

EU Settlement Scheme

Summary and Recommendations

COSLA and Scottish local authorities are committed to lessening the sense of uncertainty amongst EU citizens living in Scotland. COSLA is working with the UK Government and Scottish Government to ensure that EU citizens living in the UK are well informed and can access settled status, as we approach the launch of the EU settlement scheme.

This paper invites Leaders to:

- i. Agree that COSLA continues to work with the Home Office and Scottish Government to support and inform EU citizens in our communities about the EU Settlement Scheme;
- ii. Agree that COSLA writes to the Home Secretary to ask for consideration of lowering or waiving fees for low-income households;
- iii. Agree that COSLA writes to the Minister for Europe, Migration and International Development to seek clarity on the Scottish Government's commitment to pay the settled status fees of EU citizens working in the public sector in Scotland; and,
- iv. Agree that a paper on identifying and supporting vulnerable groups through the EU Settlement Scheme will be taken to the COSLA Community Wellbeing Board in the Autumn.

References

Previous reports on Brexit and EU citizens in the UK:

- CWB Board May 2018 – Brexit: EU Settlement Process and Engagement with EU Citizens
- COSLA Leaders May 2018 – Brexit update
- COSLA Leaders November 2017 – Migration Policy: Brexit Implications

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EU Settlement Scheme

Purpose

1. This report provides Leaders with an overview of the proposed EU Settlement Scheme, and the partnership work between COSLA, Home Office and Scottish Government regarding communicating and ensuring EU citizens living in the UK secure settled status.

Current COSLA Position

2. COSLA and Scottish Local Government are committed to lessening the sense of uncertainty amongst EU citizens living in Scotland. Leaders have been clear about the need to maintain the rights of EU citizens living in the UK and ensure that the processes needed to realise these are accessible. We are working with UK Government and Scottish Government to do all we can to alleviate the concerns that have been generated from the decision to leave the EU, and to ensure rights and entitlements are maintained.

What is changing?

EU Settlement Scheme

3. The statement of intent and draft immigration rules concerning the EU Settlement Scheme for resident EU citizens and their family members were published on 21st June. COSLA met with Home Office officials on 5th July to feed in our response to the statement and clarify any points of concern. The statement of changes in immigration rules were laid before Parliament on 20th July.
4. The statement of changes sets out the basis of the EU Settlement Scheme and will secure the rights of EU citizens living in the UK. Eligibility for settled status will be based on continuous residence in the UK for five years. The Home Office has assured us that the application process will be a short, simple, and user friendly.
5. The application process for the EU Settlement Scheme will start in March 2019 and people will have until 30th June 2021 to apply. There will be pilot work carried out between now and March 2019 to ensure that the process is fit for purpose.
6. The process will predominantly be online and applicants will be able to access and complete their applications using a computer, tablet or smartphone. COSLA and Scottish Government are working with the Home Office to look at support for applicants, particularly to ensure that vulnerable groups and those without the ability to use or access online methods are able to complete their applications.
7. Eligibility will be based on residence in the UK by 31 December 2020. If the applicant has been a resident for more than 5 years they will be eligible for settled status. If an applicant has been a resident for less than 5 years, they are eligible for pre-settled status, and after 5 years, for full settled status.
8. Settlement will allow EU citizens and their family (i.e. spouses, civil partners, unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) to continue to live and work in the UK.

9. The Home Office has assured us that the application is not set up to 'catch people out'. They will be looking to grant, not for reasons to refuse. Caseworkers will be able to exercise discretion in favour of applicants where appropriate, to minimise administrative burden.
10. Settled status will mean eligibility for public services, public funds and pensions. Applications will cost £65 for adults and £32.50 for children under 16.

Proposed COSLA Position

Communicating the EU Settlement Scheme

11. Local Government is well placed to communicate the EU Settlement Scheme through our role as employers, service providers, and as representatives of our communities. We are also best placed to identify the most vulnerable and ensure that they can also secure settled status.
12. COSLA has been working closely with the Home Office and we are represented on the Local Authority Engagement Steering Group, which includes Ministry for Housing, Communities and Local Government, Cabinet Office, Territorial Offices, devolved administrations, and the Welsh, Northern Ireland and English local authority associations. The group has been set up to discuss the Settlement Scheme and how we can all work together to ensure that EU citizens living in the UK are informed and know what they need to do as we approach the launch of the scheme.
13. The Home Office published the [EU Settlement Scheme: employer toolkit](#) in July. COSLA has sent this out to members of the Society of Personnel and Development Scotland (SPDS) and the Scottish Local Authorities Economic Development Group (SLAED). COSLA has also seen a draft of the EU Settlement Scheme: Community Toolkit and the publication date for this toolkit is imminent. COSLA and the three local authority associations are working with the Home Office to develop a toolkit for local authorities and this will be published in August/September.
14. The Home Office is hosting a teleconference for Chief Executives of UK local authorities on 22nd August. It will provide an initial opportunity to learn more about the EU Settlement Scheme. We are expecting a high number on the call – when last speaking to the Home Office they had received 110 responses and a 50% return rate from Scotland. The Home Office and COSLA are aware this is the first step in engaging with local authorities and will provide a broad overview of the system. COSLA will continue to work with the Home Office to develop further Scotland specific engagement events, which will provide a greater level of detail and discussion on the system as it is rolled out.
15. As part of this engagement, COSLA and Scottish Government invited the Home Office to lead a session on the EU Settlement Scheme, on 17th August in Verity House. The event was fully subscribed, with attendees from across local government and the third sector. The Home Office provided an overview of how EU citizens and their families can apply for settled status and how we can play a role in communicating the system to our communities. We also explored issues around vulnerable users, those with complex needs and access issues.
16. COSLA has also been working with local authorities and Scottish Government to deliver regional events for EU citizens. The aim of the events has been to provide a platform for Council Leaders and Scottish Ministers to communicate and reinforce messages on the value we place on EU citizens in Scotland and their contribution to our communities. The events have primarily been an opportunity to hear the views and concerns of EU

citizens living in Scotland in order to shape Scottish Government and COSLA's lobbying positions and best protect their interests.

17. Events were held in Fife, Dundee and Glasgow in recent months and we held our final two regional events in August. An Ayrshire event was held on 7th August and the panel consisted of East Ayrshire, North Ayrshire and South Ayrshire Leaders, the COSLA Community Wellbeing Spokesperson and the Cabinet Secretary for Government Business and Constitutional Relations, Mike Russell. An Aberdeen area event was held on 16th August and the panel consisted of the Aberdeen City Co-Leader, Cllr Laing, the Aberdeenshire Leader, Cllr Gifford, the COSLA President and the Minister for Europe, Migration and International Development, Ben Macpherson. In both events we received valuable feedback from EU citizens on the EU settlement scheme. Some of the key concerns raised were: how will a 'no deal' situation impact on the proposed settlement scheme; the ability of people and families on low incomes to pay the proposed fees; and the need for face-to-face services to provide information and advice.
18. The regional events have primarily been about political leaders listening to EU citizens' concerns and articulating that EU citizens are welcome and valued in Scotland. However, we are now moving into a new phase. As more information is released regarding the EU Settlement Scheme and as we gear up for implementation, we need to move on from statements to action on how we can get information and advice out to EU citizens in our communities. COSLA will be discussing next steps with Scottish Government and the Home Office and also exploring additional funding if this is required.

Fees and low-income households

19. Concerns around the cost of fees for low-income households were raised by EU citizens at the regional events and by officers at the COSLA event on 17th August. COSLA has voiced concerns at an officer level regarding the ability of some people and families to pay the settlement fees. It is proposed that COSLA should write to the Home Secretary to raise our concerns at a political level.

Public Sector workers fees

20. The First Minister made a commitment in her SNP conference speech in October 2017 that Scottish Government will pay the settled status fees of EU citizens working in the public sector in Scotland. The COSLA President met with the Minister for Europe, Migration and International Development, Ben Macpherson, on 16th August and raised the commitment but did not receive further clarity on how it will be delivered. It is proposed that COSLA formally writes to the Minister asking for clarity on who the commitment will cover and the practical elements of delivering on the commitment.
21. COSLA officers are also working with civil servants to arrange a meeting between the Minister for Europe, Migration and International Development and the Community Wellbeing Spokesperson, Cllr Whitham, to further discuss the commitment to pay public sector workers settlement fees and next steps on how we can work together to get information and advice out to EU citizens in our communities.

Next Steps

22. COSLA will continue to work with the UK Government and Scottish Government to ensure that EU citizens living in the UK are well informed and can access settled status, as we approach the launch of the EU settlement scheme.
23. Leaders are invited to:

- i. Agree that COSLA continues to work with the Home Office and Scottish Government to support and inform EU citizens in our communities about the EU Settlement Scheme;
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- iv. Agree that a paper on identifying and supporting vulnerable groups through the EU Settlement Scheme will be taken to the COSLA Community Wellbeing Board in the Autumn.

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