

The Human Cost of Brexit

Community Event Briefing

Shared Futures
No Recourse North East
March 2021

1) Context

The UK voted to leave the EU in 2016 and ever since it has followed a series of steps towards full implementation of Brexit. The UK officially left the trading bloc on 31st January 2020, and then on 1st January 2021 the transition period came to an end, introducing new immigration rules as freedom to work and move between the UK and the EU concluded. EU nationals that lived or arrived in the UK on or before 31st December 2020 must apply to the EU Settlement Scheme before 30th June 2021 to maintain their legal right to live and work in the UK.

As we approach the deadline for applications to the EU Settlement Scheme, the impacts of Brexit on the daily lives of EU citizens are more present than ever and will continue to be. It is in this context that Shared Futures and No Recourse, North East¹ held an online roundtable discussion with community groups and third & public sector organisations to reflect on the impact of Brexit on EU citizens living in North East Scotland. 6 speakers presented diverse perspectives to understand the impacts of Brexit and more than 65 people attended the discussion groups that followed, raising the concerns of local communities and identifying concrete actions to better support them.

This briefing presents the main issues highlighted by the speakers at the event, and those highlighted by the attendees in the discussion groups. A further section also outlines the main recommendations stemming from the dialogue for policy makers and organisations to consider in their planning on how to mitigate against the human cost of Brexit.

2) Main issues identified by the speakers

The roundtable discussion was led by 6 speakers representing a diverse range of community groups and third & public sector organisations. These included representatives from Citizens Rights Project, Robert Gordon University Law Clinic, Sunnybank Community Centre, Aberdeen City Council, Erasmus Student Network Aberdeen (ESN Aberdeen), Shelter Scotland and the International Organization for Migration UK (IOM). The main issues highlighted by the speakers, who shared their personal and professional perspectives on the human cost of Brexit, are summarised below.

Noelia Martínez, Project Coordinator of Citizens Rights Project, which provides information, advice, and support to EU, Swiss and EEA citizens with a focus on the application to the Settlement Scheme. Freelance journalist, translator and activist.

Noelia stated that from the Citizens Rights Projects' perspective, EU nationals are seeing either an erosion of their well-being, of their self-belonging or of their trust (Professor Tanja Bueltmann, Northumbria University). Noelia mentioned that all EU nationals now must face exhaustive procedures to be able to live in the UK, as other migrants, which heightens the feeling of being in a hostile surrounding. Furthermore, she highlighted that the EU Settlement Scheme is even more complex to navigate for vulnerable people, which according to the Home Office is around 10-20% of those who must apply to it. Noelia outlined

¹ Shared Futures aims to bring together communities to develop understanding of issues facing minority communities in Aberdeen, increase awareness of the support available, and take collective action to promote justice and equality in the city.

No Recourse North East is a partnership group working on developing good policy and practice in relation to No Recourse to Public Funds (NRPF) issues in the North East of Scotland.

some of the main barriers that EU citizens encounter in applying to the EU Settlement Scheme, which included:

- Lack of adapted information to different audiences (including EU citizens, but also for caseworkers, organisations supporting vulnerable people, employers, and other representatives); Absence of continuity in the stream of information from the Home Office, which has caused lack of awareness; Lack of or complexities to renew and access the correct documents to prove residence in the UK; Poor level of English; Digital exclusion (limited IT skills, access to Internet, a laptop or mobile phone, all when facing a digitalised application process); Fear of anything to do with the Home Office and immigration status.
- The barriers related to digital exclusion do not end once people apply for pre-settled or settled status as vulnerable citizens who already have this status are now struggling to access their EU Settlement Scheme profile. This implies they will also struggle to update or prove their digital status.
- EU citizens have been discriminated against because employers, landlords and banks either do not know the rules or are taking advantage of people's uncertain situation. This suggests people can experience issues accessing benefits, jobs or even a place to live. For example, employers and landlords are required to take nine steps to check someone's status online, which could lead to preference for someone with a British passport or physical residence permit.
- Those that have a previous criminal conviction and have made their lives in the UK also face increased uncertainty in their application process, which is further complicated by the lack of communication between the Police and the Home Office.
- The Government has admitted that the EU Settlement Scheme likely discriminates against women because the automated checks for evidence of residence (using government databases) do not cover certain welfare payments that women are more likely to receive, such as Child Benefit, and benefits where only one person can be a named recipient are more likely to be in the name of a male partner/husband. It also discriminates against disabled people because the online process may be harder to navigate and it discriminates against non-EEA citizens because for this group the process to come to the UK is expensive and much more complex.

Olayinka Lewis, qualified solicitor, lecturer, and the Director of Robert Gordon University Law Clinic. Expert in immigration and nationality law.

Olayinka mainly referred to the recent changes to immigration rules that have an impact on EU nationals who are coming or have been in the country from 1st January 2021. The changes include how the terms *must* and *may* are used when covering grounds for refusal of an application, a legal distinction in language that Olayinka mentioned can be confusing for many people not familiar with immigration law. These changes were summarised by him as follows:

- An application *must* be refused where there are non-conducive grounds (where a person's presence in the UK is deemed to be non-conducive to the public good), which includes issues with an applicant's conduct, character, association with certain organisations or just a blanket reason stated in the rules as "other reasons", which covers a wide range of issues. In these cases, the application *must* be refused from 1st January 2021. There are also criminality grounds, for which an application *must* be refused too. These changes lead to refused applications and it also cancels the visas that those applicants currently hold.
- An application *may* be refused when the applicant makes false representation, such as lying in the application or providing false documents in support of an application. However, it is also stated that that the application *must* be refused where the

caseworker can demonstrate that the person used these resources in such an application. Another set of reasons where visas *may* be refused is for a sham marriage, based on a previous breach of the immigration rules, and if someone fails to provide information requested by the Home Office (for instance if an applicant has an interview with the Home Office and they fail to turn up or provide a document in a specified timeframe). If someone is found rough sleeping in the UK, their application *may* be refused, or their current visa cancelled as well. Those who cease to meet the requirements of the immigration rules, for example if an EU national who is applying from 1st January has a condition on their visa (i.e. NRPF) and they breach those conditions, *may* have their visas cancelled and future applications *may* be refused.

- Sponsorships for work and study: EU nationals will now be subjected to this, and workers will require a sponsor if they are coming from 1st January onwards. Sponsors must be organisations properly registered as such, so when they cease to be a sponsor then an applicant's visa *may* be cancelled and future applications *may* be refused (work visa, student visa, etc).
- The financial impact of Brexit: a specific impact on EU nationals coming from 1st January 2021 and also for those who were here before is the financial impact. This is not visible yet, but after 5 years or more on a settled status visa many will want to apply for UK citizenship and there is a significant cost attached to this. A citizenship application costs £1,000 at the moment, but there is also the English language requirement, and the application for those taking the Life in the UK test.

Zuzana Jatelova, Chair of Sunnybank Community Centre and Community Development Worker for Aberdeen City Council, where she works with Aberdeen's most vulnerable communities:

Zuzana gave a personal account of arriving to Aberdeen in 2005 from Czech Republic. She mentioned the UK was a country of many opportunities, but as a single mum and living in a deprived area, she felt very lonely upon arrival. She reached out for help and met people in the Sunnybank Community Centre, where she then volunteered and eventually became the Chairperson. Sunnybank is a community with people from different cultural backgrounds and for her, understanding inequalities and helping people tackle them by learning English, finding jobs, and getting confidence, has been a great experience. She summarised the impacts of Brexit on people and the barriers to access support as follows:

- In 2016 when the election happened, I felt "do I want to stay in a country who actually doesn't want me?". This is the message that was sent to communities and it was difficult to hear. A sense of belonging that people worked very hard on was taken away during that night. Then, the insecurity, the not knowing what was going to happen, was very unsettling. People in communities stopped using their languages outside, to prevent being targeted as "those migrants", who were basically targeted during the Brexit campaign. This has had a massive effect on the community in terms of sense of belonging and feeling welcomed.
- At this moment the cost of Brexit is very difficult to see because of the effect of the pandemic. This, in turn, comes with other issues as not being able to see family or going home. This puts people under pressure, under mental and financial hardship.
- Communities feel that there has not been enough meaningful support. There are not community representatives who can provide information to their communities.
- Many people are struggling because they do not have passports and embassies are closed or waiting times are longer, which creates barriers to apply for the Settlement Scheme.

Diana Hernando, President of Erasmus Student Network Aberdeen (ESN Aberdeen). International Relations and Legal Studies student at the University of Aberdeen:

Diana came to Scotland as an international student. She mentioned she first felt welcomed and is grateful for all the experiences as she considers Scotland her second home. From her own experience and speaking to other students, both EU nationals and British citizens, she recapped the impacts that Brexit has had on the student community:

- The most recurrent theme in the student community related to Brexit is the uncertainty. There is a lack of information and students have been feeling stress about their future and prospects. The process to remain in the UK and the Settlement Scheme has been a difficult and daunting experience for many students. For international students there are many doubts about remaining (or not) in the UK, and whether or not they will be able to find more opportunities here compared to Europe. For British students the main concern is the narrowing possibilities to go abroad, as some jobs now require people to hold an EU passport.
- The situation is also complex insofar as bureaucracy, applications and restriction of movement are in place, which has an impact even in family being able to visit.
- Changes in fees and funding for students are one of the most significant impacts of Brexit, and some students will not be able to afford their programmes.
- The Erasmus scheme will disappear in 2023 and a joint scheme will replace this programme. Diana and others from the network will continue promoting international mobility within education and the network will expand beyond Europe, including students from elsewhere.
- In summary, there is a feeling of not being welcomed, but this is in stark contrast with Diana's first experience of coming to Scotland. Students are now realising how privileged they were before Brexit.

Maria Cristina Carletti, Project Officer for the International Organization of Migration UK (UN Migration), institution working in partnership with the Convention of Scottish Local Authorities (COSLA) to provide immigration advice and support to vulnerable EU citizens in the context of Brexit.

Maria stated that the IOM has been working with and providing support to local authorities' teams, social workers, welfare and housing officers to prevent vulnerable citizens falling through the cracks of the immigration system. Though IOM's role is not public facing, Maria stated the team working in Scotland has been referred cases of vulnerable people, including the Roma community, homeless people, people with disabilities, children, victims of human trafficking, among others, to support them in getting their immigration status. Maria enumerated several barriers that EU citizens are facing when applying to the EU Settlement Scheme, which included:

- Some barriers are derived from COVID-19 and the travel restrictions. One of the main barriers is that many people do not have up to date passports or ID, which is a process that takes time. Therefore, people could experience difficulties showing proof of status. On the other hand, many do not really know what they applied for because they have not received qualified immigration advice, so they do not know what rights they have and that they have to keep their status up to date.
- IT is another barrier identified, as some people do not have phones or if they have access to one, it may not be able to support the Settlement Scheme application process. Doing everything over the phone has presented some barriers and there are concerns about the tight deadline to apply for the Scheme.
- There is uncertainty around what applying late to the EU Settlement Scheme, after 30th June 2021, and what that would mean for clients.

Tatora Mukushi, solicitor leading the Migrant Destitution Project at Shelter Scotland, which works with partner agencies in Glasgow to ensure asylum seekers have access to housing.

Tatora covered changes in the legislation derived from Brexit and its implications for homeless EEA nationals. He highlighted that people subjected to immigration controls have always been excluded from housing and homelessness provision, but this did not apply to EU citizens, which has now changed. Tatora outlined who is eligible to access support in case of homelessness since the new immigration rules came into force and the need to keep the avenues of support open for this by applying to the Settlement Scheme before the grace period ends on June 30th:

- Who is eligible for housing and homelessness provision?: 1) People with Settled Status; 2) People with Pre Settled status who were exercising treaty rights on 31st December 2020; 3) People yet to make an application to the Settlement Scheme or with an outstanding application who were lawfully resident on 31st December 2020 and are lawfully resident on date of presentation.
- Who is not eligible for housing and homelessness provision?: People who arrived on or after 1st January 2021 (unless family members joining EEA national), and those not falling into the above-mentioned groups 2 or 3.
- Therefore, 3 out of 4 categories are eligible for housing and homelessness assistance, and the same categories are exempt from some of the new immigration rules, such as rough sleeping.
- If there is reason to believe that an applicant is homeless, then the duty to provide temporary accommodation still applies unless and until it is satisfied that the person is ineligible for support.
- Brexit emergency: Applications to the EU Settlement Scheme must be done within the set timeframe ending on 30th June because the Home Office stated there will be no extension despite COVID-19 and its impact on particular groups, such as disabled people, women, people with language barriers, and those disadvantaged through employment, among others.
- No Recourse to Public Funds (NRPF): The Scottish anti-destitution strategy is undermined by Brexit and the impact on bring more people into the NRPF category. The absolute deadlines imposed by Brexit makes prevention of destitution much more complex. On the other hand, local authorities also need to work in partnership with other agencies to ensure people are being properly assessed and action is taken. There is also a pressing need for highly skilled advisers and engagement officers to assess and advise on situations arising out of Brexit.

3) Main issues identified by attendees

Attendees to the event participated in 10 different discussion groups to provide further feedback on the impacts of Brexit. An online tool (Padlet) was also available for participants to leave their comments. The main issues highlighted by participants can be summarised as follows:

Many attendees were well informed of public bodies and third sector organisations that provide support and advice to EU citizens, including applications to the EU Settlement Scheme. However, several participants also mentioned that there is no recognisable general strategy to help mitigate the impacts of Brexit among EU citizens and that there is lack of coordination to reach out to communities directly and effectively. Participants touched on similar issues to those detailed by the speakers and generally agreed that the support available to alleviate the impact of Brexit on EU citizens is inadequate and has gaps insofar

as there is: a) either not enough information and guidance offered or b) the information available is hard to access, especially for vulnerable EU citizens, due to a diverse range of barriers and the added complexities posed by the COVID-19 pandemic and the lockdown measures.

a) Related to the lack of sufficient provision of appropriate information and guidance participants mentioned:

- The UK Home Office has provided insufficient information for local authorities and the content provided has been inconsistent, sometimes changing in a very short period of time, which presents unique challenges in a country with four different nations, with different rules and diverse characteristics of the population living in them.
- Lack of appropriate and central funding for strategies and resources to be in place both through local authorities and third sector organisations.
- Inadequate training and preparation from public-facing staff both from local authorities and third sector organisations regarding general changes from Brexit, but also sign posting to the appropriate resources available to support EU citizens.
- Lack of official immigration advice and solicitors for this in the North East of Scotland compared to Glasgow and the central belt in general.
- Insufficient language support, which is also understood to be a barrier for people to access the available information.
- Landlords and employers do not have enough knowledge of the changes and this can lead to discrimination. In parallel, employers have not been tapped as a resource to encourage EU citizens to apply to the EU Settlement Scheme.
- Lack of direct engagement from Government, local authorities, and charities with EU communities to better inform them and raise awareness on their rights and entitlements. Local organisations and community groups in place are not being tapped to reach out to the broader EU community and there are still people not aware they need to apply to the EU Settlement Scheme.
- Lack of clear guidance related to changes in fees and the financial impact on international students. Not even universities have appropriate information to hand.

b) Related to the barriers that make it more difficult to access available information for EU citizens, participants mentioned:

- Digital exclusion makes the digital application process more difficult, especially for vulnerable EU citizens, which is worsened by COVID-19. For example, there is no public access to computers in public libraries or to photography studios to provide the standard of images required by the Home Office for the application.
- Complexities around access to renew passports and documents needed for applying to the EU Settlement Scheme due to the pandemic.
- Distrust of authority based on previous experiences may have an impact on engagement with the Home Office or local authority services.

Other issues raised by participants in the conversation included:

- Mental health problems instigated by Brexit and the pandemic, which are seen as a “timebomb”.
- Feeling of increased hostility at an interpersonal level and sense of not being included or lack of self-belonging, as well as the impact on the ability to find jobs, access education and see family abroad.

4) Recommendations

Based on the main issues expressed at the roundtable and group discussions, we include here a set of recommendations to tackle them, which should be considered by third sector organisations and also by local and UK authorities to plan short to medium-term actions.

- Re-launch the communication campaign or launch a fast-paced new one to increase awareness on the EU Settlement Scheme's approaching deadline, adapting materials to diverse languages and audiences.
- Increase funding and resources to support local authorities and third sector organisations addressing the information gaps around Brexit and the barriers to access it.
- Provide appropriate training and resources to public-facing staff from public bodies and third sector organisations on Brexit related changes. This will require a short to long term perspective as staff will need to know not only about the EU Settlement Scheme, but also about the rights and entitlements of EU citizens that lived in the UK before the transition period finalised and those who arrive after it.
- Improve the coordination of public services and third sector organisations with existing community organisations and groups to reach out to EU citizens directly and effectively regarding the EU Settlement Scheme, and their rights and entitlements beyond this.
- Provide appropriate information to employers, landlords and other institutions on the rights and entitlements of EU citizens to tap into existing resources to reach out to EU communities and prevent an increase in discrimination, while also securing an appropriate workforce for their businesses.
- Increase the provision of immigration advisers available in the North East of Scotland and close the existing gap with the central belt. This should include a short-term effort through events or collaboration to increase the provision of support prior to 30th June 2021 and also a plan to ensure local provision in Aberdeen in the medium-term, as it is the most diverse city in Scotland.
- Outline a contingency plan for those who do not apply to the EU Settlement Scheme during the grace period and lobby for more transparency on the implications for those not applying by June 30th 2021.
- Increase public-facing support and advice to vulnerable EU citizens as much as COVID-19 restrictions allow as they ease down in the coming months and prior to 30th June 2021.
- Increase provision of information for international students on the financial impacts of Brexit and the avenues of support available to address this.