



The Transition Advice Fund

Lessons learnt from working on the EU Settlement Scheme

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Executive Summary

The Transition Advice Fund (TAF) was a pooled fund set up in 2017 to protect the right of all EU citizens already in the UK to live and work following the vote to leave the European Union in 2016.

There was a real fear that we could see a repeat of the Windrush scandal, yet the need for civil society involvement to ensure the EU Settlement Scheme would work for everyone was not widely recognised. TAF highlighted the issues, coordinated responses, and built the capacity of the charity sector to deal with a new problem. As TAF concludes its work, this report details what the fund achieved, what work is still left to do, and where the fund made missteps.

The EU Settlement Scheme (EUSS) is very different to previous British immigration schemes, which are infamous for being long, complicated, and expensive. Whether the EUSS has been successful will not be settled for many years. It has though been easier, cheaper, and more complete than originally feared, thanks in part to the contribution of TAF-funded organisations. At the time of publication, nearly five million people have applied to protect their right to live in the UK.

TAF shaped the Settlement Scheme in important ways. TAF grantees revealed how many vulnerable people there were likely to be, successfully campaigned for the abolition of the £65 fee, secured better protection for victims of domestic violence, and highlighted the issues faced by looked after children, people with criminal convictions, and people without access to the internet.

Yet as the deadline passes, important questions remain unanswered—such as how people can prove their status without a physical document, and the grey area of Pre-Settled Status. For vulnerable people it may be many years before these questions are answered, which means there is still important work to be done in collating evidence about how the scheme is going, and campaigning for the rights of vulnerable people. We hope this report helps those who continue to campaign for EU citizens who have made the UK their home.

We are grateful to those who have funded TAF: Unbound Philanthropy, The Legal Education Foundation, The Paul Hamlyn Foundation, Barrow Cadbury Trust, and Open Society Foundation for their guidance and support, and most importantly for giving us the chance to work with so many excellent charity partners on such an important issue.

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1. Introduction

About the Transition Advice Fund

How it came about

As the dust settled on the 2016 Brexit referendum, it was unclear whether EU citizens, many of whom had lived in the UK for decades and built their home and family life here, would be able to stay. The EU Settlement Scheme (EUSS) was introduced by the government in 2018 so EU citizens and their families could protect their legal status.

When the scheme was announced, nobody really knew how many EU citizens lived in the UK. The accepted estimate was 3.4 million, although it later emerged that the true number was probably much higher, with over 5.3 million concluded applications at the time of publication. This makes the EUSS the biggest immigration regularisation system ever implemented in British history. Given previous immigration scandals, the potential for disaster was high.

Concerns started to emerge amongst civil society groups that a significant minority of vulnerable EU citizens were in danger of not applying before the deadline (30 June 2021) which would have a devastating impact on their rights. The Transition Advice Fund (TAF) was a three-year pooled fund set up to ensure the EUSS succeeded in allowing all eligible people to stay in the UK. TAF was funded by Unbound Philanthropy, Paul Hamlyn Foundation, The Legal Education Foundation, Barrow Cadbury Trust and Open Society Foundation.

Aims and objectives

TAF was set up to ensure that every EU citizen living in the UK secured their right to Settled Status, with particular focus on those most at risk of missing out. This included people in insecure jobs, people with a history of homelessness, vulnerable young people, children, and the elderly, as well as victims and survivors of domestic violence, trafficking, or modern slavery. TAF had the following specific goals:

- Increased understanding and awareness of the issues facing European nationals and their families applying for Settled Status.

- Increased capacity for policy and campaigning work on Settled Status by civil society organisations, to hold the government to account on its promises.
- Policy and campaigning work which is better informed, more coordinated, and able to respond quickly to the changing policy environment.

Activities funded

TAF's grant portfolio sought to contribute to building an evidence base around Settled Status to raise awareness about people affected by policy decisions and the issues they face, and to enable more effective policy and campaigning work, both by TAF and by wider civil society. TAF gave grants to increase capacity for influencing work around issues emerging from the EUSS, and to facilitate convening and coordination work to ensure civil society's response was joined-up. This was complemented by TAF's own convening work on key EUSS issues.

TAF has funded 21 organisations, providing grants to initiatives using a range of approaches including media influencing, grassroots campaigning, advocacy, research, and litigation. Grants were complementary to one another, which made it possible to build a strong case for policy change. Grants have ranged from as little as £500 for ad hoc research to over £100,000 for ongoing policy and campaigning work delivered over longer periods of time.

In addition to giving grants, TAF also published its own research, convened events, and advocated on behalf of EU citizens. This included researching the level of take-up we could expect from the EUSS; hosting events to explain the needs of vulnerable EU citizens; and being a member of the Home Office's User Group Scheme and the EUSS Wales coordination group. As part of its representation work, TAF campaigned for members who were experts on issues not being discussed to be included.

This report

TAF has now closed but we are very conscious that more work remains to ensure people's rights are protected as the deadline passes. This report is part of a series of activities to share what we learnt and promote discussion around aspects of the EUSS that remain problematic.

Our aim is to share what TAF has learnt through the work it has funded and from our own experience of managing the fund itself, including what has worked well, what has been most challenging and what lessons we can learn for funding similar work in the future.

It has been a privilege to work with so many excellent civil society partners, and we hope this report helps them continue to fight for the rights of EU citizens who have made the UK their home.

2. Overview of the EU Settlement Scheme

The policy background

The UK voted to leave the European Union in June 2016. Throughout the campaign, high profile Brexiteers promised that, if they won the referendum, EU citizens living in the UK would retain their legal right to live and work here, and would be ‘treated no less favourably than they are at present’.¹ The Home Office committed to find a way to fulfil this pledge.

The outcome was the EU Settlement Scheme (EUSS) announced in 2018. The EUSS was designed to give a clear legal status for EU citizens and their families already living in the UK. Applications opened on the 21 January 2019, with the deadline set for the 30 June 2021. All EU citizens (and any non-British partners) had to apply for Settled Status to remain in the UK, with the exception of Irish citizens, for whom it is voluntary as their rights are already protected under the Common Travel Area Agreement.

The government’s ambition was for everyone who is eligible for Settled Status to receive it. In other words, for 100% coverage.

Application process

The application process for Settled Status was designed to be ‘user friendly’ compared to other immigration applications. For the vast majority of EU citizens, the application had to be completed on a smartphone, with the use of a document checker app to verify the applicant’s identity.

The process was designed to take less than an hour to complete, and this proved true for most applicants. However, there were a significant minority who consistently struggled with the process (see [How has the EUSS been operating?](#) below for more detail).

There were three steps to the application process:

¹ The3million, (2020), ‘Broken promise campaign’ available online here: the3million.org.uk/brokenpromise-campaign

- **Proof of identify:** ID is scanned using the smartphone app. After which the rest of the application is completed on the gov.uk website.
- **Proof of continuous residence in the UK:** For most applicants this is done automatically through HMRC and DWP checks. If insufficient evidence is found, the applicant can supply extra evidence manually.
- **Criminal convictions check:** To check for serious or multiple offences which may hinder an application.

For any applicant who is struggling with their application, the Home Office set up the 'EU Settlement Scheme Resolution Centre' where support workers can offer guidance via phone or email.

Settled vs Pre-Settled

Provided an applicant meets all the [necessary criteria](#), they will be offered either Settled or Pre-Settled Status. If the applicant has been resident in the UK continuously for five years or more leading up to their application, then they should receive Settled Status. This grants full access to healthcare, state benefits and a pension indefinitely. If not, they will be offered Pre-Settled Status, which has some limits on benefits available and the amount of time a recipient can spend abroad without losing their status. This reneges on the promise to treat EU citizens 'no less favourably than they are at present'. After five years, Pre-Settled Status expires, and applicants will need to reapply to gain Settled Status or become unlawfully present in the UK.

The £65 fee

Initially, the Settlement Scheme had a £65 application fee. This was fiercely criticised by civil society groups as breaking the 'treated no less favourably' promise and was seen as a barrier for the most vulnerable. Following campaigning by TAF grantees and others, it was announced on 21 January 2019 that the application process would be free. From 30 March 2019 the Home Office started refunding application fees already paid by applicants during the test phases.

Marketing campaign

It was the responsibility of EU citizens to apply for their own Settled Status. Nothing would be automatic. This created a major worry that awareness of the Settlement Scheme would not be high enough to hit the 100% target.

The Home Office announced in early 2019 that 'the initial marketing campaign which has been allocated around £3.75 million would run for around a month, with further activity planned over the

next two years.’ Civil society groups including TAF questioned whether this was sufficient, particularly for the people least likely to apply. In TAF’s paper, [Settled Status, what level of take up can we expect](#) we compared this marketing plan with the switch to Digital TV which cost £200m over 5 years. It must be remembered that nobody knew for sure how many EU citizens there were, or who they were, so it was not as simple as just sending everyone a letter.

Grant scheme

Responding to concerns from TAF and other civil society groups that outreach and support was not sufficient to ensure that all vulnerable EU citizens would secure their status, the Home Office set up a grant scheme awarding a total of £9 million to 57 charities supporting vulnerable EU citizens.

These grants were for a combination of work to raise awareness of the Settlement Scheme and support vulnerable groups to apply for Settled Status. This funding ran until June 2020. The Home Office announced a further £8 million in March 2020 for a range of organisations to continue this support through the rest of the year.

Oversight

Two bodies were responsible for oversight of the EUSS. The Independent Chief Inspector of Borders and Immigration (ICIBI) was responsible for oversight once Brexit was underway but prior to the UK leaving the EU. Since the UK left, responsibility for oversight moved to the Independent Monitoring Authority (IMA).

The IMA examines ‘systemic issues’ with Settled Status. It receives complaints from EU citizens, their families or legal representatives and has the power to launch enquiries and take legal action and judicial reviews if issues are not fixed. So far, no judicial reviews have been accepted, seemingly because the court wanted to wait until harm actually happened, rather than accepting evidence that it was likely to happen.

The Withdrawal Agreement Bill stated that the IMA would sit within the Ministry of Justice but would be ‘independent with its own legal personality separate from government’. There have been concerns among civil society that the nominating process for its board may compromise the IMA’s independence from those whom it is meant to be scrutinising, which will have implications for its ability to remain impartial.

How has the EUSS been operating?

Applications

The number of applications to the EUSS has been far higher than anticipated, with 5.3 million applications received at the time of publication, and just under 5 million people receiving Settled Status or Pre-Settled Status.² Individuals can apply multiple times. For example, it is the only way to upgrade one's status from Pre-settled to Settled.

A major issue with tracking the effectiveness of the scheme is that we do not have exact figures on the number of EU citizens who live in the UK. The [ONS estimated](#) around 3.4 million in June 2019. However, the high application figures suggest that was wrong. The ONS has since revised those numbers upwards twice but we still don't have accurate information to know how many more people need to apply to the EUSS.³

Even if just 5% have not applied, this would mean hundreds of thousands of people lose their right to live in the UK. The Home Office has said that there will be some leniency to those who miss the deadline for good reason, yet it has given little clarity on what it will accept as a good reason.

Issues with the online process

The EUSS is an almost entirely digital process and status—most applications are carried out online, and the final proof of status is digital. The Home Office has resisted calls for distributing a physical card, similar to the biometric residence permit carried by non-EU immigrants. This has led to several problems.

Firstly, some of the most vulnerable EU citizens face digital exclusion which makes the application process difficult or impossible to carry out without support. For example, people who are elderly, have mental impairments, homeless, in prison, or victims and survivors of domestic abuse, trafficking or modern slavery.

² Home Office (2020) EU Settlement scheme statistics, available online here:

<https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

³ Migration Observatory (16th April 2021) [EU made up much higher share of net migration after 2010 than official figures suggest](#)

Secondly, the EUSS document checker app at first only worked on Android phones, not iPhones. Around half of phones in the UK are Apple devices, so this was a considerable barrier.⁴ At the time the Home Office's official guidance was (and still is for those without a smartphone) to 'use someone else's phone to prove your identity'.⁵

Thirdly, even for those able to access the system, many have faced technical issues using the app and online forms, such as being unable to scan their documents or upload extra evidence.⁶

Finally, having a digital proof of status means that proof of right to live and work in the UK—such as is needed to get a job or rent a house—is different for EU citizens compared to others. This may mean that landlords and employers who are used to conducting a physical document check are unsure of what to do and may be biased against EU citizens.

Covid-19

The Home Office announced on 24 March 2020 that it would be closing the settlement resolution centre because of the Covid-19 pandemic, but would continue processing applications—albeit at a reduced rate. There was initially no phone support available, but the settlement resolution centre was responding to emails. These phone lines later reopened.

Reports from charities working on this issue suggest that the closure of the Home Office helpline had a big knock-on effect in terms of increased demand and that when it did re-open the Home Office service was still limited. There is no official data on whether this has delayed application turnaround for any applicants, and the Home Office has resisted any calls to extend the deadline.

⁴ Statista (Accessed 4th May 2021) [Market Share of Mobile Phone Operating Systems in the UK from 2010 to 2020](#).

⁵ Home Office (2020) Apply to the EU Settlement Scheme, available online here: <https://www.gov.uk/settled-status-eu-citizens-families/what-youll-need-to-apply>

⁶ The Guardian (2019) 'I've been here 50 years': the EU citizens struggling for the right to stay in Britain' available online here: <https://www.theguardian.com/politics/2019/oct/08/ive-been-here-50-years-the-eu-citizens-struggling-for-the-right-to-stay-in-britain>

Where is civil society campaigning focussed?

Towards a declaratory scheme

Simply not realising that the burden is on you to apply to continue to enjoy the rights you already had remains one of the biggest barriers to EU citizens securing Settled Status. TAF grantees such as the3million, JCWI, the Public Law Project and the Brexit Civil Society Alliance have therefore called for the EUSS to be changed to a 'declaratory scheme'.⁷

Under a declaratory scheme, all EU citizens resident in the UK would automatically be protected under the EUSS (provided they pass the evidential requirements). Registering would simply give them the opportunity to prove a status that already exists. This would ease concerns about a large amount of EU citizens not applying by the deadline.

The Home Office has pushed back on this request. They argue that a declaratory scheme was part of the reason the Windrush Scandal occurred. Civil society organisations including TAF are sceptical of this claim and it remains contentious.

Targeting vulnerable EU citizens

In the absence of a declaratory scheme, civil society groups have prioritised ensuring all EU citizens apply. Campaigning is particularly focused on those identified as vulnerable to missing out. This has involved appeals through national media, outreach through employers, non-English language media, and grassroots community outreach of different kinds.

Particular groups identified as at risk of missing out by the Migration Observatory at Oxford University include the elderly, long term UK residents, those digitally excluded, those in prison, Gypsy and Roma traveller communities, and EU citizens born outside of the EU.⁸

Getting a physical document

Groups like The3million have pushed the Home Office to give a physical document to EU citizens as well as the digital status currently offered. They point out that the digital status will not work for

⁷ JCWI (2019) Our letter to party leaders on the EU Settlement Scheme, available online here:

<https://www.jcwi.org.uk/news/our-letter-to-party-leaders-on-the-eu-settlement-scheme>

⁸ Migration Observatory (2020) Unsettled Status - 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?

everyone, particularly those who face digital exclusion, nor will they always be available on demand without internet access. Most immigrants receive a physical biometric residence permit, which is what employers, landlords and others required to check immigration status are used to. Critics therefore worry that landlords, employers, and others may not accept the digital status as authentic and may discriminate because of it.

JCWI and The3million have been collecting stories of EU citizens who have already found it difficult to access housing and jobs.⁹ JCWI have argued that this is likely to be worse for people working in sectors with higher exploitation.¹⁰ It is also likely that this will be worse for non-white EU citizens who may be subject to racial discrimination and be asked for a higher level of evidence. The Home Office has resisted these criticisms and has carried on with a digital-only status.

Pre-Settled vs Settled

The distinction between Settled Status and Pre-Settled Status creates problems. At the time of publication, just 53% of concluded applications led to the full Settled Status. 44% were offered Pre-Settled Status.¹¹ In 2019, it was estimated that 53% of EU immigrants had lived in the UK for more than ten years (twice as long as required for Settled Status).¹² This makes the proportion receiving the full Settled Status much lower than expected, which may indicate that people are being given the wrong status but are not challenging it.

Pre-Settled Status gives fewer rights than Settled Status (see [Section 2](#)). Furthermore, Pre-Settled Status expires after five years, after which people must reapply to secure Settled Status. The process is not automatic. The Home Office has committed to sending email reminders, but critics are concerned that these will be easily missed as they may go into spam folders or people may change their contact details, so many people may unexpectedly find themselves without the legal right to live in the UK.

⁹ The3million [We need a physical document to prove our rights](#) (Accessed 14th May 2021).

¹⁰ JCWI (2020) [ICIBI Inspection re: How the EU Settlement Scheme is working for vulnerable groups: JCWI Response](#).

¹¹ Home Office (2020) EU Settlement scheme statistics, available online here: <https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

¹² The Migration Observatory at the University of Oxford. Permanent or temporary? How long do migrants stay in the UK? <https://migrationobservatory.ox.ac.uk/resources/briefings/permanent-or-temporary-how-long-do-migrants-stay-in-the-uk/>

3. Our lessons from working on the EUSS

The EU Settlement Scheme was arguably the most important policy in the entire Brexit process. Millions of people's livelihoods depended upon its success. TAF originally saw its role in [two stages](#):

- An initial campaigning and influencing stage while policy around EUSS was being shaped.
- Helping information and advice-giving organisations once the scheme had launched.

This meant that most grant-making, particularly for policy work, was planned for the first half of the Fund's lifetime. We assumed that the policy environment would be settled early on, with a limited window to influence the design and structure of the scheme. However, government policy has continued to develop and change, so the structure of the scheme has remained a focus of campaigning throughout the three years. Tweaks to the design have continued to be made, and the application process and support around the scheme have changed dramatically, thanks in part to the work of TAF grantees.

Here's what we learnt from working on the issue:

Civil society has helped make the EUSS better

The settlement scheme was better designed than many people feared, thanks in part to policy work by civil society. The Migration Observatory's [Unsettled Status](#), which looks at the number of people who might be difficult to reach, has been extensively quoted by politicians and government.

[Rights of Women](#) and others successfully campaigned for victims and survivors of domestic violence to be adequately protected. Meanwhile other civil society groups have helped to keep the issues faced by minority groups such as [looked after children](#), [Roma](#), and [people who work across the Irish-Northern Irish border](#) in the minds of policy makers. This has helped the scheme move closer to 100% coverage, even if that work is not yet finished. This shows the importance of the campaigning role of civil society. Another notable win by civil society groups is the abolition of the original £65 fee. [The 3 million among other campaigners fought for this to be eradicated](#), and people who had paid it were refunded.

There remain concerns that the most vulnerable are still not being reached

With the deadline imminent, civil society groups continue to have serious concerns that not enough is being done to support [vulnerable women to secure their status](#). Women are more likely to miss out on receiving their status due to being less likely to have an employment history or paper trail (as bills are more likely to be in a man's name). They are also more likely to be employed in informal or unpaid care, and more likely to have their status dependent upon a relationship.

Non-EU applicants to the EUSS are often dependent on their EU national partner for their application. Using immigration status as a control mechanism is common in abusive relationships, so non-EU nationals whose status is contingent on an abusive partner are particularly at risk. Added to this, non-EU partners face higher evidential burdens, a more difficult application process, and significant waiting times (turnarounds of over six months are common). Awareness of the EUSS is lower among non-EU nationals than among their EU counterparts, largely because outreach consistently overlooks them as a target audience.

A similar problem exists for EU nationals with criminal convictions, who may fear they will be rejected. The smartphone-only application process is obviously difficult for those currently serving prison sentences. Unlock recommends that people with criminal convictions seek advice before applying, but there is not much advice available. It is politically difficult for either charities or government to offer guidance given public perceptions of people with criminal convictions.

The system hasn't been legally tested

Some of TAF's grantees were thinking about using judicial reviews to clarify areas of law and improve the system. The granting of Pre-Settled Status instead of outright rejections is obviously welcome for the individuals involved, but it does mean there have been fewer judicial reviews than might be expected. In addition, the court has rejected those that were brought—civil society partners are worried that this is because the courts wanted to see evidence of harm, rather than accepting the evidence that it was likely to lead to harm. This means that issues like whether the system is biased against women have not been tested by an independent body.

There are also concerns about the use of automation. One of the major areas identified by Open Rights Group and ILPA is the automated decision making and use of algorithms without

scrutinising them.¹³ This is likely to have repercussions both for EUSS and for any future immigration schemes that are based on it.

It will be years before we know how complete the scheme has been

For the 44% who have received Pre-Settled Status, we won't know whether they get full Settled Status until years after the Settlement Scheme ends. The differences between Pre-Settled Status and Settled Status are serious (see [Section 2](#) for more detail).

Pre-Settled Status has been framed as a safety net for those not yet eligible for Settled. It lasts for a maximum of five years, at which point you must reapply for full Settled Status. If a vulnerable applicant forgets to reapply or does not realise their status is about to expire then they may lose their right to live in the UK. This is particularly worrying given the real crunch point will not arrive until five years after individuals originally applied, when many official support channels may no longer be available and public attention on the scheme is likely to be far lower.

There are particular concerns that vulnerable people—for example children in care—are more likely to get Pre-Settled Status, less likely to remember to update it to settled, and less likely to be able to fight any cases. Many organisations helping victims of the Windrush scandal have pointed out that the scandal only came to the public's attention in 2017, five years after the hostile environment changes in 2012 meant that people had to prove residency for every year to prove they had legally come to the country prior to 1973. It is therefore important for organisations to be vigilant about collecting casework stories to see whether there is a systemic problem.

The IMA oversees the settlement scheme, but at this point how it does so [is unclear](#). There are major elements still undetermined. These undetermined elements include what counts as a good reason is for missing the deadline, and what will happen to people who don't upgrade from Pre-Settled to Settled Status in time? Civil society has an important role to play in making sure the IMA fulfils its role in achieving the aims of the Settlement Scheme. The scheme could become the blueprint for future immigration schemes.

¹³ Open Rights Group and Immigration Law Practitioners' Association (2019) [EU Settled Status Automated Data Checks: Proposed Outcomes, Concerns and Questions](#)

The EU Settlement Scheme was completely different to other immigration schemes. Firstly there was a presumption of saying yes rather than saying no. Other major differences were the use of government datasets, the digital status, the speed of the decision, and the absence of fees.

Some of this may be used in future immigration schemes. However, the digital nature of the scheme and the automation involved are some of the elements that most worry charities. They need to be carefully evaluated to check that they do not disadvantage vulnerable people.

It is unclear how well the EUSS scheme complies with the recent government framework on automated decision making, particularly around being fair to all citizens and ensuring that users understand how it impacts them.¹⁴ Adoption of elements of the EUSS scheme becomes more worrying if vulnerable people do not obtain Settled Status, which for some will not be apparent until years after the deadline.

Lessons from managing the Transition Advice Fund

An uncertain policy environment means taking calculated risks

At the start of TAF, many decisions were delayed as we ‘waited for greater certainty’ around specific issues in the policy landscape. Looking back, little of this certainty ever arrived and many questions remain unanswered. The TAF team had to learn to live with this uncertainty to make decisions. Any action we took inevitably meant taking calculated risks.

Adding capacity was one of the most important things TAF did

EU citizens had not been subject to immigration control before the Brexit referendum, so there wasn’t a ready-made sector looking at the issue of Settled Status. Almost everything had to be set up from scratch. Grantees have said that an important role of TAF was funding capacity to work on the issue and raise awareness of it. Grantees thought the biggest impact TAF had was on organisations, by helping to build them up so that they could advocate for the rights of EU citizens.

¹⁴ Cabinet Office (2021) [Ethics, Transparency and Accountability Framework for Automated Decision-Making](#)

Coordination was an important part of TAF's value

Many of TAF's grantees shared how helpful it was to have TAF facilitate connections and conversations between partners. For example, pushing for the addition of an organisation like Unlock on the Home Office user group to advocate for the rights of vulnerable citizens has meant the issues faced by people with criminal convictions are far more prominent in conversations than they would have otherwise been. Similarly, TAF's grant to JCWI and the JCWI team's close working relationship with the TAF-funded Brexit Civil Society Alliance allowed for coordinated policy asks, joint letters, and advocacy work across the sector.

The value of research grants varied

Some of TAF's research grants have been the most impactful part of its work. That said, there has been a clear difference in the impact of research carried out on a topic that is core to the grantee organisation's work, and research that is not (for example, as a commission).

When the topic is core to the grantee's work, it means the grantee is more likely to be doing other complementary work which could contribute to follow-up advocacy, press, and networking, all of which increases its influence. In contrast, commissioned pieces of research, where the topic may have been a new one for the grantee organisation or less closely connected to other areas of the grantee's work, did not achieve the same level of traction.

For example, the small grant TAF gave to the Coram Children's Legal Centre in 2019 gave Coram the additional capacity needed to draw on work it would have been doing anyway and to extract meaningful evidence and insights to better advocate for those at risk of missing out on their status. Coram continued to draw on the findings of the research in its advocacy and campaigning work long after the grant ended.

Agile grant-making is quicker, but has disadvantages

From the start, TAF has emphasised informal, light touch due diligence and regular meetings so as to get money to organisations quickly. We also used existing documentation as much as possible for due diligence to minimise the administrative burden on applicants.

Rather than requiring lengthy application forms, we instead drew on concept notes, information shared during meetings and phone calls, plus existing documents such as charities' accounts, strategic plans, previous evaluations, and applications prepared for other funders.

Reporting requirements also aimed to be nimble, with monitoring based on mutually agreed milestones at the start of the project and conducted largely via meetings and phone calls rather than written reports.

By and large this approach has been successful, with many important grants made quickly and without too large a burden on grantees to fill out long forms. It has also levelled the playing field to some extent for grantees, as TAF's due diligence approach leaves less scope for organisations with the most skilled or well-resourced fundraising departments to be unfairly favoured. However, it has raised issues of transparency and consistency in our application processes. For example, ensuring we are asking grantees for the same level of evidence for each grant. It also made it more complicated for the TAF team to accurately communicate a project idea to the funder panel. Some grantees said the process by which grants were assessed and awarded felt unclear.

As a pooled fund, TAF had a ready-made network to draw upon for advice, learning, influence, and identifying new grantees. This enabled grants to be made quickly and with a lower burden of due diligence required. However, TAF's focus on existing networks and the lack of an open application process meant that the organisations funded tended to be drawn from an existing group of organisations already known to the funders and NPC.

Using what we learnt from our research to feed into our own strategy

In [TAF's coverage paper in 2018](#) we predicted that it was highly unlikely that 100% of those eligible for Settled Status would be reached by the deadline, and after care would therefore be needed.

Although we recommended the Home Office take this into account for its work, we did not similarly build this prediction into our own strategy to ensure some of TAF's resources were available to provide this support. TAF's work could therefore have been improved with greater alignment of research findings to its ongoing strategy development.

4. Grantees and their achievements

TAF focused on supporting initiatives that would have multiplying effects across the sector and on the structure of the EUSS. It therefore did not concentrate on funding direct advice provision, but instead focused on three key areas:

- **Research** to understand the circumstances and needs of people eligible to apply for the EUSS to help inform design and delivery of the scheme.
- **Advocacy** to share research findings with policy makers and influencers to ensure the scheme meets the needs of those applying to it, particularly those at risk of missing out. This included engagement with stakeholders in government, the media, the wider voluntary sector and the public.
- **Sector coordination and capacity building** to ensure that the voluntary sector working on the EUSS had the skills, knowledge, and resources it needed to ensure that all EU citizens secured their right to continue to live and work in the UK.

For each of these three areas we will explain the initiatives TAF supported and give a few examples of projects in each area.

Research

Since 2018, TAF has supported and published a range of research on the EUSS which has been widely read and cited in the sector. Separate to the research carried out by TAF itself mentioned in [Part 1](#), TAF has supported other organisations to research issues as broad as how many EU citizens are at risk of missing out on Settled Status to specific pieces on the details of the cross-department data sharing system introduced for the Settled Status process.



Migration Observatory: Unsettled Status

The Migration Observatory is a project based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford which provides research and analysis on migration issues in the UK to inform the media, the public, and policy debates.

A TAF grant of £25,248 in 2018 funded the Migration Observatory’s Unsettled Status report. This research assessed which EU citizens are most at risk of missing out on Settled Status after Brexit, estimated how many were in each of these groups, and outlined the key challenges for the government in reaching them.

The report was widely read and used to inform the work of a range of other sector stakeholders from [British Future](#) to the [Institute for Government](#) as well as the Home Affairs Select Committee’s report on the progress of the EUSS.¹⁵

In 2020, TAF gave a further grant for the Migration Observatory to update Unsettled Status to highlight which issues and groups remained of most concern for the final year of the scheme.



British Future: Getting it right from the start

British Future is an independent, nonpartisan think tank seeking to involve people in an open conversation about identity, integration, migration, and opportunity.

TAF awarded British Future £10,000 in 2018 to support research, convening and advocacy on the Settled Status scheme.

British Future’s report, [Getting it right from the start: Securing the future for EU citizens in the UK](#), was published in January 2019. Drawing on *Unsettled Status*, the report examined in detail the barriers to either Pre-Settled or Settled Status, including awareness of the scheme and finding the system too difficult to navigate. The report also included five suggested ‘remedies’ for the government attempting to register all EU citizens by the deadline.

¹⁵ Home Affairs Select Committee (2019) “EU Settlement Scheme”, available online here:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/194502.htm>

The report was widely read in the sector and featured in national media including the [Guardian](#), [Sky News](#) and the [Huffington Post](#). British Future gave verbal evidence based on the report to the Home Affairs Select Committee on the EUSS¹⁶.

British Future was asked by Alberto Costa MP to be the secretariat of a new All Party Parliamentary Group on Citizenship and Citizens' rights, which will allow them to continue drawing attention to these issues in the coming months.



ILPA/The Open Rights Group



The Immigration Law Practitioners Association (ILPA) is a professional association, the majority of whose members are lawyers and advisers practising immigration, asylum and nationality law. Open Rights Group (ORG) is a UK based digital campaigning organisation working to protect the rights to privacy and free speech online.

TAF funded a collaboration between ILPA and ORG with £9,000 over four months in 2018-19 for research and engagement into the new cross-department data sharing system introduced for the Settled Status process.

Following this work, the Home Office published further details on the data checks including a memorandum of understanding on the checks it holds with the Department for Work and Pensions.

In June 2020, ILPA and the ORG submitted a range of suggestions to the Home Office on how the automated residency checks could be improved, such as notifying applicants if the checks have not established five years residence.

¹⁶ Home Affairs Select Committee (2019) "EU Settlement Scheme", available online here: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/194502.htm>

Advocacy

As well as research, the TAF has funded advocacy focused organisations and projects designed to draw attention in government, the voluntary sector and among the public to the issues within the EUSS. As TAF was one of the first funders focused specifically on Settled Status, many of the organisations it supported early on have gone on to become crucial contributors to the public debate as the EUSS grew in prominence.

The3million



The3million is an EU citizen-led campaigning and advocacy group formed after the Brexit referendum in 2016 to protect the rights of EU citizens resident in the UK.

The3million was one of the first organisations TAF funded, supporting its establishment with core grants totalling £149,800 in 2018 and 2019 to support advocacy work in the UK and EU and to build its organisational capacity. TAF was one of the first charitable funders to support The3million.

The3million have grown to be one of the most prominent voices on EUSS-related issues and are widely consulted on it, including by the government on the structure of the Independent Monitoring Authority for the EUSS. Their work has been celebrated as key to the government removing the £65 fee for Settled Status. Now, the3million continue to push the Home Office for changes to the settlement scheme to make it more straightforward and accessible, including calling for a declaratory scheme and physical documents as proof of status.

IMiX



IMiX (Integration and Migration Exchange) is an agency working with partners to encourage a coherent and positive conversation around refugees and migration.

TAF awarded IMiX £77,671 over 12 months to do media and communications on the EU Settlement Scheme.

This included simple awareness-raising materials and working with charities to identify and support potential media case studies and raise the profile of the scheme and its impact.

IMiX work focuses both on reaching EU citizens directly and reaching the government. It produced a suite of information materials to raise awareness and understanding of the scheme among vulnerable applicants. It also sits on the Home Office steering committee on communications.

IMiX facilitated and provided evidence for a Guardian ‘Long Read’ on Settled Status in October 2019 which highlighted the difficulties many are facing with the application process. Other TAF grantees including EERC, Migration Observatory and JCWI contributed to the article.

Coram Children’s Legal Centre



Coram CLC is a charity which exists to promote and protect the legal rights of children. Coram CLC does this through legal advice and representation, policy work, research, and sector capacity building.

TAF awarded Coram CLC a grant of £7,500 over three months in 2018-19 to assist children in the Pilot Beta 2 testing phase of the EU Settlement Scheme. The grant also enabled Coram CLC to analyse findings from the pilot, which were published in March 2019 and received media coverage from the Guardian and Al Jazeera. Coram gave verbal evidence to the Home Affairs Select Committee’s examination into the EUSS based on the report and continues to campaign publicly on the issues it raised.¹⁷

Sector coordination and capacity building

Finally, TAF has also focused on coordinating and building the capacity of the voluntary sector working on the EUSS. This involves funding coordination roles to reduce duplication and maximise collaboration across the sector, and organising events and projects related to specific issues likely to affect the sector, such as OISC registration for organisations providing advice.

¹⁷ Home Affairs Select Committee (2019) “EU Settlement Scheme”, available online here:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/194502.htm>

Joint Council for the Welfare of Immigrants



The Joint Council for the Welfare of Immigrants (JCWI) is an immigration and human rights charity providing immigration, asylum, and nationality legal advice, and campaigning for improvements to immigration policy.

TAF awarded JCWI £111,500 over two years for outreach, advocacy, and coordination work on Settled Status. Its work has included a range of coordination, legal challenges, outreach, and policy briefings highlighting issues to do with EUSS. In what has been described as the first substantive challenge to Brexit legislation, JCWI and the Public Law Project threatened the Home Office with judicial review of the EUSS to push it to fix some systemic issues. The Home Office settled with concessions amending rules about who caseworkers can refuse Settled Status to.

In March 2020, JCWI published [a briefing](#) on Settled Status with recommendations for the Home Office including: automatically granting all EU citizens Settled Status or putting in place a legal presumption allowing people to convert Pre-Settled to Settled Status without having to provide further documents. The JCWI continue to push for the government to do more to ensure vulnerable EU citizens secure their status. In January 2021, it published a report on EU carers,¹⁸ highlighting how one in three had not heard of the EUSS before they were approached by researchers.



Roma Support Group

Roma Support Group is a Roma-led charity working with East-European Roma refugees and migrants. It offers services, works to overcome prejudice and vulnerability, and promotes an understanding of Roma culture. TAF gave them £22,500 for coordination and campaigning support for Roma-led and Roma-facing charities.

The Roma Support Group has published reports on the barriers Roma people face registering for the EUSS, developed materials for Roma communities such as a “Brexit Information Guide” with a series of videos providing EUSS information in the Romanes language, and cultivated a network of Roma groups to increase the visibility of Roma people within the EUSS scheme.

¹⁸ JCWI (2021) ‘When the clapping stops: EU Care Workers after Brexit’, available online here:

<https://www.jcwi.org.uk/when-the-clapping-stops-eu-care-workers-after-brexit>

5. Conclusions

Nearly 5 million people have been registered through the EUSS, but the situation is not settled. The scheme has been more successful than first feared, but as the deadline passes questions remain. The EUSS is a good example of how civil society can help make policies and practices better. Civil society groups campaigned against fees, ensured vulnerable people were included, and highlighted issues around children in care, for example. Civil society has been an important partner for the government in helping vulnerable people apply, which has ensured good take-up.

The scheme was designed to be as simple as possible, and for many it has been. However, there are still fundamental problems. For example, the digital-only application makes it difficult for people with limited access to the internet, such as people in care homes. This is worrying considering that it is likely that this will be the template for future immigration schemes. It may be years or decades before problems come to light as the government is unlikely to consciously look for such evidence.

Two features of the EUSS, that you can repeatedly apply and that people can be awarded Pre-Settled Status, mean that the scheme has not yet been tested in court. We are therefore unsure how fair it is and we lack information about the types of people applying to see whether it is transparent. A lot depends on the IMA and we are yet to see how well the IMA will work.

The refusal to make the EUSS a declaratory scheme perhaps makes it inevitable that 100% coverage will not be reached. As it stands, anyone who has failed to apply before the 30 June 2021 deadline will become illegally resident overnight. The Home Office has said it will respect good reasons for missing the deadline but has not clarified what a good reason would be. Again, the role of the IMA is crucial here for ensuring that nobody is unfairly treated.

For those who have successfully secured their status, the absence of physical proof has created an unprecedented situation in which millions of people will have to demonstrate their immigration status for housing and employment digitally. Employers and landlords who are used to physical residence cards may find this confusing, and we are already seeing discrimination as a result.

TAF has played a significant role in bringing capacity and light to what might have been an overlooked issue. There are many vulnerable people who have protected their right to stay in the UK thanks to civil society's response. Even so, outstanding issues mean it will be many years before we truly know how many have been denied their rights.

Appendix

Grantee feedback

In January 2020 the TAF team ran an online survey of how grantees perceived TAF and our work. We received 15 responses, of whom 11 completed the whole survey. The survey was based on reports by the US-based Centre for Effective Philanthropy and focused on grantees' perceptions of TAF's impact, grant-making processes, relationships with grantees, and transparency. The survey was fully anonymous and we specifically asked grantees to be honest with us both about what TAF had done well and what we could improve.

Respondents were given the option of rating the TAF's impact on a range of issues from 1 (no impact) to 7 (significant impact).

Key findings included:

- **Grantees scored TAF highly for impact on its stated aim of improving access to the Settled Status scheme for 'vulnerable' groups**, giving the Fund an average of 6 on a scale of 1 (no impact) to 7 (significant positive impact).
- **Grantees feel our biggest impact has been on organisations (average 6.45)** rather than on the state of public policy (5.5) or the state of knowledge of the Settled Status Scheme (5.6), although these scores are still positive overall.
- **TAF grants have enabled organisations to add new programmes of work, enhance capacity, and expand existing programmes**, rather than maintaining existing work.
- **Grantees report favourably on their interactions with the Fund**, with TAF staff given a score of 6.64 for responsiveness and 6.8 for how comfortable grantees felt approaching the Fund if a problem arises.
- **Grantees' responses on how accessible the Fund is to grant applicants are slightly less positive**, with an overall score of 5.27 (1 is 'some organisations are favoured over others' and 7 is 'everyone has equal access'). This is perhaps unsurprising, given how TAF generally reached out to potential grantees directly to make quicker grants.

- **Grantees feel they have a good understanding of TAF's goals and strategy** (average score of 6), and reasonably good clarity around their prospects of securing additional funds from TAF in the future (5.27).
- **Grantees give TAF an overall score of 5.91 for transparency.**