



# SETTLED IN NEWHAM

Aug 2021

## ABSTRACT

The EU Settlement Scheme, residents' issues after the 30 June deadline, and how Newham Council can address them in partnership with the Voluntary and Community Sector.

# Executive Summary

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From March - June 2021, Newham Council funded a consortium of 10 organisations to deliver an awareness-raising project on the EU Settlement Scheme (EUSS) to vulnerable residents. The first of its kind in the borough, the campaign adopted a pioneering approach to engaging over 1000 residents and over 200 local community, faith and voluntary organisations, delivering 64 in person and online events, and guiding over 300 residents through their EUSS applications in the 10 weeks before the Scheme's deadline.

This report is based on 17 interviews with project partners, feedback from residents who engaged with the project, and a review of the grey literature.

**Issues from July 2021.** Despite the positive outcomes registered during the two months, several are likely to continue after the 30 June deadline.

- First, residents who have not yet applied to the EUSS need urgent support in applying for a new immigration status to continue living in the UK. Without a status they will have no access to lawful work and accommodation, and No Recourse to Public Funds, increasing pressure on the support and services provided by an already stretched voluntary sector. More broadly, this would undermine the Council's strategic focus on improving outcomes for residents.
- Second, a significant proportion of residents will likely struggle to prove and manage their status in day-to-day interactions. Unlike a traditional visa, the EUSS is a digital-only scheme where status is proven online. Without support, the elderly, the digitally excluded, and those who struggle with English and IT literacy risk being unable to prove their status, affirm their rights, or secure their right to settle permanently in the UK. With almost 126,000 applications made by Newham residents, the highest in any local authority, this could mean as many as 1 in 3 Newham residents are living with a new immigration status.<sup>1</sup>
- Third, over the next 5 years a significant proportion of those granted Pre-Settled Status (Limited Leave to Remain) will need to make a new EUSS application for Settled Status (Indefinite Leave to Remain). As this is not an automatic 'upgrade', there is the risk of having no status at all if an application is not made before a Pre Settled status expires. Crucially, it is likely those who required help to apply the first time, will do so again.
- Lastly, every employer, landlord, education provider and secondary healthcare provider in the borough will need to conduct new types of immigration checks before entering agreements or extending services to EEA citizens. There is a real risk that organisations which lack the capacity or knowledge to familiarise themselves with the new process will penalise vulnerable residents.

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Source for EUSS figures: [EU Settlement Scheme quarterly statistics local authority tables, March 2021](#). Published: 01 June by Home Office.

Source for population figures: [Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, ONS](#). Published: 24 June 2020 by ONS.

**Recommendations.** To mitigate these issues this report recommends that Newham Council takes a strategic approach which recognises the urgency of immediate issues, but also cultivates residents, and the VCS's resilience in the long-term.

In the short term, funding is required to continue supporting vulnerable residents who are yet to apply, waiting for or challenging a decision on their application, or who struggle to manage and prove their digital status. In practice, the Council could fund:

- Non specialist community-based activity delivered by local, trusted community partners. Activity should focus on raising awareness of EUSS rights and entitlements, managing and proving status, and supporting late applications. Support and access to digital technology would also be required.
- Access to specialist advice at OISC Level 1 and above for late applications and complex cases.
- Access to specialist advice in challenging discrimination in employment, welfare and secondary healthcare, to enable vulnerable EEA citizens to affirm their rights. Training and awareness raising delivered by specialist organisations, specifically for employers, landlords, Council staff and education providers. This would ensure that all organisations involved in immigration checks are well informed of their and their stakeholders' rights and responsibilities under the EUSS.

Building on the work of this Consortium, it is critical that the Council and local trusted VCS organisations develop a sustainable response to improve and increase immigration advice and support in the borough for the long-term. The thousands of EEA citizens and their family members struggling to navigate life with their new immigration status could substantially increase demand upon an already stretched resource. A wider immigration response should:

- Embed EUSS support and advice into broader provision in the borough.
- Ensure that specialist advice in challenging discrimination is available.
- Ensures that Council services and staff embed awareness raising and signposting to local EUSS support in all resident engagement, to enable vulnerable residents to secure and exercise their status.

Lastly, in order to sustain a strategic approach to migrants' issues, the borough would benefit from a framework for intelligence gathering between the Council and local VCS organisations. Focused on critical issues and emerging needs, a cross-sector Migrants Forum could strengthen Newham's local responses, and ultimately optimise corporate approaches to tackling poverty and social integration in the borough.

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# 1. The EU Settlement Scheme

On the 31st of January 2020, the UK officially left the European Union (EU). After an eleven-month transitional period, on the 1st of January 2021 the free movement of people, goods and services ended, changing the ways in which the UK and EU work, trade and live together.

The EU Settlement Scheme (EUSS) was established to grant EU, EEA, Swiss citizens and their eligible family members of any nationality (henceforth EU+ citizens) an immigration status which would allow them to remain and exercise their rights in the UK after the end of free movement. In effect, the EUSS implements the citizens' rights provisions of the Withdrawal Agreement, by granting status to those who can evidence living in the UK before the 31st of December 2020.

Applicants who can demonstrate 5 years continuous residence are granted the right to reside permanently, in the form of **settled status**. Those yet to accrue 5 years continuous residence are eligible for **pre-settled status**, which gives them limited leave to remain for 5 years, and the option to settle once they meet the qualifying residence period.

By the 30th of June 2021 when the EUSS officially closed, the scheme attracted over 5.2 million applications. In the borough of Newham, almost 126,000 applications had been made, the highest of any local authority. If every application was unique, as many as 1 in 3 Newham residents applied.<sup>2</sup>

	Applications made	Settled	Pre-settled	Other outcomes	Backlog
<b>UK</b>	5,217,140	2,609,010	2,135,980	170,190	301,960
<b>Newham</b>	125,620	52,630	60,670	4,650	7,670
<b>% of Newham population</b>	35.57%	14.90%	17.18%	1.32%	2.17%

Table 1 EUSS applications and outcomes from Aug 2018 to 31 March 2021. Source: Home Office EUSS data published 27 May 2021.

Source for EUSS figures: [EU Settlement Scheme quarterly statistics local authority tables, March 2021](#). Published: 01 June by Home Office.

Source for population figures: [Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, ONS](#). Published: 24 June 2020 by ONS.

**31 Jan 2020**  
UK leaves the EU.

**31 Dec 2020**  
Free movement ends.

**30 June 2021**  
Deadline for EUSS applications.

**01 July 2021**  
New immigration checks begin.

## THE ISSUES

Despite being hailed as a success by the government, the scheme suffers from several significant limitations.

**A digital system.** The EUSS is a digital-first scheme where applications are made and status is proven online.<sup>3</sup> This can severely disadvantage vulnerable EU+ citizens. Despite campaigners' efforts to get the Home Office to issue physical proof, under the current provisions EUSS holders can only evidence their status by logging in to a gov.uk platform where they have to pass a two-factor authentication process, before they can generate a 'share code'.

Several parliamentary committees and campaign groups have pointed to the limitations of a digital-only status. As far back as March 2019 the House of Lords EU Justice Sub-Committee warned that the lack of hard-copy documentation would penalise applicants who lack digital confidence, connectivity and hardware, and disadvantage them when applying for jobs or services.

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Having no physical proof of status will not only disadvantage those without access to online technology, but would leave all EU citizens in limbo in the event of a breakdown in the electronic system. **Baroness Kennedy, chairman of the Committee.**

**No rights without status.** The risks of a digital-only status are particularly significant given that the EUSS is not a mere declaration of EU+ citizens' rights in the UK, but a constitutive part of those rights.<sup>4</sup> Under the EUSS people who fail to apply will have no immigration status, risking exclusion from employment and services, and even administrative removal by immigration enforcement.

**Difficulties applying after the deadline.** In the Home Office's main communication to the public, the last official day when EUSS applications could be submitted was 30 June 2021. Internal guidance to caseworkers indicates that late applications will be considered in some cases (usually where applicants can evidence a history of abuse, illness, or incapacity, or where they are children). However, despite these attempts to soften the cliff edge there is a real risk that those who failed to meet the deadline, or who are yet to receive confirmation of status, will see their rights eroded in practice. Years of hostile environment policy have created a culture of everyday bordering, where employers, landlords, and other civil society organisations are required to conduct immigration checks or face severe penalties. Given this history, there is a risk that the vast web of third-party organisations involved in conducting checks will be reluctant to serve EU+ citizens with pending status, even while the Home Office is processing applications.

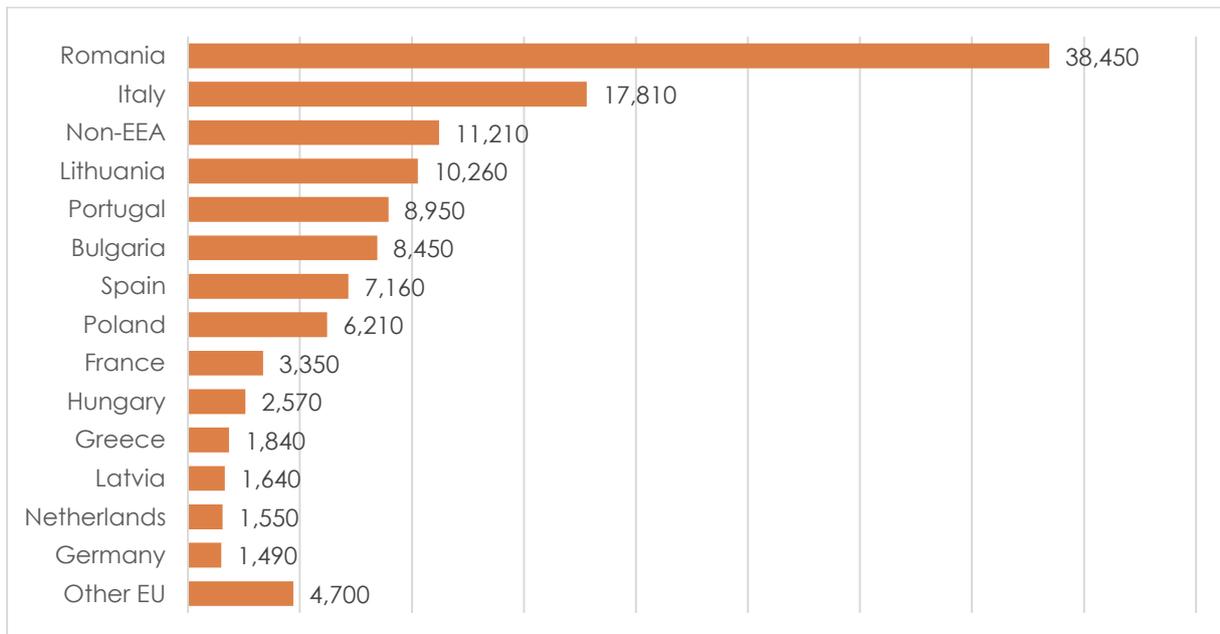
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<sup>3</sup> Paper applications are issued on a case by case basis, usually in complex scenarios which involve invalid or missing IDs.

<sup>4</sup> O'Brien, C. (2021) [Tripwires and timebombs: unnecessary hazards in the plans for dealing with EUSS applications after the deadline.](#) EU Rights and Brexit Hub.

**Severe consequences for those who miss the deadline.** Finally, the issue of the deadline is compounded by the fact that many eligible EU+ citizens are yet to apply. A report by the Joint Council for the Welfare of Immigrants found that 1 in 3 care home residents were unaware of the deadline.<sup>5</sup> Alarming, with just nine days before the deadline the Department for Work and Pensions (DWP) had found that as many as 130,000 Universal Credit recipients with EU nationality had failed to prove their status under EUSS, and were at risk of losing access to welfare benefits.<sup>6</sup>

We cannot know how many eligible residents were left out of the EUSS. Covid-19 has radically undermined the accuracy of migration statistics.<sup>7</sup> However, what we can be almost certain of is that many will be. No government scheme has ever received 100% take up. More often than not, the last ones to apply are also the most vulnerable citizens, who struggle with English, digital literacy, or simply mistrust in self, authorities, and the process.



**Figure 1** EUSS applications submitted in Newham, by nationality, from Aug 2018 to 31 March 2021. Source: Home Office EUSS data published 27 May 2021.

Within this context the Newham Consortium was established, responding to the challenge of raising awareness of the scheme, and supporting eligible residents in staying settled, with less than 10 weeks until the Scheme's deadline.

<sup>5</sup> JCWI (2021) [When the clapping stops](#). Joint Council for the Welfare of Immigrants.

<sup>6</sup> Timms, A., and O'Carroll, L. (2021) [130,000 EU citizens on UK benefits yet to apply for settled status, leak suggests](#) The Guardian

<sup>7</sup> Sumption, M. (2020) [Where did all the migrants go? Migration data during the pandemic](#). The Migration Observatory.

## 2. Forming the Stay Settled in Newham Consortium

The formation of the consortium was widely regarded as a step-change in the relationship between the Council and the Voluntary and Community Sector (VCS), pioneering a partnership on immigration.

**Covid-19 has prompted a rapprochement of Council and VCS.** The Council recognised that, in order to provide emergency relief and support to residents, working more closely with the VCS in Newham was essential. Since early 2020 the Council has sought to gain an understanding of the sector, and has had significant success in working in partnership to deliver emergency COVID support to residents. Indeed, during her administration, the current Mayor Rokhsana Fiaz has been emphasising the broader role of the VCS in supporting the longer-term health and wellbeing of residents. This new collaborative approach for both the Council and the VCS, has been welcomed by both the Council and VCS, after years of minimal engagement.

**A corporate response to the EU Settlement Scheme.** The Council and VCS have significant organisational knowledge and experience that could be deployed in response to current and future challenges presented by the EUSS. Whilst lacking an Immigration Lead in the Council, a corporate Brexit Group is in place, a Food Security Strategy and a Migrant Community Action Plan exist, and frontline staff have an awareness of the EUSS and the implications for eligible residents seeking Council support and services. In parallel, training opportunities to upskill the VCS on immigration have been available since 2020 via the Social Welfare Alliance that covers the EUSS, working with clients with No Recourse to Public Funds (NRPF), asylum entitlement and irregular migrants.

**Placing the EUSS on the Council's radar.** Attempts by some in the local VCS to raise the issue of the EUSS and the impact on Newham residents with the Council date back to the pilot Scheme in 2018 and its roll out in 2019. However, Newham residents eligible to apply have instead been reliant on government communication, support from community groups and social networks, and the local provision offered by Praxis and RAMFEL primarily – two organisations commissioned by the Local Authority to provide immigration support, but operating with limited capacity.

In early 2021 Phil Veasey, Public Health Consultant at Newham, was made aware of the EUSS and its 30<sup>th</sup> June deadline through lobbying from the Roma Support Group. It was evident that the risk of many vulnerable residents not applying in time had the potential to double the number of residents on NRPF status living in the borough overnight.

### March 2019

The EUSS is rolled out to the general public.

### 19<sup>th</sup> March 2021

Newham tender is released.

### 14<sup>th</sup> April

2021 The Consortium first meets

### 30 June 2021

Deadline for EUSS applications.

Phil Veasey sees a Council response to the EUSS positioned under its corporate focus on the social determinants for good health and wellbeing for individuals, their families, and the borough - immigration status being key to accessing good housing, good provision for early years and education, job opportunities and social connectivity. "Super-escalated" by the pandemic, the issue of ensuring vulnerable residents were applying to the EUSS required a critical response, particularly as the window of opportunity to apply to the EUSS would be closed at the end of June 2021.

The Council used the approach it was developing of engaging with the VCS to inform the procurement process calling for a Consortium to deliver activities around EUSS. Dialogue with Roma Support Group, alongside the emerging picture of the VCS in Newham coming from COMPOST and some market-testing helped shape the tender. The Local Authority was also written into the tender briefing as partner. While unusual, this was seen as necessary due to the nature of the issues and the tight timeframe. The Council would play a key role, with a view to open doors for partners and facilitate contact between sectors.

**Commissioning the project.** The procurement process took 3 weeks. The Renewal Programme was successful in leading the bid, with the help of One Newham, and took the lead in convening the Consortium. Given the urgency of the situation the Consortium was given a very short lead in time of only a week between the bid being submitted and partners starting the work and meeting for the first time.

*"I think it is about culture, and a change of culture within the Local Authority. To be fair to them there has been a lot of change. With the new Mayor coming on board, I think the narrative has changed, the view and the valuing of the voluntary sector has only recently started to be recognised more. We are starting to head in the right direction. For me, it is not about strategies and policies, it's about people who are willing to do the hard yards and to engage effectively, because that's what's been missing. I see some senior officers who are working differently, working collaboratively. Things are starting to trickle down; the Council is starting to invest in the voluntary sector. I think all those things are positive, I think the Council is starting to change."* **Participant 10**

### 3. The Consortium in action

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*“We talk about these two words ‘local’ and ‘trust’... telling the most vulnerable members of our community about something that they had to do from central government. We needed community penetration - people who know their communities inside out, have networks that they can use. On top of that we needed strong project management and an organisation who knew what they were doing in their community: Renewal Programme. And then we wanted expertise to sit with families and get them over that [EUSS] hurdle... In addition, we needed turbo charged outreach: where are these people likely to be? I needed a mixed Consortium of those qualities and skills.”* **Phil Veasey, Public Health Consultant at Newham**

The project was designed to mobilise at speed and assist vulnerable residents with their applications, lay a foundation of support for EU+ communities, and allow for broader learning for future engagement. With these aims, five broad key indicators were outlined.

1. **Develop relationships, structures, and staff effective delivery** – led by the Renewal Programme with the help of a Project Manager.
2. **Raise awareness of the EUSS through a wide-reaching marketing campaign** - led by Renewal Programme Communications and Marketing Lead supported by project partners, and a two-person Taskforce conducting outreach. One Newham was responsible for incentivising other voluntary organisations to inform their service users of the EUSS with small grants.
3. **Deliver non-specialist support to residents who struggled with English or IT literacy.** This was implemented by five core partners with experience of working with EU+ communities in Newham, alongside four specialist organisations. Core partners worked with a range of residents including Roma, Somali and Albanian speaking communities, the homeless and those at risk of homelessness.
4. **Provide specialist support to those who struggled with the application.** This was delivered by specialist organisations with OISC Levels 1 and 2 accreditation, and legal expertise. Individuals were referred through Upshot, a data management software, or could self-refer using an email and phone helpline.
5. **Recommend a framework for future working.** This project has operated in, and with, particular challenges that provide valuable learning for future activity in Newham. Whilst this report outlines learning and recommendations, a second phase of activity is already underway, led by the Renewal Programme, in partnership with the Council and some of the community partners involved in the original Consortium.

### **KEY INDICATOR 1: DEVELOP RELATIONSHIPS, STRUCTURES AND STAFF FOR EFFECTIVE DELIVERY.**

The Renewal Programme deployed its Marketing and Communications Project Lead part time to the Consortium's work, and employed a Project Manager on a short-term contract to oversee project delivery.

The Project Manager was responsible for project administration (including partnership agreements, small grant funding to wider VCS etc), facilitating communication between Consortium partners (including weekly meetings), as well as overseeing referrals coming in via the Stay Settled email and helpline.

Consortium members received two specialist trainings on EUSS, met weekly through the course of the project and were encouraged to ask and offer mutual support.

#### *Key outputs*

- Upskilling nineteen organisations and key Council services with EUSS training.
- Raising awareness to over 200 local organisations on the EUSS and the local support available through the Consortium
- Constituting a multilingual network of EUSS champions, representative of the borough's diverse communities.
- Streamlining project management and communication with a designated Project Manager and Communication Lead.
- Mobilising a group of organisations with a range of expertise and experience, towards engaging different vulnerable communities.

### **KEY INDICATOR 2: RAISE AWARENESS OF THE EUSS THROUGH A WIDE-REACHING MARKETING CAMPAIGN.**

The Communications and Marketing Project Lead assigned to the project part-time focused on media, press and PR, outdoor and paid advertising, and social media marketing.

There were three phases to messaging: general awareness raising on the EUSS and the local help available, encouraging people to protect their rights to continue living in Newham, then delivering a more urgent message with a focus on the deadline.

#### *Media, press, and PR outputs*

Coverage focused on the Stay Settled Project and the EUSS deadline of 30th June. This included pieces in:

- local newspapers - Newham Voices, Newham Recorder and Newham Connect;
- London wide publications - MyLondon, ITV 6pm News, and Mail+, BBC London and BBC Radio London;
- international media - ARD TV, AFP and Al Jazeera.

#### *Marketing outputs*

Digital assets were created and shared on social media, and with partners and relevant wider networks, including the Council's Communications team. The assets were translated

into Albanian, Bengali, Tamil, Roma, Polish, Somali, Portuguese, Czech, Gujarati, Urdu, Romanian, Lithuanian and Italian. Key outputs included:

- 50,000 leaflets and nearly 2000 posters produced in English, Polish, Romanian and Bengali, distributed by community partners in shops, community venues and places of worship.
- 165 t-shirts with the project support info, used by partners and volunteers at events and for press engagement.
- Outdoor advertising in key locations including Stratford International Station platforms and East Ham Shopping Centre.
- An advertising van commissioned to drive through the borough with the Stay Settled information displayed.
- A dedicated Stay Settled in Newham webpage outlining, in English, an overview of eligibility, the EUSS application process, and how to access local support. A total of 3,611 website views, 2,559 of which were new users, engaged with the page. The highest number of website views were in April at 1,547.

#### *Social Media outputs*

- Twitter #StaySettledinNewham with a reach of 159,606.
- Facebook post reach of 14,597, with 245 link clicks across all posts.
- Facebook Ads reach over 12,000 people.
- Instagram reach of 881 accounts, 102 EUSS stories, and 486 content interactions.

#### **KEY INDICATOR 3: DELIVER NON-SPECIALIST SUPPORT TO SERVICE USERS ON EUSS**

The Consortium reflected Newham itself, with a rich mix of organisations aligned to the values and approach of the project, underpinned by the qualities of 'local' and 'trust'.

Core and wider community partners delivered 64 awareness-raising events in community venues across the borough. They introduced attendees to the EUSS, provided information and direct support, where applicable, or signposted to specialist partners in the Consortium.

Whilst the focus was on raising awareness of the EUSS, partners were also key in supporting people in different languages, to access the technology and the digital platform to initially make their applications, and to equip them in managing their new immigration status going forward.

Partner organisations were able to deliver in ways that worked best for them and their beneficiaries, building on their prior engagement work and activities. Together with the Renewal Programme Taskforce, they conducted outreach over 36 days at key locations in the borough including car washes, local shops and businesses, places of worship, and community venues. The Taskforce also set up a permanent stall near Old Stratford Shopping Centre to engage passers-by, support people in their applications, and signpost to other partners' events.

One Newham conducted further targeted awareness raising and engagement with over 200 members from the wider VCS, over the phone and via email. These organisations were

offered grants of £100 to distribute leaflets and £300 to organise an event for their beneficiaries and raise awareness online and in person using marketing materials. *Key outputs*

- 310 people offered support with their EUSS applications
- 64 information events in community locations and online
- 36 days of outreach that included engaging passers-by outside Stratford shopping centre.

#### **KEY INDICATOR 4. PROVIDE SPECIALIST SUPPORT TO THOSE WHO STRUGGLED WITH THE APPLICATION**

Individuals who required support to apply were referred by partners to OISC accredited or legal experts via Upshot (a data management software) or by self-referring using the email and helpline advertised in marketing materials.

The level of specialist support depended on the complexity of the case. Simple cases where residents required support with understanding eligibility, sourcing the evidence of residence, and navigating the digital application were directed to OISC accredited advisers at the Citizens Advice, Roma Support Group, and Work Rights Centre.

Complex cases where applicants derived their rights as carers of a British child (Zambrano), where there was a history of criminal conviction, or disputes over the outcome of the application were referred to immigration solicitors at Seraphus.

Wherever necessary, core partners and the Taskforce ensured that translators were available to support referrals.

#### *Key outputs*

- 315 referrals for specialist support to Level 1 / Level 2 immigration advisers.
- 11 referrals for legal advice, in complex cases.

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I did not know how to apply was not sure how to show my documents online. I tried to use the app to scan my documents, but it didn't work so I had to get help from someone. **Service user**

I did not have valid documents for my children's applications, I did not know how to request applications, I did not know who to ask for help. It was also lockdown...I was very stressed to tackle the problem, all places of contact were closed for a very long time. **Service user**

I came from Netherlands, and I do not speak English. I only speak Bengali and I have no knowledge of computers. I was scared of filling out applications online and I was worried that I might do it wrong. **Service user**

They helped me apply online and also helped me to send the documents to the EU Settlement. They were friendly and took time to explain the process and also helped apply settles status for both of my children. I did not know how to take digital photo and they helped me take pictures and upload it to my application. They read everything on the website and explained it to me clearly. I am very thankful to Skills Enterprise for helping me in a very short time. **Service user**

Project role	Organisation
<b>Project lead</b>	Renewal Programme
<b>Core partners</b> Leading on outreach	HealTogether
	Shpresa
	Skills Enterprise
	Roma Support Group* (also OISC accredited)
<b>Specialist partners</b> Leading on EUSS applications at OISC Level 1	Citizens Advice East End
	Work Rights Centre
<b>Immigration solicitors</b> Leading on complex applications	Seraphus
<b>Training lead</b>	New Europeans UK
<b>VCS ambassador</b> Incentivises other community organisations with small grants	One Newham

## 4. Consortium strengths

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Project participants widely regarded the Consortium as a success. It amplified the impact of each participating organisation with the expertise, community connections, and communication resources of the others. In addition, interviewees valued the creation of a first, real partnership between the VCS and Local Authority. For the first time in years, this was a partnership that acknowledged not only the needs of a large and vulnerable section of the population in Newham, but also the role of voluntary organisations in meeting those needs. This section highlights the key strengths, and learnings, derived from the Consortium.

### ACCESS TO SPECIALIST IMMIGRATION SUPPORT

A key strength of the consortium was its ability to plug the gaps in small organisations' capacity to provide specialist immigration advice, by creating a referral pathway to OISC accredited advisers and solicitors. Making this training and specialist support easily available was widely valued, at a time when free immigration advice was scarce.

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"I've expanded my knowledge, and the knowledge of our team. I've taken an opportunity to share what I've learnt, it was a massive amount... Even though remote work is preventing us from doing certain things, I know who can help and where to refer. We have built a community network, we are working together, we are all on it, we just need to keep it going."

**Participant 3**

### WIDE COMMUNITY REACH POWERED BY VCS INTELLIGENCE

Participants also valued the Consortium's ability to engage a range of residents by pooling their language resources and community intelligence. This expertise enabled the Consortium to act as a trusted source of information, reaching residents who might otherwise be reluctant to engage directly with the Local Authority. Together, consortium partners covered 20 languages, and deployed to schools, shops and businesses, place of worship, as well as through local and social media.

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"It was great knowing that if anybody comes, we know somebody can help. It wasn't just that they get help, but they get help with somebody speaking their language, they don't need a third person in the way." **Participant 14**

Trust was key to the project's success in raising awareness of the EUSS. Most partners had spent years building relationships in the community. It was these pre-existing channels that

enabled the Consortium to place EUSS on the radar of their service users, just weeks before the 30<sup>th</sup> June deadline.

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“At the core is the trust issue, that's the thing. Who can influence the community on this issue? People that have experienced the problems themselves.” **Participant 10**

#### **HIGH VISIBILITY LED BY EXPERT COMMUNICATION**

Another strength of the Consortium was its ability to dedicate a part-time communications professional to lead on the creation of a project identity, marketing materials, social and traditional media engagement. Working closely with Consortium partners, using their specialist knowledge, community intelligence, and language offer, the project “saturated” the borough with EUSS messaging in just a few weeks. Participants widely valued the coherence of the project identity and the reach achieved across Newham within an extremely limited time frame.

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“All the marketing materials that Victoria has shared have been really good, the t-shirts, the flyers, the leaflets... We've had a lot of people asking and phoning in, wanting to get information. Even people who had the application and got the confirmation, they weren't sure if there was anything else they needed to do, they see the deadline and get scared.” **Participant 5**

#### **INCREASED PUBLIC AWARENESS OF SUPPORT AVAILABLE BEYOND EUSS**

Beyond the immediate goal of getting Newham residents to secure their status by applying to the EUSS, several organisations described the consortium as an investment with long-term returns. A key outcome in this sense was increasing awareness of other forms of support available. By investing in outreach, participating organisations made visible a range of essential services, beyond the EUSS. There was no doubt among partners that residents' EUSS issues intersected with a suite of other issues, including a lack of English proficiency, digital illiteracy, and a lack of awareness of the main sources of information and channels of support available in Newham. Talking about the EUSS, opened a broader conversation about civic engagement and entitlements.

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“...because of the information we share on social media, people also learnt that we offer other types of support, so they've had a chance to get so much more, like being able to improve their language, volunteering opportunities, all because they wanted some info on EUSS.” **Participant 5.**

## LASTING RELATIONSHIPS BETWEEN VCS AND INSTITUTIONS ACROSS THE BOROUGH

Another long-term strength of the Consortium was its ability to build new lasting relationships with communities and institutions across the borough. The Council's role was seen as key in this sense. Smaller partners in particular described the Council's official support for the Consortium as a source of trust capital, which added weight to their individual outreach efforts and, as one participant put it, "accelerated" community engagement.

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"I think the results are so positive because the project is unlocking the door which had been firmly locked to some of the communities and groups...including to some institutions like schools, employers, departments such as children's services."

**Participant 12.**

Reflecting on the relationship with schools, which tend to be selective in their engagement of voluntary organisations, one participant described the Council's backing as an essential door opener. Her organisation had built real relationships with small communities and businesses. Engaging institutions, however, required backing.

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"The outreach work we've done was an eye opener. [...] We reached out to schools - and they probably would have shut the gate in our nose otherwise. Phil did open the gates for us. It did help that the council had us and the consortium organisations on the website. It added legitimacy, and helped schools build trust. [...] Now we are connected to a lot of schools and we will continue to support them with their parents." **Participant 2.**

## A NEW WORKING FRAMEWORK WITH THE COUNCIL

For several organisations, the Council included, the Consortium provided the Local Authority - VCS working framework they had been seeking to establish for years. This was particularly reflected in interviews with more experienced specialist partners, who had attempted to establish that framework in the past.

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"Management had been actively trying to establish a relationship [...] they are doing everything in their power to make them [Newham Council] realise how much we do, and how much more we could do with the right support. They are aware of us, and referring to us, but the support is not there. [...] Having access to conversations with Phil has been like a ground-breaking moment for us. [...] I do hope that this project has given us, as well as other partners, an opportunity to show the Council the invaluable work we do for the local Community in Newham and how much more we could offer with the right level of support." **Participant 3**

The approach adopted by the Consortium was described as collaborative, iterative and pioneering in all aspects of the work, including how partners delivered outreach, how expertise and resources were utilised, and how the marketing and communications materials were developed and disseminated. This was amplified by the Council's involvement as a partner, and by the bid itself, which provided an intentionally broad framework for the Consortium to operate within.

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“We need to allow that trust between our sectors to be as creative and free as possible to construct new responses. This response is constructed by two sectors who often don't overlap or work together. I hope we are aware that this is a pioneering, ground-breaking approach. We don't have too many points of reference.” **Participant 12**

Once constituted, it became apparent that the partnership between Council and VCS could be more than an emergency response to the EUSS deadline. It could also constitute a proof of concept for a long-term relationship, setting a precedent for future partnership working in the borough.

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“We commissioned this at breakneck speed, there was nothing strategic about it. But what's becoming apparent, particularly in the last couple of weeks, was just how much we're learning around engaging communities, the power of a consortium, the blended mix of those organisations. All of that learning is almost too good to put down.” **Participant 9**

Envisaging a plan for collaboration in the long term, partners viewed several things as key. Trust – allowing each organisation the freedom to mobilise its resources and respond to the complex needs of residents; and innovation – recognising that social reproduction is a complex area of work that requires continued investment and support, listening to residents' evolving needs, and iterating the means to address them.

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“It really is important for Newham Council, because it really shows that they don't have to control things themselves. They can provide support to the third sector, and the sector, in collaboration with the Local Authority can do marvellous things. I think the EUSS Consortium is a really good illustration that you don't have to smother the third sector, you just need to collaborate and co-produce projects, actions and plans. And providing we're on the same page then, with funding or without, things can happen.” **Participant 12**

## 5. Lessons for future Council – VCS partnerships

Despite the overall positive impact, partners also reflected on several limitations of the Consortium. The lack of time and the pressure to jump into project delivery, challenges in mobilising existing council staff and resources, and the focus on the 30<sup>th</sup> June EUSS deadline rather than planning for either a wind-down or a phase two of the project left partners over-stretched, uncertain, and at times frustrated. Building on these lessons, this section reviews how Council – VCS partnerships could be optimised in the future.

### BUILD IN REALISTIC TIME FRAMES

The short time span in which the project had to be developed was widely seen as its biggest limitation. A rushed project meant that there was some initial confusion around the referral system, and the way in which Newham residents would go from contacting the project, to being assessed for eligibility and referred to specialist support.

The short time frame for project delivery also meant that participating organisations did not receive their partnership agreements and funding until relatively late. This generated some confusion around roles and responsibilities, project deliverables, particularly with regards to data collection and reporting, as well as a pressure for organisations to front the costs of the first few weeks.

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“It was great that the organisations really know what they are doing..., they just get on with it... What I don't like is that they still didn't get paid. We're a grassroots organization who wanted to do, and could have done a lot more, but we can't do it because we don't have budgets to do it.” **Participant 2**

The limited timeframe affected the planning and dissemination of information to residents on the activities and support available through the Consortium. Time was also required to build up contacts and communication between the Renewal Programme and the relevant Council departments and other institutions, to secure key locations, and avenues for disseminating information (such as Westfield Shopping Centre, Transport for London, the Police, or private care homes).

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“If we'd had a year, what we could have done! When we were making those calls, and some of them were in the evening, because you're trying to reach people who have complicated lives, or you're trying to speak to someone who doesn't really speak English very well or doesn't have a computer, all these things.” **Participant 11**

## MAKE BETTER USE OF THE COUNCIL'S HUMAN RESOURCES AND CONTACTS

Time constraints, the complexity of EUSS and a lack of direction in how best to approach different departments meant that engaging Council services and staff more broadly proved a significant challenge for the lead organisation. As a result, opportunities were missed to use the Council as a conduit for project information, and to ensure that staff were aware of the deadline and the repercussions for those who needed to apply.

The lack of Council engagement fed into an unhelpful narrative that the Council was expecting the Consortium to do “all the hard work”, and the trust capital that was promised by the Council's involvement as a Consortium partner could not be fully utilised.

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“they are relying on people who know what they're doing, but they're relying on the voluntary sector and charitable organisations to do the work that they should already be doing. The government and the Local Authority should be doing this already, they obviously can't... so they're relying on people who do this for a living who have built good relationships with the people they're trying to target.” **Participant 15**

**For communication.** The project would have benefitted from an agreed approach to working with the Council's Communications team. This would have clarified the capacity and support available to the Consortium, and allow for strategic and targeted activity to reach those most in need.

Incorporating the Consortium into the Council's own communications strategy could have amplified the work of the project, and signalled to staff and residents that, as a partner, the Council valued and trusted the work of the Consortium. A named person in the Comms team allocated to work closely with the Marketing and Comms Lead, helping shape marketing materials in line with Council's branding and messaging would have allowed the effective cascade of information from leadership to frontline staff, and to institutions working with the Council.

**For outreach.** Closer collaboration with the Council would also have facilitated introductions for the Consortium with key contacts across the borough, enabling the Project Lead to optimise outreach. This approach would have meant the limited time available was better spent, outreach and marketing activities delivered earlier, and more people reached as a result. This approach would also have demonstrated the Council actively working in partnership with the VCS and responding to the needs of vulnerable residents.

## THINK AND PLAN FOR THE LONG-TERM

Another limitation of the project has been a narrow focus on the deadline, without planning for either the closure of the project, or for the risks arising from 01 July from residents who are stuck in the backlog, or from those who have not made applications at all.

This led to a general sense of confusion among project participants regarding when and how the project closes. This included a lack of clarity on messaging to Newham residents who had established a relationship with the project, as well as uncertainty around if, and when, a phase two of the project might be rolled out to address the needs of residents after 01 July. The lack of clarity left ample room for expectations, realistic and otherwise, and risks undermining the trust established between Consortium partners, the public, and the Council.

It is important to recognise the human cost of short-term governance. The lack of future planning and the uncertainty surrounding a possible phase two of the project had generated a real sense of anxiety among some Consortium partners. Participants have also highlighted the burden of responsibility they experienced, knowing the life-changing consequences that inadequate engagement with the EUSS would lead to for those residents they already work with. The very nature of the work of securing immigration status for vulnerable families, coupled with the looming EUSS deadline were troubling, especially for those organisations that had not had prior experience in this area.

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“Every time you're on one of those calls you think how many people am I missing? You're constantly thinking am I doing enough? We're also going to pick up the pieces, when there are people living on the street. Who are they going to come to?”

**Participant 11**

### **INVEST IN THE VCS IN NEWHAM**

The recognition that VCS engagement is integral to the work of the Council has been emphasised by the current Mayor, and was clearly evident during the pandemic. The Council is able to create a sustainable and active sector that is willing, and able, to work in partnership.

The Council can also move partnership working with the sector from a merely transactional relationship to one that will allow for identifying, addressing, and pre-empting residents' vulnerabilities through training, funding, and opportunities to advocate for residents on a regular basis. Parallel and on-going investment in the sector itself would also strengthen the Council response to access funding from central government, enabling it to deliver locally, and at speed, in the future.

The skills, expertise and commitment shown in this Consortium are testament to the fact that the sector can be effective, work on a large-scale project, and at short notice. This Consortium has the potential and capacity to attract longer term funding and support, and presents an example of good practice in VCS-Council partnership working that would be of wider interest, including other local authorities.

## 6. Post June: issues and recommendations

Despite the attention concentrated on the deadline, vulnerable EU citizens and their family members are likely to continue to encounter significant issues, long after the 30<sup>th</sup> June. First, there are those who have not yet applied, and who risk exclusion from the right to work and access public services. Second, there are also those who will struggle to prove and manage a digital-only status. Third, there are residents who risk being penalised by civil society organisations involved in everyday immigration checks. This chapter looks at these issues, and what the council can do to tackle them.

### **RESIDENTS WITHOUT STATUS WILL LOSE RIGHTS TO LIVE AND WORK IN THE BOROUGH.**

Despite the consortium's efforts to reach out to vulnerable residents, there is still a risk that some have not applied. In these cases, the consequences are severe. Without a valid immigration status, EU+ citizens risk exclusion from all new employment, social housing, welfare benefits and secondary healthcare. In encounters with immigration enforcement officers they may be given 28 days to apply - if they appear to have arrived in the UK before the end of the transition period. However, that is left at the discretion of enforcement officers, and does not preclude the risk of administrative removal. Current employment and housing arrangements may also be at risk. The Home Office specifies that employers and landlords who find a member of staff or tenant without a valid immigration status have the option to continue to employ them, and to give them a further 28 days to apply. However, this "option of benevolence", as one participant described it, does not prevent risk-averse employers and landlords from simply ending agreements with residents who lack immigration status.

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"For EU citizens, the immediate danger is the cut off point, and people who haven't applied by the deadline will lose their immigration status in the UK after 30 June. This could affect over 100,000 people in total if even 3% of EU citizens don't apply."

**Participant 1.**

"If it's not dealt with right, there is this risk that it's going to be much worse than the Windrush scandal, if you think about the numbers involved" **Participant 10**

We cannot know how many residents have missed the deadline. Neither population data, nor data from the Home Office are granulated or up to date enough to enable a simple comparison of eligible applicants, and applications made. Yet given how the number of applicants has continued to rise until the final days of June, in the Consortium and across the country, there is real reason to believe that some people will have missed it. Furthermore, no other Government scheme has had a 100% take up. Given the size of the EU+ population and the severity of risks, even 1% missed applications is too many.

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“We need borough-wide, joined up, systemic look at how we supply immigration advice and support, that's not just about sharp-end lawyers, it's about form filling, it's about community engagement.” **Participant 9**

### **Recommendations:**

Fund specialist advice at OISC Level 1 and above, to support people in making late applications. The level of qualification needed depends on the complexity of the case. Not every late application will require a solicitor. At the time this report is written, the Home Office stance is to look for reasons to grant, not to reject late applications. However, cases involving criminal convictions, visa overstays, Zambrano carers, and derived rights, among others, will need support from solicitors.

Equip social prescribers with the means to find, and signpost to, specialist services. The Council needs the intelligence and reach of community organisations that speak the languages, and are embedded in the knowledge and social networks of its diverse communities or residents.

### **RESIDENTS WITH DIGITAL LITERACY ISSUES WILL STRUGGLE TO MANAGE AND PROVE THEIR STATUS**

Whilst the significant number of EUSS applications made by Newham residents attest to a sizeable population who can access and are confident in using digital platforms, or have support to do this, there will be a number who will struggle to access their status to update it, or in order to prove it to others in their daily lives. The consequences of this digital exclusion will be serious.

Residents who are unable to issue a share code or, where status is pending, a certificate of application, will struggle to prove their status to employers, landlords, education providers, and other civil society organizations who will subject them to immigration checks. There is a real risk that difficulties in proving status will prompt some to retreat to the false comfort of informal work and living arrangements, where employers and landlords ask fewer questions, but where work conditions are precarious at best.

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“People had no idea what status they had, despite the fact their status was granted two years ago. People who changed their phone number - nothing was updated on their status. They don't see it now because they're working in the same place but at some point in their lives a change will happen and they will be lost.” **Participant 14**

In addition, all those with Pre-Settled Status will need to reapply for Settled Status to secure their immigration status. According to the latest Home Office figures, there are just over 60,000 Newham residents granted Pre-Settled Status who will be required to reapply for Settled Status once they have been resident in the UK for 5 years. Without the necessary digital skills, it is likely that those who needed help to apply initially will do so again.

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“These are people who we've helped now, in five years' time they're not going to magically know how to do it. Presumably people who don't have documents now will not have them in 5 years' time. They don't need it, they don't see it as a priority. They're going to be in exactly the same position as they are now. If we're not going to help them, nobody will and they're just going to become 'illegal'. I don't know the cost, but I'm assuming it's a big cost to deport someone.” **Participant 14**

Without professional support, there is also a real risk that residents will seek support from the vast market of commercial advisers who make a business of the EUSS. Unregulated and largely invisible, advertised on social media or informally through community networks, the market of consultants ranges from highly qualified accredited advisers, to amateurs who charge hefty sums for questionable services, putting residents at real risk.

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“We had a gentleman, an interesting case. Born in 1950, he'd been living in the UK for decades and got a letter from the DWP asking him to apply for the EUSS. So he needed to apply to the EUSS, he went to a lady via the Portuguese community who helped him apply, charged him, but actually didn't complete the application, she didn't even scan his passport.” **Participant 8**

### **Recommendations:**

Fund face to face support and resources on managing and proving status in community languages. This support does not require OISC accreditation, but confidence in navigating a status as a digital platform, and a relation of trust with vulnerable communities.

Use the Council's communication channels to familiarise residents with the process for proving immigration status. Include how-to guides for self-help, but also signpost to in person support to ensure that residents who struggle with remote communication can get the help they need. This includes: web and social media channels; printed leaflets and letters disseminated to social housing tenants; newsletters sent to databases of schools, local GP surgeries, children centres.

### **CIVIL SOCIETY CAUGHT UNAWARE RISK PENALISING VULNERABLE RESIDENTS**

The end of free movement is a momentous transformation affecting everyone across civil society. EU+ citizens and their family members have a duty to secure their immigration status through the EUSS, and to prove it when required. But new duties now apply to employers, landlords, education providers and other providers of public service, who have to conduct immigration checks and familiarise themselves with the rights of EU+ citizens. New requirements means a pressure to learn - processes, digital systems, and in particular the new entitlements of EU+ citizens. There is a real risk that civil society organisations who

lack the time, or the patience, to complete this learning will penalise vulnerable residents, restricting access to vital services.

#### *Employer and landlords*

The risk is particularly significant for small and medium organisations which lack the resources to pore over Home Office guidance. It is important to remember that even though the public conversation is focused on one EU Settlement Scheme, there are different rights and means of checking them, depending on when the EUSS application was made (before or after the deadline), what status was obtained (settled or pre-settled), if at all, and whether the person in question is able to evidence it. Several Consortium participants fear that risk-averse employers and landlords will simply avoid engaging EU+ citizens - or engage them but violate their rights, sacrificing their duties under the Equalities Act in the name of immigration duties.

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“Employers have to understand what they're doing, accept the risks, and have the willingness to protect their employees...The Council needs to explain this to them, the guidance buried on the gov.uk website... Unless you're a multinational, you won't know about this. Then they'll need advisers to share this information out to employees, and to say: these are the practical obstacles you might face, and here are some ways to approach your conversations with employers.” **Participant 6**

#### *Welfare benefits administrators*

Another category of risk refers to professionals involved in administering (or determining eligibility for) welfare benefits. This includes Council professionals, but also schools, health workers and other social prescribers who impart information on welfare eligibility. The welfare rights of EU+ citizens with pre-settled status constitute a complex legal question, and an error-prone area of advice. In summary, the Department for Work and Pensions has argued that, while pre-settled status grants a person the right to enter, work, and access healthcare in the UK, it does not confer them the right to reside for the purpose of welfare benefits, in and of itself.<sup>8</sup> To qualify for means-tested benefits (such as Universal Credit, Tax Credits, or Housing Benefit), people with pre-settled status would also have to pass an additional qualifying right to reside, derived from a history of “genuine and effective” employment, before the end of the Brexit transition period on 31 December 2020.

Campaigners challenged this interpretation and won in the High Court and The Court of Appeal (*Fratila v Secretary of State*). However, the decision has been stayed until the Supreme Court rules on the case, creating a months-long hiatus during which welfare entitlements remain, at best, highly complex.

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<sup>8</sup> DWP (2021) [A5/2021: Pre-settled status – effect of the Court of Appeal decision in the Fratila case](#).

Interviews with Consortium partners indicate that there is still profound misunderstanding around the welfare rights of people with pre-settled status. When it comes from important gatekeepers such as Council housing officers, this is the type of misunderstanding that can exclude people from vital public services, at a time they are at their most vulnerable.

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“We have seen homelessness charities and some local authorities reject people with pre-settled status en masse from housing support, without even considering whether they had a qualifying right to reside. Immigration lawyers don't know that much about welfare, and welfare experts don't know much about immigration, so these misunderstandings just carry on unchallenged, while people are plunged into homelessness.”

**Participant 6**

### **Recommendations:**

Fund the production of resources on EUSS rights (in employment, renting, and welfare), and their dissemination through training. This is to ensure that employers, landlords, Council staff and other civil society actors involved in immigration checks are well informed of their, and their stakeholders', rights and responsibilities under the EUSS.

Fund specialist support on challenging discrimination in employment and welfare, to ensure that EU+ citizens can affirm their rights when they are breached.

Use the Council's communication channels to familiarise civil society with their, and their stakeholders, rights and responsibilities under the EUSS. Include resources, and signpost to in person support services to ensure that residents who have seen their rights breached can affirm them. This includes: web and social media channels; printed leaflets and letters disseminated to social housing tenants; newsletters sent to databases of schools, local GP surgeries, children centres.

## 7. Conclusion

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The Consortium was formed from the realisation that all eligible EEA citizens and family members living in Newham who failed to apply to the EUSS risked losing their rights after the 30 June deadline. Working in a concentrated approach over a short two-month period, ten voluntary organisations deployed their knowledge of the community, language, outreach resources, and immigration expertise to raise awareness of the scheme, and support vulnerable residents with their applications.

Much more is to be done now that the deadline has passed. First, the residents who are yet to apply will need access to adequate immigration advice to apply for a new status. Without it, they lose their rights to work, access public services, and benefits in the UK.

Second, those who struggle with English and IT literacy will likely need support in managing and proving their status, and in re-applying from Pre-Settled to Settled Status. The effects of the EUSS did not end with the 30 June deadline, but continue every time employers, landlords, and benefits administrators conduct immigration checks.

Third and more broadly, the borough as a whole needs to become aware of how EUSS status is managed, updated, and mobilised in everyday life. It is crucial that the services and institutions that EEA citizens and their families engage with on a daily basis are informed of their entitlements, and implementing their duties correctly. The EUSS cannot become, as one participant put it, a barrier to engagement or a vehicle to exclude people from public services.

Addressing these risks is not only a solution to an urgent problem, it is also a strategic opportunity. On one level, to fill the gap in the provision of immigration advice. The lack of accessible immigration advice in Newham has been highlighted as a concern by Council staff, voluntary sector partners, and legal experts. Building the borough's immigration advice capacity would benefit all residents who have a history of mobility and are unable to pay for private immigration advice. As one participant explained, this is significant for individuals, "for the Home Office, and for the borough as a society".

Buttressing the provision of immigration advice would also pre-empt the issues derived from lack of status. This includes an increase in residents with NRPF. A rise in the number of residents who are not eligible for any statutory support would add pressure to VCS services including food banks and emergency housing. It would also hamper the Council's strategic objective of improving Newham's economic outlook, by excluding NRPF residents from employment, and confining them to over-stretched aid programmes.

More broadly, this project has demonstrated that the Council and VCS can work together with an innovative and dynamic approach for the benefit of Newham residents. Despite the limitations of a short-time frame and the uncertainty over the project's end, the Consortium has set a precedent. The opportunity presented by this Consortium illustrates that Newham Council has the power to cultivate the networks, trust, and knowledge mobilised in response to the EUSS deadline into a strategic partnership, that recognises the long-term value of a strong VCS.

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