



## **the3million submission to Home Affairs Committee call for evidence Home Office preparedness for Covid-19 (Coronavirus)**

25 March 2020

### **Background**

the3million is the largest campaign organisation for EU citizens, formed after the 2016 referendum to protect the rights of people who have made the UK their home. We have campaigned extensively in Brussels and Westminster to ensure that people are able to live their lives as usual beyond 2020, and have presented evidence to the Home Affairs Committee on several occasions regarding Home Office preparations for Brexit.

We make these submissions in response to the Home Affairs Committee's request for questions/evidence relating to the Covid-19 pandemic. We hope you will put our questions and concerns about the current and potential issues to the Home Office to clarify their policies and procedures.

We submit our evidence under the following terms of reference:

- How the Home Office and its major contractors are working together to ensure the safe and effective operation of contracted services is maintained, particularly where these services affect vulnerable people;
- The effectiveness of Home Office communications to its partners, responders and the wider public about its preparations.

### **How will the Hostile Environment affect EU citizens during the Covid-19 pandemic**

#### **Financial support package**

We have concerns about how EU citizens will be able to navigate the Hostile Environment in these unprecedented times. How will those who lose jobs and become at risk of losing their homes be supported? When will the government measures be in place regarding support for business and guaranteed payment of up to 80% of salaries - for how long, and will all EU citizen employees be eligible for that support?

#### **Access to social security and other support**

This is particularly pertinent for those who are newly applying for welfare, social security and housing support in their communities. Travel restrictions are now in place to most EU countries, so returning home may not be an option in the short term.

At present EU citizens have to satisfy the habitual residence test for Universal Credit, other benefits and housing support. This includes an assessment of the economic activity of an EU citizen unless they have indefinite leave to remain granted via the EU settlement scheme or some other status. Given that over 40% who applied to the settlement scheme received pre-settled status / limited leave to remain, they will continue to need to show that they are economically active (exercising treaty rights in accordance with EU law) to qualify for benefits and support. Will the habitual residence test continue to apply to EU citizens applying for support?

### **The Right to Rent / work checks**

We have concerns about how the Home Office intends to operate the right to work and rent procedure during this time. There are and will continue to be large numbers of people facing the risk of losing their job and home and seeking to enter new employment or rentals. Will the Home Office continue to require employers and landlords to undertake right to work or rent checks during this time, and for how long?

### **Foreign nationals in detention**

Cases are being reported of people detained with the Covid-19 virus, and there appears to be no clear policy on how the Government intends to manage this. Given that a lot of people in detention cannot be removed, how is the Home Office addressing the blanket issue of a lack of imminent removal?

With this in mind, “assisted returns” from the UK are not currently available, though the Home Office is offering help on an individual basis<sup>1</sup>. What help will be offered to people who want to return to their home country, where travel is possible?

### **Administration of the EU Settlement Scheme**

Self-isolation, illness and social distancing will impact on the ability of EU citizens to apply and get help. Scanning centres and the resolution centre are closing, and charities with funding can no longer give face to face support. There is less access to legal advice and potentially fewer numbers of HO staff to process and support applications. All this will lead to further delays in the ability of the Home Office to process EUSS applications.

What strategies are in place to ensure that those who need to apply will, and do so before the deadline (June 2021)? What assessments are in place to establish when it will be appropriate to extend the grace period and how will that assessment be made?

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<sup>1</sup><https://www.gov.uk/return-home-voluntarily/who>

We understand the EUSS resolution centre has been closed and will remain closed for at least three weeks. Can you confirm this is the case, what measures have been put in place to support those applying, and whether these will be extended if the resolution centre is closed for an extended period?

Face to face support will be mostly unavailable - as an example, Settled (an organisation working as part of a Home Office funded consortium to provide support to vulnerable and hard to reach EU citizens applying to the EUSS) has taken a number of measures to comply with Government advice and is having to pause outreach activities, including:

1. Cancelled all physical outreach events planned for the remainder of the month until further notice, with future events under review;
2. Moved all advice and guidance for EU citizens to telephone and online support;
3. Changed all volunteer training sessions to video meetings to avoid the physical presence of trainers and volunteers.

The Home Office has confirmed limited continued funding to the 57 organisations providing support for vulnerable and hard to reach EU citizens for the period from April to June of this year, but has not confirmed the level of funding or the expectations on delivery against this funding. Will the Home Office make an imminent announcement confirming current levels of funding, so these organisations can maintain current staff levels and implement a continued service compliant with current Government advice on the Covid-19 virus?

The Home Office has made clear its intention to tender the next phase of this support within the period of the three month extension of the current funding. Will it proceed with this tender and, if so, what is the timescale for this? If it will not proceed with the tender within this period, will the Home Office extend the current funding levels to the 57 supported organisations further and by how long?

### **Access to securing status through the EU settlement scheme**

What allowances will be made for difficulty accessing nationality documents with fewer embassy staff, reduced opening hours and delays in re-documenting nationality due to people being unable to safely travel to embassies, if needing to present in person?

Older people are being strongly advised to take particular care observing social distancing. The Home Office outreach team to support elderly people in their homes will be curtailed, as will voluntary sector efforts - online services and support are less accessible for this age group, as over 60% of people over 75 do not use the internet according to Age UK<sup>2</sup>. What measures will be taken to ensure people follow the public health advice on quarantine, but are also supported to apply for settled status?

### **Home Office communications on the EU Settlement Scheme**

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<sup>2</sup> [https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/active-communities/rb\\_july16\\_older\\_people\\_and\\_internet\\_use\\_stats.pdf](https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/active-communities/rb_july16_older_people_and_internet_use_stats.pdf)

Public advertising encouraging EU citizens to apply for the settlement scheme in public places eg. on bus stops and underground stations will be less effective now. How will the Home Office adapt its EUSS information expenditure? Will the Home Office use extensive social media advertising alongside TV and radio? Will the Home Office mandate and fund local authorities to send clear and simple information about the scheme to reach all EU residents<sup>3</sup>?

### **Returns from abroad and border controls**

There are still family members abroad who need to apply for family permits or are awaiting decisions. They are separated from family members and are unable to join/return to the UK. With many visa application centres closing, what provisions are in place to support those wishing to return to the UK? What measures are/will be in place in relation to future travel to and from the UK and how will they be communicated?

We have concerns about those wishing to maintain continuity of residence in the UK and not being able to return. EU citizens who break their continuity of residence will be unable to qualify for settled status. Will the Home Office provide concessions for those who have inadvertently broken their continuity of residence by being prevented from returning due to travel restrictions during the Covid-19 crisis?

Although not directly related to those that we represent, we have serious concerns about the functionality of the Home Office's policy for people who cannot leave the UK and are unable to apply for further leave to remain<sup>4</sup>. The policy appears to offer no legal protection to those who rely on it. Please can the Home Office confirm the legal basis for this policy, and what legal status will be granted to those who rely on it?

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<sup>3</sup> [https://249e1c0f-a385-4490-bfe6-875269a8d3d5.filesusr.com/ugd/0d3854\\_cf15f6432d2a4a8c8698d3ad68c8e8fe.pdf](https://249e1c0f-a385-4490-bfe6-875269a8d3d5.filesusr.com/ugd/0d3854_cf15f6432d2a4a8c8698d3ad68c8e8fe.pdf)

<sup>4</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents>