens in each Welsh local authority area, with the total number of applications is shown in brackets.**



Source: UK Government [EU Settlement Scheme statistics local authority tables, December 2023](#)



The Committee wrote to Welsh Government seeking confirmation on:

- its response to the changes to pre-settled status;
- whether the UK Government has provided the clarity and involved the devolved governments fully, as requested by the Welsh Government;
- whether the UK Government has responded to the Welsh Government's request, that statistical breakdowns be provided of automatic status upgrades and those who applied to upgrade from pre-settled to settled status;
- the Minister's views on the concerns raised by the Migration Observatory and UK in a Changing Europe in relation to the impact on vulnerable groups.

The Minister's response explains that:

- She had written to the UK Government in June 2023 calling for "better engagement" on Home Office plans to implement the High Court's ruling;
- the Welsh Government was not consulted on the proposed changes to the EUSS and did not receive advance warning prior to the announcement being made.
- The Minister wrote to the Parliamentary Under-Secretary of State in August to inform the Home Office that "this lack of engagement was having a detrimental impact on the ability of Devolved Governments to effectively implement the policy". Subsequently, engagement improved and regular meetings between Welsh Government officials and the Home Office were taking place.

The Welsh Government response states that:

- *"Welsh Government officials are in regular contact with the IMA to ensure a clear understanding of what the recent changes to the immigration system mean for citizens with pre-settled status" and that:*
- *"The Welsh Government welcomes the extension to pre-settled status and the automatic upgrade of settled status, as this reduces the burden on EU citizens and reduces the likelihood of people ending up without secure status. However, the Welsh Government has asked the Home Office for clarity about how they will notify citizens who are not eligible for the automatic upgrade. This is to ensure that those citizens are aware that they*

*will be required to apply to switch from pre-settled to settled status. Welsh Government have been reassured that all individuals who cannot be automatically upgraded to settled status will be notified appropriately”.*

The Welsh Government also confirmed that:

- *“The Home Office has responded to Welsh Government requests for statistics on the number of pre-settled status holders who have been automatically upgraded to settled status and Welsh Government has been reassured by those numbers. However, this information is not in the public domain and the UK Government is not including this data in the routine publishing of the EUSS Quarterly Statistics, therefore Welsh Government are unable to share any statistics.”*

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## **Our view**

**Conclusion 2.** We welcome steps taken by the Welsh Government to support pre-settled citizens in Wales with the changes announced by the UK Government, such as updating resources and maintaining regular contact with the Independent Monitoring Authority.

**Conclusion 3.** We are disappointed to learn that the Welsh Government received no prior warning from the UK Government of changes made to the EUSS. However, we also note the subsequent improvement in engagement between both governments and expect this to continue.

**Recommendation 1.** We call on the Welsh and UK governments to work together on implementing the changes to the EUSS, in light of their important implications for European citizens living in Wales.

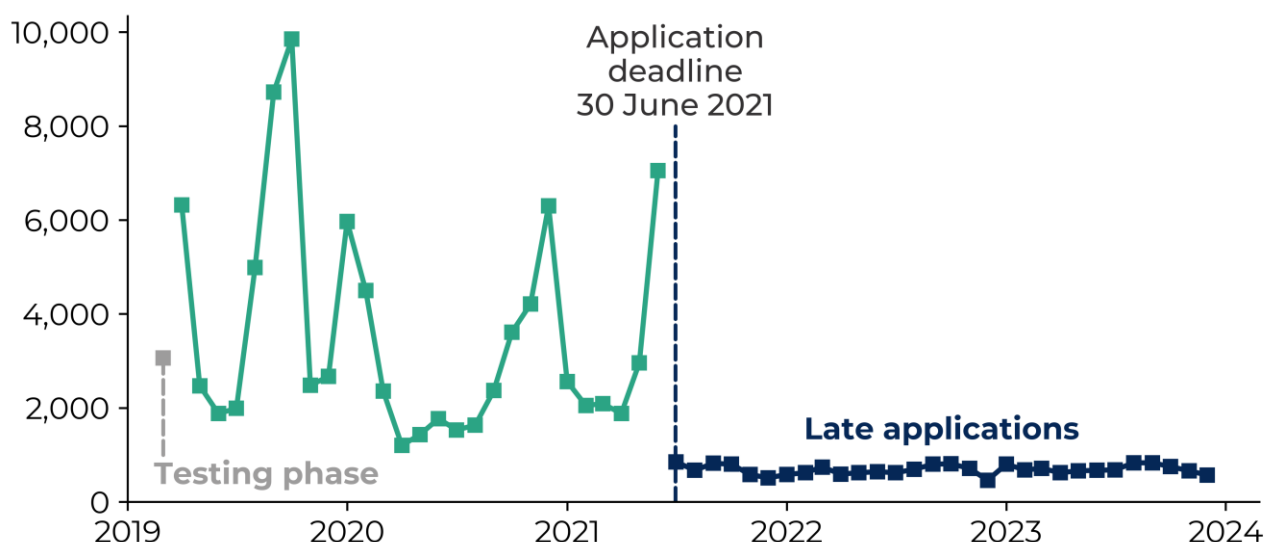
## 4. Late applications

**35.** The EUSS remains open to receive late applications, which are allowed if a person has reasonable grounds for missing the deadline. Examples include where a parent has failed to apply on behalf of a child or where a person has a serious medical condition. The UK Government has promised to protect the rights of those with reasonable grounds for missing the deadline.

### Number of late applications from Wales

**36.** The number of late applications from Wales reached 20,570 at the end of December 2023. There were 570-830 late applications each month in 2023, as shown on the graph below.

#### EU Settlement Scheme monthly applications received in Wales



Source: UK Government EU Settlement Scheme quarterly statistics, December 2023

### Emerging issues

**37.** The June 2023 meeting minutes of the Welsh Government's EUSS Coordination Group record that organisations were busier than previously with limited resources and that there is still a high level of complex cases ongoing. Updates from Settled, TGP Cymru and Citizens Advice document an increase in the number of people needing to apply, including children and other vulnerable groups, particularly domestic violence and homeless cases. Language and IT barriers continue to present challenges, for example, some applicants do not realise their application has been refused.

**38.** The [Migration Observatory notes](#) that “late applications have not consistently declined over time and remained at more than 15,000 per month throughout 2022 and 2023” UK-wide.

**39.** It says that the challenges of deciding late applications has grown for a number of reasons, including the challenges of evidencing residency longer ago, that applicants are more likely to be vulnerable and because of applications from people arriving in the UK after the deadline and applying despite not being eligible, thus increasing the challenge of focusing resources on eligible applicants.

**40.** It also notes that, UK-wide, “the refusal rate for applications has increased sharply over time, from below 3% of all decisions in early 2021 to 37% by June 2023”.

**41.** The 3 million, the largest grassroots organisation for European citizens, monitors [application delays](#). It says that:

*“Since the opening of the scheme, as at the end of March 2023, 44% of people waited for longer than 30 days before getting their status. Almost 425,000 people had to wait for longer than 6 months, and almost 65,000 people had to wait for more than a year.*

*The number of people whose applications took more than 18 months to conclude went up by a staggering 68% from just over 7,000 as at December 2022, to almost 12,000 as at March 2023.”*

**42.** The IMA launched an [inquiry into application delays](#) to which citizens could respond up to 16 October 2023. The inquiry is yet to report.

## **Changes to ‘reasonable grounds’ guidance**

**43.** In addition to the changes to pre-settled status described above, changes were also made to late application ‘reasonable grounds’ guidance. The changes applied from 9 August 2023. [Kingsley Napley](#), and employment advisors, [Lewis Silkin](#), believe the changes represent a [“stricter”, “more narrow” approach](#).

**44.** [Kingsley Napley](#) explains that:

*“whether there is a ‘reasonable excuse’ for a late application will be a validity requirement instead of an eligibility requirement. This means that whether an applicant has a*

*'reasonable excuse' for a late application will be considered before any other merits of the application are looked at. Importantly, if the Home Office rejects the application as invalid, it means there is no right of appeal or Administrative Review. The only recourse would be judicial review.*

*Previously, applicants were issued a "Certificate of Application (CoA)" at the point of submission to prove various rights such as the right to work and rent. However, this change means that the Home Office will not issue a CoA until it has decided on the validity points, potentially delaying the applicant's ability to prove their rights."*

## Removal of right to administrative review

**45.** On 7 September 2023, the UK Government also announced it was removing the right to an administrative review of refused or cancelled EUSS decisions made on or after 5 October 2023. This decision removed one route by which a European citizen can ask for a decision to be reconsidered by the Home Office. The rights to appeal, seek judicial review or reapply to the EUSS remain in place.

**46.** Minister of State for Immigration, [Robert Jenrick](#), said:

*The changes create streamlined arrangements for challenging a decision and align with the approach taken in the rest of the immigration system (where no dual right of redress exists).*

The Committee [wrote](#) to Welsh Government requesting the following information:

Its view on the changes made in relation to late applications, including to reasonable grounds criteria and the removal of the right of administrative review.

- Its view on late applications from Wales, which have remained steady at between 570-830 per month in 2023.
- Confirmation of whether the Welsh Government is aware of specific challenges for late applicants in Wales, including changes over time to the types and complexity of cases being handled by funded organisations.
- Confirmation of whether the Welsh Government and funded organisations are experiencing the same trends as are being documented UK-wide, in relation to increases in refusal rates and decision delays.

- Any Wales-specific statistics on these matters that it can share with the Committee.
- An update on intergovernmental discussions on these issues.

The Minister's response states that:

- Welsh Government officials had voiced concerns around the removal of the administrative review process. According to the Welsh Government, there will still be genuine EU citizens who are applying late to the scheme and are refused because of the tightening of validity criteria and case worker guidance around reasonable grounds. The Welsh Government urges any citizen who has been refused and believes they have made a valid late application to contact one of the Welsh Government-funded organisations for support.
- Stakeholders have told the Welsh Government that the complexity of cases they are dealing with is an issue and that case workers with OISC level 2 and even level 3 accreditation are needed to deal with the cases they are seeing.

The Minister also disclosed:

- “Home Office officials have stated that while there continues to be high numbers of late applications, these are mainly repeat applications and not new applications, which is the reason for the tightening of the validity criteria. The Home Office officials have further stated that they are keen to ensure that genuine late applications are not delayed due to the Home Office being inundated with repeat applications from citizens who are not eligible for pre-settled or settled status and have been refused status.”
- “The number of late applications made by EU citizens in Wales saw a decline over the spring and summer months but application numbers are again rising. The Welsh Government has asked the Home Office for a breakdown of application types but have not yet received a response to this request.”

## 5. No application

**47.** If a person has not applied to the EUSS and they come into contact with UK authorities, they will be issued with a 28 day notice to apply. The UK Government says that people who have not applied after the 28 day notice period will not be eligible for work, benefits or services and will not pass tenancy checks.

**48.** They may be liable for enforcement action, although the UK Government emphasises that deportation will not be automatic.

### Two EUSS routes closed to new applications on 8 August 2023

**49.** In announcing the changes detailed above, the UK Government also announced that, from 8 August 2023, two EUSS routes would close to new applications:

1. EUSS Family Permit: applicable to family members of a qualifying British citizen (known as ‘Surinder Singh’ cases); and
2. Zambrano ‘right to reside’: applicable to primary carers of a British citizen (more information can be found in an article by Turpin Miller).

The Committee wrote to Welsh Government to request:

- Its view on the closure of EUSS Family Permits and Zambrano routes.
- An update on intergovernmental discussions on these issues.

The Minister’s response explains that:

The UK Government did not consult the Welsh Government on the plans to close the Zambrano and Family Permit routes and were only notified when the UK Government announced the changes to the immigration rules in July, confirming the closure of both routes:

- “With evidence that applications via these routes from Welsh residents were very small in numbers, the Welsh Government does not believe the closure of these routes will have a major effect but, as always, prior warning from the UK Government would have enabled better analysis of this.”

## **Our view**

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**Conclusion 4.** We note the concerns of the Minister that cases are increasingly complex.

**Conclusion 5.** We are disappointed that the Welsh Government received no prior warning of further changes to the EUSS relating to a narrowed criteria and the closure of EUSS routes.

**Conclusion 6.** We note that our long-standing concerns relating to persons making late applications have not been addressed. Furthermore, we consider that the bar is set high for late applicants by recent changes to the EUSS, and share the concerns of the Minister for those making genuine applications.

**Recommendation 2.** We call on the Welsh Government to 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.



## 6. Welsh Government support

**50.** Since 2019, the Welsh Government has provided over £2.7million in short-term free advice and support services to those applying to the EUSS, which has been regularly extended.

**51.** The Minister told the Committee in June 2023 that:

*“We have worked collaboratively with stakeholders to decide how to make best use of the funds available and we remain focussed on supporting all vulnerable and hard to reach groups.”*

### Advice and support services

**52.** On 23 March 2023, the Minister for Social Justice issued a statement explaining that:

- An additional £200k will be provided to Citizens Advice and Settled to provide support for the next financial year (from April 2024); and that
- Newfields Law will see its contract extended for an additional six months to enable the firm to support the health and social care sector with overseas recruitment, which will include further support for EUSS applications. No specific dates are provided.

**53.** The Minister advises that “many” EUSS applicants have had support of one of its funded partners but no exact figure is given.

**54.** The Minister said later on 12 June 2023 that steps taken by the Welsh Government would “ensure that advice services continue for at least the next 12 months”.

### Roma community

**55.** In June 2023, the Minister responded to the Committee’s request for information on support provided to the Roma community. The Minister explains:

- That the Welsh Government funded the TGP Cymru Travelling Ahead project up to 31 July 2023 but was looking at options to continue a revised service from 2024.

- Services provided by Settled were funded “until March 2024”, including support in the Romanes language.
- That TGP and Settled were in the process of applying jointly for UK Government funding, which could support the Roma community.
- Neither the EUSS scheme, nor Welsh Government grant funded organisations, record the ethnicity of EUSS applicants. The Minister explains that a lack of statistical data means that “the Welsh Government does rely on the advice providers to inform us about particular vulnerabilities”. It was awaiting statistics from TGP on the number of individuals from the Roma community who may still need support.

The Committee wrote to Welsh Government to request:

- Confirmation of whether support plans have altered in light of the changes made by the UK Government, and how.
- An update on the support available and associated timescales.
- Statistics on the number of citizens accessing EUSS advice and support services.

An update on EUSS-related Roma community support, including whether the Welsh Government has learned of how many individuals may still need support.

The Minister responded that:

- The Welsh Government extended the EUSS Advice Services provided by Settled and Citizens Advice Cymru until 31 March 2024.
- Citizens Advice and Settled provide quarterly reports to the Welsh Government on the services they provide which does include the number of citizens they are helping to successfully submit an application to the EUSS. However, the number of citizens seeking advice is less of an issue post-deadline; it is the complexity of cases that is increasing.
- Welsh Government funds the Travelling Ahead project at TGP Cymru to deliver advice and advocacy support to Gypsy, Roma and Traveller (GRT) communities. The Minister explains that the project seeks to have “a positive impact on people’s lives through supporting community members to ensure

accommodation security, access services and benefits and engage with decision makers and public services”.

- Welsh Government officials have begun a new procurement exercise to re-tender the provision of advice and advocacy support to GRT communities, with the intention of avoiding any break in services available.
- TGP Cymru continues to be funded by the UK Government to provide level 1 OISC EUSS Advice services to the Roma community. The Welsh Government does not have data on the number of individuals needing support but it is not aware that there is any increased demand in advice for the Roma community.

## Our view

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**Conclusion 7.** We welcome steps taken by the Welsh Government to support EUSS applicants in Wales.

**Conclusion 8.** We reiterate our previous concerns, that those who have failed to apply at this stage may be from harder to reach, underrepresented and vulnerable groups.

**Recommendation 3.** We call on the Welsh Government to continue to support European citizens living in Wales in future, including those applying to the EUSS.

**Recommendation 4.** We call on the Welsh Government to continue targeting its EUSS support at harder to reach, underrepresented and vulnerable groups, including the Roma community.

## 7. Ukraine

**56.** As part of the measures taken in response to the Russian invasion of Ukraine, the First Minister asked the Prime Minister to extend the deadline for EUSS family permit scheme to allow Ukrainian family members of eligible European citizens to come to the UK. The scheme was not extended to Ukrainian family members beyond its 29 March 2022 application deadline. After this, the ‘reasonable grounds’ criteria for late applicants applies.

**57.** As explained above in section 6, the EUSS Family Permit scheme closed to all new applications on 8 August 2023.

**58.** The EUSS statistics show that 15,700 applications were received from Ukrainians up to 31 December 2023, with 15,330 receiving a decision. The latest statistics provide the outcome of concluded applications, as follows: 5,410 (35.3%) were granted settled status and 8,700 (56.8%) were granted pre-settled status. The remaining applications were refused (420 – 2.7%), withdrawn or void (510 – 3.3%) or invalid (300 – 2.0%).

**59.** Information by UK nation is not available. However, at the request of the Welsh Government, the UK Government confirmed in March 2023 that 80 applications with a Welsh address had been made to the EUSS.

The Committee wrote to Welsh Government to request:

- An update on the number of Ukrainian applicants with an address in Wales, as previously obtained from the UK Government on request.
- Confirmation of whether the Welsh Government or members of its EUSS Coordination Group are aware of any specific issues arising for Ukrainian citizens, in particular since the closure of the Family Permit route.

The Minister’s response states that:

- Up to 30 September 2023, 15,260 Ukraine nationals across the UK applied to the EU Settlement Scheme.
- However, as no breakdown is provided, the Welsh Government is unable to provide a figure of how many applicants were from Wales.
- The Welsh Government is not aware of any specific issues for Ukrainian citizens following the closure of the EUSS Family Permit route.

**Conclusion 9.** We reiterate our long-standing position, that the EUSS Family Permit route provided one of many vital routes to the UK for Ukrainian citizens. We were disappointed that its original application deadline was not extended, and that its closure represents a reduction in available routes to the UK for those fleeing the war in Ukraine.

**Recommendation 5.** 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.

## 8. Independent Monitoring Authority

**60.** The UK's Independent Monitoring Authority (IMA) was established to protect the rights of EU and EEA EFTA citizens, and their family members, in the UK and Gibraltar by monitoring UK public bodies. This is required by Article 159 of the UK-EU Withdrawal Agreement and Article 64 of UK-EEA EFTA Separation Agreement.

**61.** The IMA laid its second annual report in the Senedd on 29 June 2023. The report includes a Wales-specific looked after children and care leavers report which reviews the support provided by all of Wales's local authorities and health and social care services in making EUSS applications. This was part of a UK-wide IMA review into support provided by local government.

**62.** The report details a number of the IMA's concerns, including a lack of:

- documented processes and written operational guidelines;
- accurate record keeping and data capture and storage;
- references to the identification of non-EU and EEA EFTA family members of EU and EEA EFTA citizens; and
- the use of ethnicity as opposed to nationality to identify citizen eligibility.

**63.** As a result, the IMA said it was considering opening individual compliance investigations.

**64.** The Welsh Government provides to the Committee quarterly meeting minutes from its EUSS Wales Coordination Group. The minutes for June 2023 record an update provided by the IMA at the meeting, in which it states that 21 of 22 local authorities had assurance cases open and that the IMA was in the process of regrading the local authorities. The update also noted that data recording had improved.

The Committee wrote to the Welsh Government requesting:

- A response to the IMA's findings;
- A status update on the IMA's assurance cases of local authorities in Wales.

The Minister's response states that:

- The Welsh Government was pleased that the concerns of the IMA had been dealt with by local authorities. The IMA confirmed that all 22 local authorities in Wales had taken proactive measures to improve their processes, procedures, and management information to ensure they are protecting the rights of EU looked after children and care leavers. As a result of the measures taken by local authorities in Wales, the IMA graded all 22 local authorities as 'green'.<sup>1</sup>
- The Welsh Government commended all local authorities in Wales for their engagement with the IMA noting that in some cases, local authorities had been able to identify additional numbers of children being eligible for the EU Settlement Scheme. The Welsh Government affirmed that they will continue to support all local authorities in Wales to implement robust processes to identify and support eligible cohorts in line with the Home Office guidance. Welsh Government confirmed that there are currently no Welsh local authority cases which remain open.

## Our view

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**Conclusion 10.** We note the findings of the IMA review and welcome the fact that proactive measures taken by Welsh local authorities mean that all 22 are graded green.

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<sup>1</sup> [Assurance Review \(Looked after Children and Care Leavers\) Annex 1a: Wales Follow on review](#)

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## 9. New EU Citizens' Rights Forum

**65.** The Welsh Government's EUSS Coordination Group comprised several external partners that support citizens in applying to the EUSS. Following a request made by the Committee in its first annual report, the Minister agreed to share the Group's meeting minutes which we have received regularly.

**66.** The Minister's response notified the Committee that the EUSS Co-ordination Group had closed and has been replaced by a broader EU Citizens' Rights Forum. The new Forum will cover EU citizens' rights as well as the EU Settlement Scheme.

**67.** In December 2023, the Minister shared the Forum's Terms of Reference, which take forward the commitment to share meeting minutes with the Committee.

### Our view

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**Conclusion 11.** We welcome the evolution of the EUSS Coordination Group into a reconstituted EU Citizens' Rights Forum. Given that process of securing rights after Brexit is yet to conclude, we hope that the Forum will guarantee continued engagement with these issues in future.

**Conclusion 12.** The Welsh Government's commitment to continue sharing meeting minutes of the new EU Citizens' Rights Forum with the Committee complies with our previous recommendation. We warmly welcome this commitment to transparency.



## 10. Next steps

**68.** In addition to its ongoing work on the EUSS in Wales, the Committee agreed in January 2022 to routinely:

- publish regular monitoring reports on European citizens' rights in Wales, available on the Senedd's website; and
- share its reports with the Independent Monitoring Authority.