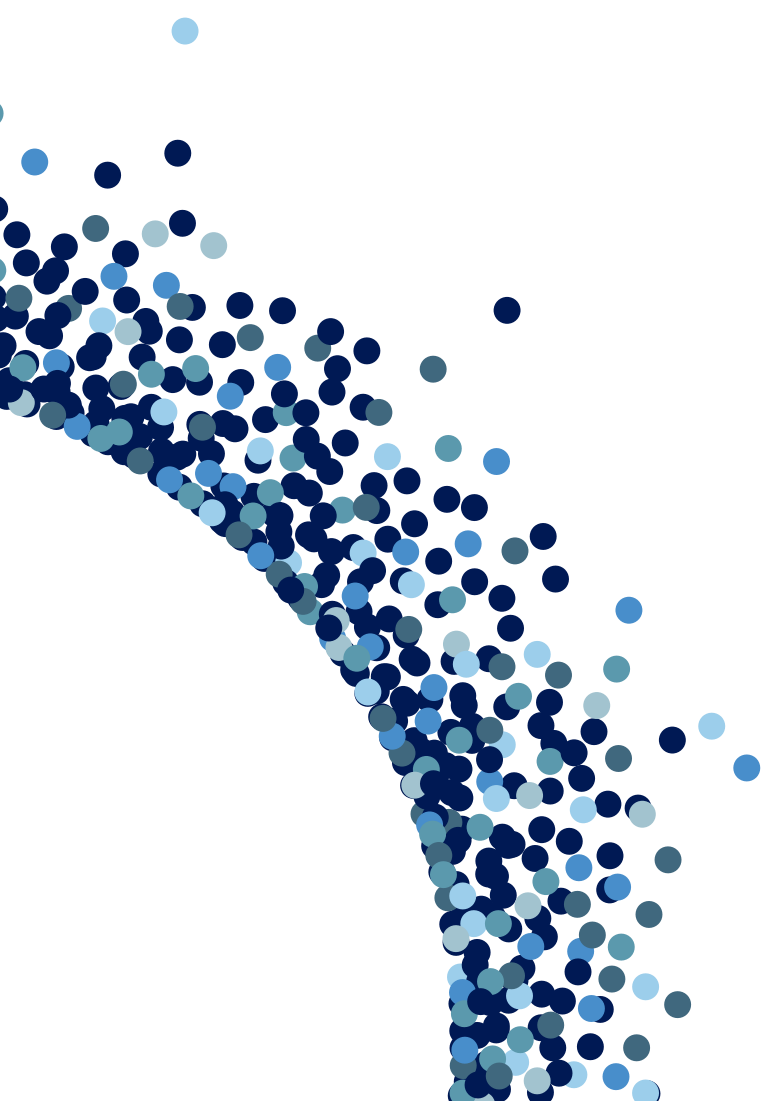




REPORT

Not Settled Yet? Understanding the EU Settlement Scheme using the Available Data



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This report examines the data available for understanding the EU Settlement Scheme, for EU, EEA and Swiss citizens and their family members living in the UK to secure their post-Brexit residence rights.

Executive Summary

As the UK prepares to end free movement, EU citizens already living in the UK are required to apply to the UK Home Office's EU Settlement Scheme (EUSS) in order to retain their residence rights. The government has invested significant efforts into creating a programme that is inclusive and easy to use. However, as with any bureaucratic exercise of this scale, there are likely to be challenges for some groups of people who need to apply.

As a flagship immigration programme that will affect the lives of millions of migrants in the UK, there is naturally great interest in how to measure its performance, including how smoothly the scheme operates day to day, whether it is granting people the right status, who is applying, and who and how many eligible people have not yet applied. The inclusiveness and coverage of the scheme are crucially important, since the default policy position is that people who do not secure their status through EUSS will lose their legal status in the UK.

These questions are remarkably hard to answer using the available data, leaving significant gaps in the evidence base about EUSS. This report explains what data are currently available for understanding EUSS, and why certain key questions currently can't be answered. The findings can be summarized as follows:

- **We do not know how many people are eligible to apply** for the EU Settlement Scheme, and estimates of the number of EU citizens living in the UK have important limitations.
- **Some of those who applied to the scheme will have left the UK**, but it is not known how many.
- **This means it is not possible to compare numbers of people granted status with official EU citizen population estimates.** For some nationalities, more people have already applied for the scheme than official data estimate are resident.
- **Unless new data sources are developed to measure non-applicants directly**, it will not be clear how many have failed to come forward, nor how many people granted temporary status under the scheme lose it in the coming years because they fail to reapply for permanent status.

How inclusive is EUSS?

First, there is currently no way to know how many EU citizens and their family members are eligible for the settlement scheme, and how many have not yet applied. This is because of large differences between the populations covered by the Home Office figures on applications and grants of status vs. official estimates of the number of EU citizens living in the UK. In particular, the official estimate of 3.4m non-Irish EU citizens is a snapshot taken at a point in time, whereas figures on applications and grants of status are cumulative, covering everyone who has ever been eligible and gone on to apply.

Among the key differences between these two sources of data are that:

- **The official estimate of 3.4m non-Irish EU citizens living in the UK does not cover some eligible people** (such as those not living at private addresses) and is likely to undercount others (such as new arrivals or people with both EU and non-EU citizenships). The number of people living in the UK could thus be substantially higher than the official estimate, but it is not possible to say by how much.

- **We do not know how many people granted status through EUSS still live in the UK.** For example, short-term residents who receive pre-settled status but then decide to leave the UK will be counted in Home Office figures on grants of status, but will not be part of the current resident population.

Other factors preventing a straightforward comparison between the estimated EU citizen population and the number granted status include double counting of individuals in the Home Office applications and grants statistics (which count a single individual twice if they receive pre-settled status then convert to settled status, or if they reapply after an initial application that is not granted). This is currently a small share of the total but is expected to increase over time.

The difficulty calculating what share of eligible people have applied to the Settlement Scheme is illustrated by the fact that for some citizenships, particularly Bulgarians, the number of applications greatly exceeds the official estimate of the EU population resident in the UK.

Data on the size of the EU population may improve by around 2022–2023 due to developments in migration statistics (including the 2021 Census), but this will not solve the data puzzle entirely. It is likely that the only way to understand the size and characteristics of the ‘non-applicant’ population is to measure this population directly, through either administrative data or representative surveys. There are feasible options for doing this but they would take time and require the government to take the initiative to put new data sources in place.

Settled vs. pre-settled status

It is equally hard to use existing data to assess whether people are being granted the ‘right’ status – i.e. are receiving settled rather than pre-settled status if they have lived in the UK for at least five years. For most citizenship groups (Poland, other EU-8 and EU-2) the share receiving pre-settled status is broadly in line with what one would expect based on demographic data, although for EU-13 countries it is higher than expected. However, there remains significant uncertainty around the data, which makes it difficult to draw firm conclusions on pre-settled status trends.

A grant of pre-settled status lasts for up to five years and people will lose this status unless they reapply to EUSS later. Unless new data sources are developed (probably using administrative data), there will be no way of assessing whether substantial numbers of people with pre-settled status fail to upgrade to settled status.

Applicants’ experience of the scheme

The amount of data on the settlement scheme has increased over time. However, there is still quite limited information on the full distribution of waiting times (e.g. which applicants wait shortest vs. longest periods, and what longer waiting periods look like). There is also limited operational information in the public domain—for example, there are no regularly updated figures published on the reasons some applications are pending outcomes for longer periods and how long they have been pending; or on the numbers and characteristics of applicants who can rely on automated checks of HMRC data vs. those who must upload their own documentation.

The 2020 COVID-19 crisis may create further challenges both in the operation of the scheme itself and in measuring its performance. Operational challenges range from the loss of capacity among organisations that assist applicants to the need to address absences where applicants are unable to return to the UK due to travel restrictions. COVID-19 is also disrupting data collection (i.e. official surveys that use face-to-face interviewing), though it is too early to assess the consequences of this for monitoring the EU Settlement Scheme.

Understanding the policy

After the UK leaves the EU and free movement comes to an end, EU citizens living in the UK are required to apply to the EU Settlement Scheme in order to secure their right to continue to live lawfully in the UK. Current government policy is that an EU or EEA citizen (or qualifying family member) who is living in the UK is eligible, so long as they can prove their identity and do not have criminal records sufficiently serious to make them removable from the UK. Irish citizens are not required to apply to the Settlement Scheme in order to remain in the UK (though they may do so if they wish), though their non-EEA/Swiss family members are required to apply. UK citizens (for example, dual EU-UK) citizens are not allowed to apply. Most applicants must be resident in the UK, although it is possible to apply from abroad if a person's absences are not so long as to disqualify them. This includes people who previously lived in the UK for at least five years and have been absent for no more than five years since then (although people in this position may not be aware that they are eligible).

Settled vs. pre-settled status

People who have lived in the UK for at least five years are eligible for 'settled status', which entitles them to live permanently in the UK and later apply for UK citizenship if they choose to. People living in the UK for less than five years are eligible for 'pre-settled status' and can apply for settled status once they reach five years of residence. Children under 21 are eligible for settled status if one of their parents has been granted settled status, even if they do not have five years' residence (e.g. where the children are less than five years old or arrived later than their parent). There are also some [limited categories](#) in which adults can receive settled status in less than five years.

Pre-settled status allows people to live, work and study in the UK although certain conditions are more restrictive. For example, access to some benefits for economically inactive people with pre-settled status is restricted and if they have a child in the UK, the child would not automatically be a UK citizen at birth.

Deadlines and timing

The Settlement Scheme opened fully on 29 March, 2019. Under current government policy, free movement will officially end at the end of December 2020, and anyone who establishes residence in the UK by the end of December 2020 is eligible to apply. The UK-EU withdrawal agreement includes a 6-month 'grace period' for applications, so this would mean a final deadline at the end of 30 June 2021. However, if the post-Brexit 'transition period' is extended beyond December 2020, both the cut-off date for eligibility and the deadline for applications would be delayed. While the 2020 COVID-19 crisis makes this more likely, at the time of writing the government approach to any extension has not been confirmed.

The default policy position at the time of writing is that anyone who has not applied by the deadline will lose their legal residence status in the UK. People who miss the deadline will be able to apply later if they have a 'good reason,' although what will qualify as a good reason has not been defined (Home Office, 2018b). Some organisations have argued that instead of requiring an application for EU citizens to retain their legal status, the Settlement Scheme should be made 'declaratory', i.e. that EU citizens should automatically retain their status regardless of whether they apply to the scheme, with the scheme simply providing proof of legal status (Home Affairs Committee, 2019).

To encourage EU citizens to come forward and apply to the Settlement Scheme, the government has developed an application process that is designed to be easy to use. The application is generally submitted online and in early testing phases it took most applicants less than half an hour to complete (Home Office, 2018a). Other measures to encourage take-up of the scheme include an advertising campaign and grants to community organisations to support vulnerable EU citizens (Home Office, 2019a).

Understanding the Evidence

For simplicity, this report refers to EU citizens throughout, although it is important to note that other European Economic Area (EEA) citizens and Swiss citizens are also eligible for the settlement scheme, as are their non-EU family members. The data analysed are either for EU or EEA citizens depending on the source, and this is specified case by case. Note that in line with UK statistical convention, this report uses the terms ‘citizenship’ and ‘nationality’ interchangeably.

This briefing uses the Annual Population Survey (APS) to examine the EU born and EU citizen population of the UK. This is an official government survey that collects data from approximately 300,000 individuals per year, around 13,000–14,000 of whom said that they were EU citizens in 2018. The survey has many limitations, which are discussed in detail throughout this report. The APS statistics are for EU citizens and do not include non-EU EEA citizens.

We also use the quarterly Labour Force Survey (LFS), which is part of the same survey as the APS. It has a smaller sample size. However, we use it where we need to provide confidence intervals or margins of error around the data. This is because ONS does not provide access to the variables that are needed to correctly calculate confidence intervals in public use data files. Because LFS has a smaller sample size, the confidence intervals will be larger than they would have been if using the APS. When using LFS data to calculate duration of residence, we use data for the first quarter of 2019. This is because taking data from the beginning of the year allows a more accurate calculation of how long respondents have lived in the UK (the survey provides data only on the year of arrival for most applicants, not the month of arrival).

1. Introduction

As the UK prepares to end free movement, EU citizens already living in the UK are required to apply to the UK Home Office’s EU Settlement Scheme (EUSS) in order to retain their residence rights. The basic outlines of the scheme are explained in the Understanding the Policy section above.

By the end of February 2020, the Home Office had received more than 3.3 million applications to the scheme. Because there is no registration system or population register in the UK, the government does not know which UK residents are EU citizens. EU citizens will thus need to come forward of their own accord.

For a host of reasons ranging from lack of information to poor organisation or vulnerability, it is likely that at least some EU citizens will fail to come forward by the deadline, regardless of how well the scheme is designed and communicated (Sumption and Kone, 2018). The number of people who will not apply is not possible to predict, and under current government policy, the default position is that they will become unlawful or irregular migrants.

This has created considerable interest in statistics on how many people are taking up the EU settlement scheme. In addition to understanding its coverage, stakeholders have raised a range of other questions about the performance of the EU Settlement Scheme, which can be broadly grouped into three main categories:

- Take-up: who is applying and not applying to the Settlement Scheme? What share of EU citizens eligible to apply has done so, and which groups are more vs. less likely to have done so (e.g. based on characteristics such as age, gender, ethnicity, location within the UK or vulnerability)?
- Are EU citizens getting the ‘right’ status (settled vs. pre-settled)? Are applicants who have lived in the UK for at least five years receiving pre-settled status rather than settled status? As the scheme progresses, will people ‘convert’ pre-settled status to settled status in the numbers expected?
- How smoothly is the scheme functioning? How long does it take for applications to be processed, do applications from some groups take longer than others? What are the reasons for not being granted status or

for experiencing longer delays? How many decisions are challenged (e.g. challenging a grant of pre-settled vs. settled status, or challenging a refusal on eligibility or suitability grounds) and are appeals usually successful?

Although the Home Office has published significant volumes of data about EUSS applications—much more than it does for other immigration routes—it is very hard to use the data to answer these questions. This report explains why, assesses what we do and don't know, and looks at what it would take to get clearer statistical answers to questions about how EUSS is performing.

2. Take-up: what share of EU citizens has applied to the Settlement Scheme and are some groups less likely to apply?

A key question for understanding the Settlement Scheme is what share of eligible people have applied and how many are yet to apply. However, there is a major barrier to calculating this, which is that the number of eligible applicants is simply not known. This fact is well recognised by the Home Office and Office for National Statistics, whose publications have cautioned readers against making a straightforward comparison between Home Office figures and official estimates of the EU citizen population living in the UK (Home Office, 2020; ONS, 2020a).

Why don't we know how many people are eligible for the EU Settlement Scheme?

The Office for National Statistics (ONS) estimates that there were 3,725,000 EU citizens living in the UK in the year ending June 2019, in its official estimates of the population by nationality and country of birth. Of these, 322,000 were Irish, leaving just over 3,400,000 non-Irish EU citizens living in the UK. This excludes non-EEA family members whose numbers are not known and difficult to estimate from existing sources.

However, the number of people eligible for EUSS is almost certainly larger than this. In part, this is because the official estimate of EU citizens is, by definition, a snapshot taken at a point in time and tells us nothing about the numbers of people coming and going. The numbers of grants and applications reflect a broader group of people who have ever been eligible for the scheme and went on to apply (even if they are no longer resident here). Specifically, the official estimates of EU citizens exclude several groups of eligible people, including:

- ***People who are eligible for EUSS but no longer live in the UK.*** Applying to EUSS is easy for most EU citizens and there is no reason to expect that only people who plan to stay permanently will do it (not least because pre-settled status is valid for five years so long as a person does not have an absence of more than two years, giving people the option to come back later if they want to without applying for a visa). There will also be applicants who no longer live in the UK but qualify for settled status because they previously lived here for five years or more and have been living overseas for less than five years.
- ***People who receive status through EUSS and later become UK citizens.*** These people will be recorded in Home Office statistics on EUSS grants but are likely to leave the officially estimated EU citizen population when they become British.
- ***People who are excluded or undercounted in the official population estimates.*** This group includes people not living at private addresses, e.g. those in care homes, student halls of residence, hostels or caravan parks, because they are not included in the ONS figures. It also includes some part-year residents, because people who are temporarily away will often not be included in the survey. It includes some dual citizens with both EU and non-EU citizenship, because the ONS data only capture one citizenship. These groups are explained in more detail in Annex 1.

The Home Office figures are also more up to date than the ONS population statistics, which take some time to produce and publish. The ONS figures are published almost 1 year from the mid-point of the time period they describe (e.g. data for the 2019 average published in May 2020), which means that the available figures at any

given point in time are usually 1 to 1.5 years old). Because net migration is still positive—or at least was still positive before the coronavirus crisis disrupted international movement—this means that the official estimate is expected to be below the current population size.

Additional uncertainty results from the fact that not everyone agrees to participate in government surveys. For example, there is some evidence that newly arrived EU citizens are undercounted in the population estimates (ONS, 2019b). A comparison between the 2011 Census and the survey-based population estimates for the same period suggests that in the past, surveys have underestimated this population. In 2011, the survey-based estimate of the number of EU-born people living in the UK was 6% lower than the number recorded in the 2011 Census. The estimated number of EU citizens in England and Wales was 12% lower than the number of EU *passport* holders recorded in the England and Wales 2011 Census (Table 1). The composition of the EU migrant population has changed since 2011 and we cannot assume that any undercount would remain the same today. However, it is reasonable to conclude that the direction of the error is not likely to have changed, i.e. that survey-based estimates are likely to understate the size of the EU population living in the UK.

Table 1: Estimates of the EU migrant population in 2011

Country of birth (UK)	
Census estimate of EU-born population, March 2011	2,684,000
APS estimate of EU-born population, 2011	2,517,000 ± 69,000
<i>Difference between Census and APS estimate</i>	-167,000 (6%)
Citizenship (England and Wales)	
Census: EU passport holders, March 2011	2,350,000
APS: EU citizens, 2011	2,070,000
<i>Difference between Census and APS estimate</i>	-280,000 (12%)

Source: ONS Census table QS203EW for England and Wales, NISRA table QS206NI for Northern Ireland, NRS (2013) for Scotland; and ONS Population by Country of Birth and Nationality Report August 2012. Original published APS-based estimates for 2011, and not the population estimates that had been revised in light of the Census results. For more information about post-Census reweighting of population estimates, see ONS (2015). For passports figures, dual passport holders with UK passports are not included in EU figures.

Taken together, all of these factors mean that the ONS figures are not a reliable guide to the total number of people eligible for the Settlement Scheme (indeed, this is not what they are designed to measure), and the true figure is likely to be higher.

How many people have received status through EUSS?

The Home Office has published monthly statistics on applications to the Settlement Scheme since April 2019. By the end of February 2020, there had been 3,343,700 applications and 2,972,200 million grants of status (either settled or pre-settled status). This included both EEA and Swiss citizens and their non-EEA family members.

There are two main problems in assessing what these headline figures mean.

First, the grants figures double-count an unknown number of people who were granted pre-settled status and then 'upgraded' to settled status. This is because the Home Office IT system was not initially set up to be able to extract data on individuals, only on applications and grants. The figures also count people twice if they are not granted status (e.g. because they make an invalid application) and then reapply. The Home Office (2020) has indicated that 'initial analysis' showed less than 2% of applications were repeat applications in early 2020, although this share should increase over time as more people with pre-settled status apply for settled status. If this problem is not addressed, over time the settlement statistics on grants of status will become increasingly meaningless, as it

will not be clear how many *individuals* have received status. See the House of Commons’ library briefing on the EU settlement scheme (Sturge and Hawkins, 2020) for a more detailed discussion of double counting.

Second and most importantly, we do not know how this figure compares to the eligible population, because the Home Office data and official ONS EU citizen population estimates are too different to be compared.

The differences between the two sets of figures are summarized in Table 1. Of the factors listed, almost all suggest that the number of eligible applicants will be higher than the estimated EU citizen population.

The only exceptions are the fact that a share of UK-EU dual citizens ineligible for EUSS will be included in the ONS figures; and that some longer-term EU citizen residents who can show that they already have indefinite leave to remain from a period pre-dating their country’s free movement rights in the UK. Note also that the ONS figures take some times to produce, and thus represent a snapshot in time (the most recent at the time of writing is the year ending June 2019), that doesn’t reflect immigration, emigration, deaths and naturalisations that have taken place since.

Table 2: Key differences that prevent comparison between Home Office and ONS figures on population by nationality

Home Office figures on applications and grants in the EU Settlement Scheme	ONS figures on the number of EU citizens living in the UK
Double counts grants of status to people who received pre-settled status then converted to settled status.	Includes individuals, and counts each person once.
Includes people who no longer live in the UK (e.g. people who received PSS and then left the country, or those with a previous 5-year residence period).	Only includes current UK residents.
Includes all eligible applicants resident in the UK	Excludes most people living in communal establishments e.g. student halls or care homes.
	Includes only residents who consider the sampled household to be their main residence
	Undercounts part-year residents.
	Undercounts dual EU/non-EU citizens.
Includes people granted status before naturalizing.	Likely to underrepresent migrants (e.g. new arrivals) because based on voluntary survey.
	Naturalized citizens expected not to be classified as EU citizens, though some may remain in the estimates.
Includes those who choose to apply, where doing so is optional.	Includes long-term residents with ILR who are not obliged to apply to EUSS.
Updated monthly	Published approximately 1 year after mid-point of data

Source: Author’s analysis.

In other words, if we simply compare the Home Office and ONS numbers to create a percentage of EU citizens who have applied or been granted status, that percentage is likely to be too high. In fact, it is likely that the total number of EUSS cases will eventually significantly exceed the estimated EU citizen population and this would still not reveal much about the number of EU citizens living in the UK who had not applied.

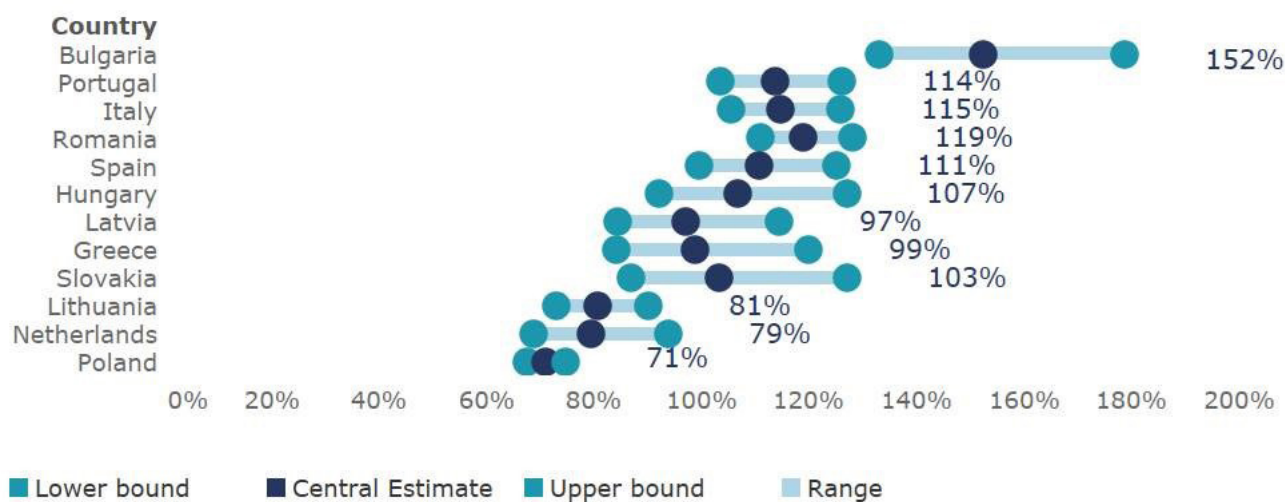
Estimates of application rates by citizenship

The hazards of estimating what share of EU citizens have applied to EUSS by comparing Home Office and ONS statistics are particularly clear when we examine figures for specific nationalities. Figure 1 shows the number of EUSS applications by January 2020 by nationality, as a percentage of the officially estimated number of citizens living in the UK. Well over 100% of the estimated number of Bulgarians living in the UK had applied to EUSS. Five other nationalities also exceeded 100% (Figure 1), making it clear that such calculations are not reliable.

There are various possible reasons for this, including the factors outlined in Table 1. For example, it is possible that short-term migrants from Bulgaria are more likely to have applied to EUSS before leaving the country; and/or that population figures underestimate the total number of Bulgarians (e.g. because they are more likely to have arrived in the UK recently or more likely to live at non-private addresses). It may also be that some nationalities are more likely to have applied twice (Sturge and Hawkins, 2020).

Figure 1

Why we can't compare Home Office and ONS figures
 EUSS applications (by Feb 2020) as a share of officially estimated population (YE June 2019)



Source: Migration Observatory analysis of Home Office EU Settlement Scheme Statistics to end February 2020 (Table 4) and ONS Population by Country of Birth and Nationality, year ending June 2019, Table 2.3.



Even a comparison of take-up rates across nationalities is likely to be hazardous. Poland has the lowest estimated take-up rate if one simply compares the Home Office and ONS figures. However, Polish citizens have on average been resident in the UK for longer than other groups of EU citizens (as discussed further in the next section). It is therefore possible that the population estimate for this group is simply more accurate than the estimate for Bulgarians, for example, because a higher share of Bulgarians recently arrived.

Do we know what other groups have higher vs. lower application rates?

Other than citizenship, the Home Office currently provides information on applicants' locations (England, Wales, Scotland and Northern Ireland, plus separate figures for each local authority), and by age. There are currently no published breakdowns by gender, ethnicity or other characteristics.

In theory, the shares of applicants from different groups can be compared against the estimated shares of these individuals in the EU population, although statistical uncertainty again makes it unclear how reliable these comparisons are.

For example, by the first quarter of 2019, an estimated 20% of non-Irish EU citizens living in the UK were children under 18, compared to 14% of applicants in the Home Office data by the end of September 2019 (Table 2). Note that for UK-born children in particular, it may be difficult for parents or guardians to know if the child needs to apply to EUSS or are already a UK citizen, because of the complexity of citizenship rules for EU citizens.

Adults age 65 and older made up an estimated 3.6% of the EU population, compared to 2% of applications. This in principle suggests that both children and those age 65+ were underrepresented among applicants by the end of September 2019. However, these comparisons should be treated with caution, due to the statistical uncertainties described above (for example, it is possible that families with children are better represented in the population estimates than young adults without children).

Table 3: Non-Irish EU citizens by age, provisional estimates from Q1 2019 LFS

Population estimates	Estimate	Lower bound	Upper bound	Margin of error
Children under 18	683,000	615,000	751,000	+/- 68,000
Children under 16	614,000	554,000	673,000	+/- 60,000
Adults age 65+	125,000	90,000	159,000	+/- 34,000
Population estimates				
Children under 18	20%	18.4%	21.2%	+/- 1.4 pp
Adults age 65+	3.6%	2.6%	4.6%	+/- 2pp
Home Office: EUSS applications by September 2019	Number		% of total	
Children under 18	254,800		14%	
Adults age 65+	37,900		2%	

Source: Migration Observatory analysis of LFS Q1 2019 and Home Office EU Settlement Scheme Statistics. Note: EUSS applications data includes Irish citizens, although overall numbers of Irish applicants are small. Lower and upper bound estimates represent the 95% confidence intervals.

Similar uncertainties arise when comparing other characteristics, such as the distribution of applicants by region and particularly by local authority.

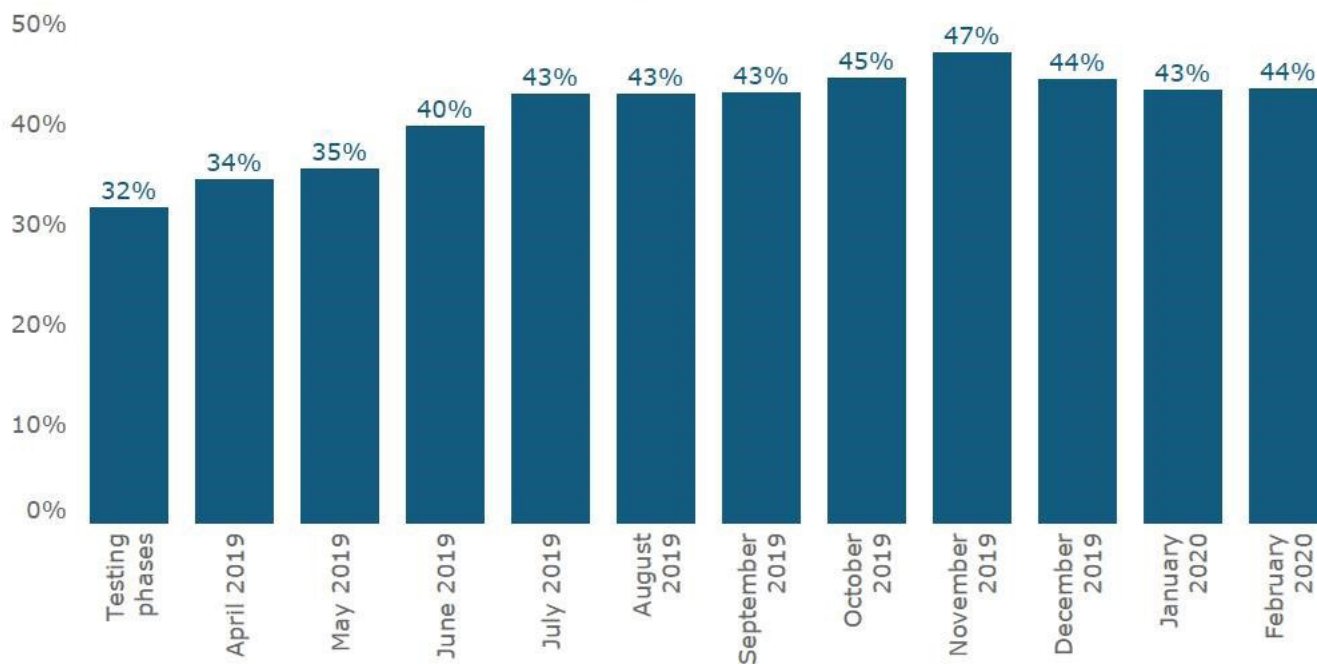
3. Is the EU Settlement Scheme giving people the right status?

One of the key questions that stakeholders have raised is whether EU citizens who have lived in the UK for at least five years are receiving pre-settled status instead of the full settled status to which they are in principle entitled. This could be because they do not have evidence of living in the UK covering the whole five-year period.

Whether EUSS applicants are getting the ‘right’ status is also surprisingly difficult to answer using available statistics, however. By January 2020, 41% of EU citizens’ applications had been granted pre-settled status. This share has increased over time, from 32% of people in the initial testing phases to 43% by the end of January 2020 (Figure 2).

Figure 2

Share of EUSS grants that were pre-settled status, 2018-2020



Source: Migration Observatory analysis of Home Office, EU Settlement Scheme Statistics, Table 1.



How does this compare to the actual share of recent (less than 5 year) arrivals according to ONS population data? This depends to some extent on how the share is measured, but in the first quarter of 2019, an estimated 34% of EU citizens who were born abroad had arrived in the past five years (Table 30). This estimate comes with a margin of error, because it is from a sample survey. We therefore present the likely share of EU citizens who arrived in the last five years as a range, from approximately 32% to 37%.

For most groups of EU citizens (Poland, other EU-8, and EU-2) share of people granted pre-settled status is roughly in line with what one would expect based on population statistics. The exception is EU-14 (minus Ireland) where the share of grants of pre-settled status is higher than expected.

Table 4: Share of foreign-born EU citizens age 5+ who have lived in the UK for up to five years, Q1 2019

Country/region	Central estimate	95% confidence interval	Share granted PSS (to December 2019)
EU-14 excluding Ireland	36%	31.9% to 41.0%	45%
EU-8, of which	17%	13.8% to 19.8%	20%
<i>Poland</i>	15%	11.0% to 18.2%	18%
<i>Other EU-8</i>	20%	14.9% to 24.7%	24%
EU-2	63%	57.4% to 69.1%	63%
All non-Irish EU citizens	34%	31.6% to 36.3%	40%

Source: Migration Observatory analysis of Labour Force Survey, Q1 2019. Note: Duration of residence calculated based on year of most recent arrival. Confidence intervals are calculated from one quarter of the LFS, and will be larger than those found in official population estimates, which use the APS. Data on the month of arrival is not available for most respondents who have been in the UK for around 4 to 5 years, so making the calculation from data collected in the first quarter of 2019 allows us to observe arrivals during a period quite close to 5 years.

However, this comparison too must be taken with caution, for all the reasons discussed throughout the report. We cannot be sure that the population data from which the figures in Table 2 are calculated are representative of the population of people eligible for EUSS status –including those who no longer live in the UK. For example, people who have been in the country longer may apply sooner, while those who do not yet qualify for full settled status wait until they are eligible, so that they do not have to apply twice. But it could also be the case that longer-term residents feel more secure and thus have not been in a hurry to apply, or do not realise they need to apply for a range of reasons (Sumption and Kone, 2018). In addition, if substantial numbers of people who have received pre-settled status are no longer in the country, this would mean that the share granted this status should in theory be higher than the share observed in the population. Other factors in Table 2, such as long-term residents with ILR who do not need to apply, may also contribute.

From late 2019, the online EUSS form asked applicants if they had been in the UK for five years or more, which means that it should be possible to derive some estimates from internal Home Office data on the extent to which the status ultimately granted matches the individual's stated period of residence. However, figures from this part of the application have not been published.

Are too many children being given pre-settled status?

The share of people granted pre-settled status varies by age, with older applicants much more likely to receive settled status (this is not surprising as most will have been resident for longer). For children, it is difficult to calculate from population data what share of applicants should be granted pre-settled vs. settled status, because their eligibility depends on their parents' duration of residence in most cases. By the end of December 2019, 37% of children under 18 had received pre-settled status, compared to 42% of adults age 18 to 64. However, it is difficult to know what share of children should receive settled status, given that EU parents with children have, on average, lived in the UK for longer.

Table 5: Duration of residence for non-Irish EU citizens age 18+, for those in families with and without dependent children, Q1 2019

Non-Irish EU citizens...	Share resident for less than five years	95% confidence interval
... without dependent children	40%	36.5% to 43.2%
... with dependent children	23%	19.2% to 26.1%

Source: Migration Observatory analysis of Labour Force Survey, Q1 2019. Note: Duration of residence calculated based on year of most recent arrival. Confidence intervals are calculated from one quarter of the LFS, and will be larger than those found in official population estimates, which use the APS. Dependent children include all those under age 19; data are provided for all those recorded as head of family or partner, living in a family with or without dependent children.

While in principle there may be other relevant differences between those granted pre-settled vs. settled status—such as those who proved their residency in different ways (HMRC or DWP automated checks vs. uploading their own evidence, for example), the data is not available to measure this.

4. Looking forward: will we know if people are maintaining their status?

One concern that some stakeholders have raised with EUSS is whether people who have been granted pre-settled status will successfully ‘convert’ to full settled status.

People who hold pre-settled status must reapply for settled status, and will not move to this status automatically.

The process of upgrading from pre-settled status to settled status could bring complications that it will be difficult to measure. First, individuals do not always understand their own immigration status. For example, during early testing of the EUSS scheme, around 12,750 of the 200,000 applicants “mistakenly believed that they had documented PR status or existing ILR” (Home Office, 2019c), when in fact they held a different type of status such as a registration certificate. This raises the question whether EU citizens with pre-settled status will understand that their status is temporary and that they are set to lose it if they do not reapply to the EUSS to be granted settled status later. The Home Office has said that it will remind applicants before their pre-settled status expires (Home Office, 2018b), though it is possible that not all will be easily contacted.

Second, unlike the initial EUSS application, there will not be a single deadline for people to upgrade to settled status. Instead, there will be many different deadlines depending on when the person made their initial application. This makes public communication around the need to apply harder.

Third, the evidence requirements for settled status are more stringent than for pre-settled status. This is because an applicant who is not covered by the automated checks and lacks the necessary paperwork to prove their residence can currently receive pre-settled status with just one piece of evidence, such as a single invoice issued in the past six months; however, once the main EUSS deadlines have passed, applicants will need a full five years of evidence *retrospectively* to qualify for settled status.

At the time of writing, the data required to monitor transitions from pre-settled to settled status are not published by the Home Office. This is because there are no statistics on grants of settled status to people who already held pre-settled status. These data will be important in the future for understanding the experience of people who receive pre-settled status.

Even if and when these data materialise, it will still be difficult to know whether significant numbers of people have ‘fallen off’ the path from pre-settled to settled status, however. We should expect that some people granted pre-settled status will leave the UK and no longer need settled status. Published emigration statistics do not identify

these people, so it will not necessarily be clear how many there are. For example, imagine that by time the deadline arrived, 1.5 million people had been granted pre-settled status, and new statistics showed that five years after the deadline, 1 million of those had upgraded to settled status. It would not be immediately obvious how many of the remaining 500,000 had left the country (or died or perhaps received status under another immigration route such as a work visa) vs. remained in the UK but failed to reapply and thus lost their residence status. To understand this trend, new approaches to data collection would be required, as discussed in section 6.

5. How smoothly is the settlement scheme functioning?

The EU Settlement Scheme is arguably the highest-profile immigration programme the Home Office has implemented for decades, and there has been widespread interest in what the 'customer experience' has been for applicants. The former Home Secretary, Amber Rudd famously declared that it should be 'as easy as setting up an online account at LK Bennett'.

Official statistics on the various different immigration routes to the UK tend to focus on headline figures, such as the total numbers and nationalities in each route, and provide relatively limited insight into day-to-day operations and applicants' experience (although some operational information is provided through '[transparency data](#)'). This means that in any immigration programme, understanding applicants' experience using published data is usually quite difficult (see [Migration Observatory \(2018\)](#) for more discussion of this issue).

Compared to the rest of the immigration system, the operational data available about EUSS is more extensive, with published reports on the initial pilot phases of the scheme (Home Office 2018a, 2019b, 2019c) and quarterly statistics providing more detail on characteristics such as age, location and application outcomes. For example, as of early 2020, published statistics or other government documents told us the following:

- **Success rates:** The large majority of applications to EUSS have been granted either settled or pre-settled status. Around 26,000 applications decided by the end of February 2020 had not been granted status. This included just over 19,000 applications that were either withdrawn by the applicant or were considered void because the applicant was ineligible to apply, for example because they were (also or solely) a British citizen. A further 6,800 were considered invalid because they did not include the required proof of identity and citizenship or other mandatory information. And 300 were refused, in most cases because they were not able to prove that they lived in the UK or (if they were a non-EEA citizen) that they had a family relationship with an EEA citizen.
- **Waiting times:** The amount of information on waiting times has gradually increased. In January 2020, the Home Office website said that it 'usually takes around 5 working days for applications to be processed if no further information is required, but it can take up to a month' (Home Office, 2020). It notes that some cases are 'likely to take more than a month', including non-EEA family members, children whose applications are not linked to an adult, people submitting paper applications, and people with criminal records. More detailed waiting times data appears to be available (ICIBI, 2020, pp21-22), but is not routinely published.

Beyond these headline figures, there is relatively little data showing how applicants experience the scheme (including how this has changed over time as larger numbers of applicants come forward and the Home Office adjust the scheme in response to feedback). For example, we do not know:

- **Outcomes for different groups of applicants:** currently statistics are available by citizenship, three broad age groups, and place of residence within the UK. There are no published breakdowns by gender, or other characteristics such as whether someone previously held a permanent residence card, whether they applied from overseas, whether they had a criminal record, whether they lacked a valid ID, or derivative rights cases. Paper applications and their outcomes are excluded from EUSS statistics.
- **Detail on waiting times:** there is no data on the actual processing time for specific groups other than the

broad averages mentioned above, nor on the distribution of waiting times (for example, how long it takes for the slowest 5% or 10% of applications to be processed).

- **Why some applications are pending:** over time, a gap has opened up between the number of applications received and the number concluded. At the end of February 2020, for example, around 345,000 more applications had been received than had been concluded. It is difficult to tell from current statistics how much of this gap is simply because recent applications are in the 'queue' waiting for a caseworker to look at them, vs. are waiting for the applicant to provide more information, have been referred to immigration enforcement, or other reasons. According to the Independent Chief Inspector of Borders and Immigration's February 2020 report, 'an estimated 40%' of pending applications at the end of June 2019 were awaiting further evidence from the applicant. (Note that some of these pending applications will be from people with valid claims who have not responded, while others may fraudulent claims in which no further documentation is likely to be forthcoming.) More recent figures are not published.
- **Administrative reviews:** there is limited information on the outcomes of administrative review, although snippets of information have been released in response to FOI requests. For example, the Public Law Project calculated based on multiple FOI requests that around 90% of administrative reviews had been successful, although relatively few people had applied for administrative review ([Welsh and Tomlinson, 2019](#)).
- **Reasons for not granting status:** current statistics lay out the total number of applications that did not lead to a grant of status, and separately list how many of these were refusals on suitability or eligibility grounds. There is no breakdown for the other reasons and application might not be granted (e.g. the applicant did not provide identity documents, was ineligible because they had become a UK citizen, was ineligible based on absence from the UK, or other reasons).
- **Evidence burden:** During the public beta testing phase from mid-January to late March 2019, 73% of adult cases that had been decided did not need to provide evidence of their residence in the UK, either because they relied on automated checks of government databases, or because they already had permanent residence/ILR documents. However, we do not know how this has evolved over time (and there is reason to think it may have changed given that other things such as the share of people granted pre-settled status have also changed and the initial pilot phases were only open to certain types of applicants).

6. Can the data be improved?

In the next 2-3 years, data on the underlying population of EU citizens in the UK may improve due to new data developments, including the 2021 Census (results available in 2022-23), a programme of work at ONS to improve migration data, and changes to the way that citizenship is measured. These are explained in Annex 2. At the same time, however, the COVID-19 crisis has begun to disrupt some data collection, particularly where it relies on face-to-face interviewing (ONS, 2020c), such as the Annual Population Survey on which official population estimates rely. This could mean that in the short run there is less statistical information rather than more. In the event of very long periods of disruption, it is possible that aspects of the 2021 Census could be affected, although this remains too early to assess.

Improved data is unlikely on its own to address the fundamental problems that face analysts who want to understand the take-up of the Settlement Scheme. This is because without different sources of data, it will continue to be necessary to compare apples and oranges – that is, to compare data sources that are produced in different ways and still measure different populations. Many of the problems outlined in Table 2 above will remain regardless of any improvements in the quality of the different data sources.

Directly measuring groups who have not applied

If the government wants to understand how many people have not yet applied to the Settlement Scheme, it will thus be necessary to find a way of collecting data on non-applicants directly, and not just looking at the gap

between applicant numbers and population estimates. In principle this could be done in different ways, although all options have significant limitations.

Linking administrative records

First, the Office for National Statistics or the Home Office could link data on grants of status under the Settlement Scheme with administrative records on people who were EU citizens when they registered for a National Insurance Number, and who appear in current records held by HMRC and DWP. This approach is consistent with the ONS existing 'direction of travel' as it attempts to make greater use of administrative data in its population estimates (see Annex 2) and could help to understand whether there are substantial numbers of EU citizens active in the UK (i.e., paying taxes and/or receiving benefits), who do not appear to have applied to the Settlement Scheme. The main limitation of this approach is that some of the more vulnerable groups who lack status may also be those not covered in HMRC or DWP records.

While understanding the EU Settlement Scheme may be the most urgent application of a data linking exercise of this kind, it would bring a range of other benefits for the evidence base on migration, as the Migration Observatory pointed out in the past ([Sumption, 2019](#)). This is because one of the major limitations in migration statistics currently is the absence of usable statistics on how people with different immigration statuses fare in UK society. The potential for such statistics to improve the evidence base are wide ranging, from a better understanding of the economic impacts of people receiving work visas to more knowledge about how the economic outcomes of family migrants change over time.

Collecting official survey data on residence status

Another approach would be to add a question to the Labour Force Survey and Annual Population Survey, on which the ONS population estimates are based, to ask respondents what kind of residence status they have, including whether they have been granted a permanent status such as settled status/ILR. It would also enable some analysis of the characteristics of people who do and do not have an EUSS status, assuming that the groups in question are large enough (since margins of error around small estimates in this data source can be quite big). This sort of analysis is not possible using existing data sources. Annex 3 provides more detail on how this might work in practice.

Collecting self-reported information in this way would of course have significant limitations. This is because individuals do not always understand their own status very well. For example, someone who does not realise that pre-settled status is temporary may report having a permanent status. However, it may still enable a better understanding of overall trends and characteristics of applicants and non-applicants than is possible based on current data.

Again, the statistical uses of such an approach would extend beyond EUSS, as data on migrants' type of leave to remain in the UK could facilitate analysis on other topics, from the health and wellbeing outcomes of different migrant groups to their labour market and fiscal impacts.

7. Conclusions

There are many gaps in the evidence base about the EU Settlement Scheme, ranging from serious uncertainty about how many people have not applied to limited information about the scheme's day-to-day operations and the 'customer experience' for those who apply.

Several of these can, in principle, be addressed by releasing or collecting new data (e.g. Home Office operational data or linked administrative data to assess the non-applicant population). Even without data improvements, there will remain some uncertainty, however. For example, administrative data will likely miss some migrants who are eligible for EUSS but have not engaged with public authorities that collect the data (e.g. people with no tax liability

who are not receiving benefits or using the NHS). Survey data could significantly improve understanding but would remain self-reported and thus affected by individuals' own uncertainty or knowledge limits.

For policy purposes, a key question is therefore how to proceed in the face of uncertainty. For example, it is not likely to be possible to specify a point at which application numbers are high enough that the 'job is done,' and that almost all EU citizens living in the UK have secured status. This suggests the need to plan for a range of outcomes, including the possibility of substantial numbers non-applicants to EUSS who have not been measured through available data sources.

Finally, the 2020 COVID-19 crisis may create further challenges both in the operation of the scheme itself and in measuring its performance. Operational challenges include the loss of capacity among organisations that assist applicants (e.g. the government help centre that assists applicants was closed in March 2020, and voluntary organisations funded to support vulnerable groups will struggle to provide services without face-to-face contact); and the need to address absences where applicants are unable to return to the UK due to travel restrictions. COVID-19 is also disrupting data collection (i.e. official surveys that use face-to-face interviewing), though it is too early to assess the consequences of this for monitoring the EU Settlement Scheme.

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Annex 1: Who is and isn't included in the ONS estimates of the EU citizen population?

Not everyone who is likely to be eligible for the Settlement Scheme is included in the population the ONS figures aim to measure. There are three main groups that are either explicitly excluded or likely to be only partially covered.

Residents in communal establishments are excluded from official population estimates

Some EU citizens who will need to apply for settled status are excluded from the ONS data, which only covers people living at private households – i.e. those in communal establishments such as hostels, or people in communal employer-provided housing on farms or other work sites. International students living in halls of residence will not be covered unless their family also lives in the UK at a private address.

At the time of the 2011 Census in England and Wales, there were an estimated 45,000 residents or staff of communal establishments who held passports from EU countries other than Ireland (Census table DC2119EW1a), although the number of such residents is likely to have increased due to further growth in the EU migrant population since 2011.

Part-year residents will be undercounted

EU citizens do not need to live in the UK all the time in order to qualify for settled status. People who move to and from the UK on a regular basis—for example as seasonal workers, short-term workers or self-employed people—qualify if they do not have more than six months away from the UK each year (or a single absence of up to 12 months for a good reason, or absences on military or crown service).

However, ONS population estimates are designed to measure the 'usually resident population' at the point in time when survey data are collected. By way of example, if we observe 10 people who spend 6 months per year in the UK, at any one point in time only five, on average, are expected to be present in the UK. Some part-year residents who are temporarily absent will be included in the figures if they live in a household with someone else who responds to the survey on their behalf and reports that the address is the person's main residence. However, others

will be excluded.

Some dual citizens are not included in the official estimates of EU citizens

The survey from which the ONS population estimates are drawn asks respondents ‘What is your nationality?’¹ The survey only records one citizenship regardless of how many the person holds. This is important because UK citizens who are also EU citizens cannot apply to EUSS. It also means that dual EU/non-EU citizens may not be fully represented in the ONS figures.

Where survey respondents say that they have more than one citizenship, only the first one the person mentions is recorded. So, a person who says that they are ‘British and Italian’ will be recorded as British, while a person who says ‘Italian and British’ will be recorded as Italian. This means that some of the 3.4m non-Irish EU citizens estimated to be in the UK will in fact be dual EU-UK citizens who cannot apply to EUSS. On the other hand, the 3.4m will fail to include some dual EU and non-EU citizens (for example, a person who says they are ‘Brazilian and Italian’), who would need to apply for settled status if they do not have a different type of permission to remain in the UK.

The size of the dual citizen group is not known. EU citizens have historically been relatively unlikely to naturalise in the UK, even despite recent increases in EU naturalisations: just under 250,000 EU citizens were granted UK citizenship between 1990 and 2018, compared to an estimated 3.0m EU-born people who report that they arrived during this period.² However, dual citizenship will presumably be more common among non-EU born EU citizens, whose numbers are difficult to estimate from currently available data sources.

The result is that we cannot say for certain whether the lack of information on dual citizenship leads to either an overestimate or an underestimate of the number of people who will need an EUSS status. This is because the existence of EU/UK dual citizens is expected to create upward bias in estimate of the eligible population while the existence of EU/non-EU dual citizens is expected to create a downward bias.

Comparison of survey-based population estimates and the Census, 2011

As one moves further from the Census year (currently almost nine years ago), estimates of the total size of the UK’s population are expected to become less robust, primarily because of uncertainty about overall levels of net migration. In addition, like many household surveys in high-income countries, the Annual Population Survey has seen a declining response rate over the past 20 years (Weeks et al, n.d.). It is therefore possible, in principle, that the people who are surveyed are not completely representative of the whole population, resulting in estimates that either overstate or understate the size of the EU population.

The last major opportunity to check the accuracy of official migration statistics took place following the 2011 Census (though of course even the Census will miss some people). In 2011, the survey-based estimate of the number of EU-born people in the UK was 2,517,000, plus or minus 69,000 (including those born in Ireland). This was 167,000 or 6% lower than the number of EU-born people identified in the Census in March that year (Table 1, above).

The APS and the Census asked different questions related to citizenship: APS asks respondents for their nationality and Census 2011 asked them for the passports they held, which excludes citizens without passports. The Scottish Census did not ask about passports and so a UK-wide comparison is not possible, but a comparison of data for England and Wales suggests that the APS estimate of the number of EU nationals in 2011 was approximately 280,000 or 12% lower than the number of passport holders captured in the Census. (Note that unlike the survey data, the Census *did* collect information on dual passport holders and summary figures do classify dual EU-UK

¹ Nationality in the survey data is self-reported, and in some cases it may not match a person’s legal citizenship. Some people may not understand their citizenship status – for example, EU parents whose children were born in the UK shortly after they arrived may believe that being born here automatically makes someone a citizen, whereas in fact this depends on the parent’s immigration status.

² Citizenship figures from Home Office Immigration Statistics, Table cz_06; population figures from Annual Population Survey.

passport holders as UK nationals, but did not collect information on dual EU and non-EU passport holders.)

The differences are likely to result from a combination of the exclusion of people living in communal accommodation (as noted above, 45,000 EU born in March 2011) and a modest undercount in the size of the EU-born or EU-national populations.

Annex 2: Future improvements to migration statistics

Three main developments have the potential to improve the accuracy of statistics on EU citizens in the future.

- **The 2021 Census.** Results from the March 2021 Census will not be available immediately, but are expected to be published at most 1–2 years later (i.e. probably during 2022). While this will become out of date over time, it will give a relatively accurate indication of the number of EU migrants living in the UK in early 2021 and will facilitate more accurate survey-based estimates in subsequent years.
- **ONS' Migration Statistics Transformation.** The ONS is conducting a programme of work designed to improve UK migration statistics by drawing on new data sources such as tax and benefits records, or interactions with public services like schools and the NHS (ONS, 2019). Currently announced plans suggest that at least some new statistics should be available by the end of 2020, with new methodologies fully implemented by 2023 (ONS, 2020b).
- **Changes to nationality definition.** Separately, the ONS is piloting a new variable in the Labour Force Survey and Annual Population Survey which should lead to more accurate estimates of non-citizens living in the UK. The new data will collect information on dual citizenships and will ask people about the passport they hold rather than their 'nationality' (since nationality is more difficult for some respondents to understand). This new data is being piloted in 2020 and, if the pilot is successful, should be available for analysis by 2021.

Annex 3: Collecting data through surveys

The Labour Force Survey (LFS), which is the main survey used to understand the characteristics of the UK population, contains information on respondents' nationality and country of birth, but does not currently ask any questions about non-UK citizens' residence status. Some other countries do collect such data. Canada, for example, [asks LFS respondents](#) whether they have permanent residence rights, and Australia asks a [series of questions](#) once every three years about whether people are temporary or permanent residents and what kind of visa they hold.

While LFS data have limitations, asking some simple questions on whether respondents have settled status (and/or other kinds of residence status), either periodically or every quarter, would provide a rich source of information on the coverage of the Settlement Scheme.

Getting new questions into the LFS takes time. Because of pressure to keep the survey short and manageable for respondents, the process of adding questions is tightly managed through an LFS Steering Group meeting which consists of a range of government bodies and the ONS. If a strong case is made for a new variable, the Steering Group can recommend it in principle. The new questions then need to be tested (e.g. for wording and position in the survey) and presented for a final decision at the next meeting. This means that the process typically takes around a year.

Together with the operational data discussed above, new data collection along these lines could be used to understand whether there are particular groups of people who are less likely to have sought EUSS status and what their characteristics are—such as women, the elderly, long-term residents, or particular nationalities. In addition to the government's own communications campaign, a wide array of other organisations including charities, unions and local government are likely to be involved in communicating with those who have not applied and will want access to

the data.

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The Migration Observatory

Based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The Observatory's analysis involves experts from a wide range of disciplines and departments at the University of Oxford.



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