

Consultation Response

Home Office preparations for Brexit

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About this inquiry

The Home Affairs Committee last reported in December 2018 on its ongoing overarching inquiry into 'Home Office delivery of Brexit'. Since the Government's response to that report, Parliament has rejected the negotiated Withdrawal Agreement and Political Declaration and a new Prime Minister and Home Secretary have taken office.

The Committee intends to examine the current state of Home Office preparations for Brexit in all scenarios. This includes the possibility of updating the committee's scrutiny of Government readiness across customs operations, security co-operation and citizens' rights in the event of a no-deal exit.

Key points and recommendations

- There are an estimated 118,000 EU citizens who are aged 65 years and over who will need to apply for the EU Settlement Scheme (EUSS) to retain their entitlement to live in the UK following the UK's exit from the EU.
- Age UK is concerned that older people will face significant barriers to applying for the EUSS, including those people with limited digital capacity, those with cognitive impairment such as for example, people with dementia, people with poor English, and those older people who have limited engagement with public services and who will remain ignorant of the scheme altogether.
- Given the significant barriers that older people, particularly those with cognitive impairment, face in accessing the EUSS, we believe that even with various support from the government in the form of Assisted Digital schemes and the like, there is still going to be a core group of people who do not apply for the Scheme by the due date. We would like assurances and commitment from the Government that these people will still retain access to important in-country benefits and services that they are legally entitled to as citizens of the EU.
- UK citizens living in the EU need greater certainty about the longer-term prospect for State Pension uprating and their future residency and healthcare rights.

1. Introduction

1. Age UK is a national charity that works with a network of partners, including Age Scotland, Age Cymru, Age NI and local Age UKs across England, to help everyone make the most of later life, whatever their circumstances. In the UK, the charity helps more than seven million older people each year by providing advice and support. It also researches and campaigns on the issues that matter most to older people. Its work focuses on ensuring that older people have enough money; enjoy life and feel well; receive high quality health and care; are comfortable, safe and secure at home; and feel valued and able to participate.

2. The EU Settlement Scheme

2. On 30 March 2019 the Government opened the EU Settlement Scheme (EUSS) to all EU citizens currently residing in the UK. We estimate that these include 118,000 people aged 65+ who are nationals of EU countries other than the UK and Ireland.¹ All these people will need to apply for the EUSS to retain their entitlement to live in the UK following the UK's exit from the EU.

Barriers to applying to the EUSS

3. Since its inception in early 2018, Age UK has attended the Home Office's 'safeguarding user group' addressing the needs of vulnerable people in the context of the EUSS. As a result of attending these meetings we are aware of the serious work put into the development of the scheme and of the various efforts to communicate the need to apply for the scheme and also measures to increase accessibility to the scheme.
4. However, we remain concerned that there will be a significant number of older people who despite these measures, face significant barriers to applying for the scheme. These include older people with limited digital capacity, those older people with cognitive impairment such as for example, people with dementia, people with poor English, and those older people who have limited engagement with public services and who will remain ignorant of the scheme altogether.

Digital barriers

5. To apply for the EUSS you need to have a valid passport or ID card. It is unclear just how many older EU nationals possess this documentation, but at the last census we know that 17% of people living in England and Wales did not hold a passport.²

¹ Estimate generated using the 2018 Annual Population Survey (<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/methodologies/annualpopulationsurveyapsqmi>). This is likely to be an underestimate, since the Annual Population Survey does not sample people living in communal establishments, including care homes.

² <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/2011censusquickstatisticforenglandandwalesonnationalidentitypassportsheldandcountryofbirth>

6. As well as valid documentation, applicants need to have access to an Android device. Although it is unclear just how many older people possess these types of devices, many older people do not regularly use the internet: 33% of those aged 65 and over have not used the internet in the last three months.³
7. The trend over the last decade has been for increasing internet use among the older population. However, a substantial group – including the majority of those aged 75 and over – are not online. Over 79% of all digital exclusion is among those aged 65 and over. Factors that most strongly explain the likelihood of an individual aged 65+ not using the internet are: lower income; older age; living alone; mobility challenges and problems with memory or ability to concentrate.
8. We acknowledge the efforts by the Home Office to increase accessibility for those users with limited digital capacity. However, emphasis is still on the scheme being digital. People are encouraged to call the Assisted Digital Service or visit an EU Settlement Resolution Centre which is problematic for older people with limited physical mobility. There are several parts of the country where it would take someone more than an hour to drive to the nearest Centre, including much of Scotland, Wales and Northern Ireland, as well as parts of the North West and south west of England, and most of East Anglia.⁴
9. 18% of older people don't have access to a car, either as a driver or a passenger,⁵ and assuming that the same percentage applies among EU citizens resident in the UK, this would equate to 21,000 older EU nationals. Most of the areas with long travel times to the nearest EUSS Scanning Centre are rural and are likely to be poorly served by public transport. We estimate that 38,000 of older EU nationals (32%) have a longstanding illness which limits their daily activities⁶ and would make the long journey more difficult.
10. We acknowledge the offer of potential home visits as part of the Assisted Digital Service. However, we do query whether this service will have the capacity to respond to all requests for the service and also whether it will meet the needs of those people with very limited or no digital capacity.

Vulnerable applicants

11. Of serious concern is the ability of residents in care homes or supported living or residing in the community, who have dementia and other cognitive impairment, to apply to the EUSS. Although there are limited recent figures, the 2011 Census showed that there were 5,600 non-Irish EU born people age 75 or older who were living in communal establishments such as care homes.⁷ These people will face

³ <https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers>

⁴ <https://data.parliament.uk/resources/constituencystatistics/scanning-centres-map/>

⁵ English Longitudinal Study of Ageing, wave 8 (2016-17)

⁶ Estimate generated using the 2018 Annual Population Survey

(<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/methodologies/annualpopulationsurveyapsqmi>). This is likely to be an underestimate, since the Annual Population Survey does not sample people living in communal establishments, including care homes.

⁷ Migration Observatory, *Unsettled Status? Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?*, Oxford, 2018.

multiple barriers to applying for the scheme including lack of mobility, cognitive impairment and memory loss, a lack of documentation or knowledge of where to find this documentation, and mental health issues. People in these circumstances will be completely reliant on either relatives and friends, care home staff or potentially the local authority to apply on their behalf. This raises various questions including whether relatives and friends who are registered as attorneys under a Lasting Power of Attorney (LPA) will have the necessary authority to apply for immigration status and who will apply on behalf of those individuals who have no LPA in place or who don't have any relatives or friends to assist them. Although there have been some discussions with the Home Office policy team about these issues there have been no concrete answers to these questions.

Access to benefits, healthcare and other services

12. Given the significant barriers that older people, particularly those with cognitive impairment, face in accessing the EU Settlement Scheme, we believe that even with various support from the government in the form of Assisted Digital schemes and the like, there is still going to be a core group of people who do not apply for the Scheme by the due date. We understand that extensions will be given to people with extenuating circumstances, however there is no clarity on what these extenuating circumstances are likely to be. Whilst we can see that this provision could be very helpful for some people, ultimately there are going to be a number of people for whom no amount of extension or support will enable them to apply.
13. Given the experience of the Windrush generation, Age UK is concerned about the situation for those people who do not apply before the deadline. Will they lose access to the same benefits and services that their status as EU residents entitles them to such as for example, health, housing, social care and other local authority benefits? We would like assurances from the Government that these people will not be inadvertently punished in the future because of their failure to apply to the scheme through absolutely no fault of their own.

3. The rights of UK citizens living in the EU

14. The Government has reassured UK citizens living in the EU that they can continue to claim the State Pension and as at present they can continue to have certain state benefits transferred to their country of residence. However the longer-term prospect for State Pension uprating for UK citizens in the EU is unclear, and their future residency and healthcare rights will vary, depending on the progress of negotiations with each EU member country. This is resulting in great uncertainty for individuals affected.