

By email:

Government Grants Management Function  
The Rt Hon Robert Jenrick MP - Minister for Immigration

CC:

Lord Murray of Blidworth - Parliamentary Under Secretary of State at the Home Office  
Home Office SUG team  
Independent Monitoring Authority  
House of Lords European Affairs Committee

24 May 2023

Dear Government Grants Management Function, and Robert Jenrick MP,

**Grant Funding for EU Settlement Scheme (EUSS) (2023/24 - 2024/25)**

We are writing to express our grave concerns about the latest round of EU Settlement Scheme grant funding for vulnerable client support.

We feel the terms of the tender appear designed for failure, and will lead both to the closure of many organisations with invaluable experience, and more importantly to the neglect of the very citizens the Government says it intends to support with this funding.

This round of funding has the feel of a PR exercise, allowing the Government to state that another £2.5 million has been made available to support vulnerable citizens but without really providing a form of support that is adequate.

This letter has been informed by the EUSS advice and support sector<sup>1</sup>, including many organisations [GFOs] who are currently providing Grant funded advice to vulnerable applicants. The feedback we have received has followed a review of the tender specifics, including engagement with the Home Office at the Early Market Engagement teleconference event that took place on 27th April.

We welcome the Home Office's recognition that there continue to be EUSS applicants who are vulnerable and who require support. Whilst many people have successfully been granted status under the EUSS, it has long been recognised that vulnerable applicants face additional barriers to securing status and accessing their rights - be it in:

- managing the **digital application process**;
- navigating the highly **complicated Appendix EU rules** that apply to some applications, requiring specialist support;

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<sup>1</sup> See a full list of organisations providing free EUSS advice at [gov.uk](https://www.gov.uk)

- **upgrading from pre-settled to settled status.** Although the High Court found that pre-settled status holders are not required to apply for settled status in order to continue to enjoy their Withdrawal Agreement rights, the Home Office messaging since accepting the Court's judgment has been that pre-settled status holders would be best served by applying for settled status as conclusive proof of their entitlement to live in the UK permanently. Some vulnerable pre-settled status holders (who may have already received grant funded support), will therefore require further assistance when it is time to apply for settled status, which is more difficult to obtain;
- **challenging refusals** - vulnerable applicants who have been refused status and require support by way of administrative review or appeal to the Immigration Tribunal;
- **family reunion applications** for joining family members present complexity that requires support from qualified advisers;
- **accessing rights via a digital-only status** - for vulnerable citizens who have been granted status (often through having received grant funded support), managing the digital-only status can present a significant challenge requiring free support.

It is against this background that the Home Office funded network of advice and support organisations was established - to ensure vulnerable applicants are supported through the application process, and afterwards when accessing their rights. It is clear that there is a need for ongoing support at a similar level, given the application rate to the EUSS of around 55,000 per month has shown no signs of significantly diminishing since the 30 June 2021 deadline<sup>2</sup>.

In the Appendix to this letter, we set out the technical details of the tender, with its Lots A and B.

#### **Lot A - existing GFO organisations will be locked out**

Many existing GFO organisations will be prevented from bidding to continue their services and as such, will cease to provide support for vulnerable EUSS applications. They will be locked out due to:

- Needing a very large financial annual turnover
- Having to serve an entire UK nation
- Being required to support a very large volume of EUSS applications
- Having to cater for *all* types of vulnerability
- Unrealistic timescales to participate in a consortium, in many cases prevented from doing so by their existing constitutions which would need amending

This will entail a significant loss of expertise from the EUSS advice sector that has taken several years to establish. Existing GFOs have worked tirelessly to deliver support to vulnerable EUSS applicants, have made connections with other GFOs and support organisations working in the sector, and have fed back their institutional learnings to the Home Office in a collaborative effort to improve the EUSS process for vulnerable and marginalised communities.

Knowingly locking these organisations - with a proven track record of delivering - out of the bidding process is both nonsensical, unjustified, and will leave the EUSS support sector far worse off.

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<sup>2</sup> <https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-december-2022/eu-settlement-scheme-quarterly-statistics-december-2022>

### **Lot A - existing vulnerable applicants will be put at risk**

Denying existing GFOs the prospect of continuing their work with vulnerable applicants, also puts existing GFO clients with pending EUSS applications at risk of being unrepresented throughout the remainder of their EUSS application, which could include the need for assistance to challenge a negative first instance decision.

A successful Lot A grantee will be disincentivised to take on pre-existing applications that require further work to reach their conclusion, due to the requirement to support a large volume of EUSS applications.

### **Lot A - a successful bidder is unlikely to deliver for vulnerable citizens**

For organisations and charities who provide support for specific cohorts of vulnerable persons (e.g. female victims of domestic violence, the Roma community, people affected by homelessness), it is a requirement to determine a person's specific vulnerability in order to meet their charitable or organisational mandates. The risk of the new tender constraints is the loss of specialised support for specific cohorts of vulnerable persons who may not be best supported by (or even willing to engage with) an unknown organisation catering for all vulnerabilities.

Though we cannot pre-empt the outcome of the tender, there is the distinct possibility that an organisation who can meet the revenue requirement will not have sufficient specialist experience or knowledge to deliver services to vulnerable EUSS applicants.

Not only would this be an unacceptable outcome and a poor use of public finances, it seems likely that community organisations who are ineligible for grant funding will still be called upon by their communities to support them with EUSS issues even though their resources to do so will be greatly reduced. Replacing the local expertise, community knowledge and hard-earned trust of community organisations with a large national organisation is highly unlikely to enhance the support available to vulnerable EUSS applicants and instead could lead to the opposite outcome.

### **Lot B - smaller community-based organisations will be prevented from applying**

As with Lot A, the impact will be to prevent smaller community-based organisations from applying for funding as each successful bidder:

- will receive a very low funding award, which means that only larger organisations with access to additional funding can cover the whole cost of providing the service;
- must cater to *all* types of vulnerability;
- must accept referrals from across the UK.

### **Unnecessary split between Lot A and Lot B**

We feel there is no justification whatsoever for the artificial split between Lot A (OISC level 1, high required volume of applications) and Lot B (OISC level 2, complex applications).

This design presupposes that there is a natural, easy to identify split between those EU citizens who require only some low level advice and support to submit their application, and those whose eligibility is more complex, and that furthermore EU citizens will know beforehand which category they fall into and approach the appropriate organisation.

In reality, complexity is discovered once an organisation engages with an individual and examines their circumstances. This split will likely lead a Lot A grantee to refuse to take on a complex case, and many Lot B grantees to lack the capacity and resources to accept all resulting referrals.

Furthermore, many EUSS applications may start simple yet become complex, at which point a Lot A grantee will be forced to refer the case on to another organisation. This is hugely inefficient and to the obvious detriment of the vulnerable individual at the heart of the application.

### **No evidence for tapering of funding for later years**

It is positive that this funding grant recognises the fundamental weakness of the previous grant funded regime, with its reliance on short-term extensions and eleventh-hour decision-making to extend funding. To that end, the provision of funding for two financial years is welcomed.

However, the tender also stipulates that funding for the year 2024/25 is tapered and will be roughly a third less than in 2023/24. If one takes into account that the 2023/24 funding is for 9 months, and the 2024/25 funding is for a full year, then the **effective monthly funding is cut to less than half after 9 months**.

According to the Home Office this reduction in funding is based on a preemptive assumption that there will be less demand for services in the latter financial year. It is unclear what factors have been considered for the Home Office to arrive at this conclusion and there has been no data published from the existing GFO funding program to support such a conclusion. As indicated above, application rates are not currently in decline.

In fact, there likely will be a higher proportion of vulnerable people (and cases of increasing complexity) who have a right of settled status in 2024/25 than in 2023/24. This cohort will need the GFO network to acquire this much-needed status that will give them greater security and access to welfare support.

We are concerned that the Home Office views the demand for services through the prism of numbers of potential applicants seeking assistance, rather than a far more accurate representation of demand which is how much assistance an applicant needs. The EUSS support sector reports an increase in the complexity of EUSS cases they are advising on, in addition to increased needs of vulnerable applicants who often require assistance accessing rights whilst they await the outcome of their application, or even once they have been granted status due to the inability to engage with the digital-only status.

Whilst it may be the case that actual demand for services decreases in the second year of the funding, our view is that the decision on the level of funding should be taken closer to the time and should be an evidenced based decision that assesses what is reported by organisations delivering support in the first financial year.

### **Conclusion**

It goes without saying that we wholeheartedly support the stated aim of the grant scheme, namely ***“that the necessary support is available across the UK so that everyone who qualifies for the Scheme can complete the application process.”***

However, we are seriously disappointed by the terms of this tender, and in particular the argument that the Home Office has consulted with the existing GFOs and migration sector in its design. It is clear that the reasonable and practical objections and suggestions that were raised in advance of the tender publication have been ignored.

We will be monitoring the impact on the ground, and will continue to raise our concerns.

Your sincerely,

Monique Hawkins  
Interim Co-CEO and Policy and Research Officer, the3million

## **Appendix - Details of Tender EU Settlement Scheme (EUSS) (2023/24 - 2024/25)**

The tender went live on 4 May 2023. The closing date for bidders is 5 June 2023, and funding will begin on 1 July 2023.

The funding will cover the remaining 9 months of the financial year 2023/24, and the whole of 2024/2025.

There are two pots of funding available, Lot A and Lot B. According to the [summary of the tender](#)<sup>3</sup> the purpose of each lot is:

- **Lot A** is divided into the four UK nations; and is for organisations accredited to OISC Level 1 Limited to EUSS and OISC Level 1. There will be an allocation of one grant awarded for each of the four nations.
- **Lot B** is for organisations accredited to OISC Level 2 and above, to provide support in complex late applications, offering coverage regionally with capacity for referrals from across the UK. There will be multiple grants awarded until the funding for Lot B has been fully allocated.

### **Lot A - Tender constraints**

As stipulated above, Lot A funding will allocate **one single grant for each of the four UK nations**. The total funding of the Lot for that nation will be awarded to a single bid. In the financial year 2023/24 England will receive £600,000, with Northern Ireland, Scotland and Wales receiving £100,000 each.

One condition of Lot A, is that the **amount of award should be no more than 25% of the bidder's annual turnover**, with a reduced bid score and need for mitigation if the percentage is higher. This means in the case of England, the bidder should ideally have a minimum annual turnover of £2.4 million, and an absolute minimum annual turnover of £1.2 million. For many of the 72 existing GFOs who have been delivering support to vulnerable EUSS applicants for several years, this annual turnover requirement is a terminal barrier to bidding for further funding.

Lot A is clearly targeted towards a **high volume of new applications** to the EUSS,. A successful bidder in England should support over 15,000 EU citizens to submit EUSS applications (or over 2,000 EU citizens for bidders in Wales, Northern Ireland and Scotland). Supporting fewer citizens will reduce the bid score.

Lot A bidders must confirm that they will **support all the following types of vulnerability**: Gypsy, Roma and Traveller communities, homeless/rough sleepers, people with disabilities and/or serious health conditions, victims of modern slavery and/or trafficking, victims of domestic abuse, elderly, young adults who have left care.

Although the tender does not prevent a **consortium of organisations** coming together to make a single bid, it is unrealistic within the timeframes of the bidding process – one month between launch and submission of a bid – for organisations to carry out the due diligence required to form a consortium and make a bid. The constitution for some organisations may limit their ability to participate in consortiums, with no time to amend those constitutions if they were wishing to join such a consortium.

There has been no justification from the Home Office as to the need for a single organisation in each of the four UK nations.

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<sup>3</sup> <https://www.find-government-grants.service.gov.uk/grants/eu-settlement-scheme-euss--fy-202324-and-fy-202425-1#summary>

Similarly, there has been no justification from the Home Office as to why Lot A is so focused on the submission of new EUSS applications, rather than also including post-application support.

### **Lot B - Tender constraints**

In respect of Lot B of the funding, this will provide organisations with **a maximum of £50,000 in year 1 and £33,000 in year 2.**

There is **no realistic prospect of organisations forming a consortium** for Lot B funding, as the maximum award applies irrespective of how many organisations join to make a bid (e.g. if two organisations form a consortium the maximum bid remains at £50,000 / £33,000, rather than increases to £100,000 / £66,000). Certain economies of scale that come with consortiums – such as shared management of the tender – are therefore unavailable in this Lot.

The current proposed maximum amounts for Lot B, especially in year 2 are **insufficient to cover the typical salary of one caseworker with OISC Level 2 experience.** Additional costs such as complying with the OISC's Continuing Professional Development requirement, providing interpretation and translation services to vulnerable clients, legal supervision and grant reporting are not covered.

Accordingly, **Lot B funding is therefore only available for organisations who can source additional funding to cover the total costs of delivering free advice and support to vulnerable clients.**

There has been no justification from the Home Office as to why such a low funding award ceiling was selected.

As with Lot A, Lot B bidders must confirm that they will **support all the following types of vulnerability:** Gypsy, Roma and Traveller communities, homeless/rough sleepers, people with disabilities and/or serious health conditions, victims of modern slavery and/or trafficking, victims of domestic abuse, elderly, young adults who have left care.

Organisations **must accept referrals from across the UK**, even if they are primarily located in only certain areas of the UK.

This requirement does not appear to have considered the potential regulatory impacts - since for example immigration solicitors regulated by the Law Society may only operate in England & Wales, with similar restrictions for those regulated by the Law Society of Scotland, and the Law Society of Northern Ireland. To practise in a different national jurisdiction to their own, an immigration solicitor would need to apply to the respective national regulatory body, meeting requirements and costs that could take months to conclude with admission.

Alternatively, immigration solicitors already regulated by the relevant Law Society could apply to the OISC for registration, the UK regulatory body, however this still presents potential issues around accreditation and the need to take additional exams.