the3million

STANDING UP FOR EU CITIZENS' RIGHTS IN THE UK

the3million is a grassroots advocacy organisation dedicated to protecting the rights of EU citizens who have remained in the UK post-Brexit.

We are calling for the government to:

1 **Give people with pre-settled status access to welfare support**

2 **Provide a physical back-up to digital immigration status**

3 **Stop unfair NHS charges**

Find out more about who we are:

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1 GIVE PEOPLE WITH PRE-SETTLED STATUS ACCESS TO WELFARE SUPPORT

WHAT IS THE PROBLEM?

Pre-settled status (PSS) under the EU Settlement Scheme (EUSS) is not recognised as a 'right to reside' by DWP.

This is effectively a hidden NRPF condition, preventing PSS holders from accessing welfare support unless they can satisfy an alternative 'right to reside' test, such as by showing they are a worker. This extra test is based on legacy EEA regulations.
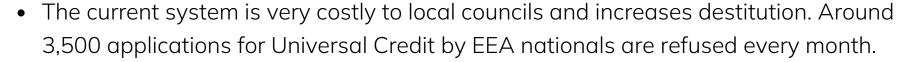
- This is a difficult hurdle that many struggle to show they satisfy even when eligible.

- Those working in the gig economy and with patchy work history post-Covid are hit especially hard in this cost-of-living crisis.

- DWP decision makers grapple with complex legacy guidance for this finite group, and many cases unnecessarily end up in court. It pushes the burden of providing support onto local authorities.

THE SOLUTION

Enable people with PSS to claim Universal Credit

Amend the Universal Credit Regulations 2013, reversing the change implemented in 2019. It would mean pre-settled status holders living in the UK would automatically satisfy the habitual residence test. This simple secondary legislation change would put an end to the contradictory "when is a right to reside not a right to reside?"

COST EFFECTIVE? YES ✅

- The current system is very costly to local councils and increases destitution. Around 3,500 applications for Universal Credit by EEA nationals are refused every month.

- In 2021-2022, people with EEA status or nationality were the largest group referred to local councils for emergency support.

- London Councils cite spending on welfare for those with NRPF conditions as a "direct cost shunt resulting from central government policy". The same is true for PSS.

The change may require overall net public spending increases, but with 'net gains to society overall', as with the lifting of the wider NRPF condition. It would also reduce pressure on the courts.

2 PROVIDE A PHYSICAL BACK-UP TO DIGITAL IMMIGRATION STATUS

WHAT IS THE PROBLEM?

By 2025 eVisas will be standard for all migrants in the UK. The digitally excluded need a back up, as does everyone else when Home Office systems fail.

The government is moving all immigration status to online-only. Status checks have to be carried out through an online system called View & Prove.

- The Home Office says that "unlike a physical document, a digital immigration status cannot be lost, stolen or tampered with."

- But many people's status effectively gets lost or broken by the Home Office. Some even see their status becoming 'entangled' with that of another (someone else's photo, name, or conditions of leave). People lose out on jobs, housing, and are denied boarding flights home to the UK. These technical issues take months to fix.

- Whole system data outages occur, during which nobody is able to see or prove their status. This also causes huge problems for people when applying for jobs, trying to rent, and travel.

THE SOLUTION

A QR code: a highly cost-effective, secure physical back-up

A secure QR code app - like the NHS COVID Pass which was created at speed during the pandemic, would be easy to use at home and abroad.

- Using military grade security, it cannot be impersonated.

- Can be printed as a PDF – just like printing a backup of a flight boarding pass.

- For those digitally excluded, a card with the QR code could be provided at low cost.

- Greater international operability. In contrast to the current UK system, all British citizens living in the EU receive a standard physical residence document.

COST EFFECTIVE? YES ✅

- Would operate alongside the eVisa scheme.

- Very cost effective to roll out - standard best practice for identity apps (recall how quickly the NHS COVID Pass was rolled out, and the equivalent in the EU).

- Cost of creating a card with a secure QR code is dramatically lower than that of a biometric card, and is also more secure.

- Societal gains are significant: vulnerable people have the security of a physical back-up and are less open to exploitation, while IT failures will no longer result in serious problems for people left unable to access their rights.

3 STOP UNFAIR NHS CHARGES

WHAT IS THE PROBLEM?

People who are granted status after they missed the EUSS deadline are still charged for NHS treatment.

Late EUSS applications are permitted, for those who are considered to have reasonable grounds for missing the deadline. Often, people only realise for the first time that they should have applied for status when admitted to hospital. Even if then granted status, they are punished for having applied late - in the form of years of NHS debt.

- Emergency treatment at A&E is free to all. But if someone is then admitted to a ward they face hugely expensive charges (150% of the cost of treatment) if they do not have immigration status. They only stop being chargeable once they obtain a Certificate of Application after submitting a late application, and proving they had reasonable grounds for missing the deadline.

- But DHSC insists that the NHS charges them for the period between the deadline date and the date of their Certificate of Application.

- This is unfair and harmful. While one government department (the Home Office) recognises people's residency rights and their reasons for applying late, other departments continue to penalise them retrospectively for having applied late.

In 2020 the Immigration Minister even said "if someone has been found to have a reasonable ground for a late application, it would be hard to then hold against them a penalty in the form of not getting access to treatment or being deemed an overstayer. That would seem a bizarre outcome that I cannot imagine any court would uphold." And yet, that is exactly what happens.

THE SOLUTION

Backdate the grant of status retrospectively to the missed deadline when the reason for a late application is accepted.

Simple: introduce secondary legislation to make the change. It would restore fairness instead of penalising people severely at a time of ill health, which risks pushing people into destitution.

COST EFFECTIVE? YES ✓

- This affects a small number of people, so the corresponding cost to the NHS would be minimal. It would save on administrative costs and expensive legal challenges.

- Often it is not actually possible for NHS trusts to fully recover debts where people are unable to pay, yet the pressure on those people is immense.

- The human impact for those affected would be significant and positive.

- It would bring us in line with the EU's interpretation of the Withdrawal Agreement and how EU Member States operate schemes for British citizens.