



ALL-PARTY PARLIAMENTARY GROUP ON  
**No Recourse to Public  
Funds**

## The end of the EU Settlement Scheme and the impact on families with NRPF

Wednesday 7 of July 2021 10:30 – 11:30

*Remote meeting on Zoom, hosted by Project 17*

### Attendees

<b>Name</b>	<b>Organisation/Party</b>
Kate Osamor MP (Chair)	MP Edmonton, Labour (Co-op)
Baroness Lister of Burtsett	House of Lords, Labour
Lord Russell of Liverpool	House of Lords, Crossbench
Christina Rees MP	MP for Neath, Labour (Co-op)
Deirdre Brock MP	MP Edinburgh North and Leith, SNP
Evie Lingwood	Office for Neil Coyle MP Bermondsey and Old Southwark, Labour
Amy Dolley	Office for Stephen Timms MP, Labour
Simon Shedden	Office for Tommy Sheppard MP, Edinburgh East, SNP
Jess McQuail (Secretariat)	Just Fair
Kris Harris (Secretariat)	Project 17
Hannah Rich	Shelter
Hayley Morgan	TGP Cymru
Helena Nadova	TGP Cymru
Kayleigh Sweet	European Transition Team, Welsh Government
Laura Stahnke	Praxis
Juliet (not real name)	Person with lived experience
Francesca (not real name)	Person with lived experience
Michael Spencer	Doughty Street Chambers
Amy Grey	Rights of Women
Pat Dunmore	Citizens Advice
Bethan Lant	Praxis
Abi Brunswick	Project 17
Sarah McCloskey	Citizens Advice
Fiona Carrick-Davies	Surrey Square Primary School
Florence Brunert	Citizens Advice
Steph Kleynhans	Shelter
Sophie Earnshaw	Shelter
Cyrene Siriwardhana	Surviving Economic Abuse
<b>Apologies</b>	
Stephen Timms MP	MP East Ham, Labour
Lord Bishop of Durham	House of Lords





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### **1. Welcome from Chair**

Kate Osamor welcomed everyone. This morning we will look at the issues families with children experience in regularising their status under the EU Settlement Scheme (EUSS) and the negative impact on those who did not manage to submit an application before the 30<sup>th</sup> of June deadline. In addition, we will look at a recent legal challenge to the eligibility of non-EU parents of British children (Zambrano carers) to apply for settlement under EUSS and the impact this could have on thousands of families and children in the UK.

We are going to hear from 4 speakers, 2 who have lived experience, Michael Spencer from Doughty Street Chambers and Amy Grey from Rights of Women's EUSS Project.

### **2. Amy Grey, Immigration solicitor at Rights of Women's EUSS Project**

Thank you for inviting me. As you mentioned, our service users are women and most have suffered gender-based abuse, often sole carers and have multiple vulnerabilities relating to insecure accommodation, health needs, language needs etc. We try to support these women through our case work and advice line. In the last couple of weeks alone, we have had contact with EU nationals and non-EU nationals who have not realised they had to apply.

There are several issues that we see the women we work with facing. We work with EU nationals and non-EU nationals. The more complex cases tend to involve non-EU nationals. The burden of proof on non-EU nationals is greater than that on EU nationals, as the non-EU national must provide information and evidence relating to both themselves and the EU national family member. What this means is they may be more vulnerable and it is more difficult to evidence their eligibility, as their status depends on their EU national family member.

I will focus on non-EU nationals – there are several issues that these women face when applying for the EUSS, such as: they may be in abusive relationships where the women do not receive information from their family member. With many women we work with, immigration status itself is used as a tool of abuse, in other cases the perpetrator of abuse has intentionally failed to pursue immigration status for the women.

Even where women have escaped the abuse, they still face issues – we have many women who present with Biometric Residence Cards issued under the EEA Regulations which indicate, on the face of it, that they continue to be valid until a date in the future, e.g., valid until 2023 and these cause a lot of confusion, in most cases it has been a matter of fortuity that they have come to us for other issues and we pick up their EUSS situation, but we anticipate there are many women who are not aware they needed to apply to the scheme. Where the applicant is a non-EU national, but their relationship is dependent on EU national, showing evidence of this is a significant obstacle, as the perpetrator of abuse often holds all the documents. We also come across women who do not have information on their family members – again a significant obstacle.





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There has been a real move to a much more collaborative approach with the Home Office, but we still commonly come across women who have not been able to navigate these complexities in the absence of legal support.

Where we are now: The deadline for initial applications to the EUSS has passed, although it remains possible for individuals to apply 'late' subject to their being able to satisfy the Home Office there are reasonable grounds for their missing the deadline. The decision-making process has slowed down, and applications are often taking months. For those people who have applications outstanding to EUSS, it is likely that they will face increasing inquiries regarding their status, and people will increasingly struggle to access services. For those who are yet to apply to the EUSS, as we move away from the grace period, we can expect that for some people the denial/withdrawal of benefits will impact. It is open to people in this position to make a late application, but they need to satisfy 'reasonable grounds'. These women are likely to face real difficulties to access services. It is a real concern that the most vulnerable are going to be left without services and we need to acknowledge how complex the situation is for those who haven't secured settled status. It is likely that many individuals will end up without access to benefits.

Kate Osamor asked: is there anything MPs can do to raise these issues with the Department for Work and Pensions? Amy answered: the reality is there is no legal protection for those affected, I would ask for a legal protection for these people and recognition that it is often the most vulnerable who will be affected.

Kate Osamor thanked Amy for all her work and her contribution to the session.

**3. Juliet (not her real name), person with lived experience**

My son's passport had expired in 2020 and due to the lockdown, I couldn't renew it. The solicitor was very slow. I was a bit scared, and the solicitor called the Spanish Embassy, we went there with my son's passport and were told to come back in 2 weeks. This was on the last day I had to apply for my son and myself. For those families who have missed the deadline, they will lose their benefits.

Kate Osamor thanked Juliet for her contribution.

**4. Michael Spencer, Barrister, Doughty Street Chambers**

We are talking about British citizen children, whose parents don't have right to reside – often referred to as 'Zambrano Carers'. Up until 31 of December 2020, because of EU law these parents had the right to remain in the UK.

Home Office guidance Appendix EU specified that Zambrano carers who had leave to remain on another route (e.g. family route to settlement) were not eligible to apply under EUSS. This excluded a lot of people from the EUSS. In the recent Zambrano Carers court case, *R (Akinsanya) v Secretary of State for the Home Department [2021] EWHC 1535 (Admin)*, the court found that the Home Office guidance was unlawful. However, the Secretary of State has appealed the judgement.





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In the meantime, the deadline for applying to EUSS has passed, and many families had been wrongly told they were not eligible to apply. In the court case we did get some very important concessions, including safeguards for the Zambrano Carers who applied late under the EUSS. These don't provide certainty for families, and they may have many difficulties with employment, accommodation etc and put British citizen children at risk. My advice to any Zambrano Carer is to get their EUSS application in as soon as possible. The best response would be to extend the deadline for EUSS applications itself, but the Home Office needs to make a real effort to make sure these families are protected.

**5. Francesca (not her real name), person with lived experience**

I have 3 children. I did not apply to the EUSS. I am a Zambrano Carer. In March 2020, I had a letter saying I did not qualify. Now I have applied again, I am not getting my hopes up.  
Kate Osamor MP thanked Francesca for her contribution.

**Questions**

Deirdre Brock MP asked Mike if he knew when the Court of Appeal hearing would be.

Mike answered that they have asked for the hearing to be as soon as possible, by end of July. He said he was confident that the Court of Appeal will agree with the High Court, but more difficult is what the Secretary of State will do with the judgement. I would hope that she would include the Zambrano Carers issue in future immigration rules.

Ruth Lister asked – how widespread do we think this issue is and does this require primary legislation or secondary legislation? Mike answered: it is difficult to say how widespread, there were more applications under the EUSS than previous expected and people have said it is 'another Windrush'. There are potentially lots of people out there who might not have realised they need to make an application. A lot then will depend on how the Home Office deals with the applicants. The Zambrano problem can be fixed within the Immigration rules, there is no requirement for primary legislation. This would be a helpful place to put political pressure.

Abi Brunswick asked – did Francesca and Juliet have any difficulty finding legal advice? Francesca answered: my kids' school advised me, and Praxis found me help.

Bethan Lant from Praxis further elaborated – it is right that we were able to help Francesca but there were many others we could not help. We were working in partnership with 8 city law firms who gave us pro bono support. We managed to put in 109 applications before the deadline, but I still have a huge inbox of people wanting to make applications. We have no way to meet the need for advice.

Juliet asked – is it possible for the government to give the families 1 or 2 months to put in applications? A lot of families were not able to put in an application to the deadline. Kate Osamor answered: because we are still waiting to hear the response of the appeal, people should continue to put in application. If you know anyone who has not applied, encourage them to apply.





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Ruth Lister – I was struck by what Amy said, so far, they are finding willingness to be helpful from the Home Office, is this likely to continue? It also begs a question of why they don't extend the deadline. Kate Osamor responded: we hope this is not going to be another 'Windrush'.

Kris Harris asked – we have had years of information targeting EU national to make the applications before the end of the grace period, but in terms of Zambrano Carers, we need to reflect on what we can do to get the information out there and get people legal advice. We are talking about a large number of cases. Mike answered: The Hackney Law Centre has very useful information for all trying to get to grips with the judgement.

Christina Rees MP – I wanted to thank everyone for all the information shared and thank you for organising this.

Kate Osamor thanked all and said it is very important to keep raising the alarm, as we may have another scandal on the way.

Links to further information mentioned in the meeting:

[\*R \(Akinsanya\) v Secretary of State for the Home Department \[2021\] EWHC 1535 \(Admin\)\*](#)

[Zambrano carers and the EUSS Scheme – What you need to know. The Hackney Law Centre](#)

