

Bristol, 16th November 2018

Rt Hon Sajid Javid MP
Home Office
2 Marsham Street
London SW1P 4DF

RE: EU Settlement Scheme – Private Beta Testing Phase 1 Report

CC: Yvette Cooper MP, Chair of the Home Affairs Committee
Hilary Benn MP, Chair of the Exiting the European Union Committee
François Arbault, Internal Market and Sectorial Policies, Task Force 50, European Commission
Daniel Ambrus, Representation of the European Commission in the UK
Guy Verhofstadt MEP, Brexit Coordinator and Chair Brexit Steering Group, European Parliament

Dear Sajid Javid MP,

We are writing to you as [the3million](#), representing EU citizens resident in the UK, in response to the publication of the “EU Settlement Scheme – Private Beta Testing Phase 1 Report”¹ on the 31st October 2018.

We have grave concerns over its accuracy and completeness, and the implications which this has for the future Independent Monitoring Authority which is required to be established in line with the Withdrawal Agreement. [the3million](#) has consistently argued that such an Authority must be a UK-EU supranational authority, to mirror the supranational EU Commission that will monitor application and registration schemes under the Withdrawal Agreement for British citizens in the EU. It goes without saying that in the event of no deal being achieved, our concerns about this report are even more acute, as the impact will be more severe.

We raise a few specific questions which we would appreciate immediate answers to:

1. 1053 applications were made, yet at the time of the report only 924 decisions had been made. Therefore **129 people (over 12% of the applicants) were awaiting a decision** as at 30th October 2018. No breakdown or information whatsoever is provided in the report about these 129 people or the reasons for the delay in decision. The high level summary is therefore highly misleading in both referring to “over 1,000 cases”, and “no cases refused”. At the same time, statistics are claimed about “average time taken” and “nearly all cases were completed within 2 weeks”. These statistics cannot be valid until all cases in this small scale trial have been included. Please provide the full breakdown of decisions taken on these 129 people, and the length of time taken to reach decisions in these cases.
2. 9 people² held **valid PR / ILR documentation, yet were not granted settled status**.
 - a. Did they receive pre-settled status instead of settled status, and if so why? Or
 - b. Are they still waiting for a decision, and if so why?
 - c. If they have now been granted status, how long did it take to reach their decision?
3. The report states “So far, **all applicants have been granted the leave that they expected**”. We argue this is a false statement, as we know of at least one citizen who was expecting settled status but was

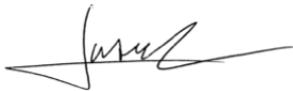
¹ <https://www.gov.uk/government/publications/eu-settlement-scheme-private-beta-1>

² The report states that of the cases who were granted settled status, “93 based on holding valid Permanent Residence (PR) documentation or Indefinite Leave to Remain (ILR)”, and “102 cases had valid documented PR/ILR”

offered pre-settled status. This person refused the offer, and sent in further residence evidence to prove settled status, however at the date of the report they had not received any acknowledgment or decision. They were finally granted settled status 4 weeks after sending in their evidence. We therefore again submit that the report is misleading and inaccurate. In addition, we highlight that 4 weeks is an unreasonable delay considering the small size of the test group, and the straightforwardness of the case; this bodes ill for the future registration of millions of citizens.

4. The trial highlights the need for **advice** to be given to citizens. For example, a 20-year old student will only have a 4-year record with HMRC, as National Insurance numbers are allocated at age 16, so will not be able to *automatically* get settled status without having to supply extra evidence of residence (which is difficult for children as they are not likely to have documentation from the “preferred or alternative document lists” in their name). Can you confirm whether you intend to make people in such positions aware that they may have a more straightforward application route as family member?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nicolas Hatton', with a long horizontal stroke extending to the left.

Nicolas Hatton, [the3million](#)