



WE Party Conference

Kettering 7 – 9 September 2018

Title: Ensuring that Settled Status will take into account women's, children's and vulnerable groups' needs

Proposed by: WE Islington Branch

Proposer: Guilene Gaspais

Type of motion: Policy Motion

Motion text:

1 The Women's Equality Party notes that the publication on 21st June 2018 of the Statement of Intent
2 of the EU Settlement Scheme has missed the target of securing the rights of all EU citizens after the
3 UK leaves the European Union.

4 The Statement of Intent published by the Government doesn't answer the questions raised by EU
5 citizens regarding vulnerable citizens, legal aid, timeline for applying, or rights to appeal.

6 This risks creating two groups of EU citizens: one able to provide all the right documentation and
7 another one struggling to prove their rights to remain, which would have a disproportionate impact
8 on women.

9 The Women's Equality Party calls upon the UK Government to:

10 1. Secure the rights of EU citizens through a separate protocol attached to the Withdrawal
11 Agreement. This would prevent the problems of immigration rules written in secondary
12 legislation which is prone to frequent changes which rarely attract parliamentary scrutiny and
13 demand an open and transparent debate on the future of our EU citizens in our country

14 2. Secure the rights of at risk and vulnerable citizens by providing a clear and definite answer
15 for all EU citizens who will not be able to provide evidential documentation to prove their 5
16 years of continuous presence in the country (for instance women victims of human trafficking
17 or domestic abuse, EU children in care or whose parents neglect or are unaware of their own
18 immigration status, carers, citizens with disabilities, citizens with limited capacity, older people
19 living in care, prisoners etc.) and protect the status of the "Zambrano Carer"[rights of a non-
20 EU citizen primary carer of an EU citizen].

21 3. To publish any risk assessment that it has carried out with regards to the settlement
22 scheme in terms of delivery and of people not being documented in time or at all.



Motion rationale:

23 The Home Office published on 21st June the proposed details for the new EU settlement scheme
24 which all 3.6 million EU citizens currently living in the UK will need to apply for after Brexit should
25 they wish to remain in the UK. This system is presented as straightforward with a streamlined
26 process.

27 The UK Government, however, has decided to implement this Scheme mainly through secondary
28 legislation instead of primary legislation. Many fear this could lead to future changes to the rights
29 of EU citizens without Parliamentary scrutiny. This political choice will keep EU citizens dependent
30 on the “moods” of the governments in place: since 2012, the Home Office have modified the
31 Immigration law 58 times.

32 Although the Scheme is open to all EU citizens already living in the UK before Brexit, eligibility
33 relies mainly on proof of identity, residence and criminality and security checks. This will be
34 verified against records held by Her Majesty’s Revenue and Customs and the Department for
35 Work and Pensions from the last five years. This will favour anyone with a straightforward profile,
36 workers and P60 holders, but will make it more difficult for anyone unable to demonstrate such a
37 profile: people on benefits, women who do not have bills or any official documents in their own
38 name (as everything is in the partner’s name), carers, disabled or long-term sick, the majority of
39 whom are women¹, people who do not keep or have lost official documents, etc.

40 There is also no answer from the Home Office on specific cases such as women leaving abusive
41 relationships¹ without any documentation, or children in care or whose parents neglect their
42 immigration status. The Government has also decided not to guarantee the rights of Zambrano
43 carers. Zambrano right is granted to a non-EEA parent of a child who is a British citizen if it is the
44 only way to guarantee the right of the child to live in the UK. This would mean that non-EEA
45 vulnerable women could end up staying in abusive/difficult relationships in order to be able to
46 raise their children in the UK.

47 The Home Office has not answered the following questions with regards to the scheme in terms of
48 delivery and people not being documented in time or at all:

49 How will the Home Office manage the backlog if delays happen due to technological issues?

50 How will they manage the surge of applications towards the end of the application period (30th
51 June 2021)?

52 Are they willing to invest in awareness campaigns to ensure all EU citizens apply, even the most
53 difficult to reach?

54 There is a risk of creating two groups of EU citizens: one ticking all boxes and able to provide all
55 the right documentation and another one struggling to prove their right to remain.



56 The EU Settlement Scheme, far from being a straightforward system to register EU citizens after
57 Brexit, targets by its omissions the most vulnerable citizens and WE call on the Government to
58 protect the rights of ALL EU citizens.

References:

- (1) <http://migrationobservatory.ox.ac.uk/resources/reports/unsettled-status-which-eu-citizens-are-at-risk-of-failing-to-secure-their-rights-after-brexit/>