IMA

For the Citizens' Rights Agreements

An Inquiry by the Independent Monitoring Authority into delays in issuing decisions on applications to the EU Settlement Scheme

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Contents

Executive summary

Purpose

1. In conducting an Inquiry, the Independent Monitoring Authority (IMA) has statutory obligations to determine whether there has been any breach of the Withdrawal Agreement and the EEA EFTA Separation Agreement (the Agreements) and to identify any recommendations the IMA considers appropriate to promote the adequate and effective implementation or application of Part 2. (see paragraph 25(2) of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020).

2. Paragraph 27(1) of Schedule 2 provides that once the IMA has carried out an Inquiry, it must prepare a written report of its conclusions and include in the report any recommendations it considers appropriate.

3. The purpose of the Inquiry is to assess:

    i. The extent to which the Home Office is determining applications to the European Union Settlement Scheme (EUSS) within a reasonable time; and
    ii. Any impact on citizens caused by any delay in determining EUSS applications.

4. The commentary in this report is an analysis of the evidence gathered between January 2023 and June 2024. The report sets out formal conclusions drawn by the IMA and subsequent recommendations. In addition to the formal conclusions drawn by the IMA, the report also sets out issues and trends identified during the Inquiry.

5. In September 2023, the IMA commenced an Inquiry with a view to examine whether the Home Office has complied with its obligations under the Agreements.

6. The IMA can use its power to carry out an Inquiry if it has reasonable grounds to believe that an Inquiry may conclude that the UK or Gibraltar has failed to comply with the Agreements or that a relevant public authority has acted or is proposing to act in a way that prevents a person exercising a relevant right.

7. The IMA determined from the evidence provided, that there were reasonable grounds to believe that an Inquiry may conclude that the UK, through the Home Office, had failed to comply with the Agreements and therefore decided to commence this Inquiry.

8. Gibraltar was not included within the scope of this Inquiry because the EUSS does not extend to Gibraltar.

9. The IMA conducted the Inquiry over three parts:

   i. We reviewed and assessed the policy and process adopted by the Home Office for EUSS applications by conducting interviews with relevant staff and reviewing documents and information from the Home Office.
   ii. We assessed and analysed how this process is implemented and applied in practice by interviewing operational staff and conducting an onsite case-sampling investigation at the Home Office.
   iii. We assessed whether there was any impact on citizens' lives caused by delays in deciding applications to the EUSS by opening a 'Call for Evidence' for the Inquiry.

10. In order to carry out the Inquiry, the IMA set Terms of Reference (Annex 1).

11. The Inquiry did not include those applications undergoing an appeal or administrative review and the dip sampling exercise undertaken did not include cases under six months old. The data presented later in the report includes all applications to the EUSS, not only those applications over six months old.

12. The IMA considers some of the issues explored within the Inquiry may also be applicable to other areas of the EUSS application system or those applications that take under six months.

13. The IMA recognises the time passed since the evidence gathering stage and the publication of the report will mean that there will have been changes in the EUSS that have had an impact on application times. The IMA has set out in Part 6 some of the changes the Home Office has made including processes and training. The IMA invites the Home Office to include any changes they have made and the impact of those changes when considering their response to this report, particularly considering the recommendations made.

14. The Inquiry has been an opportunity to delve into the EUSS system. The IMA hope that by carrying out the Inquiry, publishing the report and making recommendations the impact will be positive change in the system for the benefit of both citizens and public authorities.

Findings

15. Based on the evidence gathered during the Inquiry and set out in the report, the IMA has been able to reach a conclusion regarding whether or not the IMA considers there has been a breach of the Agreements.

16. In addition to the formal conclusions, the report also sets out issues and trends that have been identified and drawn out during the Inquiry even where the IMA does not consider, based on the evidence gathered during the Inquiry, they amount to a breach of the Agreements.

17. The purpose of this is to draw attention to areas for improvement, aid understanding for citizens and contribute to the transparency of the process.

18. The Inquiry has also highlighted areas where citizens and the Home Office may experience challenges, and the aim is to assist with identifying barriers the Home Office may face when progressing applications so steps can be taken to address blockages and remove those barriers where possible.

19. Even in areas where the IMA has not found that there is a breach of the Agreements due to systemic issues, citizens may experience delays or decision making that may amount to a breach in their individual case and may choose to legally challenge these.

20. The Inquiry has also highlighted the potential impact of cumulative delays on some individuals. Where shorter delays are experienced at each stage of the application process which may not on their own amount to an unreasonable delay, the cumulative effect of these could amount to an unreasonable delay for some individuals.

21. When reaching conclusions about a breach of the Withdrawal Agreements, the IMA has considered whether there is evidence of systemic issues. In doing this, we considered the policies, processes and procedures in place within the administration of the EUSS system. We considered how these were implemented in practice, including system efficiencies, resourcing and communications between public authorities. We have also considered the impact of the system on citizens and applicants.

22. According to Home Office published figures as of 31 December 2024, there had been 8.4 million EUSS applications made since the launch of the scheme on 28 August 2018. These applications relate to 6.3 million people and of these 5.7 million hold a grant of status, 4.1 million settled status (SS) and 1.7 million pre-settled status (PSS).

23. Data published by the Home Office shows that as of 31 December 2024, 98% of applications received had been determined. This was also reflected in the EUSS statistics to 30 June 2023, which were published on 24 August 2023. The IMA has considered this in reaching its conclusions, and it is important to recognise the scale of the EUSS scheme and how many applications have passed through it.

24. The process of determining applications is set out in the Inquiry report and is not repeated in this section. The IMA has considered each stage of the application process in reaching conclusions.

25. The IMA have found there were data limitations regarding the average processing times and when trying to explore disproportionate impact on certain groups of citizens. It has not been possible to examine every facet of the application process or a representative sample size in great detail due to the complexity of the system and sometimes due to the data available.

26. The Inquiry and subsequent report has also allowed the IMA to conduct an assessment of the particular areas that may warrant further exploration in the future.

27. The IMA received 76 complaints between January 2021 and June 2024 regarding delays experienced during the applications process and as part of this Inquiry, dip sampling exercises have been conducted. The IMA has not considered in detail whether the individual circumstances of each case included in the dip sampling resulted in a breach of the Agreements, the IMA has considered whether the evidence gathered indicates there are systemic issues.

28. There are challenges when exploring and considering a system the size of the EUSS and it is clear that the evidence gathered during the Inquiry is a small sample and snapshot of the EUSS at the time the exercise was carried out and only in relation to those applications that were six months old or more.

29. When considering the weight of the evidence, the IMA has taken the approach that an individual complaint or issue can be symptomatic of a wider systemic problem. The IMA has considered whether there were consistent themes in the individual cases examined and whether a policy or practice has impacted those cases and resulted in delays.

30. It is important that citizens have certainty of their status, whether status is granted or not. The IMA has received information via complaints and stakeholders about the real-world impact of protracted applications and/or delays on individuals which are set out in this report.

Conclusions

31. The following conclusions are made under paragraph 27(1)(a) of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020.

Breaches of the Agreements

32. The IMA considers that the Agreements provide an implied obligation on the UK to consider applications to the EUSS within a reasonable time period. What is "reasonable" will differ across cases, as it will depend not only on the complexity of the individual circumstances but also on wider factors such as the volume of applications at a given time, the need for additional evidence or verification. As these factors can vary, the length of time that may be considered reasonable will necessarily change over time and between different types of applications.

33. The obligation arises because of the right under Article 18(1) of the Withdrawal Agreement and Article 17(1) of the EEA EFTA Separation Agreement to receive a new residence status which confers rights when read alongside the overarching principle of good faith in Article 5 of the Agreements; as read together with general principles of international law and general principles of union law, such as the principle of good administration and the general principle of effectiveness and effective remedial protection.

34. Based on the parts of the EUSS application system that were examined and the information gathered during the Inquiry, the IMA's view is that EUSS applications were not always considered (and progressed) by the Home Office within a reasonable time period. Based on the evidence gathered systemic issues amounting to a breach were identified, which are explained in the following section.

Pausing of certain applications

35. The report highlights the policy and practice of pausing certain applications at the suitability stage without considering individual circumstances was considered a breach of the Agreements.

36. In the case of Krzysztofik v SSHD, the Upper Tribunal found that the 'Pending Prosecutions' part of Home Office Guidance EU Settlement Scheme: Suitability Requirements (v8.0) was inconsistent with the requirements of Article 18 and 21(1) of the Withdrawal Agreement as it led to unwarranted and disproportionate delays to the processing of Article 18 applications. The IMA intervened in this case on the basis the IMA considered the policy to be unlawful[1].

37. In September 2024, the Home Office provided information to the IMA regarding the implementation of policy changes in this area. Based on information provided by the Home Office, it appears that the delays at the suitability stage have been reduced following these changes. This is an area the IMA is monitoring through operational work. As part of the compliance case, we are seeking assurance from the Home Office to confirm whether the issues that contributed to those delays have been addressed. More information on this compliance case can be found on our Issues Log[2].

1 IMA welcomes changes to Home Office guidance on pending prosecutions – Independent Monitoring Authority for the Citizens' Rights Agreements
2 What we're working on – Independent Monitoring Authority for the Citizens' Rights Agreements

Case allocation and system inefficiencies

38. The evidence gathered during the Inquiry indicated there were sometimes significant delays in allocating cases to caseworkers at both the eligibility and suitability stages, the dip sampling exercise identified in some cases the delay in allocation at the eligibility stage was three to four months and up to nine months in suitability. It is the IMA's view that this amounts to a breach of the Agreements.

39. Whilst the dip sampling does not provide evidence of the overall picture for most cases due to the sample size and that only cases already over six months old have been considered, issues identified in individual cases can be symptomatic of systemic issues. These issues were identified in the dip sampling exercise that took place in January 2024. The cases sampled were all at least six months old at this time.

40. The evidence gathered during the dip sampling pointed to a system under resourcing strain across areas of the EUSS which contributed to allocation delays and ultimately delays in progressing applications.

41. At the suitability stage, the process involves several teams. These teams use the same casework system and follow the same date-based queuing system – they do not use the dedicated baskets applied to certain cohorts at the eligibility stage.

42. The process at the eligibility stage is set out in detail in the report but in simple terms cases are put in a queue, sorted by application date until there is an available caseworker for allocation. By returning cases to the queue, if a decision cannot be made and action is required, it allows the next available caseworker to progress the application rather than allocating cases to individual caseworkers from the outset. Certain cases can be taken out of the standard queue and put into 'baskets' or 'pots' (terms used interchangeably) to be held separately.

43. The EUSS case working system automatically triages applications before allocation to an eligibility caseworker, categorising them as green, amber or red based on complexity after conducting checks with other government departments. There was no evidence that the IMA saw to suggest a manual triage or review of documents took place at this stage, by caseworkers, to see if new cases being added to the Work in Progress (WIP) were more straightforward cases that could be allocated and decided quickly rather than sitting behind the older cases in the queue.

44. The evidence gathered during the Inquiry, as highlighted in the report, revealed there were sometimes delays in allocating cases and some cases were misrouted to the wrong queue or pot following caseworker intervention, which caused avoidable delays to some applications.

45. The Home Office supplied evidence to explain that this was a result of the implementation of the 'reasonable grounds' assessment at the validity stage for late applications, when the decision was made to reallocate staff to undertake this assessment and ensure Certificates of Application (CoAs) were issued to applicants. It appears from the evidence gathered that this shift in resources meant there were fewer staff to work on the cases held at the eligibility stage and contributed to delays in allocation during this stage of the process. This highlights the need for appropriate resources to be in place to progress cases in a timely manner at every stage.

46. From the available evidence, the Home Office provided some assurance that they monitor case volumes and timeliness at this stage and allocate resources based on this information. They provided evidence that when their daily monitoring revealed the change to 'reasonable grounds' had a lesser impact than anticipated, their resources were adjusted across both areas to suit business needs.

47. The IMA welcomes monitoring to ensure appropriate resources are allocated and appreciates there needs to be a degree of flexibility in the approach to resourcing. However, this should not be to the detriment of citizens.

48. There were also issues highlighted through the eligibility stage with caseworkers duplicating requests for evidence that had either already been made or already received, including in circumstances where there were handover notes available. This resulted in delays in progressing the applications.

49. Some protracted applications were seen at the suitability stage, linked to waiting for the outcome of requests to external agencies. However, there were also delays in allocating cases. It may be that allocation delays were impacted by the decision to pause applications that concerned those people with pending prosecutions (please see paragraphs 35-37). The IMA will continue to monitor this area.

50. The Home Office explained that delays were caused by resource constraints, prioritisation challenges and the need to work through the backlog, with older cases being addressed first. It also highlighted that the suitability stage requires staff to hold a higher level of security clearance, which resulted in longer timeframes to recruit. As highlighted throughout the report, under-resourcing in key parts of the system creates knock on delays for citizens who are already navigating a complicated process.

51. The IMA considers some delays caused at this stage were systemic and could be considered unreasonable and a breach of the Agreements.

Issues and trends identified during the inquiry

52. In addition to the formal conclusions set out above, the following trends and issues were identified from the evidence gathered during the Inquiry that the IMA did not find were breaches of the Agreements but may impact on timeliness of decisions and citizens. It may be that some individuals may experience a breach of their rights in these areas of the process but that would need to be considered on a case-by-case basis.

53. These were areas where the IMA was of the view we did not have a sufficient level of evidence to make a finding of a breach or was of the view there was not a breach caused by a systemic issue.

54. The purpose of identifying these is to understand where there may be barriers or pressure points in the EUSS application process and highlight areas where barriers could be removed or processes improved.

Repeat applicants

55. Certain nationalities have a higher proportion of repeat applicants awaiting outcomes. Non-Government Organisations (NGOs) who represent and support citizens have reported there are citizens who experience barriers in making a successful application due to lower levels of digital literacy and language barriers[3].

56. The higher number of non-EEA, Romanian and Polish within the category of repeat applicants could be indicative of the language barriers and digital illiteracy impacting these groups as has been reported by stakeholders. The Inquiry did not uncover direct evidence of this but the absence of any detailed reporting on reasons for refusals make this difficult to explore. There could be a number of other reasons why applicants may reapply to the EUSS which fall outside of those listed above.

3 Parker, O. Roma EU citizens in the UK: Ongoing struggles with the EU Settlement Scheme. [online] Available at: https://www.Romasupportgroup.org.uk/uploads/9/3/6/8/93687016/policy_report_version_2.pdf.

Information requests to other agencies

57. There are a number of instances in the application process where the Home Office may be required to make requests to other agencies in the UK and from other countries which will inevitably result in a more protracted application processing time.

58. While not a statutory safeguarding authority, the Home Office has a duty of care to protect vulnerable individuals interacting with its services. For example, it must identify risks, refer concerns, and cooperate with statutory safeguarding bodies (e.g. local authorities, police).

59. In relation to children, the Home Office must act in accordance with Section 55 of the Borders, Citizenship and Immigration Act 2009, which outlines the requirement to have regard to the need to safeguard and promote the welfare of children who are in the UK.

60. The Care Act 2014 outlines safeguarding duties on local authorities for adults at risk due to disability, trauma, mental health, or exploitation, which the Home Office supports through referrals and cooperation.

61. Where safeguarding checks involving children or vulnerable adults are necessary, it is reasonable to expect that these cases may take longer to process than 'straightforward' applications where checks or not required.

62. This reflects the additional diligence required to identify risks, engage with statutory safeguarding partners, and uphold the duty of care owed to vulnerable individuals. With the aim of ensuring that appropriate protections are in place before decisions are made.

63. The Home Office has stated that some of these delays are outside of their control. Whilst the process and record checking may be owned by other agencies, the Home Office are able to monitor progress, escalate matters and hold their partners to account. This would include cases being progressed through checks with Police National Computer ("PNC") and via other agencies, these areas are discussed in more detail within the report. For example, there may be delays in updating PNC records when criminal matters are concluded, including those where no further action is taken.

64. In the case of checks made with agencies in other countries there are sometimes significant delays in receiving returns from enquiries made by Association of Chief Police Officers Criminal Records Office (ACRO). Different countries will have varied systems and record keeping standards and the Home Office has evidenced there is a variation in response times.

65. In summary, the key findings and trends are set out below:

Lengthy application processing times

- Prolonged processing times in cases already pending for more than six months.
- Cases involving criminal checks, safeguarding issues or applications with insufficient evidence identified as primary causes of delayed applications. It is inevitable that applications that require more checks will take longer than applications that do not.
- Resourcing challenges at various stages of the application process.
- Historically, a bottleneck existed at the suitability stage, arising from the Home Office pausing cases awaiting court determinations on an applicant's pending prosecution. In light of the judgment in Krzysztofik v SSHD, this issue should now have been resolved by the Home Office.

Impact on citizens

- Delayed application decisions cause uncertainty and stress for applicants, affecting their ability to exercise some rights, including the right to live, work and travel. While the CoA confers temporary protection of relevant rights for customers whose application has been validated by the Home Office, delays can create practical barriers.
- There is a risk that vulnerable applicants, including children and those with safeguarding concerns, could be particularly affected by delays in processing applications.
- Applicants of some nationalities could be more likely to experience delays in overseas checks on criminality than others.

Pending cases

- The Home Office reduced pending suitability cases by 54% and eligibility cases by 17% between January 2023 and June 2024.
- Despite these efforts, there are still protracted processing times for some applications.

Recommendations

66. The IMA have considered previous recommendations made following the Windrush Lessons Learned Review[4] and subsequent progress report,[5] those made by Independent Chief Inspector Borders and Immigration (ICIBI)[6,7] and following the first IMA Inquiry.[8]

67. Across multiple independent reviews – including the Windrush Lessons Learned Review, reports by ICIBI, the IMA's first Inquiry into the issuance of CoAs and the examination of delayed decisions in the EUSS, a consistent concern has been raised about the Home Office's data management practices.

68. These reports highlight issues such as poor record-keeping, unreliable IT systems, and a lack of transparency in decision-making. Inaccurate or incomplete data has been shown to contribute to delays, inconsistent outcomes, and a loss of public trust. Addressing these systemic weaknesses is essential to improving operational efficiency and ensuring fair treatment of individuals across immigration processes.

69. In order to promote the adequate and effective implementation of the relevant provisions of the Agreements, we consider it appropriate to make the following recommendations. These recommendations are made pursuant to the power in paragraph 27(1)(b) of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020.

4 Williams, W. (2020). Independent review by Wendy Williams. [online] Available at: https://assets.publishing.service.gov.uk/media/5e74984fd3bf7f4684279faa/6.5577_HO_Windrush_Lessons_Learned_Review_WEB_v2.pdf.

5 Williams, W. (2022). Windrush lessons learned review -Progress update independent report by. [online] Available at: https://assets.publishing.service.gov.uk/media/624493098fa8f5277757623e/14.12_HO_Windrush_Lessons_Learned_Review_Accessible_6_.pdf.

6 Neal, D. (2020). A further inspection of the EU Settlement Scheme. [online] Available at: https://assets.publishing.service.gov.uk/media/61dee79dd3bf7f0549bf7d16/A_further_inspection_of_the_EU_Settlement_Scheme___Julyy_2020_to_Marchch_2021.pdf.

7 An inspection of the EU Settlement Scheme. (2019). Available at: https://assets.publishing.service.gov.uk/media/61ffa0598fa8f538921d1ed3/ICIBI_Inspection_of_the_EU_Settlement_Scheme__April_2019_to_August_2019___1_.pdf

8 An Inquiry by the Independent Monitoring Authority for the Citizens' Rights Agreements into Certificates of Application 2 | Independent Monitoring Authority an Inquiry by the Independent Monitoring Authority for the Citizens' Rights Agreements into Certificates of Application Contents. Available at: https://ima-citizensrights.org.uk/wp-content/uploads/2023/06/ima-Inquiry-Report-2023-FINAL-ONLINE-3.pdf.

i. **As part of its service delivery monitoring, the Home Office should undertake data gathering and analytics to consider correlations between delay duration and its impact on different rights and different groups of citizens (including vulnerability and protected characteristics such as race including ethnicity).**

The Inquiry identified limitations on the data available to monitor the impact of the EUSS on particular groups. By undertaking targeted data gathering and applying advanced analytics, the Home Office would be better equipped to understand how delays in decision-making affect different groups of citizens—particularly in relation to their rights and protected characteristics such as race, ethnicity, and vulnerability. This insight would allow the Home Office to identify patterns and root causes of delay, prioritise improvements where they are most needed, and ensure that resources are directed effectively. Ultimately, this approach would support fairer, faster decision-making and could help to prevent unnecessary delays for those most impacted.

ii. **The Home Office should consider what changes can be put in place to prevent misrouting of applications, delays in allocation and duplicated evidence requests.**

Changes could improve inefficiencies in the process for the benefit of applicants and the Home Office. Improvements should aim to reduce duplication, confusion and improve timeliness.

iii. **The Home Office should consider how service from other agencies is monitored to ensure timely responses.**

By monitoring how other agencies respond to Home Office requests across the application process, delays caused by slow cross agency communication can be identified and addressed. This could lead to quicker and more consistent decisions and work towards improving the overall efficiency of the process.

iv. **The Home Office should consider establishing escalation mechanisms with other agencies for delays in obtaining overseas criminal conviction certificates for applications under the EUSS and strengthen bilateral agreements for information exchange and report on the effectiveness of these measures.**

Establishing escalation routes for delays in obtaining overseas criminal conviction certificates could help the Home Office respond more quickly when information is held up. Strengthening agreements with other countries could also improve the speed and reliability of data exchange, helping to reduce delays in decision-making.

v. **The Home Office should consider more robust communication with other relevant public authorities when processing EUSS cases relating to children and vulnerable adults, including those with safeguarding concerns to mitigate delays and report on the effectiveness of these measures.**

Improving communication between the Home Office and other public authorities when processing EUSS cases involving children or safeguarding concerns could help reduce delays. Clearer coordination would support quicker access to relevant information and allow decisions to be made more efficiently.

vi. **The Home Office should consider how they engage with advocacy groups and stakeholders to identify and refine key issues in the EUSS application process, including the support of vulnerable applicants.**

Consulting with advocacy groups and stakeholders would help the Home Office better understand practical challenges in the EUSS application process. Their insights could support more targeted improvements, helping to reduce delays and improve the experience for applicants.

vii. **The Home Office should consider improvements in transparency and communication to applicants whose applications are not decided within the Home Office published EUSS processing times.**

Improving transparency and communication with applicants whose EUSS cases exceed published processing times would help reduce uncertainty and frustration. Clear updates would allow applicants to better understand the status of their case and reduce the impact of delays and could also reduce the pressure on the Home Office responding to repeated requests for updates.

Please note that the IMA would have made a recommendation relating to the pausing of certain EUSS applications by the Home Office at the suitability stage, from citizens who had a pending prosecution. However, as a result of the Upper Tribunal judgement in K v SSHD and changes made to Home Office Guidance, this is no longer necessary and is an area that the IMA is monitoring through separate operational work.

Part 1

Background

The Independent Monitoring Authority

70. The IMA protects the rights of EU and EEA EFTA citizens, and their family members, in the UK and Gibraltar by monitoring the implementation and application of the Agreements and by promoting the adequate and effective implementation and application of the Agreements.

71. The IMA can use its power to carry out an Inquiry if it has reasonable grounds to believe that an Inquiry may conclude that the UK or Gibraltar has failed to comply with the Agreements or that a relevant public authority has acted or is proposing to act in a way that prevents a person exercising a relevant right.

72. This Inquiry has been carried out under paragraph 25 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020[9]. As set out in the Inquiry's Terms of Reference (see Annex 1), the purpose of the Inquiry is to assess:

    i. The extent to which the Home Office[10] is determining applications to the European Union Settlement Scheme (EUSS)[11] within a reasonable time; and
    ii. Any impact on citizens caused by any delays in determining EUSS applications.

9 Legislation.gov.uk (2020). European Union (Withdrawal Agreement) Act 2020. [online] Legislation.gov.uk. Available at: https://www.legislation.gov.uk/ukpga/2020/1/contents

10 Home Office (2019). Home Office. [online] GOV.UK. Available at: https://www.gov.uk/government/organisations/home-office

11 GOV.UK (2018). Apply to the EU Settlement Scheme (settled and pre-settled status). [online] GOV.UK. Available at: https://www.gov.uk/settled-status-EU-citizens-families

The Agreements

73. The Agreements set out the arrangements for the withdrawal of the UK from the European Union (the EU).

74. Part 2 of each of the Agreements confers certain rights of residence (and other associated rights) on EU and EEA EFTA citizens, and their family members, who were, prior to the end of the transition period (11pm on 31 December 2020), living in the UK in accordance with EU law and who continue to reside in the UK thereafter.

75. The Agreements also confer certain rights on certain categories of family members who were not living in the UK at the end of the transition period – Joining Family Members (JFM). The Agreements also confer certain rights on certain categories of family member. In this report, EU and EEA EFTA citizens, and their family members (including JFMs) are all collectively referred to as 'citizens'.

76. Under the Agreements, in broad terms the UK had a choice as to whether to operate:

    i. a 'declaratory' system, under which citizens within scope of the Agreements would not, after the UK's departure from the EU, need formally to apply for any particular residency status in order to enjoy rights under the Agreements; or
    ii. a 'constitutive' system, under which citizens within scope of the Agreements would be required to make a formal application for a particular residency status in order to enjoy such rights.

77. The UK opted for a constitutive system. The Agreements provide the framework within which a constitutive system for granting residency status must operate. Gibraltar opted for a different system, and this Inquiry does not relate to the implementation of the Agreements in Gibraltar.

78. Under the Agreements, the UK may adopt a procedure for applications which involves verification of whether an applicant is entitled to rights under the Agreements. Importantly, the Agreements provide that, while an application is under consideration, the applicant is deemed to be entitled to temporary protection of the rights conferred by the Agreements.

79. In cases where the Agreements apply, in order to ensure that rights under the Agreements are protected while an application for residency status is under consideration, it is essential that the applicant is able authoritatively to prove that he or she has made the relevant application. Accordingly, the Agreements require that an applicant for residency status be issued with a CoA immediately.

The EU Settlement Scheme

80. The responsibility for the control and regulation of immigration into the UK rests with the UK Government, principally the Home Office. The Home Office has responsibility for implementing the constitutive system referred to above. That system is the EU Settlement Scheme (EUSS), which is set out in Appendix EU to the Immigration Rules[12].

81. The end of the transition period at 11pm on 31 December 2020 represented the end of freedom of movement of people between the UK and the EU. The Agreements operated to provide rights to those citizens who had been residing in the UK in accordance with EU law before the end of the transition period.

82. A grace period from the end of the transition period to 30 June 2021 was established in order to give these citizens time to apply to the EUSS during which time EU law rights were protected. Any citizen residing in the UK by the end of the transition period who applied before the end of the grace period is considered by the Home Office as an "in-time" applicant and any such citizen applying after the end of the grace period is considered a "late" applicant.

83. In broad terms, the process for determining an application is split into three stages: (1) validation, (2) suitability, and (3) eligibility. Validation is the first stage and, broadly, is for the purpose of verifying the identity of an applicant. In the UK, a CoA is issued at the end of the validity stage and is treated as evidence that a citizen has made an application under the EUSS and that he or she is entitled to the rights they are entitled to under the Agreements until their application is concluded.

84. A full description of the validity stage is provided in the IMA's Inquiry Report into issuance of CoAs[13]. Since publication of this report, the validity stage has been updated, most notably through the introduction of reasonable grounds considerations. Since 9 August 2023, late applications may proceed to validation where reasonable grounds for delay in applying are identified.

12 Home Office (2016). Immigration Rules Appendix EU – Immigration Rules – Guidance – GOV.UK. [online] www.gov.uk. Available at: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-EU.

13 Independent Monitoring Authority (2023). An Inquiry by the Independent Monitoring Authority for the Citizens' Rights Agreements into Certificates of Application. [online] Available at: https://ima-citizensrights.org.uk/wp-content/uploads/2023/06/ima-Inquiry-Report-2023-FINAL-ONLINE-3.pdf

85. Given the detailed review of the validation stage during the IMA's Inquiry into issuance of CoAs, this Inquiry has focused particularly on the suitability and eligibility stages of the EUSS application process. The suitability stage is used to check whether the applicant meets the suitability requirements, and the eligibility stage is then used to check whether an applicant meets the relevant eligibility conditions[14].

86. Under the EUSS, those who meet the relevant conditions and have lived in the UK for less than five years are granted PSS. At the time of the previous Inquiry, these citizens would see their PSS expire 5 years after the grant of their PSS. Prior to expiry of their PSS, citizens were required to apply again to the EUSS for SS (or in some very limited circumstances for another grant of PSS) once they had acquired the necessary five years' residency in the UK. A failure to make such a second application would see these citizens lose their rights, including the right to remain in the UK.

87. During the previous Inquiry the High Court handed down its judgment in a judicial review brought by the IMA deciding that the loss of rights for holders of PSS, for failure to make a second application to the EUSS, was unlawful[15]. The Home Office accepted the decision of the High Court and has made changes to the EUSS in relation to the judgment.

14 GOV.UK. (2024). EU Settlement Scheme: case worker guidance. [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-case worker-guidance/EU-settlement-scheme-EU-other-EEA-and-swiss-citizens-and-their-family-members-accessible

15 Home Office (2025). Home Office implementation of the judgment in R (Independent Monitoring Authority for the Citizens' Rights Agreements) v Secretary of State for the Home Department [2022]. [online] GOV.UK. Available at: https://www.gov.uk/government/publications/residence-rights-under-the-withdrawal-agreement/home-office-implementation-of-the-judgment-in-r-independent-monitoring-authority-for-the-citizens-rights-agreements-v-secretary-of-state-for-the-ho

Reason for conducting an inquiry

88. The IMA began monitoring the EUSS in December 2020.

89. In January 2021, the IMA received its first complaint about the length of time it took for a decision to be made on an EUSS application. Between January 2021 and June 2024, the IMA has received a total of 76 complaints on this issue.

90. The issue can be summarised as:

    i. The length of time some EUSS applications are taking to be concluded; and
    ii. The high number of pending EUSS applications

91. 'Pending' applications are EUSS applications that have been made but have not yet concluded with a decision on whether status will be granted.

92. Since 2021 there has been extensive communication between the IMA and the Home Office regarding the issuing of decisions on applications to the EUSS.

93. During the period of time prior to launching this Inquiry, the IMA acknowledged that some EUSS applications took longer than others, however the reasons for delayed decisions were unclear. It was important that the IMA identified issues which caused delays in determining applications.

94. As a result, the IMA was satisfied that there were reasonable grounds to believe that an Inquiry may conclude that the UK, through the Home Office, had failed to comply with the Agreements, and that it would be appropriate to commence an Inquiry. Consequently, in September 2023, the IMA commenced an Inquiry into this matter. This report sets out our conclusions and recommendations.[16]

95. The Home Office will be required to have regard to the recommendations contained in this report and publish a response to the recommendations expeditiously and in any event within three months of the publication of this report. The response of the Home Office must explain what, if anything, it proposes to do in response to each recommendation and its reasons.[17]

16 Home Office (2025). Home Office implementation of the judgment in R (Independent Monitoring Authority for the Citizens' Rights Agreements) v Secretary of State for the Home Department [2022]. [online] GOV.UK. Available at: https://www.gov.uk/government/publications/residence-rights-under-the-withdrawal-agreement/home-office-implementation-of-the-judgment-in-r-independent-monitoring-authority-for-the-citizens-rights-agreements-v-secretary-of-state-for-the-ho

17 See paragraph 28 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020. Legislation.gov.uk (2020). European Union (Withdrawal Agreement) Act 2020. [online] Legislation.gov.uk. Available at: https://www.legislation.gov.uk/ukpga/2020/1/contents

Processing times

96. The IMA began discussions with the Home Office about delays with processing applications and an associated backlog in April 2021.

97. The Home Office considers there to be a difference between applications which take longer due to complexities and processes outside Home Office control (which it describes as 'protracted') and those which may be delayed for other reasons. Regardless, the IMA considers that the duration of processing remains relevant in assessing how effectively applications are being progressed and managed in practice and to assess applicants' experiences of the process.

98. The Home Office refer to the applications awaiting outcomes as the WIP.

99. The IMA highlighted concerns over the length of time some applicants were being required to wait for their application to be decided.

100. Prior to the commencement of the Inquiry, the IMA assessed that there is an obligation under the Agreements to decide an EUSS application within a 'reasonable time period', but what is 'reasonable' will be different for different cases – for example, more complex cases requiring further evidence would likely take longer than a 'straightforward' application.

101. During the early stages of the Inquiry, Home Office information published on GOV.UK stated that an EUSS application would usually take around six to eight weeks to conclude. Current Home Office processing times indicate that "It may take up to a month for complete applications to be processed, if no further information is required".[18]

102. Previous information on GOV.UK relating to expected processing times for EUSS applications suggested that in straightforward, non-complex cases, applications that do not require further evidence, the target was five days to complete an application.

103. At the start of the Inquiry the Home Office's published processing time on GOV.UK for EUSS applications was 6 to 8 weeks. On 7 August 2023, the Home Office updated this and expected times for processing applications is now up to a month, and in some instances decisions may take longer.[19]

18 GOV.UK. (n.d.). EU Settlement Scheme: current estimated processing times for applications. [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-application-processing-times/EU-settlement-scheme-pilot-current-expected-processing-times-for-applications

19 EU Settlement Scheme: current estimated processing times for applications – GOV.UK

104. The IMA recognise that processing times vary across applications, with significant numbers concluded within the expected timeframes.

105. This work considers how applications that take longer to conclude are progressed and managed and aims to explore and explain the reasons why some decisions take longer than others.

106. When conducting the Inquiry, the IMA did not set parameters, restrictions, or limitations in defining a 'delay' in the context of EUSS application processing times. For this Inquiry dip sampling focused on those applications that had been pending for six months or more. The data referred to in the report refers to all applications, not just those over six months.

107. The IMA was also concerned that prolonged decision-making timelines under the EUSS may contribute to a climate of uncertainty that could affect engagement among citizens who have not yet applied.

108. While a valid application results in the issuance of a CoA, which provides a temporary protection, the Home Office is unable to quantify how many individuals may be eligible for the EUSS but have not applied.

109. In this context, the concern is framed as a potential risk, reflecting the possibility that perceptions of prolonged or uncertain waiting times may discourage some individuals from engaging with the scheme.

110. The IMA have considered how protracted application processing times and ongoing delays in issuing decisions on pending applications may impact capacity which may contribute to waiting times of any future applicants.

111. Throughout the course of the Inquiry, the IMA has identified various complex processes that could be perceived as 'delaying' applications. The information gathered during the Inquiry has assisted in understanding some of the complexities surrounding the suitability and eligibility stages of EUSS, which may offer some explanation about the cause of delays.

112. Some delays could be attributed to the nature of some of the cases the IMA has considered, which may require further exploration and enquiries by the Home Office i.e., "non-straightforward" applications which are concentrated on issues such as criminal convictions, fraudulent documents and safeguarding issues relating to children and vulnerable adults.

113. Whilst application delays remain an issue for some applicants, this Inquiry has allowed the IMA to consider a view that some delays identified and reported leading up to the Inquiry, may be explained and could be considered as reasonable in the circumstances.

114. This report has examined the complexities identified within the EUSS application process and sets out conclusions and recommendations intended to address those issues. As set out earlier in this report, the Home Office's obligation to consider and respond to those recommendations is set out earlier in this report (see paragraph 95).

Part 2: The process for issuing decisions on applications to the EU Settlement Scheme

EUSS application journey

115. In broad terms, the process for determining an application is split into three stages: (1) validation, (2) suitability, and (3) eligibility.

Figure 1: EUSS application journey (IMA)

116. This is consistent with the approach taken across the immigration system. The main EUSS casework system (called PEGA) was designed in anticipation of dealing with a very large volume of cases.

117. According to published statistics, as of 30 September 2025 the total applications received to the EU settlement scheme is 8,662,309, of which 8,550,572 have been concluded since the EUSS was launched on 28 August 2018.[20]

20 Home Office (2025). EU Settlement Scheme – summary tables, year ending September 2025. (2025). Available at: settlement-scheme-quarterly-statistics-tables-sep-2025.ods

Validity

118. Validation is the first stage and verifies the identity of an applicant through a valid passport or national identity card.

119. In the UK, a CoA is issued at the end of the validity stage and is treated as the evidence that a citizen has made an application under the EUSS and are entitled to the rights they are entitled to under the Agreements until their application is concluded. A CoA is therefore an essential document for those citizens who have applied under the EUSS but have not yet received a decision on their applications.

120. For applications made from 9 August 2023, there is an additional stage, known as the "Reasonable Grounds Test", that takes place prior to validation, in order to assess if the application has reasonable grounds for their delay in applying after the end of the grace period (30 June 2021) or after the deadline applicable to them as a JFM.[21]

121. A full description of the validity stage is provided in the IMA's Inquiry Report into issuance of CoA.[22]

21 GOV.UK. (2025). EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members (accessible). [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-case worker-guidance/EU-settlement-scheme-EU-other-EEA-and-swiss-citizens-and-their-family-members-accessible#Making_an_application

22 An Inquiry by the Independent Monitoring Authority for the Citizens' An Inquiry by the Independent Monitoring Authority for the Citizen's Rights Agreements into Certificates of Application

Suitability

122. The suitability stage assesses an application under the EUSS. This includes an assessment of suitability by the Suitability Assessment Team (SAT), following the successful journey through the validity stage.

123. This assessment is based on the applicant's personal conduct or circumstances in the UK and overseas. This will include whether they have any "relevant" prior criminal convictions, and whether they have been open and honest in their application.

124. The assessment of suitability must be conducted on a case-by-case basis.[23]

125. Several teams are involved in the suitability process and whilst an application may not visit each team, it is likely that the more complex the case, the more teams will be involved in the decision on whether a case will progress to the next stage at eligibility or be routed elsewhere.

Eligibility

126. If an application meets the relevant criteria at the suitability stage, an application will then progress onto the eligibility stage.[24]

127. This is the final stage of considering an EUSS application under the requirements in Appendix EU, following which a decision is made regarding whether status will be granted to the applicant and, if so, whether that status will be PSS or SS.

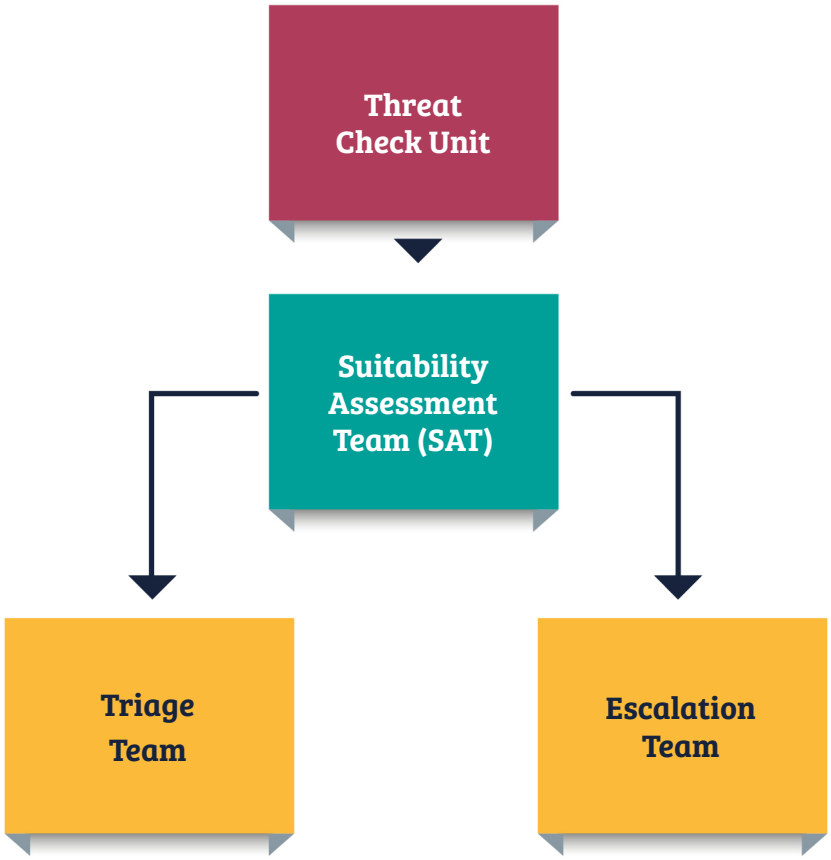
128. During the Inquiry, the Home Office confirmed that "currently all applications submitted to the EUSS require some form of caseworker involvement" and therefore the application process was not completely automated; whether that is a straightforward application or something more complex, each case is assessed by at least one caseworker.

129. A more in-depth review of the suitability and eligibility is included below.

23 GOV.UK. (2025). EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members (accessible). [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-case worker-guidance/EU-settlement-scheme-EU-other-EEA-and-swiss-citizens-and-their-family-members-accessible#Suitability

24 GOV.UK. (2025). EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members (accessible). [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-case worker-guidance/EU-settlement-scheme-EU-other-EEA-and-swiss-citizens-and-their-family-members-accessible#making-an-application-Eligibility

Figure 2: Threat Check Unit command structure (IMA)



130. The Threat Check Unit are the overall command and are primarily responsible for conducting detailed criminality and Home Office security checks. Each outcome is considered on a case-by-case basis, taking into account the individual's behaviour and circumstances both in the UK and overseas. This includes assessing any relevant criminal convictions and whether the applicant has been truthful and transparent in their application.

131. The unit works with sensitive and confidential information and has access to a range of systems. These systems include:

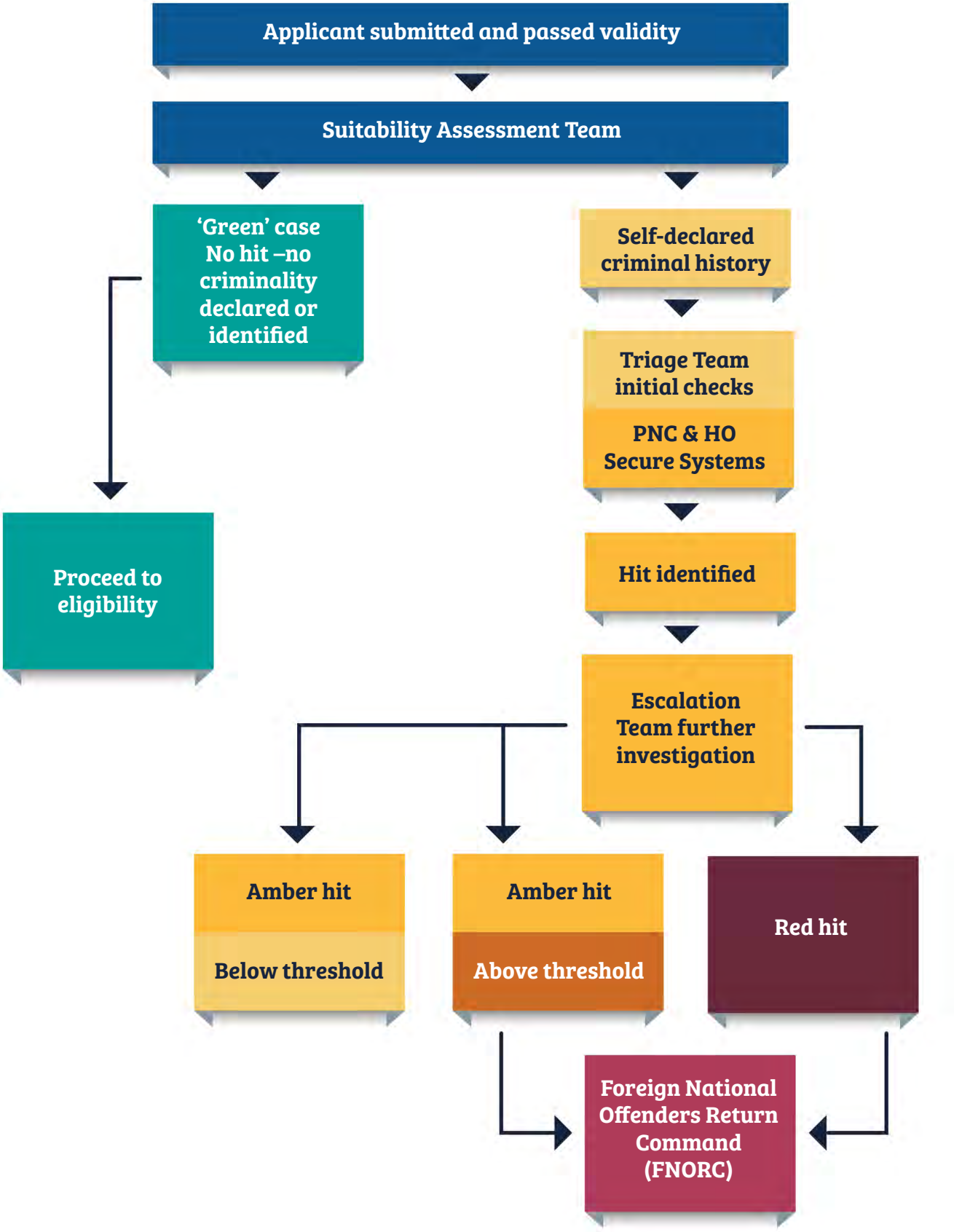
- **Police National Computer (PNC)**[25]
  A secure database which provides police and law enforcement agencies with access to a centralised source of information concerning individuals, property and vehicles. This is the primary system used to record criminal offences.
- **Home Office Secure System**
  Database used to assess the risk posed by individuals seeking to enter or leave the UK.

132. The suitability process begins with an initial triage stage, each case that passes through this stage is handled by the Triage Team. 'Green' cases—those falling below the scheme's thresholds—are passed to eligibility, whilst 'amber' and 'red' cases are directed to the Escalation Team for further investigation. The Escalation Team operates as the complex casework unit within the Suitability Assessment Team.

133. The process below shows the initial route an application can take through suitability.

25 Home Office (2023). Code of Practice for the Police National Computer (PNC) and the Law Enforcement Data Service (LEDS) (accessible). [online] GOV.UK. Available at: https://www.gov.uk/government/publications/code-of-practice-for-the-police-national-computer-and-the-law-enforcement-data-service/code-of-practice-for-the-police-national-computer-pnc-and-the-law-enforcement-data-service-leds-accessible

Figure 3: Application route through suitability stage (IMA)



134. SAT caseworkers are analysts, not decision makers. When a 'hit' is identified, SAT caseworkers engage with other agencies – both internal and external to the Home Office – for further investigation. This process is explained in more detail below.

135. When applying to the EUSS, the applicant is invited to self-declare any criminal records. Any self-declared criminal history can help to expedite the application process because it might negate the need for further investigation.

136. SAT have an internal service level agreement of three days in which to complete the migration of all cases. The IMA has not explored whether the Home Office is consistently meeting this target as part of this Inquiry as the dip sampling exercise focused on more protracted cases that were six months older or more.

137. If no criminal history has been provided by the applicant and there is no 'hit' (i.e., no record) on the PNC or the Home Office Secure System and no alias is identified, the case is progressed directly to the eligibility stage.

138. If no new alias is identified, the caseworker completes their initial assessment of the application to determine the next steps. At this stage, the caseworker may need to contact the applicant to request additional information (for example, clarification on self declared criminal history).

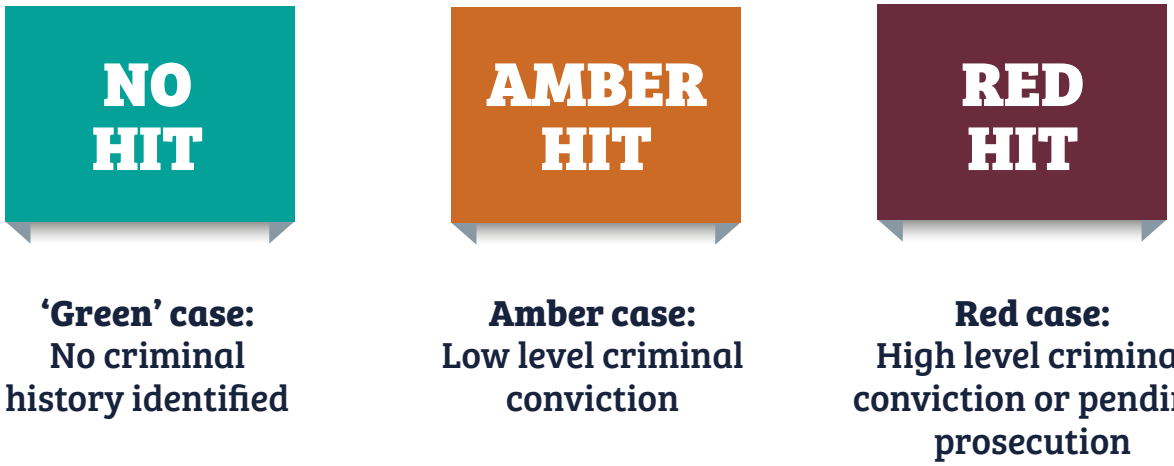
139. The applicant is given seven days to respond. This stage may take longer if the applicant does not reply within the timeframe or if the information provided is incomplete or unclear.

140. If a sufficient response has been received, the caseworker continues assessing the application to decide whether a referral to another team is required. If no referral is necessary, the application progresses to the next stage at eligibility.

141. If a 'hit' is identified on either PNC or Home Office Secure System, or self-declared by the applicant, then the case is allocated to a SAT caseworker to undertake checks for matches or aliases on PNC and Home Office Secure System

142. A 'hit' is defined as either amber or red.

Figure 4: SAT triage team 'hits' (IMA)



Amber 'hit'

143. The Home Office define an amber hit as "low level criminal conviction or other issue raised such as potentially lost/stolen passport) requires further investigation by the Escalation Team."

144. If an amber hit reveals a case which is below the threshold contained within caseworker guidance, then the SAT team have an internal Service Level Agreement (SLA) of three days in which to complete the migration to eligibility. The IMA has not explored whether the Home Office is meeting this target, as the Inquiry was focused on more protracted cases.

145. An amber hit which exceeds the scheme's threshold will be referred for further investigation to the Escalation Team, the complex casework unit within SAT. Cases allocated to the Escalation Team are placed on hold, referred to as "held" while relevant enquiries are made with internal teams and external partners. These can include:

- Pending Prosecutions (pre judgement in K v SSHD)
- Lost/Stolen Passports
- Intelligence Markers
- Foreign National Offender Removal Command (FNORC)
- Overseas Convictions Team /Criminal Records Office (ACRO)
- National Crime Agency (NCA)

146. These agencies do not take ownership of SAT cases; rather they provide information, intelligence checks or international enquiries in order to support SAT in reaching a decision. SAT will resume work on the case once the necessary information has been received.

Red 'hit'

147. The Home Office define a red hit as "high level criminal conviction". A red hit is directed to FNORC who review and decide next steps, leading potentially to referral to Immigration Enforcement.

Escalations Team

148. This is a complex casework unit within SAT, responsible for conducting further enquiries into "held" cases and subsequently reviewing, as well as deciding next steps, including re directing to other agencies such as ACRO and FNORC.

Association of Chief Police Officers Criminal Records Office (ACRO)[26]

149. Applicants over the age of 18 are required to provide information about overseas criminal convictions (as well as convictions in the UK) and the Home Office indicate within their guidance that they may carry out further enquiries in relation to these.

150. Where overseas criminal history has either been self-declared by an applicant or identified via checks with PNC/ Home Office Secure System, an Overseas Conviction Certificate (OCC)[27] may be required – this is the process of obtaining a criminal record check from another country, specifically where the identified/suspected crime took place, although in certain instances the Home Office may also contact the country of the applicant's nationality, if there is intelligence to support potential criminal history in that country.

151. The Home Office Standard Operating Procedure (SOP) states that "SAT requires an ACRO certificate when overseas convictions have been identified or suspected".

152. Within this context, 'suspicion' arises from an applicant having self-declared an overseas offence that resulted in a sentence of 12 months imprisonment or longer, or that was violence or drug related.

153. 'Identified' criminal history occurs when relevant information is available, for example through the interrogation of intelligence systems such as PNC and the Home Office Secure System.

26 Police.uk. (2023). ACRO | Criminal Records. [online] Available at: https://www.ACRO.police.uk/s/

27 GOV.UK. (n.d.). Guidance on the application process for criminal records checks overseas. [online] Available at: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas

154. The purpose of the OCC is to verify whether an individual has a criminal record in a country outside of the UK. The check is also carried out to corroborate criminal history information received through the course of the EUSS application, or to seek further criminal records data regarding a Foreign National Offender (FNO) where necessary.

155. Home Office policy indicates that an overseas criminal check will not generally be required where the applicant has declared an overseas conviction, has at least five years' continuous residence in the UK, and there is no evidence of UK offending following a PNC check – the Home Office suggest that they will carry out a check if there is reason to believe that the level of offending may need further investigation.

156. For example, it could be that the applicant provides limited information about the overseas conviction and confirmation of the offence and conviction length is required to ensure that this is accurately assessed in line with the relevant thresholds.

157. In this instance the SAT caseworker will submit details of the identified or suspected overseas criminal history to ACRO (directly to ACRO EUSS Single Point of Contact).

158. The Home Office state – "we have built a strong collaborative working relationship with ACRO colleagues to ensure that these checks are processed in as timely a manner as possible. As part of our efforts to improve the process, we agreed with ACRO to allocate a dedicated member of staff to specifically manage and progress EUSS referrals".

159. The request is reviewed for mandatory requirements and submitted to the relevant country i.e. the country where the identified/ suspected crime(s) took place. Each country will have their own mandatory requirements and generally include the need for an individual's personal information.

160. Each request is then sent to the relevant Central Authority of the destination country.

161. The response is then reviewed by ACRO, and any conviction information is returned to SAT.

162. If ACRO are unable to obtain the OCC from the country in question, for such reasons as a lack of response, then this can result in ACRO chasing this with the country in question, possibly escalating to more formal legal routes where required.

163. The Home Office told us that response rates for OCCs can vary from country to country. It is important to note that EU and EEA EFTA member states have a legal obligation under Article 18(1)(p) of the Agreements and Article 17(1)(p) of the EEA EFTA Separation Agreement (which reference Article 27(3) of Directive 2004/38/EC)[28] to respond to UK requests for conviction certificates.

164. Within the ACRO EUSS WIP of 443 cases (as of 28 March 2024), there were 85 cases awaiting a response from non-EEA countries

165. This appears to be a challenging area of work involving numerous stakeholders across UK government and overseas.

166. The Home Office are currently exploring several options for resolution and have told us that they continue to explore all routes of communication with relevant countries.

167. If the OCC has been received, ACRO will then send the OCC to the SAT caseworker, for them to assess whether the criminal history in question breaches the suitability threshold or not.

168. If criminal history breaches the suitability threshold, the case is then referred to FNORC.

169. If criminal history does not breach the suitability threshold, it is reassigned to SAT. Due to the potential time that has passed, the SAT caseworker will again perform the same initial checks for any potential suitability issues that have occurred since the previous check.

170. If no additional criminal history is identified, the application is passed through to the next stage at eligibility.

171. There is a 20 day SLA for EU Member States to respond to requests from the UK; however, no equivalent response time agreement exists for non-EU countries.

172. The Home Office told the IMA that if they have not received a response to an ACRO request within a 'reasonable time period', they will contact ACRO to ascertain the reasons for the delay.

28 Legislation.gov.uk. (2020). Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. [online] Available at: https://www.legislation.gov.uk/eut/withdrawal-agreement/article/18

173. When the IMA asked the Home Office about their escalation process where the SLA is not met, the Home Office stated "There is currently no standard practice for escalating responses with relevant authorities. The Withdrawal Agreement permits a two-month period for responses which is more generous than the 20-working day limit under the EU-UK Trade and Co-operation Agreement".[29]

174. It was unclear how often returns were made in line with the above timescales.

175. ACRO told us about difficulties in receiving OCC from certain countries and where there are concerns relating to response rates.

176. The Home Office state that "ACRO will liaise with Home Office and Foreign, Commonwealth and Development Office[30] teams to support this bilateral discussion."

177. If SAT cannot obtain an OCC, the Home Office state that "when all avenues have been exhausted and it is considered there is no prospect of a conviction certificate being obtained", the process will be deemed exhausted and "the case will be referred to FNORC for deportation consideration."

178. As of October 2024, the oldest case still pending due to an outstanding ACRO request is from April 2019 – "The case is on hold pending a response from the relevant state. This matter has been escalated via diplomatic channels".

179. On 2 August 2023 the 'ACRO aged cases' project commenced – this project was specific to ACRO cases and was instigated in order to reduce the outstanding caseload.

180. When the IMA initially started reviewing delayed EUSS applications, figures showed that in March 2023 the pending applications within ACRO accounted for 600 cases. This has now been reduced to 443 cases in March 2024 and appears to be a result of the close collaborative working relationships established between SAT and ACRO.

181. In November 2024, the Home Office confirmed that "After recent successful engagement with some of the countries with which we were experiencing significant delays, there are 36 applications currently on hold."

29 GOV.UK (2020). Trade and Cooperation Agreement. [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf

30 GOV.UK. (n.d.). Foreign, Commonwealth & Development Office. [online] Available at: https://www.gov.uk/government/organisations/foreign-commonwealth-development-office

Foreign National Offenders Returns Command (FNORC)[31]

182. FNORC is part of Immigration Enforcement and is responsible for considering the deportation of foreign nationals convicted of criminal offences in the UK. Its remit includes assessing whether deportation should be pursued, progressing cases through the appropriate stages of the removal process, and ensuring that decisions are lawful and comply with safeguarding responsibilities.

183. Within EUSS casework, FNORC becomes involved where an EU, EEA or Swiss national (or their family member) has criminality identified during an application.

184. Following an assessment of suspected or identified criminality by SAT, where offending meets the threshold for deportation consideration, the caseworker will refer the case to FNORC for consideration.

185. FNORC's role is to consider each referral on a case-by-case basis and to determine whether pursuing deportation is appropriate in parallel to, or in consequence of, an EUSS decision.

186. FNORC assesses whether offending occurred in the UK or overseas and whether the individual falls within deportation criteria.

187. Where overseas convictions are relevant, the Foreign Convictions Team (FCT) may need to verify conviction information with foreign authorities.

188. On some occasions, this assessment may take some time as they collect the additional information needed before deciding on the case. For example, it may be necessary to request Home Office files to establish evidence of previous deportation orders and conduct investigations into identity and nationality.

189. At the time of our evidence gathering and prior to the case of K, this directly affected EUSS applicants whose cases could not progress until a criminality assessment was complete.

190. If FNORC determines that deportation is not appropriate—because the offending does not meet the criminality threshold—the case does not proceed through the deportation route and instead continues through standard EUSS casework processes and moves forward to the next stage of the EUSS decision-making process at eligibility.

191. If FNORC concludes that deportation is appropriate, the case transitions from SAT to FNORC for the issuing of statutory notices and future decision making.

31 GOV.UK. Immigration Enforcement. [online] Available at: https://www.gov.uk/government/organisations/immigration-enforcement

Stage 1 Notices in deportation cases

192. Where FNORC intends to pursue deportation action, it may issue a Stage 1 Deportation Decision Notice (also referred to as a Notice of Decision to Deport). This letter informs the individual that deportation is being considered and invites them to provide representations explaining why they should not be deported.

193. Notices may be served by email, post, or in person for detained individuals.

194. Stage 1 notice does not carry a right of appeal.

195. Not all EUSS referrals will receive a Stage 1 notice following referral to FNORC and acceptance, this is because they may already be part way through the deportation process and therefore already in receipt of the Stage 1 Notice or they may already be subject to an existing deportation or exclusion decision.

196. If an EUSS applicant does not make representations in response to the Stage 1 notice, they can choose to leave the UK voluntarily while FNORC is pursuing deportation. In doing so, they will be requested to sign a consent form allowing their EUSS application to be withdrawn.

Stage 2 Deportation decisions and appeal rights

197. After assessing any representations provided following the Stage 1 notice, FNORC may issue a Stage 2 deportation decision, which typically includes a refusal of a human rights claim and a deportation order. This is the point at which the individual gains a right of appeal. EUSS refusal decisions have their own statutory appeal rights under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

198. For EUSS applicants, a refusal of an EUSS application is issued separately but may be served alongside the Stage 2 deportation notice.

199. The IMA has seen that there can be delays within this part of the process for several reasons. Specifically in relation to overseas offending, the case may meet the deportation or exclusion criteria but given the length of time since the offence was committed it may not be considered proportionate to pursue deportation.

200. In these cases, the FCT must engage with senior managers to concede deportation, and the case can only be rejected once authorisation to concede is received.

201. Before the responsibility transferred to SAT, FNORC were responsible for obtaining ACRO certificates and there would be a delay following referral whilst the certificate was pending. The triage process can sometimes be impacted by delays in obtaining OCC certificates from certain countries. The Home Office reiterate that the timescales for obtaining OCCs are "entirely outside our control".

202. As of 28 March 2024, there were 1,129 cases on hold awaiting triage by FNORC. No further figures were collected for comparison.

203. Our case sampling indicated that working arrangements between SAT and FNORC are generally effective, with some examples of constructive collaboration to support the progression of cases. This includes joint approaches to triage and the sharing of relevant documentation to improve visibility of decision making and support smoother case handling.

204. SAT has also taken steps to strengthen internal processes through ongoing review and refinement of its triage activity.

205. However, the IMA found no evidence of a formal SLA governing how decisions are exchanged between the two teams. When this possibility was raised, the Home Office advised that a formalised agreement would be difficult to maintain due to the variability and complexity of individual cases, which can significantly affect the pace of progression.

Other agencies

206. In some circumstances the Home Office have cause to contact other UK agencies to complete additional checks, whether self-declared or identified through Home Office checks. These agencies are not within the direct control of the Home Office.

207. During the IMA case sampling exercise, we were told that, as EUSS processes evolved, early referral methods—such as spreadsheets lacking consistent supporting notes—created challenges for caseworkers. SAT has since taken steps to improve these issues by strengthening audit trails within the caseworking system and introducing clearer case status markers and in some circumstances having direct access to systems. The Home Office told the IMA that they had seen some increased in resources in outside agencies to prioritise EUSS referrals.

Pending Prosecutions

208. In the case of Krzysztofik v SSHD,[32] the Upper Tribunal examined the 'Pending Prosecutions' section of the EU Settlement Scheme: Suitability requirements version 8.0 policy, which provided for certain applications to be paused where there was a pending prosecution. The IMA determined this policy was incompatible with the Agreements and decided to intervene in this case.

Background

209. The claimant 'K' applied for status under the EUSS, which assesses an applicant's suitability based on personal conduct, including any prior criminal convictions. The claimant's application was paused shortly after it was received as K was waiting for the outcome of charges relating to pre-Brexit conduct.

210. At the time, the Secretary of State's policy was to pause EUSS applications where "the applicant has a pending prosecution which could lead to a conviction and a refusal on suitability grounds and does not otherwise meet the criteria for referral to [immigration enforcement] in respect of any other offence" until the outcome of the prosecution was known.

Upper Tribunal decision

211. The Upper Tribunal found that the policy of automatically pausing some applications due to pending prosecutions without consideration of an individual's circumstances was a breach of the Agreements and led to unwarranted and disproportionate delays in the processing of applications.

Outcome

212. As agreed in a court order consequential upon the judgment, the Home Office updated its guidance on EUSS suitability requirements in September 2024.

213. The updated guidance made it clear to caseworkers a pending prosecution does not prevent them progressing the consideration of the application.

214. The Inquiry has allowed the IMA to seek clarity on the position for existing EUSS applicants with a pending prosecution (those whose EUSS application predates the updated suitability guidance) and how their application will be managed in line with updated EUSS suitability guidance on 26 September 2024.

32 Service.gov.uk. (2021). Tribunal Decisions. [online] Available at: https://tribunalsDecemberisions.service.gov.uk/utiac/jr-2021-lon-001727

215. In response to the judgement, the Home Office outlined that SAT reviewed all applications that were on hold under the previous guidance. Cases in which the applicant was identified as vulnerable or homeless were prioritised, otherwise cases have been reviewed in date order. Subject to updated suitability checks, cases were progressed to the eligibility stage.

216. The same process is also being applied to new applications with a pending prosecution, which are no longer being held due to the pending prosecution alone.

217. Between the end of September 2024 and 12 November 2024, the backlog of pending prosecution cases decreased by 51%.

Eligibility[33]

218. Once an application passes the suitability assessment, it progresses to the final stage of the EUSS application process to determine the applicant's eligibility for PSS or SS.

219. When an application arrives at the eligibility stage, it is placed in a queue via the 'PEGA' casework system, awaiting allocation to a caseworker, based on the date of the application.

220. Routing of applications within PEGA is based on the answers provided by the applicant in their application. If the applicant answers certain questions 'incorrectly', it is possible for their application to be routed in a way which means that the applicant is not initially assessed against the criteria most relevant to them.

221. Rather than refusing an application at this point, the Home Office will look for alternative routes within EUSS, through which an applicant may be eligible e.g. if an applicant has applied for SS and does not qualify, a caseworker will then consider if they qualify for PSS.

33 GOV.UK. (2025). EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members (accessible). [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-case worker-guidance/EU-settlement-scheme-EU-other-EEA-and-swiss-citizens-and-their-family-members-accessible#making-an-application-Eligibility

222. In March 2024, a performance review implemented additional changes to the PEGA system, which further split up the queue (which was already split on 1 January 2021 to separate JFM applications) and categorised all applications by 'route', as follows:

- JFM[34] applications.
- PSS to SS[35] applications.
- 'In-time' applications (submitted by 30 June 2021).
- 'Late' applications[36] (submitted on or after 1 July 2021).

223. Caseworkers complete checks to consider whether a customer meets eligibility requirements as listed in the caseworker guidance[37] and, where required, will request further information and evidence of the customer's eligibility before a decision is made.

224. The Home Office say that this approach recognises that, although the oldest cases have always been prioritised, it is beneficial to have tailored approaches to the different cohorts. The Home Office says that this allows for more focused monitoring and informs allocation of resources according to demand.

225. While this may result in an individual application taking longer to decide, the Home Office stated that it is providing a more efficient service by using this method than if they were to refuse the application and require a further application to be made.

34 GOV.UK. (n.d.). Apply to the EU Settlement Scheme (settled and pre-settled status). [online] Available at: https://www.gov.uk/settled-status-EU-citizens-families/join-EU-EEA-Swiss-family-member.

35 GOV.UK. (n.d.). Apply to the EU Settlement Scheme (settled and pre-settled status). [online] Available at: https://www.gov.uk/settled-status-EU-citizens-families/switch-from-presettled-status-to-settled-status

36 GOV.UK. (n.d.). Apply to the EU Settlement Scheme (settled and pre-settled status). [online] Available at: https://www.gov.uk/settled-status-EU-citizens-families/Eligibility

37 EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members (accessible) – GOV.UK

Workflow and prioritisation in eligibility

226. At the eligibility stage, the following checks are undertaken:

- Residence requirements (non-JFM)
- SS: applicant must show continuous residence in the UK for at least 5 years, beginning before 31 December 2020, with absences limited to six months in any 12-month period, with some exceptions for certain longer absences.
- As of July 2025, the Home Office introduced a more flexible approach to qualifying for SS for those who already hold PSS – applicants can qualify if they can show residence in the UK for at least 30 months out of the last 60 months, prior to the application.
- PSS: applicant must show evidence of residence in the UK before 31 December 2020 and continuous residence for every six months following this date, up to the application date. As with SS, there is provision for longer absences in certain circumstances.

Evidence may include:

- P60s or payslips
- Utility bills or tenancy agreements
- NHS letters or GP registration
- School or university records

Family relationship evidence (if applying as a dependant or JFM)

- Marriage or civil partnership certificates
- Birth certificates for children
- Proof of cohabitation (for durable partners)
- Evidence that the sponsor (EU/EEA/Swiss citizen) was resident in the UK before 31 December 2020

Allocation of cases

227. Through case sampling, the IMA identified delays in some cases being picked up by an eligibility caseworker.

228. The Home Office confirmed that this was a result of the implementation on 9 August 2023 of the 'reasonable grounds' assessment at the validity stage for late applications. Eligibility staff were reallocated to undertake this assessment to ensure completion of the validity stage and issuance CoAs in a timely manner.

229. The Home Office informed the IMA that during this time daily monitoring revealed that the reasonable grounds assessment required less resource than anticipated and, as some delays were being seen at the eligibility stage, resources were adjusted accordingly across both areas to better address business needs.

230. Since the changes made in August 2023, there has been an overall reduction in the number of late applications submitted.

231. The EUSS quarterly statistics to 31 March 2024[38], published May 2024, stated that 30,410 late applications were submitted in the first quarter of 2024, compared to 61,550 in the same quarter of 2023[39] and suggested that the change had helped to deter spurious applications and that the Home Office could consider allocating more resource to deciding other applications.

232. Calculations based on the latest updates to the EUSS quarterly statistics up to 31 March[40] published May 2025, suggest that the updated total for late applications submitted in the first quarter of 2024 was 28,904 (16.45% of total applications received), and the updated total for same quarter in 2023 was 61,536 (34.18% of total applications received). This compares to 22,487 received in the first quarter of 2025 (19.3% of total applications received) suggesting a continuing downward trend in the volume of late applications received.

38 GOV.UK. (n.d.). Immigration system statistics, year ending March2024. [online] Available at: https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-Marchch-2024

39 GOV.UK. (n.d.). Immigration system statistics, year ending March2023. [online] Available at: https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-Marchch-2023

40 Office, H. (2025). Immigration system statistics, year ending March2025. [online] GOV.UK. Available at: https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-Marchch-2025

233. In order to allow a steady flow of cases, the Home Office operates designated "baskets" or "pots" within the PEGA system. These baskets and pots effectively remove more complex cases from the main 'Get Next' casework queue as they require attention from appropriately trained caseworkers.

234. The Home Office describes these types of cases as 'on hold'.

235. Cases may be held for various reasons, such as quality assurance checks or external dependencies like awaiting a response from other agencies such as local authorities following a safeguarding referral.

236. Cases in baskets can be reviewed at any time to establish if the case can be progressed. Cases on PEGA are automatically 'cleansed' every 90 days when security checks are re-run and a review of the case is always completed at that point.

237. Senior caseworkers are responsible for proactively managing their own basket and specific teams are also commissioned to undertake reviews. In December 2023, a wider assurance review of all baskets was undertaken, and monitoring continues to take place.

238. Upon allocation the caseworker will carry out initial document checks, including checks for:

- any other names (alias) used by the applicant within the documents
- any potential safeguarding concerns for children and vulnerable citizens
- potential fraudulent documents
- duplicate EUSS applications.

Aliases

239. If an alias is found, the application is routed back to the SAT to undergo additional checks.

240. If no alias is found, the caseworker conducts a "residency check".

Residency check (non-JFM)

241. A residency check involves the caseworker reviewing the applicant's documents for proof of residency within the UK, including the duration lived in the UK, as well as assessing whether, if applicable, the applicant has been an EEA citizen for the relevant period of time. A further check for fraudulent documents is undertaken at this stage.

Fraudulent documents

242. If the caseworker has any concerns regarding the authenticity of submitted documents, these are routed to the internal fraud team to investigate. If concerns over the veracity of the documents are not sufficiently addressed by further investigation, then the application will be refused.

243. Investigations into fraudulent documents can take some time to resolve.

244. The Home Office says that they see a significant volume of applications from individuals who are not eligible under the EUSS, including cases involving fraudulent or misleading documentation. Addressing such applications requires additional resource and caseworking time, which can impact the processing of eligible applications.

Sponsors

245. In some circumstances the applicant may have a 'sponsor' for their application. A sponsor is a family member of the applicant who is an EU, EEA or Swiss citizen with SS or PSS under the EUSS and whose rights under the EUSS allow the applicant to apply.[41]

246. A sponsor does not actively support an application but provides a basis for an applicant's eligibility.

247. To demonstrate eligibility, an applicant must prove the relationship with the sponsor through documents such as marriage or birth certificates, evidence of dependency or proof of cohabitation.

248. The caseworker will check the sponsor's EUSS status and corroborate the documents provided by the applicant to evidence dependency (if applicable) and authenticity of the relationship.

249. If there are no concerns with the evidence of relationship to the sponsor, the application is progressed by the caseworker.

250. Where concerns arise regarding the credibility of a relationship relied upon in an EUSS application, the case may be referred to the EUSS Interview Team (EUSSIT) for further consideration. These concerns can relate to safeguarding issues, vulnerability, or indications that a relationship may not be genuine.

41 GOV.UK. (n.d.). Apply to the EU Settlement Scheme (settled and pre-settled status). [online] Available at: https://www.gov.uk/settled-status-EU-citizens-families/join-EU-EEA-Swiss-family-member

251. Once referred, EUSSIT may invite the applicant and their sponsor, where relevant, to attend an interview so that further information can be gathered.

252. Interviews may take place at a range of locations across the UK, and EUSSIT will take reasonable steps to arrange an appointment that the applicant can attend. In some cases, interpreters are required.

253. The IMA observed that interpreter availability can create practical challenges and may affect the scheduling of interviews.

254. Following the interview, EUSSIT assesses the information provided to determine whether the relationship evidence is sufficient to allow the application to progress. Where no concerns remain, the case returns to the eligibility assessment stage for continuation through the standard decision-making process.

255. If concerns persist, or where the applicant does not engage with the interview process, the case is returned to the eligibility stage for a decision to be made on the basis of the information available.

Safeguarding

256. The PEGA system allows caseworkers to increase the urgency of a case to ensure it is prioritised in the 'Get Next' queue. This urgency rating can be used to prioritise cases, for example, those with safeguarding concerns such as a 'Marriage of Convenience' and child applications.

Marriage of Convenience

257. Under EU law a 'Marriage of Convenience' is defined as a marriage contracted for the sole purpose of enabling the person concerned to enter or reside in an EU Member State.[42]

258. The IMA were able to identify challenges faced by the Home Office in this area, such as the ability of the Home Office to verify overseas relationship documentation and the volume of interviews required where a Marriage of Convenience is suspected and the subsequent resource implication.

259. The Home Office highlighted the challenges faced with interviews where applicants either fail to respond to the interview invitation or do respond but then fail to attend.

42 Art. 16 (2b) of Council Directive 2003/86/EC (Family Reunification Directive)

260. This has a detrimental impact on resources given the casework preparation time required for such interviews. The Home Office confirm that there was high rate of non-compliance with an invitation to a marriage interview in relation to EUSS applications.

'Unlinked' child applications

261. The IMA did not identify any challenges to processing applications from children where the parent or guardian's own application details are not provided as part of that application.

262. In fact, the urgency level of 'unlinked' children is changed from 10 (standard level) to 100 (highest level) due to possible safeguarding issues, this means they will take priority in the caseworker queues and baskets.

263. The IMA were informed that children's cases can take longer, where safeguarding referrals to local authorities are required in order to comply with the Home Office's duty under Section 55 of the Borders, Citizenship and Immigration Act 2009[43]. It appears that engagement with local authorities varies and as a result the varied flow of information can lead to delays in application decision.

43 Legislation.gov.uk. (2022). Borders, Citizenship and Immigration Act 2009. [online] Available at: https://www.legislation.gov.uk/ukpga/2009/11/section/55

Specific cohorts of applications

Derivative rights[44]

264. Applications on the basis of 'derivative rights' (such as Chen, Ibrahim and Teixeira cases) are from applicants who did not qualify for a right of residence under the Free Movement Directive but may have had a right to reside in the UK before the end of the transition period derived from other EU law.

265. Some of these rights, such as those derived from the 'Zambrano' case[45], are not protected by the Agreements and are therefore outside the IMA's remit.

266. Notably within such paper applications, suitability and eligibility assessments are conducted simultaneously. Delays in processing applications occur primarily where eligibility deems an application should be "Moved to Refusal", yet the case must remain open until SAT have concluded their own checks.

267. The IMA asked the Home Office as to whether consideration has been given to the suitability and eligibility processes being completed simultaneously for all applications (not limited to derivative rights applications), however they told us that they do not think it is practicable to consider applications in this way, and such an approach would require significant changes to the case working systems.

Durable partners

268. Durable partners either already hold a relevant document as a durable partner of a relevant EEA citizen and therefore the Home Office state that they only require a "straightforward casework consideration that the partnership remains durable at the date of application (or did so for the period of residence relied upon)", or they fall under the JFM consideration.

44 GOV.UK. (n.d.). EU Settlement Scheme: derivative right to reside (Chen and Ibrahim/Teixeira cases) (accessible). [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-case worker-guidance/EU-settlement-scheme-derivative-right-to-reside-chen-and-ibrahimteixeira-cases-accessible--2

45 GOV.UK. (n.d.). EU Settlement Scheme: person with a Zambrano right to reside (accessible). [online] Available at: https://www.gov.uk/government/publications/EU-settlement-scheme-caseworker-guidance/EU-settlement-scheme-person-with-a-zambrano-right-to-reside-accessible

Joining family members

269. The Home Office indicate that there are considerable challenges within the JFM route which are derived from "a high rate of spurious applications from ineligible customers". Such applications could include self-sponsoring and involvement in a Marriage of Convenience.

270. Of the 1.8 million EUSS applications received from 1 July 2021 to 31 March 2024, 449,720 were from JFMs and, of the 92% of those applications concluded (414,450), less than half resulted in a grant of status. Most refusals are on the basis of the relevant family relationship not being evidenced.

271. During the case sampling exercise, the IMA identified delays in this area due to duplicate applications, for example from applicants applying under their own merit and then also as a JFM.

272. There were also delays apparent in allocating cases to a JFM caseworker once they arrived in JFM queue. The IMA was informed that there is a noticeable backlog of cases within the JFM caseworker queue.

273. This is reflected in the data provided by the Home Office which suggests a rising trend whereby numbers have gradually increased from December 2023 to June 2024.

274. The IMA considered whether there was a specific event or cause for this increase. The Home Office told the IMA that caseworkers reallocate cases whereby a citizen (who has applied under their own merit and would have been refused) but has also provided evidence that suggested they might be eligible to apply as a JFM.

275. However, the result of this would not cause a rise in JFM applications, in the overall WIP, and any delays that were identified in the JFM WIP relate only to those who have applied as a JFM.

276. In summary, rather than refusing an application outright, the Home Office has identified alternative routes through which an applicant may be eligible e.g. JFM. This approach can help avoid unnecessary reapplications and reduce delays by allowing potentially eligible applicants to be considered under the correct category without restarting the process.

Part 3: The problems that were identified

277. In this section of the report, we outline the issues and problems that we identified during our Inquiry that affected the timeframe in which decisions on applications to the EUSS were issued.

278. Between September 2023 and January 2024, as part of the evidence-gathering phase of the Inquiry, the IMA:

i. Issued a Call for Evidence
ii. Collected and analysed relevant data
iii. Conducted interviews with Home Office staff, and
iv. Reviewed 152 randomly selected EUSS applications made to the Home Office and a further 32 cases from the IMA's Call for Evidence. (case sampling exercise).

279. The Inquiry set out to gather information from a range of sources including the Home Office, as the public authority responsible for the EUSS; but also, citizens who have or are experiencing a delay in the determination of their applications and other stakeholders who have an interest or support citizens in this area.

280. The impact on citizens has been drawn out through the Call for Evidence responses and subsequent account records obtained, in which citizens explained the impact of delays on daily life in the UK. Please see 'Part 5: Impact on citizens' lives'.

281. The Home Office maintains that they aim to process all EUSS applications as quickly as possible, but each application is considered on a case-by-case basis and therefore some will inevitably take longer than others to process.

282. As a result of the Inquiry, the IMA has been able to explore the notion of 'case-by-case' further and explore some of the reasons why some applications to the EUSS take longer than others to be decided.

Case sampling overview

283. During our case sampling we reviewed a total of 184 cases that were six months old or more.

IMA cases (account records from Call for Evidence)	**32**
Suitability cases*	**60**
Eligibility cases*	**92**
Total cases reviewed	**184**

*Randomly selected by the Home Office

Summary of findings

284. The case sampling exercise revealed that delays were a consistent feature across both suitability and eligibility stages of the EUSS application process, although the most significant delays typically occurred during the suitability stage, particularly focused around applications where criminal activity has either been declared or identified by the Home Office and checks are needed with ACRO.

285. In some cases, these checks extended over several months or even years before the application progressed further.

286. Further delays within suitability were often linked to checks with FNORC or with agencies such as ACRO. In many of these cases, the timescales were influenced by other matters. For example, where criminal history involves overseas offending or potential extradition considerations, progress could be dependent on judicial processes or international cooperation mechanisms.

287. As a result, responses from these agencies could take an extended period – sometimes months or even years – before the necessary information was available to progress the application.

288. Case allocation delays were prevalent at this stage. Delays at both initial and secondary allocation (where a case returns to SAT after 'external' involvement e.g. ACRO certificate received, FNORC decision) were common, particularly during peak periods.

289. Once cases moved into the eligibility stage, case allocation times were generally shorter than at suitability.

290. In eligibility cases, some delays in processing cases for a decision were caused by misrouting between specialist teams or "pots" and repeated referrals to senior staff.

291. Further delays were seen as a result of the automated 90-day suitability checks, while intended to safeguard progress, often disrupted case flow and led to duplication or inconsistent handling.

292. A small number of cases experienced additional waiting periods in eligibility due to the need for policy clarification or guidance updates, particularly where refusal wording was involved.

293. In several cases, decisions to refuse were ready but paused until appropriate wording was confirmed. These delays typically occurred when:

- Updated policy and guidance pending as a result of legal judgements such as Velaj, Akinsanya (which related to Zambrano application types)[46].
- Refusal letters required review or approval from policy teams.
- Applicants had realistic prospects under alternative immigration routes (e.g. JFMs).

294. Overall, the findings suggest that while some improvements have been made, delays were still apparent, particularly for more complex cases. The sample, by design, focused on delayed applications, and therefore may not reflect the experience of all applicants. Nonetheless, it highlights areas where the process could be streamlined to improve timeliness and consistency.

Methodology

295. The purpose of this case sampling exercise was to assess whether the Home Office is determining EUSS applications within a reasonable timeframe. To do this, the IMA used a two-part sampling approach.

46 Although Zambrano applications are not in scope of the Withdrawal Agreement, this is distinct from the question of the IMA's remit. Zambrano applicants are still persons with a "relevant right" for the purposes of paragraph 41 of Schedule 2 to the EUWA 2020 and therefore fall within the IMA's oversight.

Dip sampling

296. The first part involved reviewing cases from individuals who had submitted complaints to the IMA or responded to our Call for Evidence. These cases were selected to help us understand how long applications were taking and whether delays were justified.

297. We compared information provided by citizens with Home Office records to build a fuller picture of their experience. This helped us identify where delays occurred and whether they were avoidable.

Random sampling

298. The second part involved a random sample of cases. We asked the Home Office to provide examples of the oldest unresolved cases at the time of inspection, to help us understand what causes some applications to remain outstanding for extended periods.

299. For this part of the exercise, we specifically requested cases that had taken six months or longer to reach a decision. This means the findings are focused on more complex, protracted or delayed cases and may not reflect the experience of all applicants.

300. In some instances, the cases reviewed involved criminality or other suitability concerns, which may have contributed to the delays.

301. The Home Office extracted a random sample of applications from each of the cohorts defined by the IMA. These included:

- **Suitability:** Pending prosecutions, overseas criminality (ACRO), deportation considerations (FNORC), safeguarding concerns, identity checks, and lost or stolen passports.
- **Eligibility:** Proof of residence, derivative rights (Chen and Ibrahim/Teixeira cases), JFMs, unlinked child applications, durable partners, marriages of convenience, and non-EEA or non-Swiss citizen sponsors.

302. To carry out the sampling, members of the IMA Inquiry Team attended Home Office sites and sat with caseworkers who guided us through each case. We used a standard case chronology template to record our findings.

303. Given the size and nature of the sample, no statistical inference has been drawn from the findings. Instead, the report presents qualitative insights into how the system works for applicants whose cases have taken longer than expected.

Dip sampling – IMA case studies

304. The review of 32 case studies drawn from the Call for Evidence highlights issues in the handling of EUSS where citizens experienced delays.

305. Across the sample, there were a range of delays seen. Some cases concluded within two months while others extended beyond three years, with the longest delay recorded at 44 months.

306. The longest delays were almost exclusively linked to complex suitability checks and referrals to the FNORC, where cases involving serious criminality or pending prosecutions remained unresolved for extended periods.

307. In one instance, a case was effectively frozen for 30 months due to an IT defect that prevented progression between internal systems.

308. During the case sampling visit, we identified that this application had remained in the suitability stage for approximately 22 months due to an IT fault.

309. The Home Office explained that the issue affected 13 cases in total and confirmed that a technical fix has since been implemented, supported by a fortnightly IT working group to prevent recurrence. At the time, however, the defect meant that cases became effectively "stuck" during the transition between PEGA (validity) and Atlas (suitability), preventing any further progression.

310. While suitability and FNORC processes accounted for the most severe delays, other recurring factors compounded the problem. Several cases were held up at the validity stage, often due to biometric scheduling issues or manual verification requirements – this matter falls outside the scope of the current Inquiry, as it was examined during the IMA's first Inquiry into the issuance of CoA.

311. Eligibility allocation delays were also common, with cases sitting in WIP queues for weeks or months before being picked up. Applications being misrouted to specialist pots added further inefficiencies.

312. There was evidence of repeated requests for the same evidence by different caseworkers. It appeared that case notes were not always reviewed in full before making requests for evidence to citizens which resulted in duplication. In some cases, the duplicated request was for evidence already received by the Home Office.

313. The human impact of these delays was evident throughout the complaints. Although the CoA is intended to provide temporary protections – allowing individuals to work, rent and access services while their application is pending – citizens reported that, in practice, these protections were not always recognised.

314. Several described losing job opportunities or being unable to start work because employers were uncertain about the validity of CoAs or share codes.

315. Others experienced housing insecurity, including mortgage refusals and tenancy rejections, despite the protections the CoA is designed to afford.

316. A number of citizens also reported being denied boarding or entry at the border, which remains a documented area where issues are prevalent.

317. Many applicants described repeated, often unsuccessful attempts to obtain updates from the Settlement Resolution Centre (SRC), compounding feelings of uncertainty and distress.

318. A consistent theme emerging from the analysis is the need for clearer, more proactive communication from the Home Office about expected processing timelines. Providing applicants with realistic timeframes and regular status updates would help manage expectations and reduce uncertainty.

319. Equally important is reinforcing the practical value of the CoA as evidence of rights while a decision is pending. Ensuring that applicant and those who rely on their status, such as employers and landlords understand the legal effect of the CoA could significantly mitigate both the practical challenges and the emotional strain caused by prolonged delays.

Random case sampling – suitability

320. The case sampling exercise reviewed 60 cases within the suitability stage of the EUSS application process, mainly between 2022 and 2023 with some references to 2019 and 2024.

321. It is important to note that the Home Office was specifically asked to provide cases that took six months or longer to process. As a result, the cases reviewed were more likely to involve complex circumstances, including criminality or other suitability concerns. This means the findings may not reflect the experience of all applicants and should be viewed as a focused look at the more challenging end of the caseload.

322. Each case sampled required SAT to conduct checks with other departments or systems with the Home Office such as FNORC, PNC or other agencies such as ACRO.

323. These checks appear to be the main source of delay, alongside case allocation and prioritising the WIP backlog. Older backlogs from the 2022 peak in applications led to allocation delays that we saw reaching into 2023.

324. Notably ACRO OCC certificates requests appear to show certain countries are slower to return information and therefore create a bottleneck.

325. Other issues include the timeliness of FNORC decision making and delays in police forces updating PNC.

Caseworker allocation delays

326. Within suitability the case allocation issue was two-fold:

- Initial allocation – the time from when a case enters the suitability queue to when a caseworker first picks it up.
- Reallocation – this is a secondary allocation when a case returns to SAT after external agency involvement e.g. OCC received, FNORC decision) and needs to be picked up again.

327. During the 2022 backlog peak it appears that many cases waited one to three months (sometimes longer) before a caseworker first picked them up and after further checks are conducted (ACRO, FNORC etc.) cases often waited again for reallocation to a caseworker.

328. In 2023 improvements to the process were implemented. SAT introduced an FNORC "master document", embedded staff, and regular ACRO/FNORC meetings; plus, training so SAT can run checks on secure systems.

329. Allocation times in many 2023 cases dropped to days or weeks but not uniformly, and second allocation was still an issue in some cases.

ACRO/ Overseas Criminal Conviction Certificates

330. Through our case sampling we saw long delays in obtaining responses to ACRO requests for OCCs, some often between six to nine months and some legacy cases waited three and a half to four years – these appear to be outliers.

331. In earlier cases we saw SAT sometimes resubmitting requests to ACRO to "chase" creating duplication and further delays.

332. From case samples we saw that several process improvements took place during 2023 including embedded staff in ACRO and fortnightly and monthly meetings and a shared master document for tracking cases. These steps have reduced some waits from six to nine months to four to six weeks in best cases, but country specific delays persist.

FNORC

333. During the case sampling we learned about FNORC and their role in the EUSS application process. It is a specialist decision-making body that reviews serious criminality or complex suitability cases for EUSS applicants, especially where overseas convictions or pending prosecutions are involved.

334. SAT gathers evidence first e.g. OCC, PNC updates. Once SAT believes the case meets the threshold for referral to FNORC, it submits the case to FNORC for advice or a decision on whether to proceed, refuse, or apply additional conditions.

335. FNORC's decision is often a gateway to moving the case forward to eligibility or final outcome and delays here stall the entire application, even after ACRO or other agency checks are complete.

336. When conducting our case sampling exercise, FNORC decision delays were common – 35% (21 cases) of cases sampled mentioned outstanding FNORC action. Many cases show FNORC taking months (sometimes six to twelve months) to accept or decide on a case.

337. One older case shows FNORC involvement stretching to four years, though this includes other barriers like pending prosecutions and COVID-era disruption.

338. There were also examples of SAT chasing FNORC decisions in bulk, typically on a monthly cycle, which can add extra delay if a case misses a cycle.

339. Improvements were seen in 2023, with the FNORC "master document" created in April 2023 for shared tracking, as well as embedded staff and regular meetings introduced to speed up decisions (see paragraph 328).

340. Some recent cases show FNORC decisions in weeks to a few months, compared to year-long waits before.

Other agencies

341. When a case involves indicators of serious offending SAT engage with other agencies to obtain information pertinent to the case. These cases can sometimes involve matters that span multiple jurisdictions, which adds complexity and may require coordination beyond the Home Office.

342. External partners provide information that supports SAT in determining next steps in the assessment process. Our case sampling showed that some cases can experience extended delays, particularly where international processes or multiple countries are involved.

343. The Home Office described a number of steps taken to improve how information is shared between SAT and other agencies. However, the case sampling suggests that the benefits of these improvements are not yet consistently realised.

344. The IMA observed that SAT liaises on these applications 'in bulk' through a monthly information sharing cycle. This can contribute to waiting times where a case falls between cycles.

Police services and Police National Computer

345. The PNC is directly managed and controlled by the Home Office, with information provided by police forces across the UK. It is used as a key source of information about criminal history.

346. Case sampling indicated that SAT caseworkers rely on PNC as the primary source of evidence for criminality checks.

347. At the time of the evidence gathering, where information on PNC was incomplete or not up to date, this affected the ability to progress cases, as other forms of applicant-provided evidence could not always be relied upon without further verification. SAT caseworkers are not able to verify applicant-provided documents (e.g. letters from solicitors), they must depend on PNC being accurate and up to date.

348. In cases where information on PNC appeared unclear or out of date, SAT sometimes needed to seek further clarification from police services as to the position or outcome.

349. A recurring theme in the case sampling was that delays in updating PNC contributed to slower case progression. Of the cases reviewed, 12 mentioned the impact of delayed updates on PNC records, as hindering case progression.

350. In July 2023, a Home Office improvement project identified that 30% of EUSS pending prosecution records held on PNC required updating. Following this, the Home Office asked police services to review and update relevant entries to support the accuracy of casework. SAT told us that this equated to thousands of cases. As a result of this finding, all UK police services were asked to check EUSS cases and update.

351. Police services can only update PNC records once court decisions and investigative outcomes have been concluded. Until this information was formally recorded on PNC, case progression was often stalled.

352. Case sampling indicated that responses from police services could take an extended period to be returned. We saw that SAT caseworkers ability to seek updates from police services was limited to routine follow-up activity and that planned contact schedules i.e. every six months were not always achievable due to wider resourcing pressures.

353. Although some improvements in communication between SAT and police services was observed in late 2023, delays continued to occur, particularly in cases where outcomes were dependent on the progression or conclusion of court proceedings.

Random case sampling – eligibility

354. The case studies from the Home Office eligibility process reveal a complex and often inconsistent landscape of case handling.

355. Across the 92 cases reviewed, extended processing times emerged as a consistent theme. While the sample intentionally focused on cases over six months old, the material reviewed nonetheless demonstrated that prolonged timelines were a common feature. For cases where a decision had been reached, the average time from entry into the eligibility caseworker queue to application decision was approximately four months.

356. For cases where no decision had been made at the time of sampling, the average time spent waiting at the eligibility stage was 346 days, with some cases exceeding 1,000 days since being received at eligibility.

357. In contrast, there were examples of shorter timelines. One case was resolved within five days of entering eligibility, and several others were concluded within one month.

358. A proportion of delays were linked to the time taken to allocate cases to a caseworker. On average, allocation took 36 days, with some cases taking more than 100 days. According to feedback at the sampling exercise, this was primarily attributed to resourcing constraints.

359. This suggests that cases may have sat for months before any substantive action was taken. Even after allocation, further delays were introduced by repeated referrals to senior caseworkers and to specialist teams such as the Permanent Migration Fraud Team (PMFVT) and SRU. These referrals, while sometimes necessary, were frequently cited without clear timelines or follow-up.

360. Several cases were held for extended periods awaiting updated guidance or the outcome of legal cases, particularly in relation to the 'Akinsanya' and 'Velaj' judgments. In some cases, decisions were effectively ready but could not be implemented due to the absence of approved refusal wording or unresolved questions about alternative immigration routes.

361. Administrative errors and inconsistent decision-making further compounded delays. Cases were passed between teams or incorrectly routed, with some being reassigned multiple times due to confusion over eligibility categories or sponsor status.

362. The automated 90-day suitability checks, while intended as a safeguard, frequently disrupted case progression by removing cases from their appropriate holding pots, only for them to be reallocated incorrectly i.e., not returned to the pot of origin.

363. Despite these challenges, there were instances of effective case handling within the sample. Some cases demonstrated prompt allocation, clear communication with applicants, and timely decision-making.

364. In a few examples, caseworkers proactively identified alternative routes to status that benefited applicants, such as re-routing to JFM consideration or backdating SS to reflect earlier eligibility. These cases highlight the potential for a more responsive and applicant-centred approach when processes are followed efficiently.

365. However, the overall picture is one of a system under strain, where procedural complexity, inconsistent application of policy, and resource limitations have led to delays.

366. Our engagement focused on older and more complex cases; we acknowledge that most EUSS applications are processed without significant delay.

367. Nonetheless, the evidence gathered indicates that where delays do occur, they often arise from a combination of process complexity and resource pressures. These can create challenges for applicants including those whose circumstances fall outside standard processing pathways.

Caseworker allocation

368. The majority of cases sampled often waited more than a month before being allocated to a caseworker.

369. During the case sampling exercise, we asked Home Office staff why this happens, and they said that this is primarily due to resource constraints and the policy of dealing with the oldest cases first from the WIP backlog.

370. There was no evidence that the IMA saw to suggest a manual triage or review of documents took place at this stage, by caseworkers to see if new cases being added to the WIP were more straightforward cases that could be allocated and decided quickly rather than sitting behind the older cases in the queue.

371. Although, the PEGA system automatically triages cases prior to allocation to an eligibility caseworker, into green, amber and red based on complexity, after conducting automated checks with other government departments.

90-day suitability check

372. Every 90 days an automated suitability check moves cases out of the eligibility queue and cases being progressed by specialist teams through pots such as EU16 (Refusals) and PMFVT (Fraud). When they return from the check these cases do not always return to the original queue or pot.

373. This misrouting appeared to trigger duplication, and we saw cases where caseworkers send further requests for evidence (already requested) to citizens. The effect is cumulative and the danger being that each new request (and subsequent return) introduces new interpretation by a new caseworker and increases the chance of error.

Misrouting to pots

374. The case sampling exercise was the first time we identified 'pots'. A pot is a team queue or holding area used to group similar EUSS cases e.g., EU16, PMFVT etc. We learned that cases move between pots as they progress through checks or specialist reviews by appropriately trained caseworkers.

375. Through our case sampling we saw that often cases end up in wrong pot or fails to return to the same pot it came from. Examples we saw include:

- Cases returning from suitability checks and landing in the main EUSS or JFM queues instead of returning to the specialist pot it was in.
- Cases moving between multiple pots because the receiving team says it does not sit with them. Possibly due to caseworkers being unclear on which pots own which type of case.

Inconsistent handling of evidence

376. We also saw inconsistency in evidence handling. In a number of cases, requests for core evidence, such as residence or relationship, are raised late in the lifecycle of the case, after sometimes months on hold.

377. Several examples showed uncertainty between issuing a 'Minded to Refuse' (MTR) letter and proceeding via the standard contact process, referred to by caseworkers as '332'.

378. The '332' process details that caseworkers must make three contact attempts with applicants over a minimum of three weeks by at least two different methods to provide additional information or evidence.

379. Caseworkers can make the first two attempts concurrently using different methods—such as phone, text, email, or letter—and must include the applicant's preferred contact method if specified.

380. After this, the applicant should be allowed a reasonable opportunity, normally 14 calendar days, to respond before a third and final attempt is made, which must allow a further seven days for reply.

381. Longer response periods or additional contact attempts may be permitted with senior caseworker approval where justified. All contact attempts must be recorded, and if the applicant indicates they cannot or will not provide further evidence, the decision should be made based on the information available.

382. There are also examples of movement between fraudulent document classifications without a clear rationale recorded. Combined with multiple caseworkers working the same case without clear handover notes, this leads to subjectivity and possibly avoidable rework.

Senior caseworker advice

383. From the case samples and discussions with Home Office staff, it was apparent that senior caseworker advice and sign off can take a long time and present an additional bottleneck. Where a senior caseworker moves to another team, pots can be left unattended, and ownership or reassignment of the pots are unclear.

External checks

384. We also saw that the requirement for external verification of documents, especially of overseas documents, extended case handling time. The sample shows a mix of relatively swift clarifications (around one month) and much longer cycles where, for example, suspicion was raised late. These cases were minimal in the cases we sampled.

Part 4: The scale of the problem

385. The IMA began monitoring the EUSS as an 'own initiative' piece of work in December 2020. In March 2021, the IMA received its first complaint about the length of time it took for a decision to be made on an EUSS application. Since then, a total of 76 complaints on this issue have been received.

386. To a large degree, the effect of a delay in receiving a decision on an application to the EUSS is mitigated by the provisions contained within the Agreements that provide for temporary protection of rights while a decision (or any review or appeal) on an application is awaited (Article 18(3)).

387. However, although protected by the Agreements, regardless of how long an application is on hold, applicants that have been on hold for a long time could be disproportionately impacted when compared to those that have not.

388. People whose EUSS applications are subject to long delays can face greater difficulties than those whose applications are decided promptly. While all applicants experience some uncertainty while waiting for a decision, prolonged pending applications can result in problems accessing employment, housing, healthcare, and other essential services, despite the Home Office stating that applicants "are issued with a CoA, which can be relied on to evidence their rights" while the application is pending.

389. These challenges arise because although applicants are issued with a CoA confirming that their EUSS application has been validly submitted and is still pending, it does not confirm their immigration status. Temporary protections are intended to safeguard their rights during this period, but the absence of a formally granted status can nonetheless create practical barriers for citizens.

390. Whilst the CoA is intended to protect applicants during this period in practice it is not always recognised or properly understood by employers, landlords, or service providers. As a result, applicants – particularly those with families or unstable living situations – can face significant stress or uncertainty.

391. Over time, these delays can cause missed opportunities, increase the risk of being treated unfairly, and make it harder for people to stand up for their rights. So, a delayed application is not just about waiting, it can lead to serious and growing disadvantages.

392. Those whose applications are delayed and who are eligible for status, could at the very least face uncertainty which could impact on the proper enjoyment of their rights to live and work in the UK. Please see 'Part 5: Impact on citizens' lives'.

Analysis of EUSS application stages

393. At the start of the Inquiry the IMA asked for breakdown of data focussed on the different categories of applications that make up the WIP, an explanation on the average time periods for each category and the reasons for delays in each category, for those cases older than six months old.

394. The data provided by the Home Office is limited in scope and does not fully address our request for a detailed breakdown of the backlog by specific applicant cohorts, such as EU citizens, family members, and durable partners. The average processing times were not broken down to these specific cohorts and does not include reasons for delays.

395. The Home Office explained that their reporting system can only categorise applications into the following broad groups:

- In-time applications
- Late applications
- Applications for JFMs
- Persons who hold PSS and transferring to SS. (The Home Office call these "repeat applications" but these are not exclusive to this cohort. They can also include those who make continual repeat applications).

396. The data provided has been broken down by key stages in the Home Office's decision-making process for an application to the EUSS. These are as follows:

i. **Validity** – This Inquiry does not focus on this stage of the EUSS process. It is the initial check of whether an application can be considered and issued with a CoA.
ii. **Suitability** – Background and criminality checks.
iii. **Eligibility** – Whether the person qualifies under EUSS rules.
iv. **Final decision** – Final stages in informing the citizen of an application decision.
v. **Other** – Refers to cases that have either been referred to other teams or where the applicant has been contacted for further information or evidence.
vi. **CID** – A now decommissioned separate case system was used to process paper applications. Some digital applications may have been transferred to this system if the case requires amendments, i.e. where an error has occurred.

397. The limitations in the Home Office data restrict our ability to conduct a detailed analysis of the WIP. This lack of detail makes it difficult to identify which cohorts are most affected, understand the underlying causes of delays, and monitor whether vulnerable groups face disproportionate impacts.

Overall volume of applications

398. The statistics presented below are derived from Home Office data. There are limitations to the data which are set out below as described by the Home Office.

i. The Home Office does not publish or routinely collate data on processing times.
ii. The data provides snapshots of the volume of applications being processed during given months between 2 February 2023 and 30 June 2024.
iii. The figures are representative of the volume of applications being processed during each time period. They cannot be totalled to provide the volume of applications received into the system.
iv. The data was extracted from local management casework databases and was not quality assured to the same level as published National Statistics. It should therefore be recognized as being subject to change.
v. The use of separate caseworking systems for paper and online applications to the EUSS means that it is not possible to extract the same information for both application types.
vi. It is not possible to provide a breakdown of paper applications by processing stage.

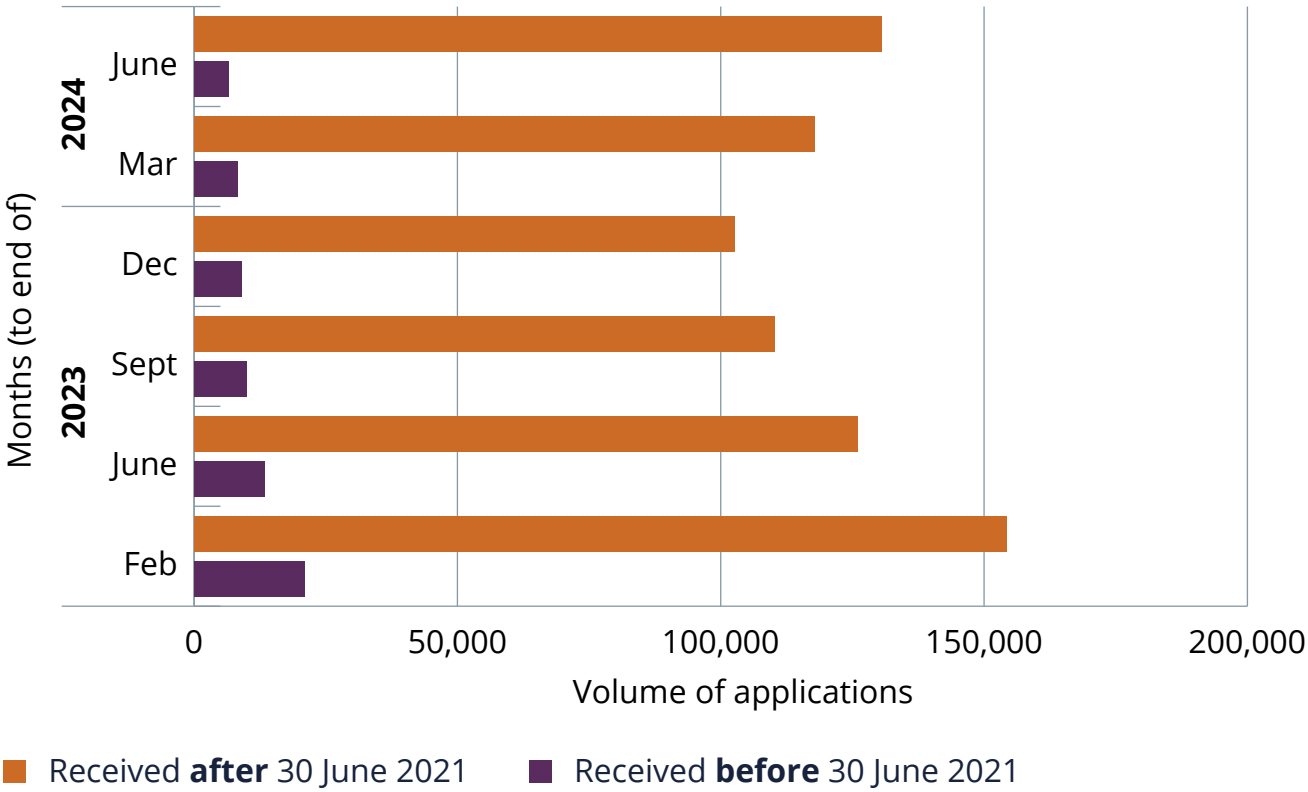
399. The total volume of digital and paper applications being processed per reporting period, fluctuated between 2 February 2023 and 30 June 2024, with the lowest volume recorded as 111,764 and the highest as 175,214 (134,943 average).

400. Applications received after 30 June 2021 accounted for the highest proportion of applications being processed during each reporting period with percentages ranging from 88.03% to 95.16% (91.815% average). The percentage of applications received before 30 June 2021 ranged from 4.84% to 11.97% (8.185% average)

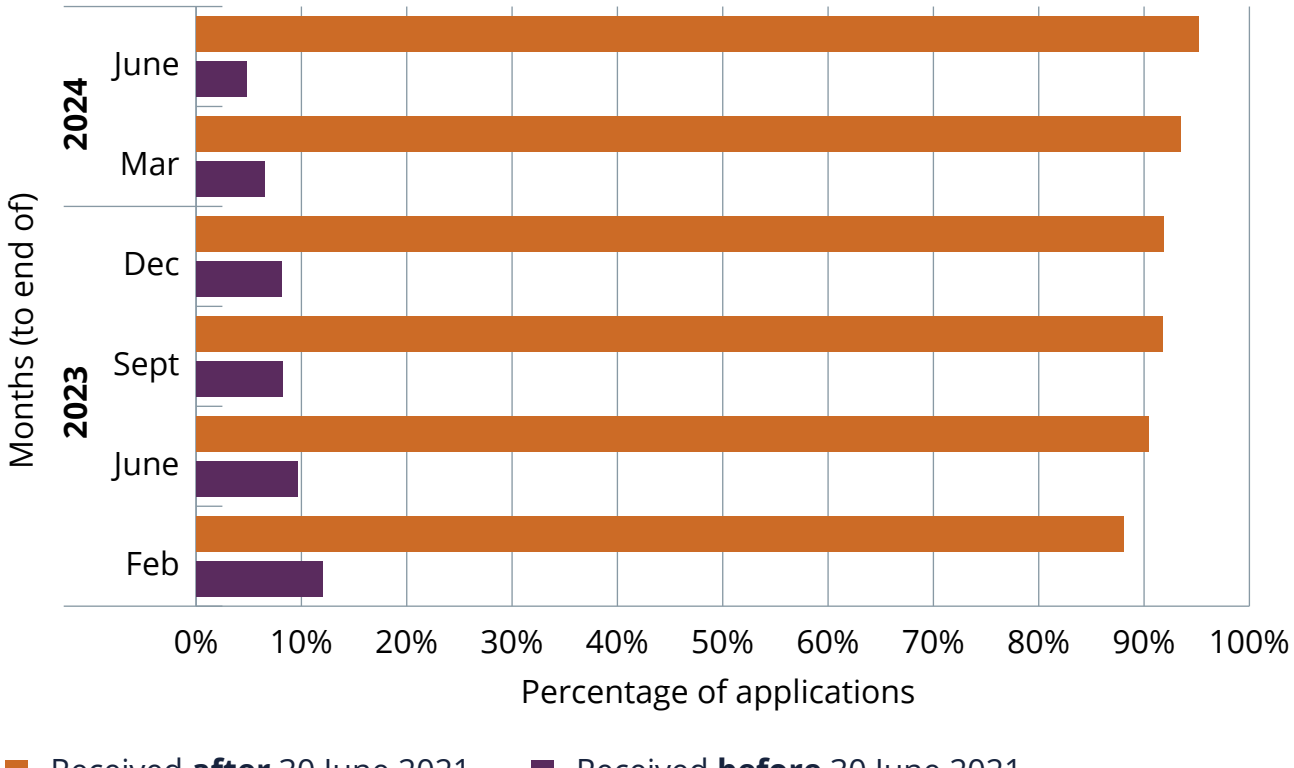
Table 1: Total applications received before 30 June 2021 and applications received after 30 June 2021 (digital and paper submissions)

Month (to end of)	Received before 30 June 2021	Received after 30 June 2021	Received before 30 June 2021	Received after 30 June 2021	Grand Total
2023					
Feb	20971	154243	11.97%	88.03%	**175214**
Jun	13398	125896	9.62%	90.38%	**139294**
Sep	9909	110220	8.25%	91.75%	**120129**
Dec	9081	102683	8.13%	91.87%	**111764**
2024					
Mar	8191	117885	6.50%	93.50%	**126076**
Jun	6644	130538	4.84%	95.16%	**137182**

Graph 1: Total applications received before 30 June 2021 and applications received after 30 June 2021 (digital and paper submissions)



Graph 2: Proportion of total applications received before 30 June 2021 and applications received after 30 June 2021 (per month)



401. Of the digital applications being processed, the majority were received after 30 June 2021. The proportion of applications received before 30 June 2021 ranged from 4.26% to 11.11% (average 7.61%). The proportion of applications received after 30 June 2021 ranged from 88.89% to 95.74% (average 92.38%).

402. While applications received after 30 June 2021 also accounted for a greater proportion of paper applications being processed than those received before 30 June 2021, the balance was closer to two thirds to one third. The proportion of applications received before 30 June 2021 ranged from 30.06% to 42.58% (average 33.87%). The proportion of applications received after 30 June 2021 ranged from 57.42% to 69.94% (average 66.1%).

Table 2: Digital applications: Proportion of applications received before 30 June 2021 and applications received after 30 June 2021

Month (to end of)	Received before 30 June 2021	Received after 30 June 2021	Grand Total
2023			
Feb	11.11%	88.89%	**100.00%**
Jun	9.21%	90.79%	**100.00%**
Sep	7.74%	92.26%	**100.00%**
Dec	7.49%	92.51%	**100.00%**
2024			
Mar	5.90%	94.10%	**100.00%**
Jun	4.26%	95.74%	**100.00%**

Graph 3: Digital applications: Proportion of applications received before 30 June 2021 and applications received after 30 June 2021

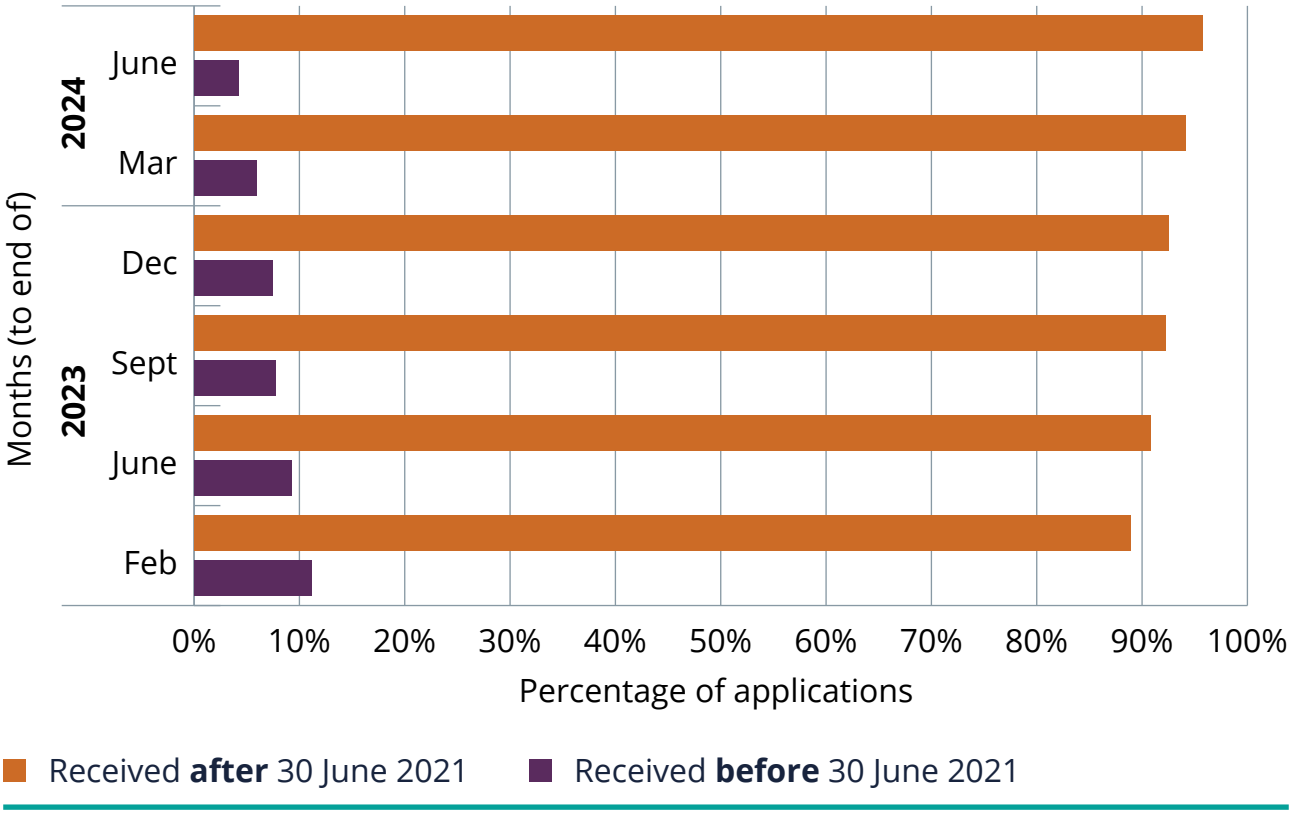
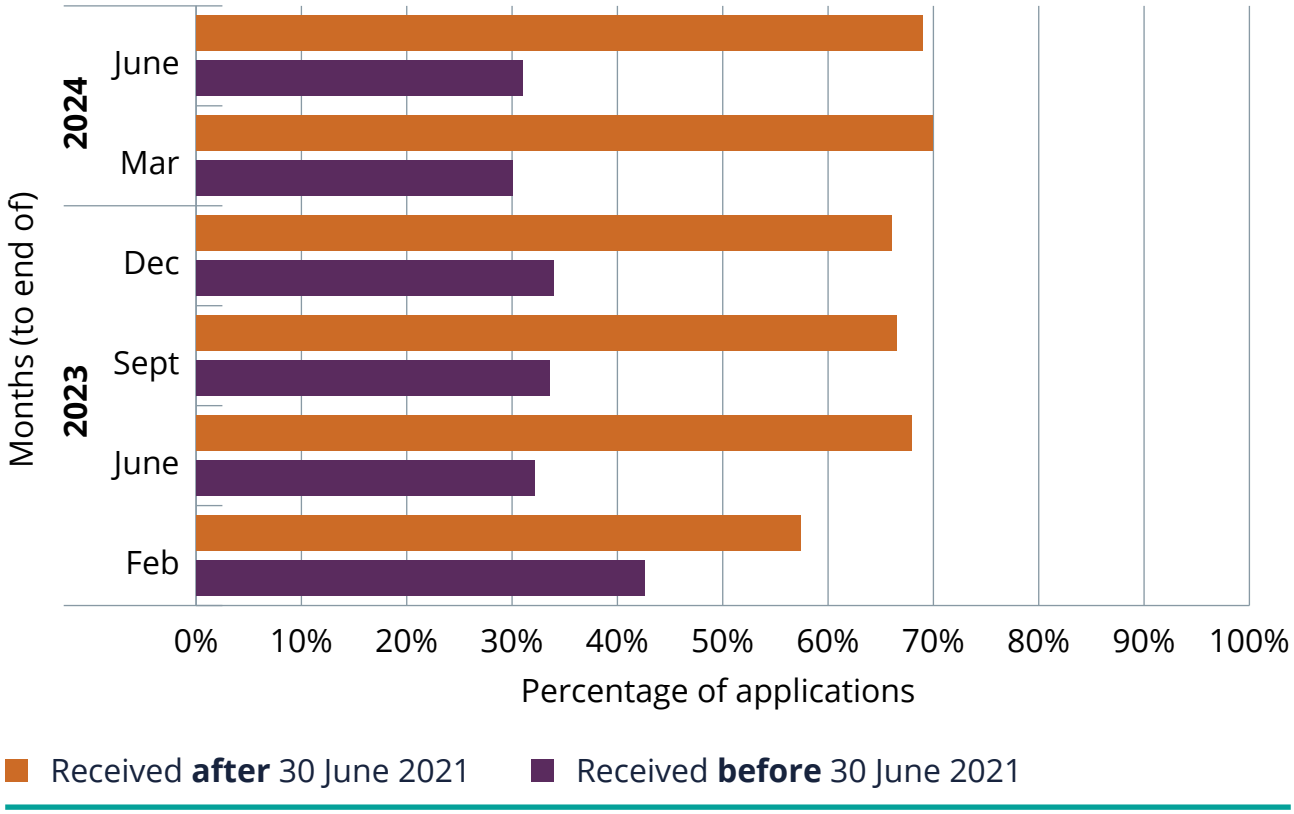


Table 3: Paper applications: Proportion of applications received before 30 June 2021 and applications received after 30 June 2021

Month (to end of)	Received before 30 June 2021	Received after 30 June 2021	Grand Total
2023			
Feb	42.58%	57.42%	**100.00%**
Jun	32.11%	67.89%	**100.00%**
Sep	33.53%	66.47%	**100.00%**
Dec	33.96%	66.04%	**100.00%**
2024			
Mar	30.06%	69.94%	**100.00%**
Jun	30.99%	69.01%	**100.00%**

Graph 4: Paper applications: Proportion of applications received before 30 June 2021 and applications received after 30 June 2021



403. Home Office provided data broken down into paper and digital applications and submitted before 30 June 2021 and after 30 June 2021. As previously mentioned, Home Office states that paper applications cannot be broken down into processing stages. It is therefore understood that the volume of applications within the CID stage are inclusive of paper and digital applications, while the volume of applications at validity, suitability, eligibility, final decision and other are inclusive of digital applications only.

404. Of the total volume of applications reported as within processing stages during each period, the majority were consistently recorded as being in the eligibility stage, with percentages ranging between 64.15% and 74.57% (68.75% average).

405. The stage with the next highest volume of applications was suitability with the proportion of applications ranging between 9.39% to 16.54% (14.28% average).

406. The lowest volume of applications was at the final decision stage of processing. This was consistently lower than other stages with percentages ranging from 0.10% to 0.92% (0.45% average).

Table 4: Digital and paper submissions by processing stage (per month)

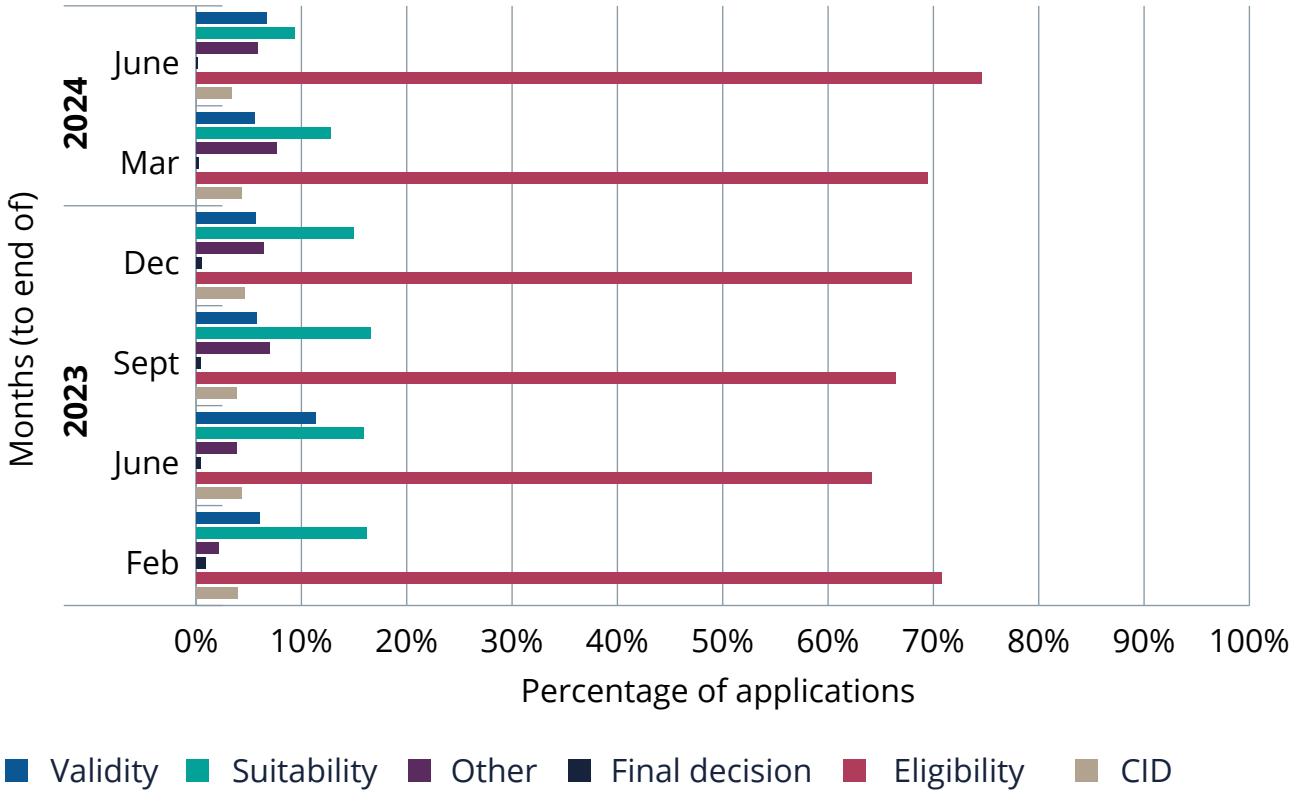
Month (to end of)	CID	Eligibility	Final decision	Other	Suitability	Validity	Grand Total
2023							
Feb	6936	124002	1607	3780	28347	10542	**175214**
Jun	6067	89354	581	5392	22115	15785	**139294**
Sep	4670	79658	543	8423	19846	6866	**120006**
Dec	5092	75879	545	7161	16665	6306	**111648**
2024							
Mar	5396	87576	313	9667	16103	7021	**126076**
Jun	4648	102300	144	7987	12880	9223	**137182**

Graph 5: Volume of digital and paper applications submitted before and after 30 June 2021 by processing stage (per month)

Table 5: Proportion of digital and paper applications received before and after 30 June 2021 by processing stage (per month)

Month (to end of)	CID	Eligibility	Final decision	Other	Suitability	Validity	Grand Total
2023							
Feb	3.96%	70.77%	0.92%	2.16%	16.18%	6.02%	**100%**
Jun	4.36%	64.15%	0.42%	3.87%	15.88%	11.33%	**100%**
Sep	3.89%	66.38%	0.45%	7.02%	16.54%	5.72%	**100%**
Dec	4.56%	67.96%	0.49%	6.41%	14.93%	5.65%	**100%**
2024							
Mar	4.28%	69.46%	0.25%	7.67%	12.77%	5.57%	**100%**
Jun	3.39%	74.57%	0.10%	5.82%	9.39%	6.72%	**100%**

Graph 6: Proportion of applications by processing stage



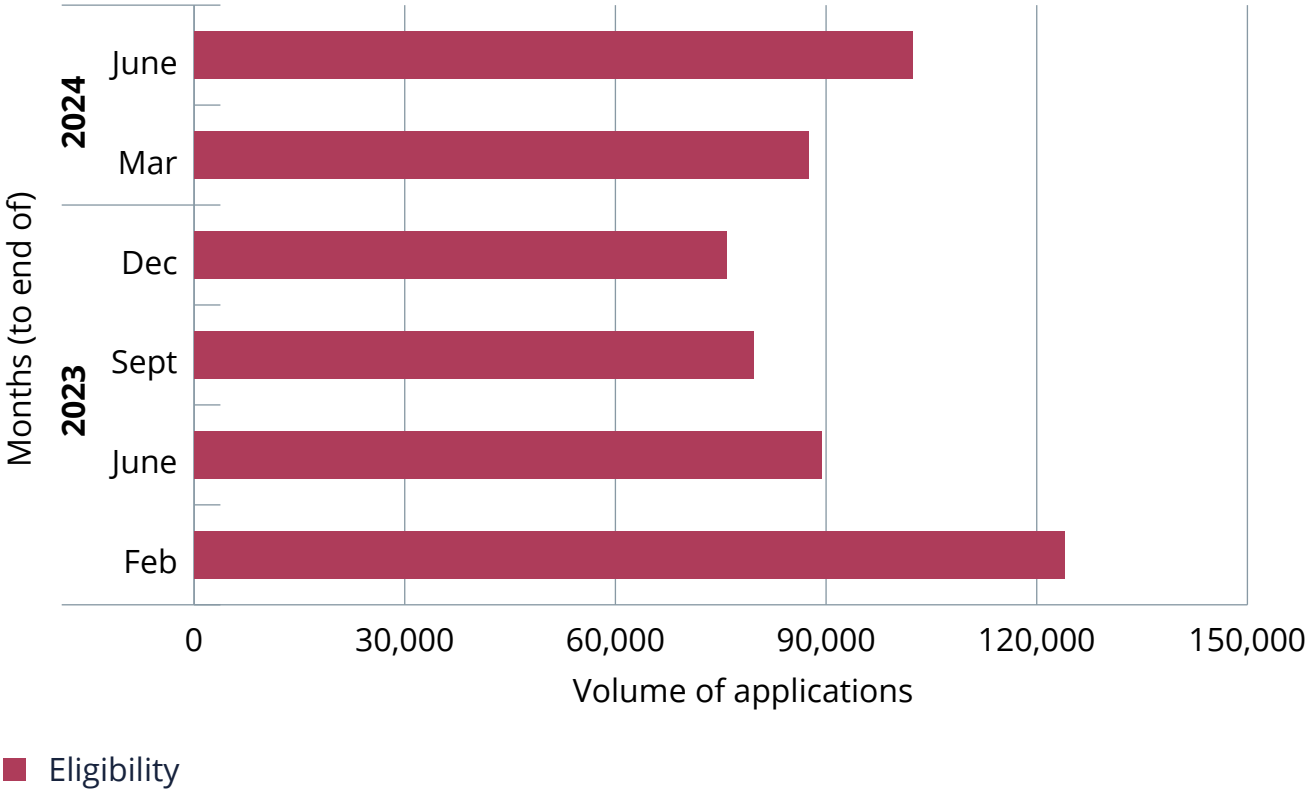
Volume of applications at the eligibility stage

407. At the eligibility stage, while the volume of digital applications decreased between January 2023 and December 2023, there was a gradual increase between December 2023 and June 2024. Overall, there was a difference of -21,702 in the volume of applications at the eligibility stage on 30 June 2024 compared with the volume reported on 2 February 2023.

Table 6: Volume of digital applications at eligibility stage to end of month

Month (to end of)	Eligibility volume
2023	
Feb	124002
Jun	89354
Sep	79658
Dec	75879
2024	
Mar	87576
Jun	102300

Graph 7: Volume of digital applications at eligibility stage to end of month



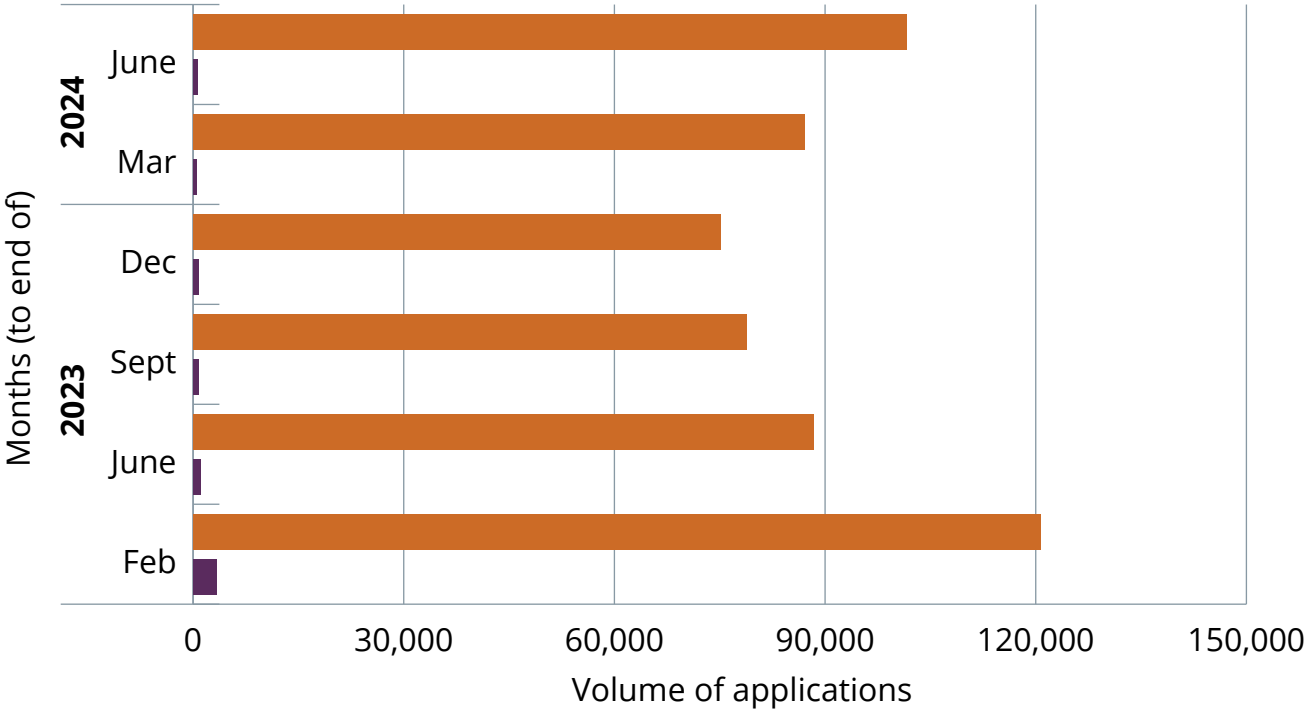
408. Breaking this down further into types of applications, at eligibility stage, there was an overall difference of -2729 between 2 February 2023 and 30 June 2024 in the volume of applications received before 30 June 2021 and -18,973 in the volume of applications received after 30 June 2021, which may suggest that the total volume of applications at eligibility stage decreased over that period.

409. Applications received after 30 June 2021 consistently accounted for the highest proportion of applications at eligibility stage, with percentages ranging from 97.28% to 99.37% (98.79% average).

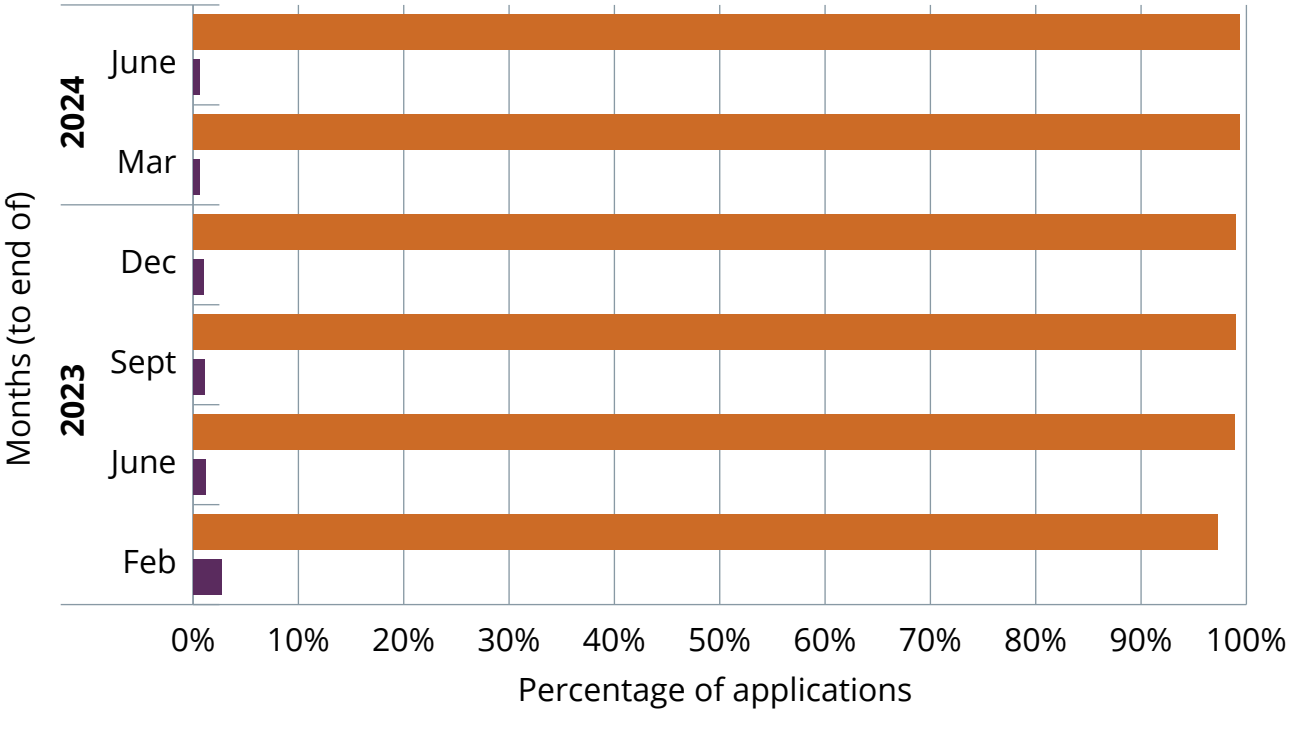
Table 7: Volume and proportion of applications at eligibility stage to end of month by date of receipt

Month (to end of)	Received before 30 June 2021	Received after 30 June 2021	Received before 30 June 2021	Received after 30 June 2021	Grand Total
2023					
Feb	3370	120632	2.72%	97.28%	**124002**
Jun	1047	88307	1.17%	98.83%	**89354**
Sep	849	78809	1.07%	98.93%	**79658**
Dec	782	75097	1.03%	98.97%	**75879**
2024					
Mar	555	87021	0.63%	99.37%	**87576**
Jun	641	101659	0.63%	99.37%	**102300**

Graph 8: Volume of digital applications at eligibility stage received before and after 30 June 2021



Graph 9: Proportion of digital applications at eligibility stage received before and after 30 June 2021



Volume of applications at CID stage

410. Paper applications are processed via a caseworker system, CID, only. Home Office states that CID does not have the functionality to make it reasonably practicable to extract information on the number of applications at each stage of the caseworking process.

411. Home Office state that some digital applications may be transferred to CID if the case needs to be amended due to an error having occurred.

412. Home Office shared volumes of digital applications and volumes of paper applications at CID stage. These have been used to calculate proportions of each.

413. Compared with other processing stages, the volume of applications (digital and paper) at CID accounts for a relatively small proportion of the total digital applications being processed during each time period, with percentages ranging from 3.39% to 4.56%, (4.07% average).

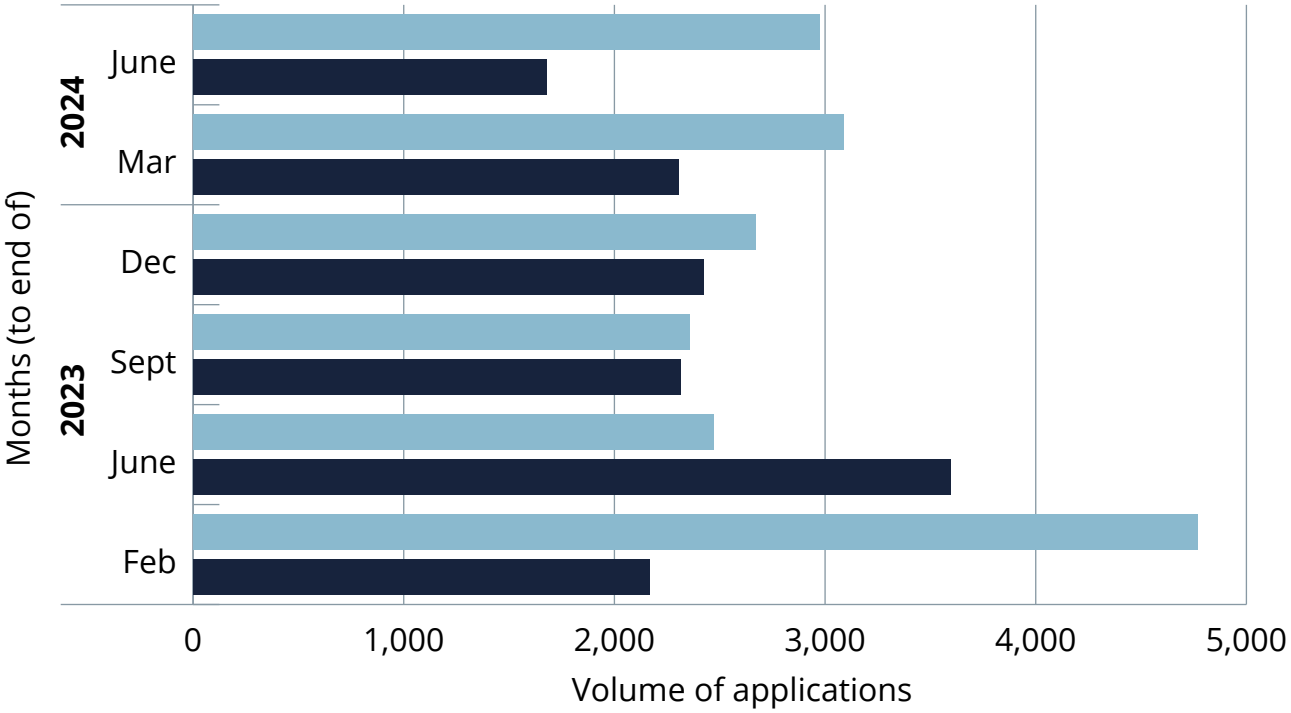
414. The reported volume of applications at CID decreased between 2 February 2023 and 30 September 2023 and then remained steady. There was a difference of -2,288 at 30 June 2024 compared with 2 February 2023.

415. The proportion of digital applications in CID ranged from 31.26% to 59.24% (44.41% average), while the proportion of paper applications ranged from 40.76% to 68.74% (55.6% average).

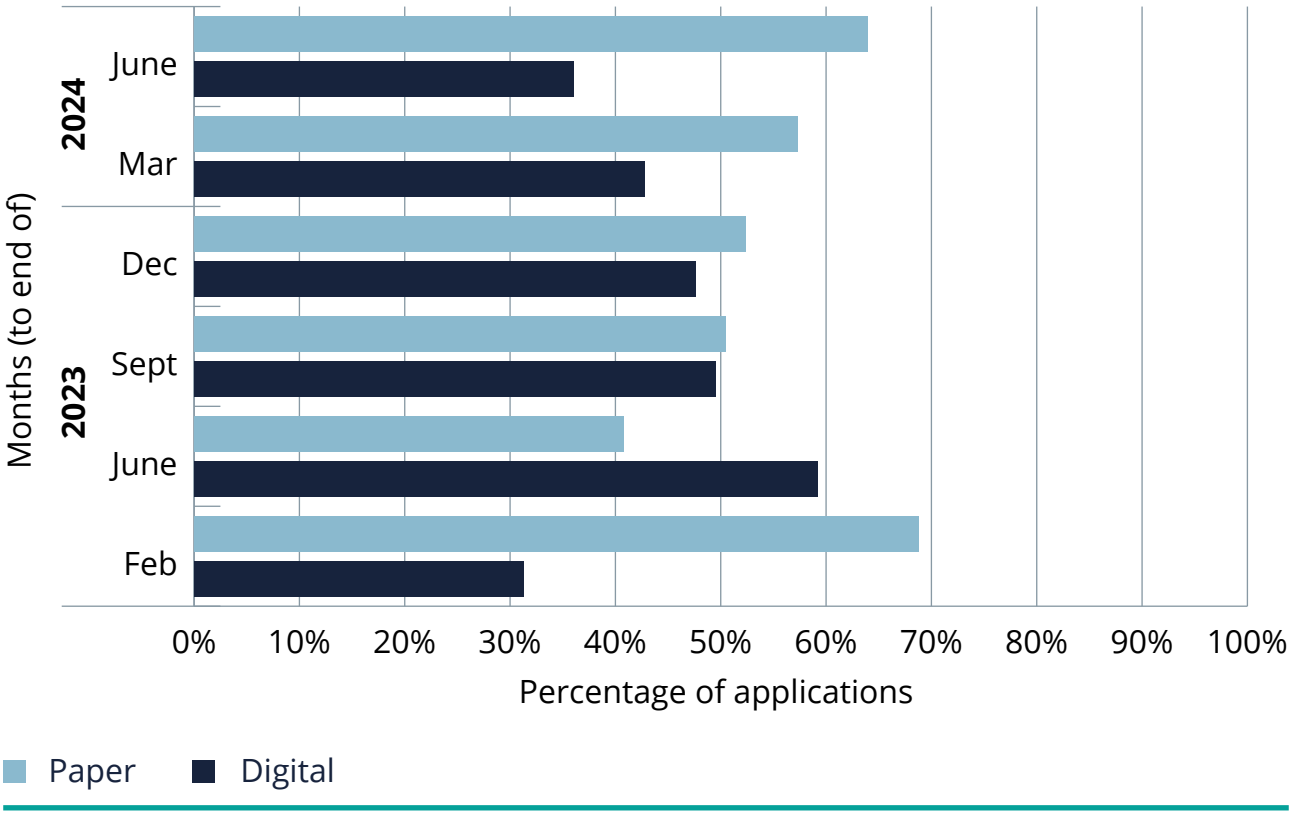
Table 8: Volume and percentage of digital and paper applications in CID during each quarter (to end of given month)

Month (to end or to given date)	Digital	Paper	Digital %	Paper %	Grand Total
2023					
Feb	2168	4768	31.26%	68.74%	**6936**
Jun	3594	2473	59.24%	40.76%	**6067**
Sep	2314	2356	49.55%	50.45%	**4670**
Dec	2424	2668	47.60%	52.40%	**5092**
2024					
Mar	2306	3090	42.74%	57.26%	**5396**
Jun	1676	2972	36.06%	63.94%	**4648**

Graph 10: Volume of digital and paper applications at CID stage each month



Graph 11: Proportion of digital and paper applications at CID stage each month



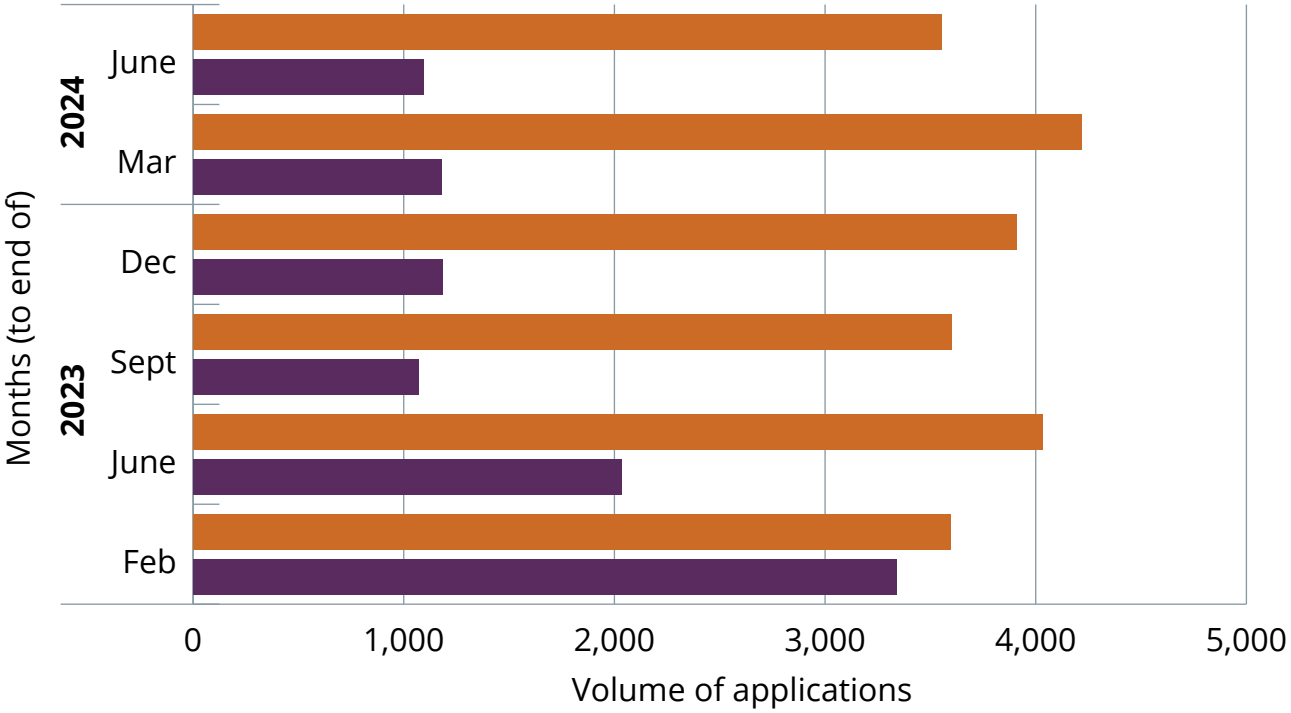
416. The proportion of applications being processed at CID received before and after 30 June 2021, was close to being equal in February 2023 (48.13% and 51.87% respectively) with the proportion of applications received after 30 June 2021 increasing in each of the following reporting months. The proportion of applications received before 30 June 2021 ranged from 21.85% to 48.13% (28.87% average) and the proportion of applications received after 30 June 2021 ranged from 51.87% to 78.15% (71.13% average).

417. There was a difference of -2242 between the volume of applications received before 30 June 2021 at CID reported at the end of June 2024 compared with 2 February 2023.

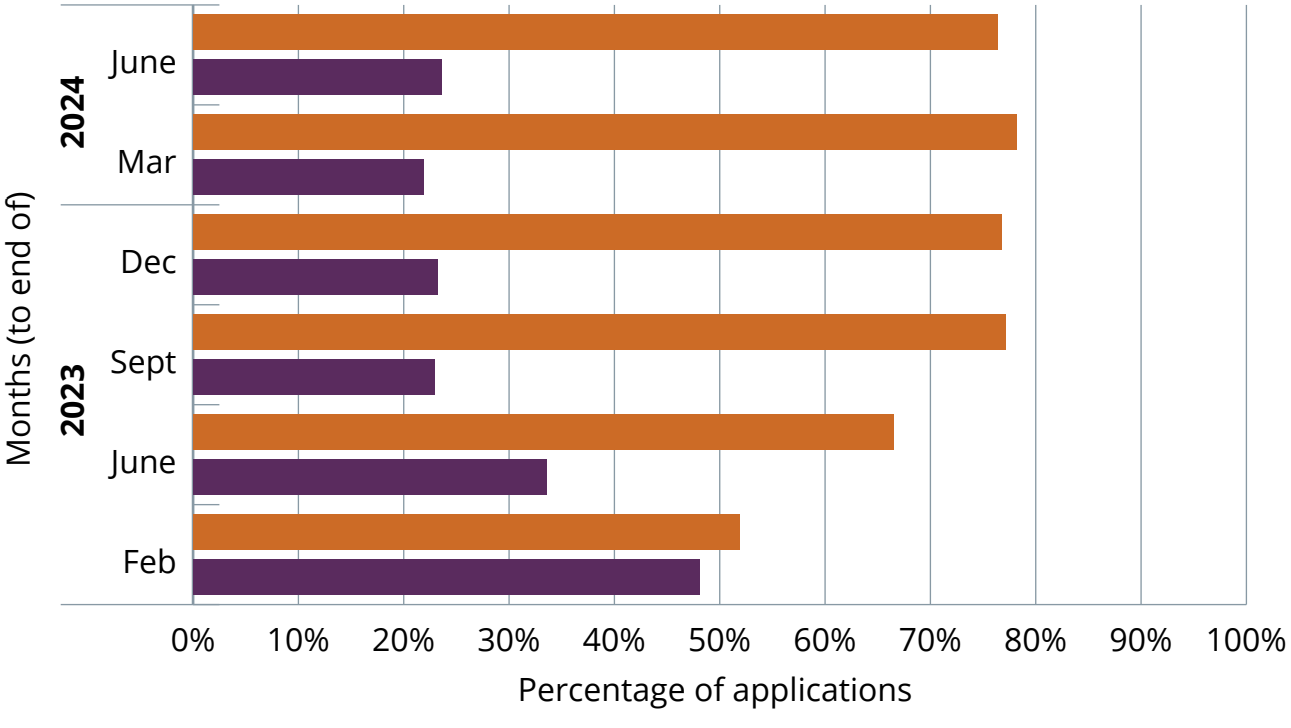
Table 9: Proportion of digital and paper received before and after 30 June 2021 applications at CID stage

Month (to end of)	Received before 30 June 2021	Received after 30 June 2021	Received before 30 June 2021	Received after 30 June 2021	Grand Total
2023					
Feb	3338	3598	48.13%	51.87%	**100.00%**
Jun	2034	4033	33.53%	66.47%	**100.00%**
Sep	1069	3601	22.89%	77.11%	**100.00%**
Dec	1184	3908	23.25%	76.75%	**100.00%**
2024					
Mar	1179	4217	21.85%	78.15%	**100.00%**
Jun	1096	3552	23.58%	76.42%	**100.00%**

Graph 12: Volume of digital and paper applications to end of month received before and after 30 June 2021



Graph 13: Proportion of digital and paper at CID stage to end of month received before and after 30 June 2021



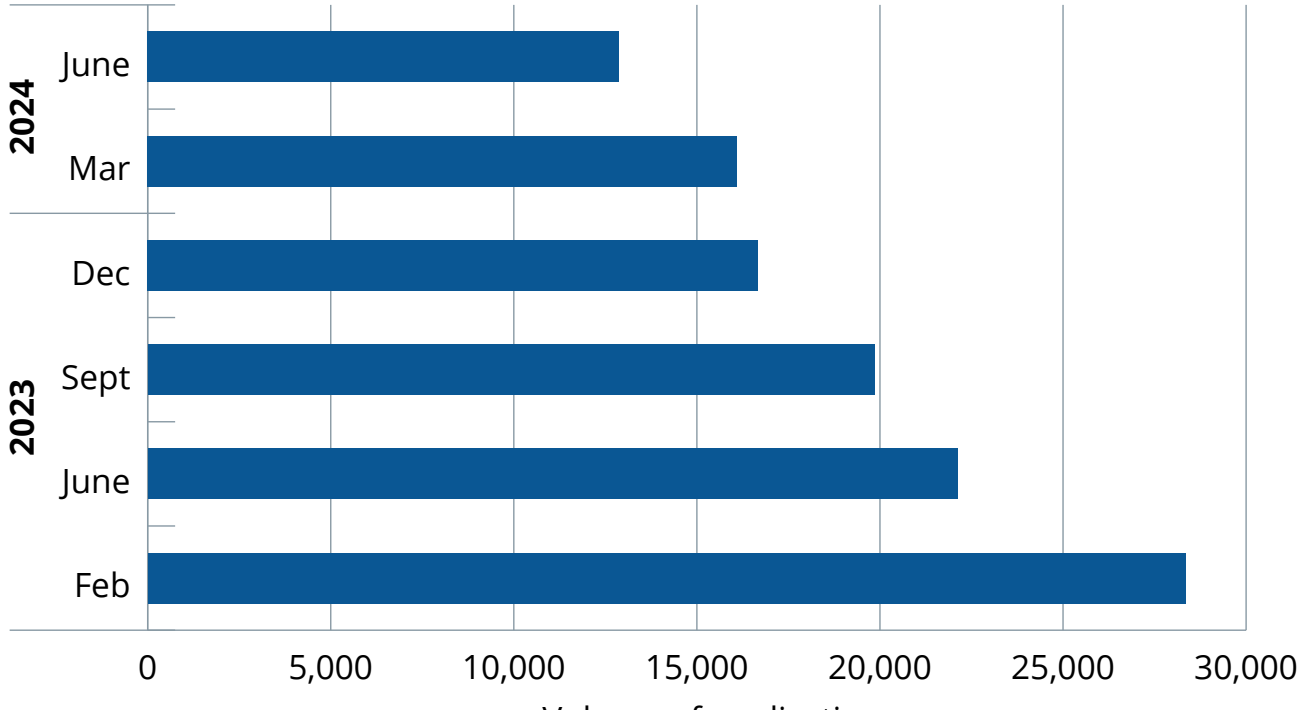
Volume of applications at the suitability stage

418. The data suggests a significant decrease in applications at the suitability stage between January 2023 and December 2023. Overall, there was a difference of -15,467 applications recorded at the suitability stage in June 2024 compared with January 2023.

Table 10: Digital applications at suitability stage to end of month

Month (to end of)	Suitability volume
2023	
Feb	**28347**
Jun	**22115**
Sep	**19846**
Dec	**16665**
2024	
Mar	**16103**
Jun	**12880**

Graph 14: Volume of digital applications at suitability stage to end of month



419. Breaking this down further into types of applications at the suitability stage, there was a difference of -9,378 for applications reported at 30 June 2024 as received before 30 June 2021, compared with the volume reported at 2 February 2023. There was a difference of -6,089 for applications reported at 30 June 2024 as received after 30 June 2021 compared with the volume reported at 2 February 2023.

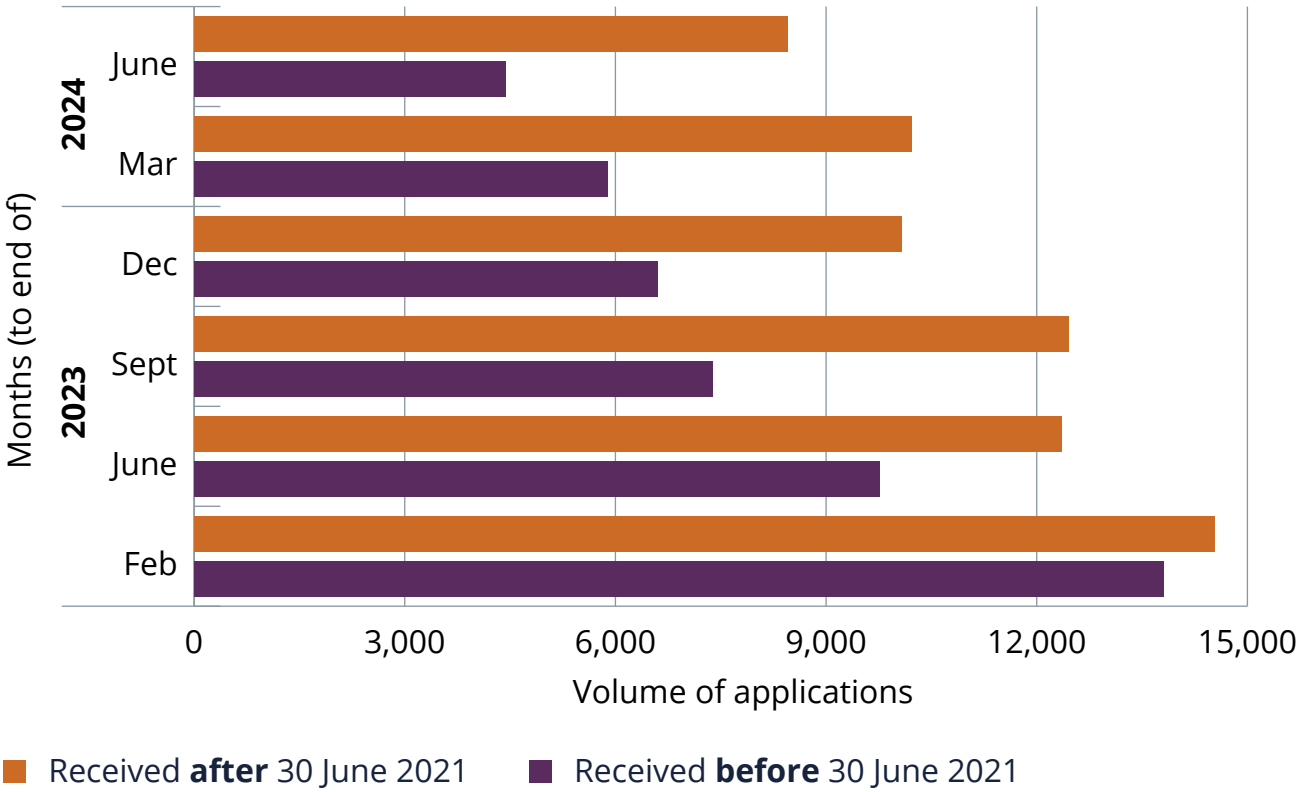
420. The proportion of applications received before and after 30 June 2021 at this stage in processing as reported on 2 February 2023 were almost equal with applications received before 30 June 2021 accounting for 48.71% and applications received after 30 June 2021 accounting for 51.29%. The balance altered each month with the proportions in June 2024 being 34.39% for applications received before 30 June 2021, and 65.61% for applications received after 30 June 2021.

421. On average applications received before 30 June 2021 accounted for 40.11% of digital applications at suitability stage, and applications received after 30 June 2021 accounted for an average of 59.89%.

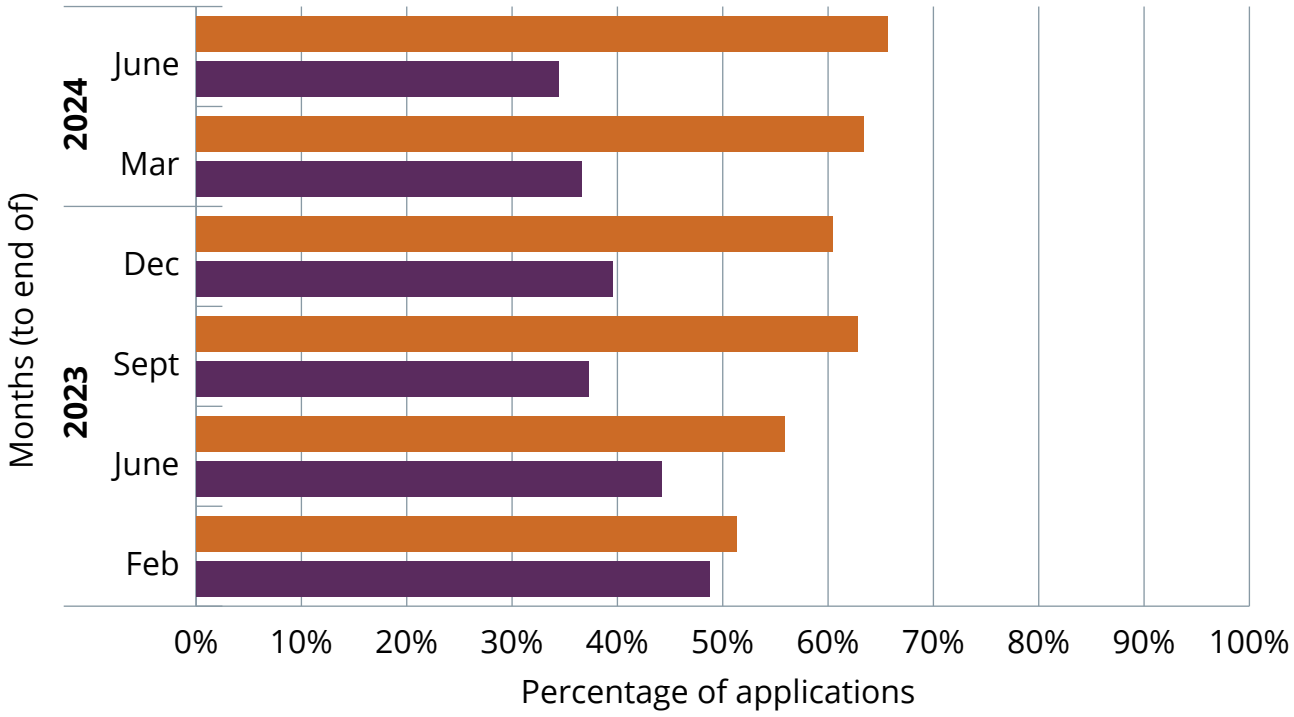
Table 11: Breakdown of volume of digital applications at suitability stage received before and after 30 June 2021

Month (to end of)	Received before 30 June 2021	Received after 30 June 2021	Received before 30 June 2021	Received after 30 June 2021	Grand Total
2023					
Feb	13808	14539	48.71%	51.29%	**28347**
Jun	9767	12348	44.16%	55.84%	**22115**
Sep	7388	12458	37.23%	62.77%	**19846**
Dec	6594	10071	39.57%	60.43%	**16665**
2024					
Mar	5892	10211	36.59%	63.41%	**16103**
Jun	4430	8450	34.39%	65.61%	**12880**

Graph 15: Digital applications at suitability stage to end of month received before and after 30 June 2021



Graph 16: Proportion of applications at suitability stage to end of month received before and after 30 June 2021



Applications in processing stages for six months and over

422. Home Office provided data on applications which had a processing time of six months or longer. While the data relating to digital applications was broken down into individual processing stages, the data for paper applications was not.

423. While data provided for total volumes of applications per recording period included a breakdown by "other" and "CID", the data for the volume of applications with a processing time of six months or more did not include these categories. It was, therefore, not possible for the IMA to try to make any comparison for these stages.

424. Home Office provided a breakdown of digital applications by in time or late submission, and a separate breakdown by repeat application, JFM and "other". As the breakdowns were provided separately, it was not possible to establish any relationship between the two datasets to complete a cross analysis.

425. The Home Office advised that data broken down into in time or late applications excluded data for JFM, repeat applications and "other" as this data had been provided separately.

426. The IMA refers to the Home Office noting that the data provided a snapshot in time and would therefore be subject to change. Given the data's apparent lack of reliability, the IMA has not been able to use it to make a reliable assessment of assurance.

427. While the Home Office provided volumes of applications with a processing time of six months or more within each processing stage (validity, suitability, eligibility and final decision), the length of time applications spent within each processing stage was not clear. Given this, the IMA is not able to make a reliable assessment of whether applications are likely to spend more time within one or more of the processing stages than in others.

428. Home Office provided an estimated total volume of paper applications with a processing time of six months or over for each reporting month. Home Office stated that due to the difference in processing of digital and paper applications, it was not possible to provide the same data for paper applications.

429. As data relating to digital applications at CID stage with a processing time of six months or more was not provided, it has not been possible for the IMA to make a comparison of paper and digital applications with a processing time of six months or more.

430. The data relating to the volume of paper applications with a processing time of six months or more are not broken down into any categories. It was therefore not possible for the IMA to make an assessment about in time, late, JFM or repeat applications submitted via the paper route.

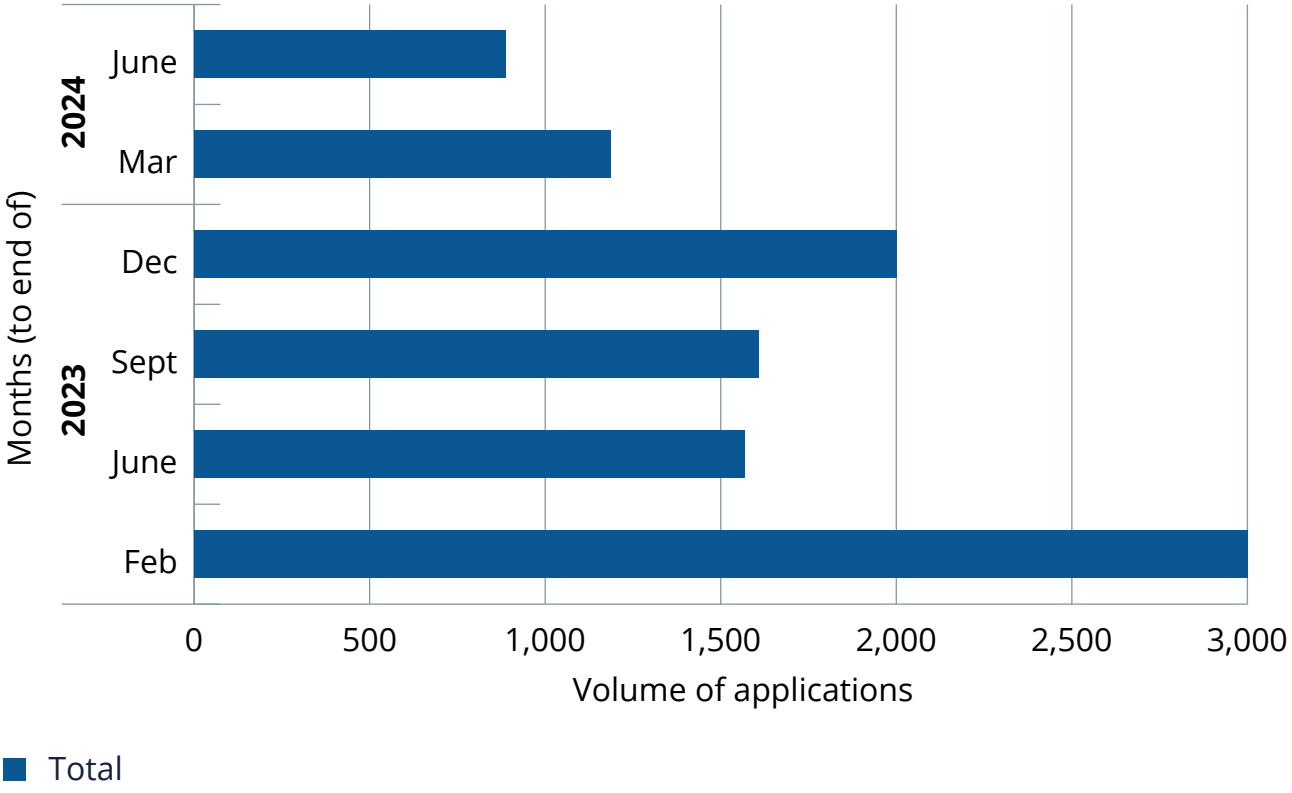
Paper applications

431. There was a difference of -2112 between the volume of paper applications with a processing time of six months or over, reported on 28 February 2023 and that reported on 30 June 2024. This could suggest that volumes decreased. However, Home Office stated that these figures were an estimate and should be treated as being subject to change.

Table 12: Volume of paper applications with a processing time of six months or more

Month (to end of)	Volume of applications
2023	
Feb	3000
Jun	1567
Sep	1608
Dec	2002
2024	
Mar	1186
Jun	888

Graph 17: Volume of paper applications with a processing time of six months or more



Digital applications at validity stage with a processing time of six months or more

432. A comparison of the data provided for applications at validity stage which had been processing for six months or more with the total volumes reported in the same periods at validity stage suggests that the majority of applications at the validity stage during each reporting period had a processing time of six months or less.

Table 13: Validity: volume of applications in processing stages for six months or more

Month (to end of)	Applications with processing time of six months +	Validity total volume
2023		
Feb	24	**15236**
Jun	142	**15785**
Sep	119	**6989**
Dec	249	**6422**
2024		
Mar	154	**7021**
Jun	178	**9223**

Graph 18: Validity: comparison between total volume and volume of applications with six months or more processing time

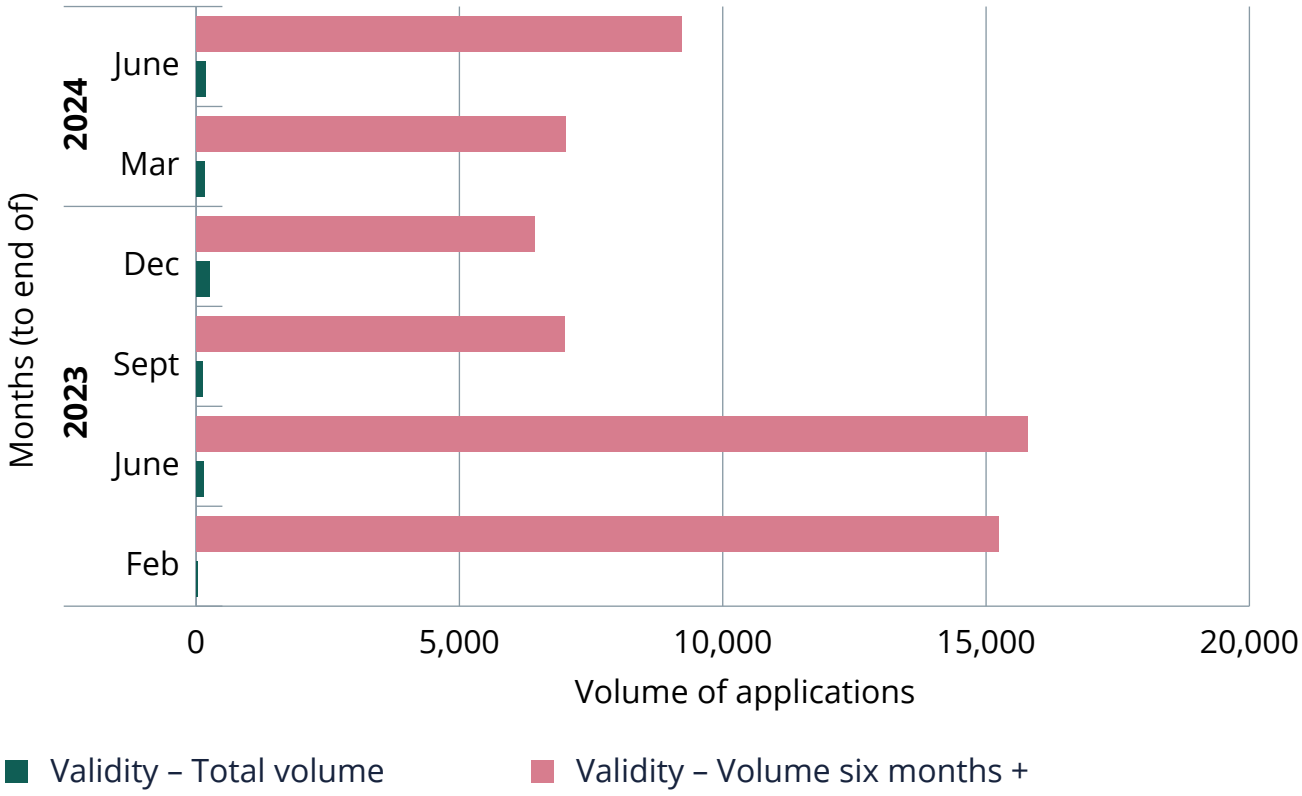
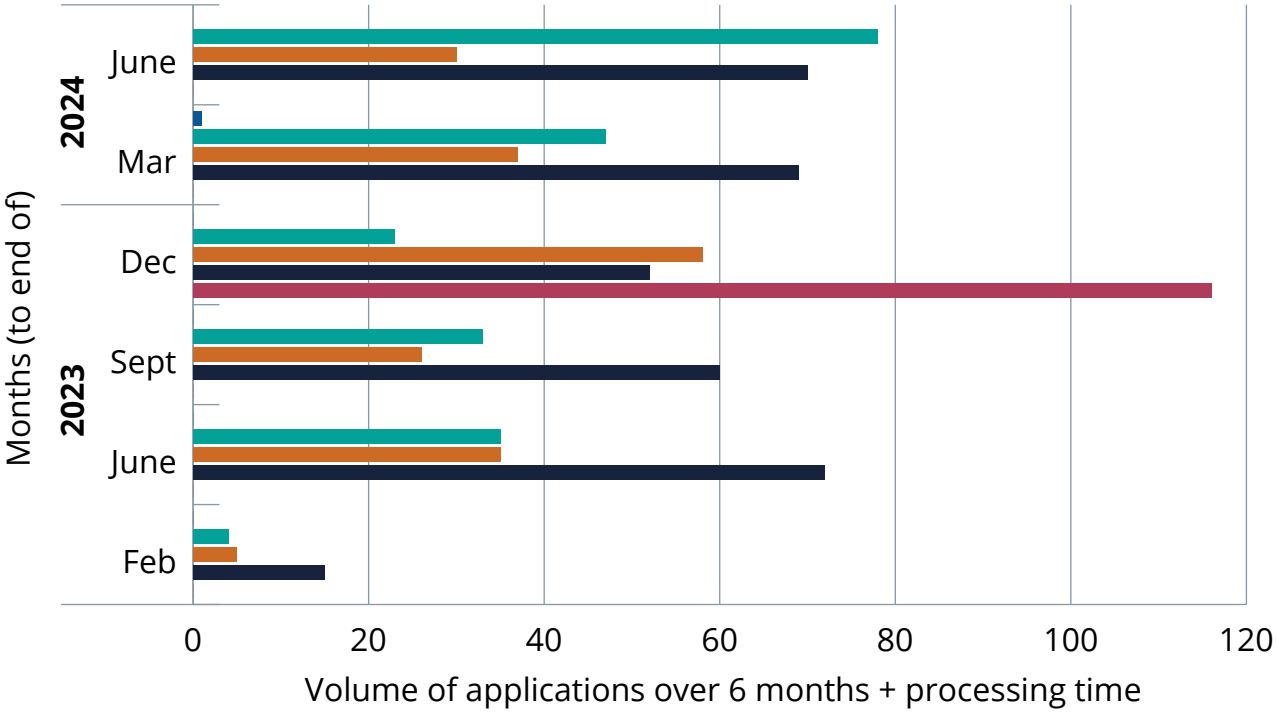


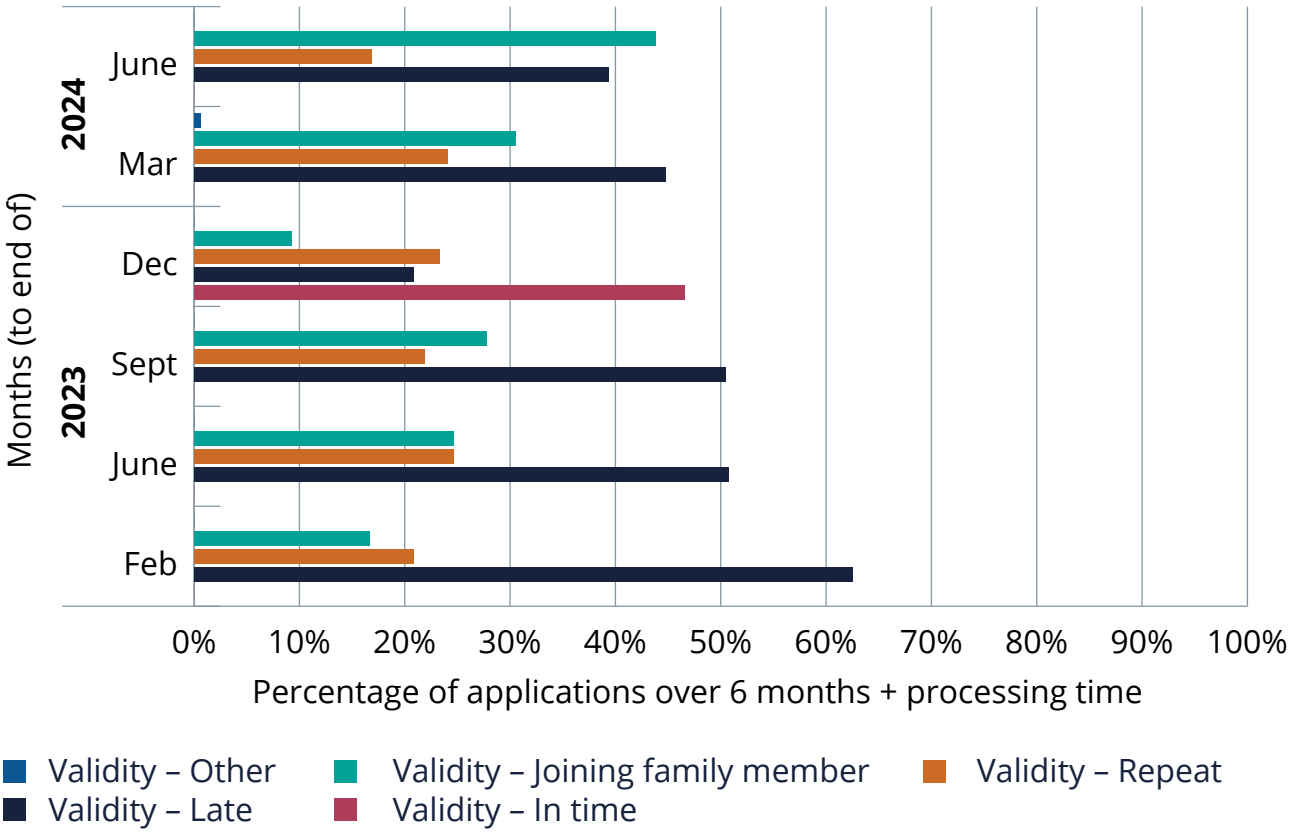
Table 14: Validity comparison between volumes of applications with six months or more processing time by category

Month (to end of)	In time	Late	Repeat	Joining family member	Other	Total
2023						
Feb	0	15	5	4	0	**24**
Jun	0	72	35	35	0	**142**
Sep	0	60	26	33	0	**119**
Dec	116	52	58	23	0	**249**
2024						
Mar	0	69	37	47	1	**154**
Jun	0	70	30	78	Not provided	**178**

Graph 19: Applications at validity stage with a processing time of six months or more



Graph 20: Proportions of applications with a processing time of six months or more



433. The data in table 14 and graphs 19 and 20, compare the volumes for each category of application at validity stage with a processing time of six months or more shared by the Home Office. This data suggests that the volume of late applications with a processing time of six months or more was frequently greater than the volume of in time applications with a processing time of six months or more.

434. The data suggests that late applications often accounted for a high proportion of applications with a processing time of six months or more across each reporting period with the exception of December 2023.

435. The data suggests that JFMs accounted for a growing proportion of the volume of applications with a processing time of six months or more between December 2023 and June 2024.

436. The data shows the volume of in-time applications with a processing time of six months or more to be zero during each reporting period other than December 2023 when the volume was reported as 116. The IMA is not aware of the reason for the difference in volume during this period.

Digital applications at suitability stage

437. The data suggests the majority of applications at the suitability stage during the reporting period had a processing time of six months or more.

Table 15: suitability: comparison of total volume with volume of applications with a processing time of six months or more

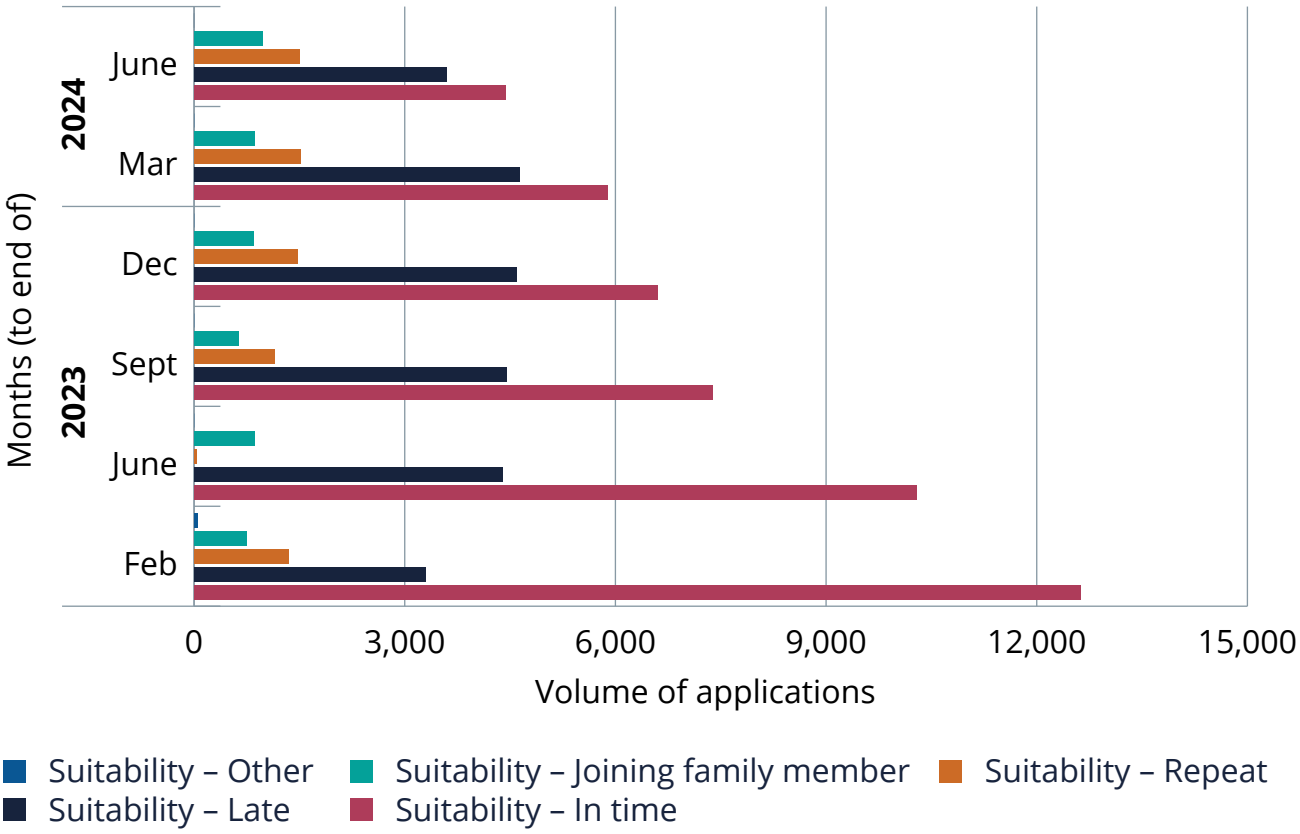
Month (to end of)	Volume six months +	Total volume
2023		
Feb	18057	**32269**
Jun	15570	**22115**
Sep	13611	**19846**
Dec	13522	**16665**
2024		
Mar	12909	**16103**
Jun	10517	**12880**

Graph 21: Suitability: comparison between total volume of applications at suitability stage and volume of applications with six months or more processing time

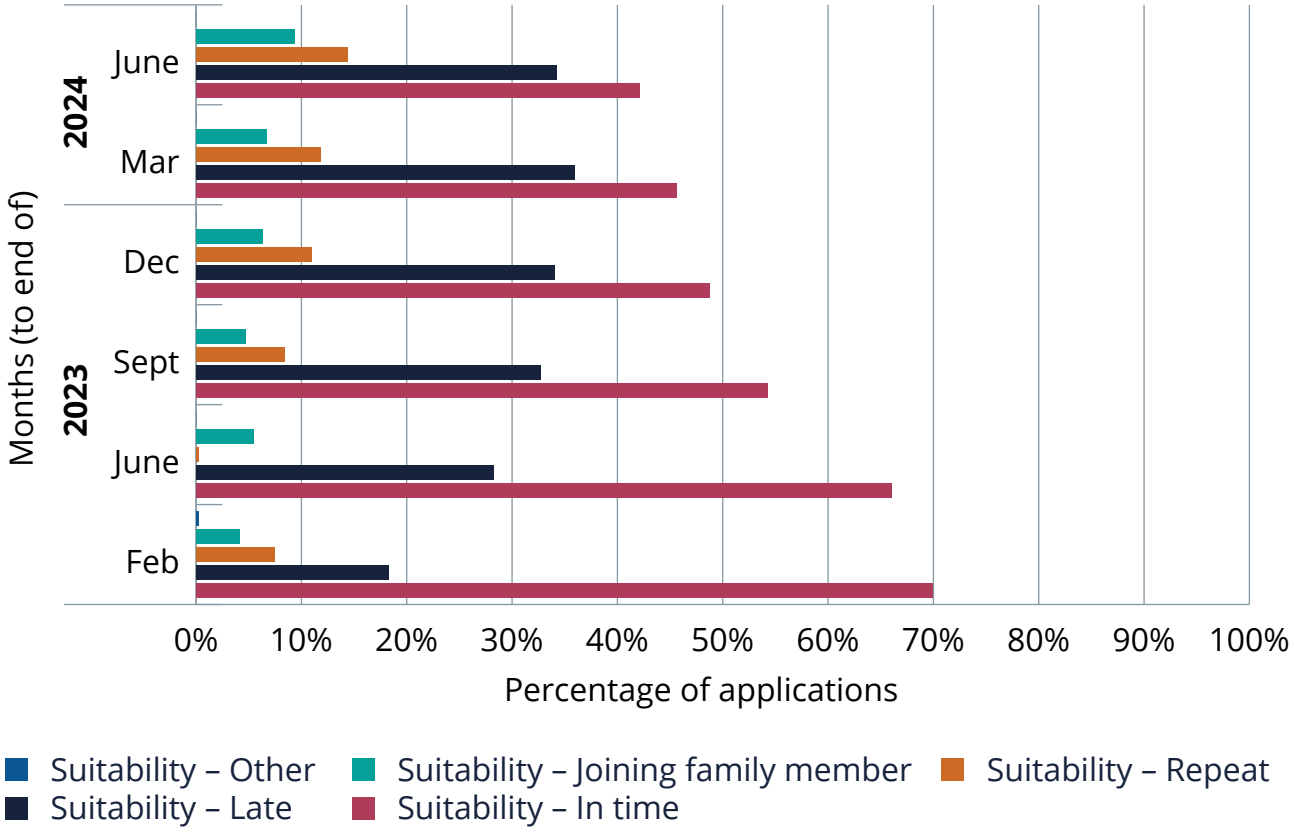
Table 16: Applications with a processing time of six months or more at suitability stage by category

Month (to end of)	In time	Late	Repeat	Joining family member	Other	Total
2023						
Feb	12622	3301	1348	741	45	**18057**
Jun	10286	4393	35	856	0	**15570**
Sep	7388	4447	1140	636	0	**13611**
Dec	6594	4598	1481	849	0	**13522**
2024						
Mar	5892	4637	1521	859	0	**12909**
Jun	4430	3598	1509	980		**10517**

Graph 22: Volume of applications at suitability stage with a processing time of six months or more by category



Graph 23: Proportion of applications with a processing time of six months or more



438. The data in table 16 and graphs 22 and 23 suggests that while in-time applications consistently accounted for the highest proportion of the volume of applications with a processing time of six months or more, the volume decreased over the full reporting period.

439. Simultaneously to the volume of in-time applications with a processing time of six months or more decreasing, the proportion of the total volume consisting of late applications increased.

Digital applications at eligibility stage

440. The data suggests that the majority of applications at eligibility stage during the reporting period had a processing time of six months or less.

Table 17: Eligibility: comparison of total volume and volume of applications with a processing time of six months or more

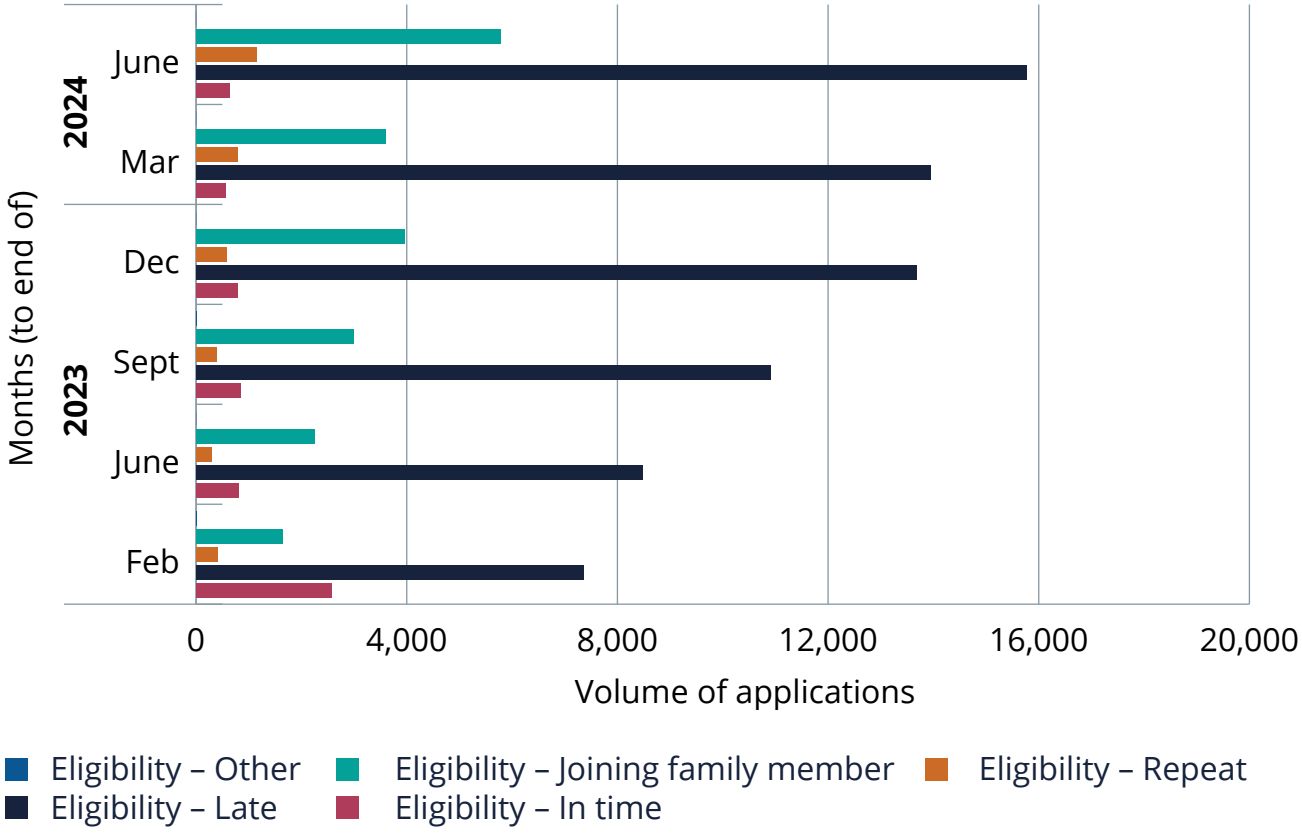
Month (to end of)	Volume six months +	Total volume
2023		
Feb	12008	**115482**
Jun	11821	**89354**
Sep	15140	**79658**
Dec	19010	**75879**
2024		
Mar	18873	**87576**
Jun	23345	**102300**

Graph 24: Eligibility: comparison between total volume and volume of applications with six months or more processing time

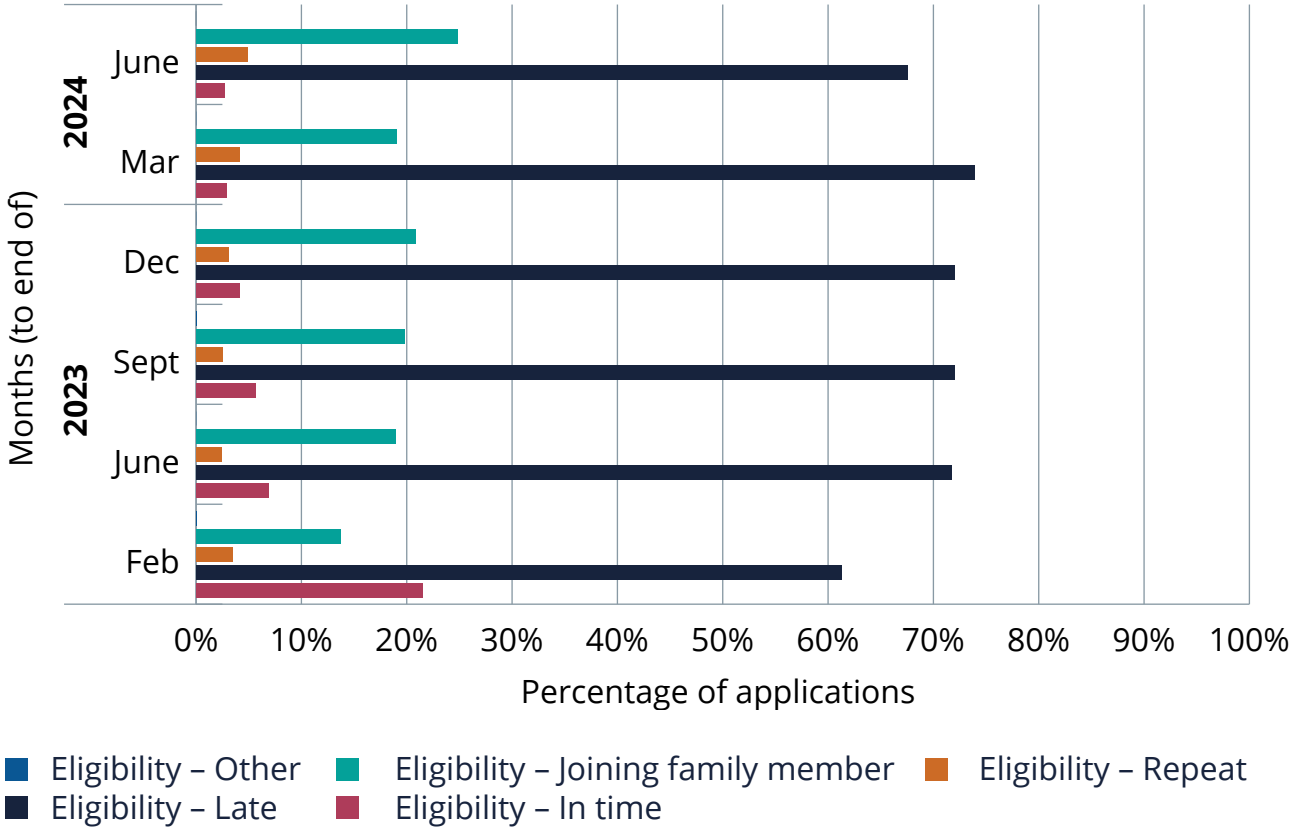
Table 18: Eligibility: volumes of applications with a processing time of six months or more by category

Month (to end of)	In time	Late	Repeat	Joining family member	Other	Total volume
2023						
Feb	2582	7358	413	1649	6	**12008**
Jun	816	8473	288	2244	0	**11821**
Sep	849	10906	383	2998	4	**15140**
Dec	782	13685	587	3956	0	**19010**
2024						
Mar	555	13941	784	3593	0	**18873**
Jun	641	15776	1144	5784		**23345**

Graph 25: Eligibility: Volume of applications with a processing time of six months or more by category



Graph 26: Eligibility: Proportion of applications with a processing time of six months or more by category



441. The data in table 18 and graphs 25 and 26 suggest that the volume of late applications with a processing time of six months or more increased between February 2023 and June 2024 and that, of the five categories provided by the Home Office, they accounted for the largest proportion of the total volume of applications with a processing time of six months or more.

442. After late applications, applications received from JFMs consistently accounted for the next highest volume of applications with a processing time of six months or more, and the next highest proportion of the overall volume of applications with a processing time of six months or more.

Digital applications at final decision stage

443. The data suggests that the majority of applications at final decision stage had a processing time of six months or less.

Table 19: Final decision: comparison of total volume of applications and volume of applications with six months or more processing time

Month (to end of)	Volume six months +	Final decision Total volume
2023		
Feb	167	**857**
Jun	32	**581**
Sep	51	**543**
Dec	51	**545**
2024		
Mar	42	**313**
Jun	18	**144**

Graph 27: Final decision: comparison of total volume of applications and volume of applications with six months or more processing time

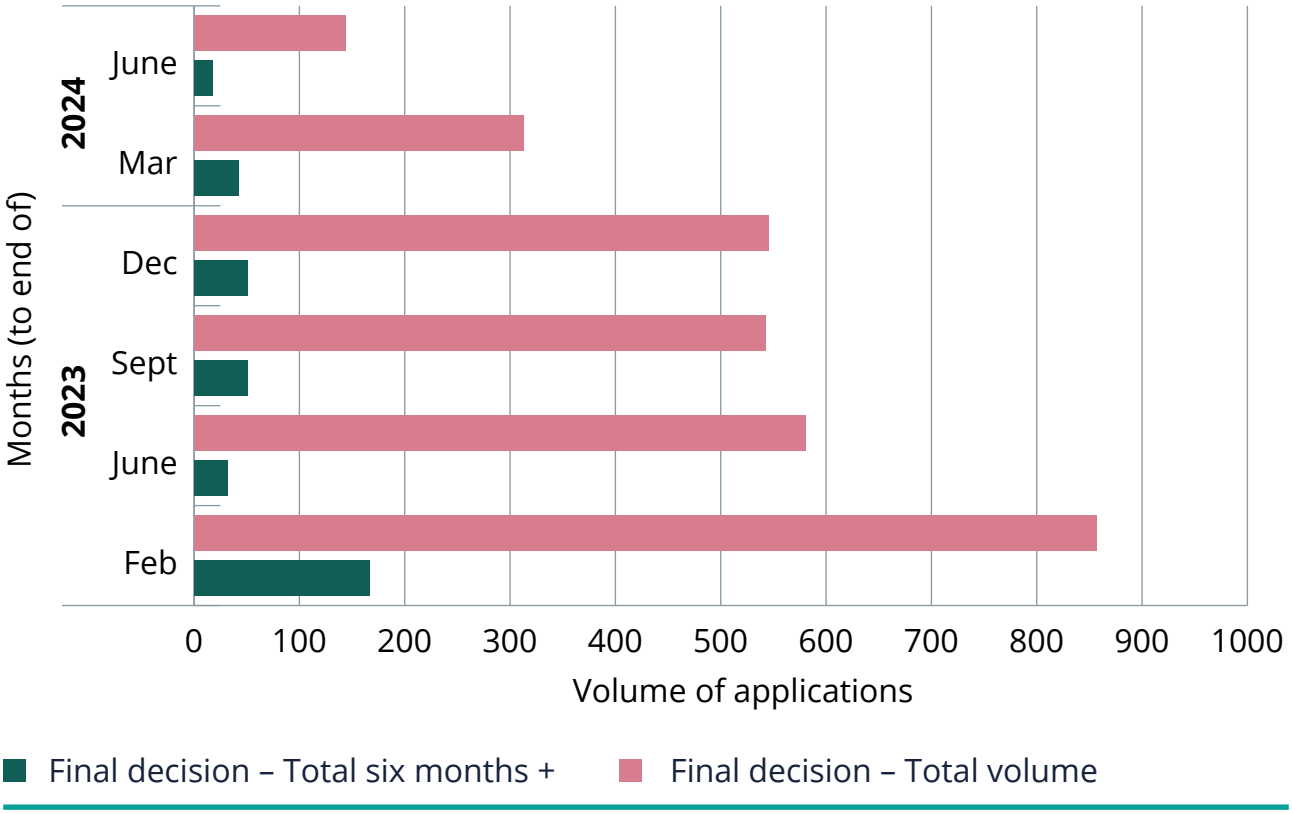
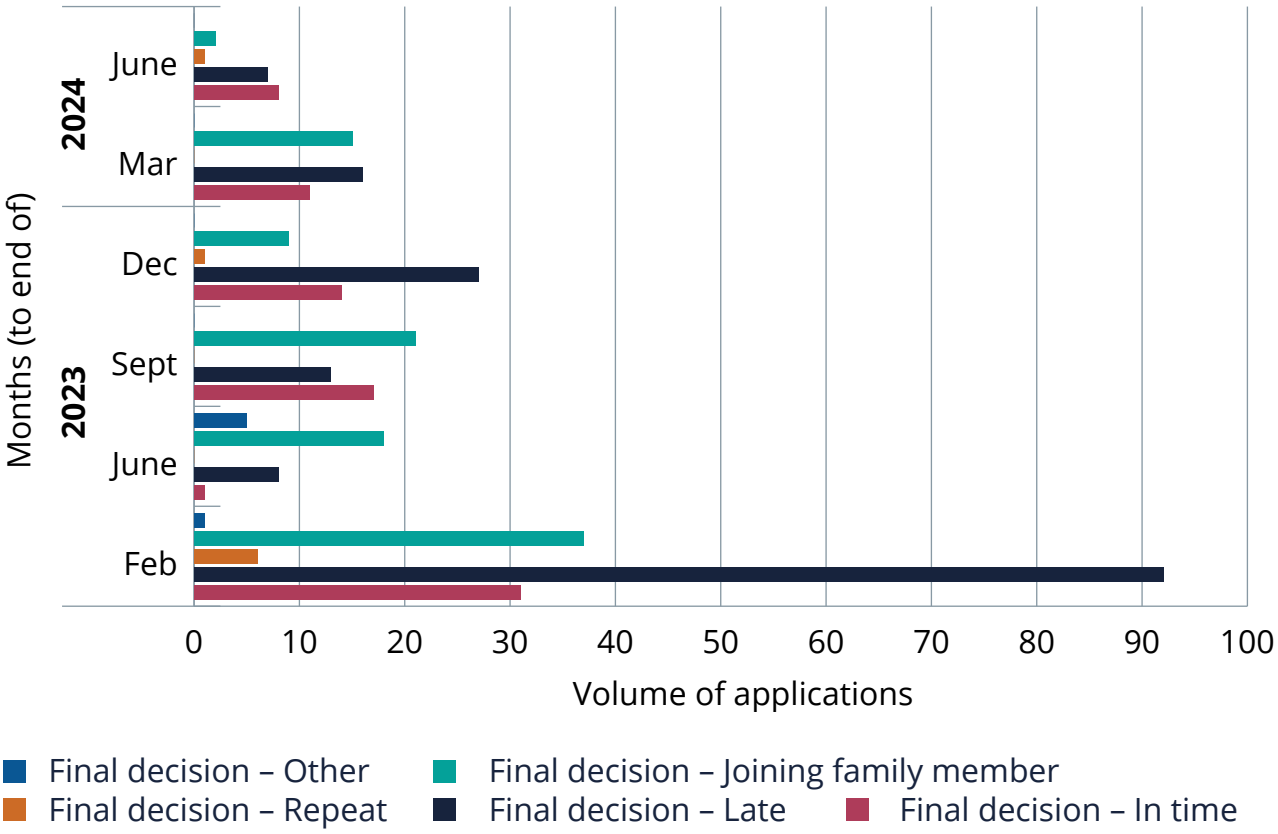


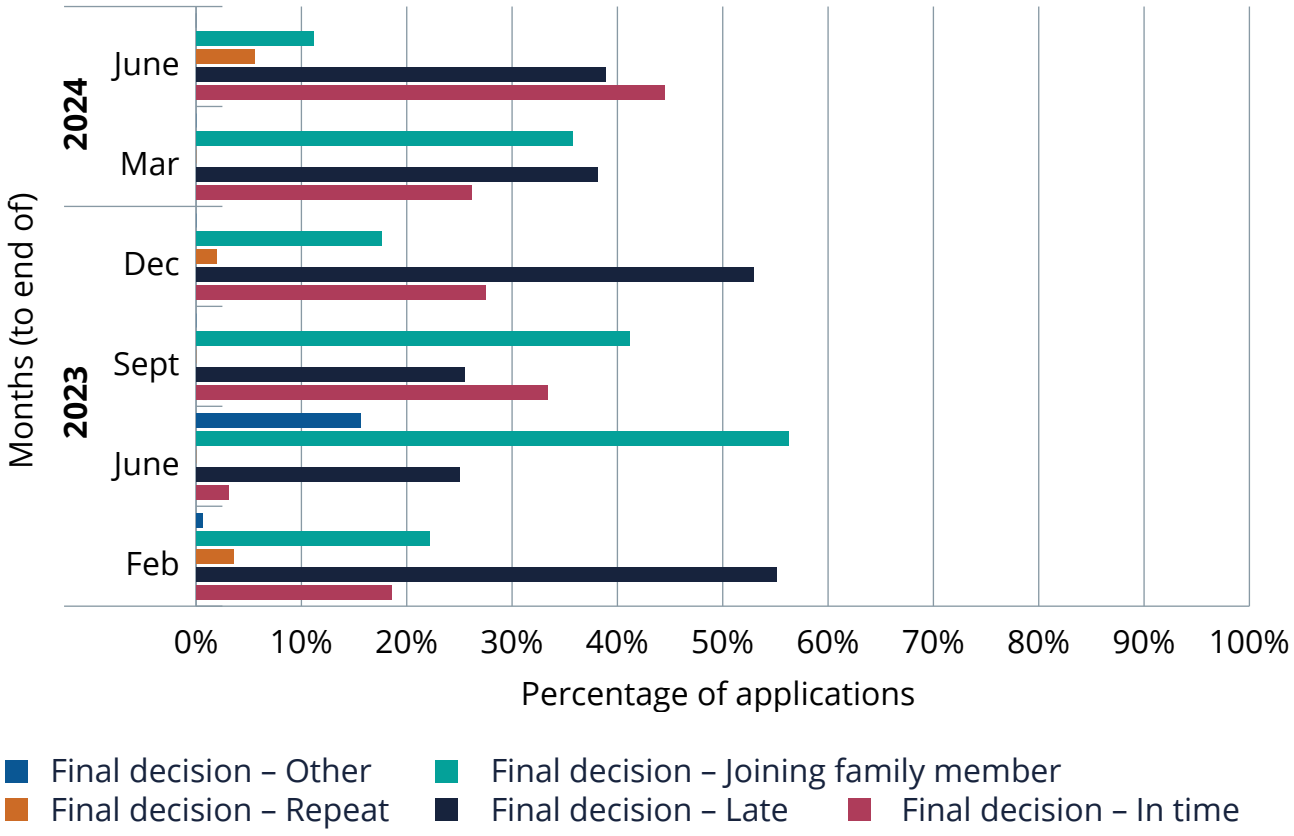
Table 20: Final decision: volumes of applications with a processing time of six months or more by category

Month (to end of)	In time	Late	Repeat	Joining family member	Other	Final decision volume
2023						
Feb	31	92	6	37	1	**167**
Jun	1	8	0	18	5	**32**
Sep	17	13	0	21	0	**51**
Dec	14	27	1	9	0	**51**
2024						
Mar	11	16	0	15	0	**42**
Jun	8	7	1	2		**18**

Graph 28: Final decision: volumes of applications with a processing time of six months or more by category



Graph 29: Final decision: proportion of applications with a processing time of six months or more by category



444. The data in table 20 and graphs 28 and 29 suggest that in the final stage of processing, late applications often account for a high proportion of the total volume of applications with a processing time of six months or more.

445. In-time applications appear to have accounted for an increasing proportion of the applications with a processing time of six months or more at this stage during the final three reporting periods.

Part 5: The impact on citizens' lives

446. The Inquiry opened a 'Call for Evidence' in September 2023. The purpose of this was to gather real life experiences of citizens who faced delays in obtaining a decision on their application to the EUSS (examples of case studies the IMA received are outlined below).

Call for Evidence findings

447. The information gathered as a result of the Call for Evidence revealed that prolonged processing times for EUSS applications have had serious and often distressing consequences. These include:

- Restricted travel
- Employment barriers
- Housing instability
- Emotional stress

Travel restrictions and family separation

448. Delays in EUSS decisions have directly impacted citizens' ability to travel, often resulting in missed family events or fear of being denied re-entry.

449. A CoA provides proof of temporary protection of rights while an application or appeal is pending. Valid CoA holders have the right to leave and re-enter the UK, provided they meet relevant requirements, and may need to provide additional documentation at the border.[47]

47 Recently the Home Office decided to remove wording from the CoA that advised EU and EEA EFTA citizens with a pending EUSS application not to travel, bringing clarity for CoA holders on travel. From 11 February 2026, this wording will no longer appear on new CoAs, although the updated guidance applies to all existing holders. The change follows IMA engagement highlighting uncertainty and practical difficulties caused by the previous advice. While CoA holders may still be asked for additional information at the UK border—particularly with the introduction of Electronic Travel Authorisations—the change is intended to offer reassurance to those who have made a valid EUSS application.

Examples we saw:

i. **A citizen missed their father's funeral due to fear of not being allowed back into the UK.**

Citizen applied to EUSS in March 2023 but faced delays and uncertainty that had a direct emotional impact. After completing biometrics in April 2023, the citizen was contacted by the Home Office on three separate occasions requesting additional information.

On 4 May 2023, the Home Office issued a "Minded to Refuse" notice based on concerns about the authenticity of utility bill submitted as evidence of residency. The citizen maintained that the document was genuine.

The case was referred to the EU16 pot (refusals). It was assessed within two days but then transferred to a new EU16 pot three weeks later.

As of 24 November 2023, the case remained in the pot, with the status:

"decision ready awaiting policy approval of refusal letter on hold to date."

During this time, the citizen experienced personal hardship. They reported that their father had passed away, but they were afraid to travel to Ghana for the funeral, fearing they might not be allowed to re-enter the UK while their application was still pending.

ii. **Citizen concerned about visiting family in the UK while awaiting decisions. Not confident on travelling with CoA.**

A Dutch citizen working for a British organisation in the Netherlands faced disruption due to delays in their application. The organisation was shutting down its operations abroad and had invited the citizen to continue working in the UK—but they felt unable to accept the offer because their EUSS status was still pending.

The citizen also reported feeling like they were unable to travel to visit family, based on advice that travelling with just a CoA whilst awaiting an application decision could risk being denied entry.

The Home Office record shows that the application was received by the eligibility team on 5 August 2023 but was not allocated to a caseworker until 5 October 2023—a delay of two months. Once picked up, the case was processed immediately, and the citizen was granted PSS on the same day.

iii. **A Polish citizen experienced stress and uncertainty due to communication issues with the Home Office.**

Citizen has lived in the UK since 2015 and faced a prolonged delay lasting over 30 months. Despite applying alongside their girlfriend (whose application was processed within three weeks), the citizen's case was left unresolved for more than two years.

The citizen received their CoA, and the case was referred to the suitability team due to a self-declared criminal record. It took until February 2022—over two years—for the Home Office to complete checks with external agencies. These checks ultimately confirmed that the citizen's criminal history did not breach the threshold for refusal.

Once cleared, the case was immediately passed to the eligibility team, and the citizen was granted status on the same day.

During this time, the citizen says they experienced significant stress and uncertainty. They were unaware that the Home Office had been contacting them via an outdated email address, meaning they missed key updates. They eventually filed a formal complaint in January 2022, which helped prompt a resolution two months later.

Although the citizen reported no issues with work or renting accommodation during the delay, they expressed deep concern about travelling abroad—especially to visit family in Poland—while their status remained unresolved.

Employment barriers and economic hardship

450. Pending applications led to job insecurity, loss of employment opportunities, and financial instability.

Examples we saw:

i. **A French/Ukrainian citizen reported that delays that "jeopardised my ability to apply for jobs" due to employer confusion over pending status.**

Citizen faced repeated setbacks while trying to secure their status. They submitted three separate applications. The first was refused due to incorrect documentation. The second was withdrawn because the Home Office requested their passport as physical evidence, which they needed for travel. The third was delayed and complicated by administrative errors, including the use of the same reference number from a previous application.

Despite having a CoA since August 2021, the citizen reported that the delays caused serious problems in their daily life. They struggled to apply for jobs because employers were unfamiliar with the EUSS process and were hesitant to hire someone with a pending application. This uncertainty led to missed job opportunities and confusion during interviews.

Additionally, the citizen experienced issues at the UK border due to the unresolved status of their application. The Home Office issued several requests for further evidence over the course of the application. Ultimately, the application was refused on the basis that the documentation provided did not meet the required evidential standard.

ii. **An Austrian citizen lost a mortgage offer due to their pending EUSS status.**

An Austrian citizen applied for EUSS status in 2021 and faced delays that had a direct impact on their financial stability. In August of that year, they were pre-approved for a mortgage based on their financial situation. However, because their EUSS application was still pending, the mortgage offer was withdrawn.

The delay in processing their application meant they couldn't provide the necessary immigration status documentation to the lender, despite having done everything required on their end. This caused significant disruption to their plans and added stress during an important life milestone.

Eventually, they received PSS in December 2021, but by then the opportunity to secure the mortgage had passed. The case highlights how even short delays in decision-making can have serious consequences for applicants, especially when it comes to housing and financial commitments.

Housing instability

451. Lack of status or share codes resulted in accommodation rejections and insecurity.

Examples we saw:

i. **A Hungarian citizen faced multiple accommodation rejections due to not having a working share code.**

Citizen arrived in the UK in early 2019 and applied to the EUSS shortly after. Despite securing employment and accommodation shortly after arriving, they reported receiving no communication from the Home Office regarding their application. They were never asked to provide further evidence and were left without a working share code, which made it difficult to prove their immigration status.

This lack of status led to repeated housing rejections, as landlords were unable to verify their right to rent. The citizen eventually found accommodation, but only after a landlord failed to properly check their status highlighting the risks and confusion caused by the delay.

The Home Office records show that the case was referred to the suitability Team in February 2020 and quickly allocated to a caseworker. On review, the caseworker identified that the citizen had an overseas conviction resulting in a prison sentence of over 12 months. The case was referred to FNORC in May 2020.

Since then, the case has remained with FNORC and at the point of completing the call for evidence in September 2023, the citizen had not received an update on the position of application, over three years later. Shortly after, in October 2023, the application was refused.

This case illustrates how delays linked to criminality assessments left individuals in limbo for extended periods, affecting their ability to secure housing, access services, and live with confidence.

452. This also highlights the confusion or concerns delays cause for landlords who are unfamiliar with the EUSS. This can potentially lead to issues in securing housing for applicants.

Psychological and emotional stress

453. The uncertainty and lack of communication from the Home Office caused significant anxiety and distress.

Examples we saw:

i. **An Italian citizen moved to the Netherlands after being refused, despite being acquitted of criminal charges.**

Citizen who had lived in the UK since 2012 faced a long and complex delay in their application due to unresolved criminal proceedings and data handling issues between agencies.

In 2019, the citizen was arrested and spent six months in prison, and upon release was subject to licence conditions that lasted until March 2022. The trial was repeatedly postponed due to the COVID-19 pandemic and eventually concluded in January 2022, resulting in an acquittal.

The citizen initially waited for the court case to conclude before applying to the EUSS and submitted their application in 2021. The case was referred to suitability in April 2021, but was not allocated to a caseworker until May 2021, when the Home Office identified a pending prosecution and contacted the relevant police service. The police responded in July 2021 with the court date.

After being acquitted, the citizen contacted the Home Office in March 2022 to inform them of the outcome. However, they received no update for over a year. In June 2023, they submitted formal evidence that the proceedings had concluded. Shortly after, the Home Office identified a further pending prosecution, which the police confirmed had been updated. The case was finally passed to the eligibility team in July 2023.

The eligibility team then requested evidence of residency, which the citizen submitted. However, despite providing additional documents, the application was refused on residency grounds in August 2023.

The citizen reported that the delay and lack of communication caused significant distress. They contacted the police and the Home Office multiple times, and only after intervention from their MP did the Home Office confirm that their records had been updated. Ultimately, the citizen left the UK and moved to the Netherlands, feeling forced out by the prolonged uncertainty and refusal.

Removal

454. Some citizens were denied entry or removed while awaiting decisions.

Examples we saw:

i. **A Croatian citizen was refused entry at the UK border and was detained overnight before being removed to the country of origin while their EUSS application remained pending.**

The citizen submitted a late application and received a CoA on the same day they applied. The citizen was detained overnight and refused entry at the UK border, ultimately being removed back to Croatia.

The Home Office records show that the case was stuck in the suitability stage for eight months—from October 2021 to June 2022—due to a handling error. Specifically, there were delays in completing biographic checks, and no issues were flagged in the internal systems meaning the case was not actively progressed during that time.

Once the case was finally passed to the eligibility team in June 2022, it was allocated to a caseworker the same day. The Home Office requested additional evidence, which the citizen partially provided. A follow-up request was sent on 1 July 2022, and shortly after, on 6 July 2022, a senior caseworker authorised the grant of PSS

Administrative failures

455. Several cases were delayed due to internal Home Office issues such as IT failures, misallocation, or lack of resources.

Examples we saw:

i. **A Dominican Republic citizen had to involve their MP to get a response after 30 months, due to an IT issue causing the application to be "stuck in the system" for nearly two years.**

A citizen from the Dominican Republic, married to a Spanish national with SS, faced a delay of nearly two years in their application due to a technical fault within the Home Office systems.

After entering the UK in 2021 on an EEA family permit, the citizen applied for EUSS status and completed their biometrics in October 2021. They received their CoA shortly after but heard nothing further from the Home Office for almost two years.

In June 2023, the citizen contacted their local MP for help. The Home Office responded in August 2023, explaining that the delay was due to "protracted enquiries with another area within the department." Two weeks later, the citizen was finally granted status.

The Home Office later confirmed that the case had been "stuck in the system" due to an IT issue affecting the transition between internal platforms—specifically from PEGA (Validity) to Atlas (suitability). This glitch affected a small number of cases (13 in total), but for this citizen, it meant their application was effectively frozen for 23 months without any progress or communication.

The Home Office has since implemented a fix and established a fortnightly working group with IT to prevent similar issues from recurring.

ii. **A German citizen was denied entry into the UK despite having a CoA**

Citizen waited 11 months for a decision on their application. As a late applicant and while their application was still pending, they were denied entry into the UK when travelling from Brussels to London by train in March 2023.

The Home Office chronology shows that the case was delayed, taking three months to be allocated to an eligibility caseworker. Once picked up, the case underwent automated security checks after 90 days. Further evidence was requested in November 2022, but after the citizen submitted a marriage certificate with a new alias, the case was sent back to the suitability team for review again.

The case returned to eligibility in January 2023, where more evidence was requested regarding the citizen's absence from the UK between January and July 2021. The case was mistakenly assigned to the JFM pot, which was later corrected, and then moved to the Lounes pot—a route for applicants with British family members who also hold EEA nationality. However, it was eventually determined that the sponsor did not meet the Lounes criteria, and the case was returned to the general queue.

Due to a backlog in the Lounes route, it took almost four months to assess the case. On 9 May 2023, the application was refused. The Home Office later confirmed that the caseworker could have refused the application back in January but chose to explore alternative options to which allowed the citizen to retain the benefits of their CoA for a longer period.

Impacts on particular groups

456. Since the introduction of the EUSS, stakeholders have consistently raised concerns about the difficulties some applicants face in navigating the system. The IMA has considered evidence submitted throughout the Inquiry, including how protracted processing times and delays impact particular groups of citizens.

457. For example, organisations such as the Roma Support Group have published detailed research highlighting the significant barriers faced by Roma applicants, including digital exclusion, lack of documentation, and challenges engaging with official processes.[48] [49]

458. Since 2021, the Senedd's Equality and Social Justice Committee has monitored the operation of the EUSS in Wales and produced a substantial body of reporting that documents the challenges faced by EU citizens in Wales, identifying issues around late applications, communication barriers, and vulnerability within specific communities.[50] [51]

459. Broader analyses, such as those provided by the Migration Observatory,[52] also point to ongoing structural issues within the EUSS, including the difficulties faced by applicants with limited evidence, complex personal circumstances, or reduced ability to engage with the digital-by-design system.

460. Taken together, this body of evidence demonstrates that certain groups experience greater obstacles within the EUSS framework and are affected by delays and procedural complexity.

461. The sections below set out some of the specific challenges that particular groups of applicants may face within the EUSS, including barriers related to documentation, digital access and the ability to engage consistently with the process.

48 Roma EU citizens in the UK: Ongoing struggles with the EU Settlement Scheme. [online] Available at: https://www.Romasupportgroup.org.uk/uploads/9/3/6/8/93687016/policy_report_version_2.pdf.

49 EU Settlement Scheme: Post-deadline experiences and challenges for the Roma communities in London. [online] Available at: https://www.Romasupportgroup.org.uk/uploads/9/3/6/8/93687016/EU_settlement_scheme_post_deadline_experiences_and_challenges_for_the_Roma_communities_in_london_June_2024_final.pdf.

50 Senedd.wales. (2024). Are EU citizens in Wales at risk of a 'second Windrush'? [online] Available at: https://research.senedd.wales/research-articles/are-EU-citizens-in-wales-at-risk-of-a-second-windrush

51 Welsh Parliament Equality and Social Justice Committee Annual Report: European Union Settlement Scheme. (2024). Available at: https://business.senedd.wales/documents/s148792/Annual%20Report%20European%20Union%20Settlement%20Scheme%20April%202024.pdf

52 Migration Observatory. (n.d.). Outstanding issues facing the EU Settlement Scheme. [online] Available at: https://migrationobservatory.ox.ac.uk/resources/commentaries/outstanding-issues-facing-the-EU-settlement-scheme/.

462. Later in this section, the IMA considers the evidence gathered during the Inquiry in relation to particular groups of citizens, the impact and their experience as a result of delays, protracted processing, or other procedural features of the EUSS.

Victims of exploitation and abuse

463. Applicants who have experienced coercion, abuse, or modern slavery are often in highly vulnerable situations. Unlike applicants who are not facing such circumstances, they are far less likely to have access to standard documentation or stable support networks.

464. This absence of evidence combined with the impact of exploitation can compound their existing vulnerabilities, making it even harder for them to navigate the system and increasing the risk that they are excluded or disadvantaged. Their cases therefore require particularly sensitive handling and timely support.

Examples we saw:

i. **A suspected victim of modern slavery had difficulty proving residency due to employer control.**

A dual national who had naturalised as a Spanish citizen came to the UK in August 2020 for work but found themselves in an exploitative and abusive employment situation. They were forced to work 15–16 hours a day, for less than minimum wage. They were prohibited from registering with a GP, even during the COVID-19 pandemic. This was done deliberately by the employer to prevent any official record of their presence in the UK.

The citizen applied for EUSS status in December 2020 through a law firm. The citizen later discovered that the application had been refused because the passport was never submitted, despite having handed it over to the firm. With support from a migrant advocacy group, the citizen submitted a new application, explaining the delay and the circumstances of their exploitation.

Due to the nature of the case, including potential modern slavery concerns, the application was flagged for special handling. The Home Office chronology shows a one-month delay at the identity stage due to manual verification of the passport. The case entered eligibility in December 2021 but was not allocated until March 2022 due to backlog.

It was then rerouted as an amber case (safeguarding concerns) for senior caseworker advice.

The case was passed between senior caseworkers due to a backlog, before being returned to the main queue in August 2022. On 11 August 2022, a caseworker requested additional evidence, which the citizen promptly provided.

After one more request and submission, the citizen was granted PSS 11 days later.

ii. **A Romanian citizen was repeatedly refused due to lack of a National Insurance Number, which they couldn't obtain during lockdown.**

Citizen is from a culturally and linguistically diverse (CALD) community and had lived and worked in the UK since November 2019. They faced repeated refusals of their applications due to difficulties in providing standard documentation—particularly a National Insurance Number (NINO), which they were unable to obtain during the COVID-19 lockdown.

The citizen worked without a NINO and submitted multiple applications; each refused on the grounds of insufficient evidence of residency. In May 2022, they sought help from a support organisation, which discovered that one of the refusals had been due to a lack of response from the applicant—despite the citizen believing they had complied.

They submitted a new application in June 2022, but the Home Office chronology shows that the case remained at the suitability stage for weeks. It was passed to the eligibility team on 15 June 2022 but not allocated to a caseworker until 19 August 2022.

From that point, the citizen and the support organisation were engaged in a back-and-forth with the Home Office, in which evidence was requested and partially submitted.

The case was then sent back to suitability via the automated 90-day process and returned to eligibility on 11 October 2022.

Despite these efforts, the final request for evidence on 11 October 2022 received only a response from the support organisation with no new documentation. The application was ultimately refused on residency grounds.

Individuals with criminal records or pending prosecutions

465. While not inherently vulnerable due to their criminal history, these applicants were subject to protracted applications and delays within the EUSS process due to several factors, including:

- Extended delays due to suitability and FNORC reviews
- Poor communication from the Home Office
- Emotional and practical hardship
- Limited access to legal support

466. Some cases remain unresolved for years, even after acquittal. However, following the judgement in K v SSHD, applications should no longer be paused solely due to pending prosecutions. Caseworkers must now assess each case on its own merits.

Non-EU nationals and family members

467. Again, while not inherently vulnerable, non-EU nationals and family members have the potential to become vulnerable within the EUSS process due to their dependency on sponsors, complex evidence requirements, and the impact of delays.

468. Many non-EU applicants apply as JFMs of EU citizens. Their applications are often linked to the sponsor's status, meaning delays or complications in the sponsor's case directly affect them. They also face stricter documentation requirements, such as proving durable partnerships, marriage validity, or dependency. These factors can lead to uncertainty and emotional distress, especially when applications are mishandled or delayed.

469. For those with dependent children, the uncertainty can be even more pronounced.

470. While children in the UK are entitled to access compulsory education regardless of their (or their parents') immigration status, delays in EUSS applications can still create significant uncertainty for families.

471. This uncertainty can affect not only access to education but also the broader conditions, such as housing, benefits, and emotional wellbeing that support a child's ability to learn and thrive.

Applicants without 'standard' documentation

472. Applicants who do not have standard forms of documentation, such as tenancy agreements, utility bills, or bank statements, may face additional practical difficulties in evidencing their residence under the EUSS.

473. The EUSS often lacks flexibility in accommodating diverse living arrangements and non-traditional evidence can increase the likelihood of extended processing times. For applicants whose circumstances do not fit within standard evidential categories, this can result in a greater risk of delay or adverse outcomes, even where they have a legitimate basis for their status.

Rights affected by delays

474. The IMA found that nearly all rights guaranteed under the Agreements have been negatively impacted, including:

- Residency
- Employment
- Education and qualifications
- Social security
- Equal treatment

475. While applicants do have temporary protection of rights during the decision period (as per Article 18(3) of the Agreements), delays often create practical barriers.

Nationality-based variations in processing times

476. Insights from the Inquiry suggest that applicants of different nationalities may experience varying outcomes within the EUSS process. During our case sampling exercise, we were informed of specific challenges faced by ACRO in obtaining OCCs for SAT from certain European countries.

477. In some cases, these difficulties have led to significant delays in processing applications involving criminal convictions from those regions.

478. Based on this evidence, it is reasonable to conclude that applicants with convictions from countries where ACRO encounters verification issues are more likely to experience prolonged decision times. The inability to swiftly obtain required documentation creates a bottleneck that slows down the overall assessment process.

Data analysis

Application decisions based on nationality

479. The Inquiry has not seen evidence from the case samples and dip samples to suggest that particular groups of people are being disproportionally affected by EUSS application delays. However, the IMA explored this further by conducting an analysis of published EUSS statistics to consider whether this data might suggest that certain nationalities may be more likely to experience delayed application decisions.

480. This analysis and assessment are based on the published statistics. No further data was formally requested from the Home Office for this analysis, in addition to that which is publicly available.

481. The following analysis was based on a calculation of the differences between applications received and concluded by nationality since reporting on the EUSS commenced in August 2018, up to 31 March 2025. While the IMA notes that the Home Office does not consider a calculation between applications received and concluded to be a true reflection of the applications awaiting an outcome, the results do provide some insight into the differences in volumes per country.

482. The analysis suggests that the largest percentage of applications received but not yet concluded were submitted by citizens from Romania, non-EEA countries, Bulgaria, Italy and Poland. This suggests that applications received from these countries account for a larger volume of applications awaiting outcomes than those received from other countries.

483. Considered on its own, this could suggest disproportionality in processing by nationality. However, when considered alongside an analysis of the proportion of applications submitted by each nationality compared to the overall total of applications submitted to the EUSS, it would be reasonable to argue that applications from these nationalities account for similar proportions of applications received into the system and consequently account for the largest proportion still being processed. A similar assessment can be made by comparing the results to proportions of concluded applications by nationality. This is explored in more detail below.

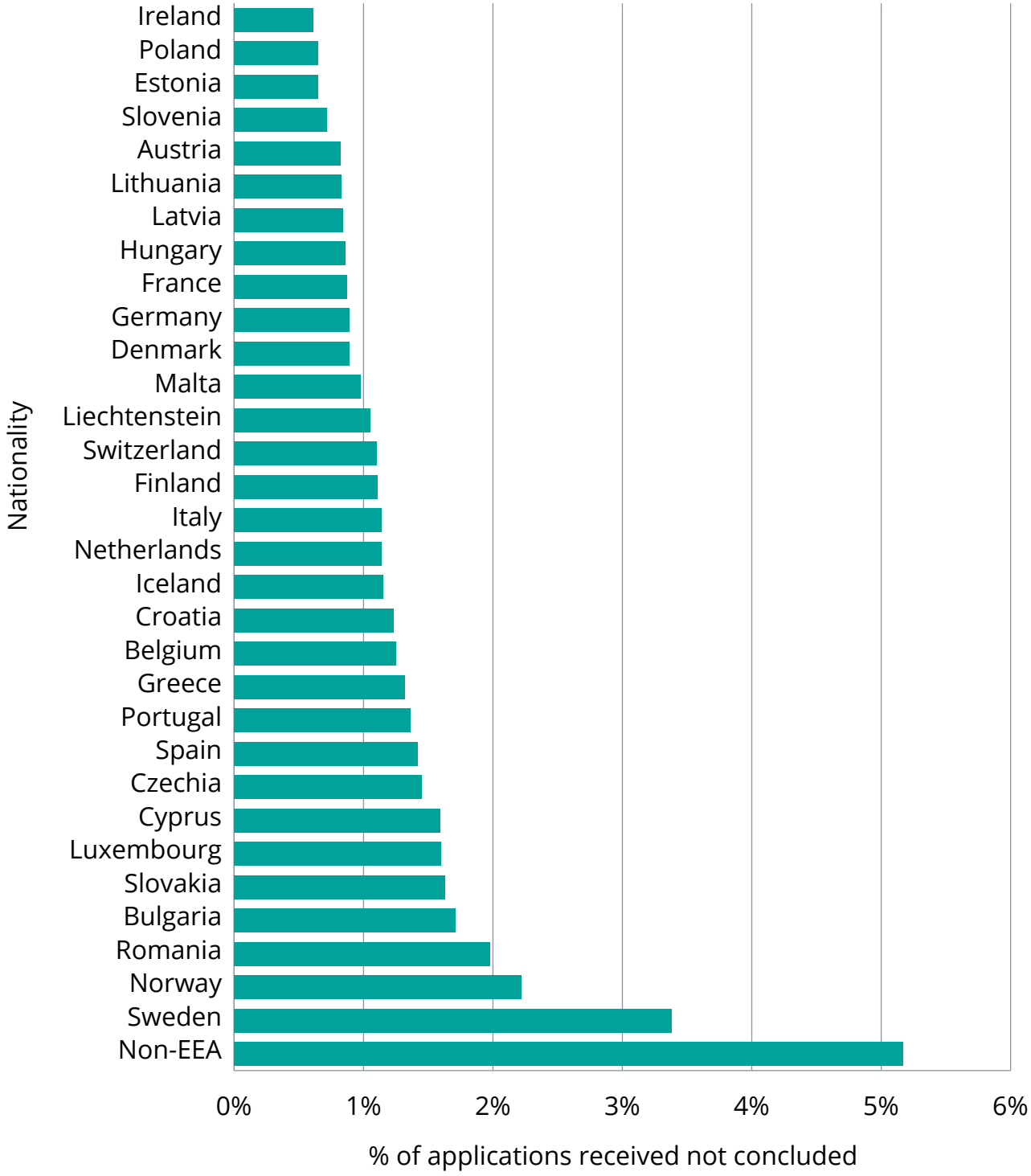
Proportion of applications awaiting outcome (based on a calculation of the difference between applications received and applications concluded)

Table 21: Applications submitted and concluded with calculated difference by nationality to 31 March 2025

Country	Total Applications Submitted	Total Applications Concluded	Calculated difference between applications submitted and concluded	Calculated % of submitted applications not concluded
Non-EEA	760174	720881	39293	5.17%
Sweden	128596	124250	4346	3.38%
Norway	51123	49987	1136	2.22%
Romania	1871678	1834561	37117	1.98%
Bulgaria	513040	504286	8754	1.71%
Slovakia	176744	173860	2884	1.63%
Luxembourg	2372	2334	38	1.60%
Cyprus	38044	37438	606	1.59%
Czechia	95469	94088	1381	1.45%
Spain	483666	476787	6879	1.42%
Portugal	565834	558115	7719	1.36%
Greece	183801	181376	2425	1.32%
Belgium	56191	55488	703	1.25%
Croatia	18232	18007	225	1.23%
Iceland	3223	3186	37	1.15%
Netherlands	174476	172480	1996	1.14%
Italy	740175	731746	8429	1.14%
Finland	26973	26673	300	1.11%
Switzerland	24848	24574	274	1.10%

Country	Total Applications Submitted	Total Applications Concluded	Calculated difference between applications submitted and concluded	Calculated % of submitted applications not concluded
Liechtenstein	95	94	1	1.05%
Malta	9840	9744	96	0.98%
Denmark	35420	35104	316	0.89%
Germany	196141	194397	1744	0.89%
France	280661	278216	2445	0.87%
Hungary	195338	193649	1689	0.86%
Latvia	167324	165921	1403	0.84%
Lithuania	321659	318990	2669	0.83%
Austria	29728	29485	243	0.82%
Slovenia	6483	6436	47	0.72%
Estonia	17325	17212	113	0.65%
Poland	1274404	1266154	8250	0.65%
Ireland	18327	18216	111	0.61%

Graph 30: Calculated proportion of applications by nationality received not yet concluded



484. Table 21 and graph 30 show the calculated volume and proportion of applications submitted from non-EEA and individual EU nationalities and not yet concluded between 28 August 2018 and 31 March 2025.

485. The calculated median average percentage of applications received not concluded is 1.14% and the mean average is 1.36%. Not including non-EEA countries, there are 14 countries with an above median percentage of received applications awaiting outcome and 9 above the mean average.

486. The data shows that 760,174 applications from non-EEA countries have been submitted with 720,881 (94.83%) concluded. Non-EEA countries have the highest calculated percentage of applications received not concluded (5.17%) which sits at 3.71% above the mean average. They also account for the highest proportion of the calculated applications received but not yet concluded at 27.34%.

487. Non-EEA applicants are typically JFMs. The Home Office considers these cases to be inherently more complex than others. It could therefore be argued that in some cases, these may be slower to resolve due to requiring additional checks. However, this may also be indicative of problems in how such applications are processed. Due to the data limitations, including the lack of data related to ethnicity and reasons for refusals, it is difficult to explore this issue in more detail.

488. In terms of volume, Romania has the highest calculated volume of applications awaiting an outcome. While a calculated 1.98% of the applications received from Romania are not concluded, the volume compared to other nationalities is relatively high and represents a calculated 25.83% of the total applications received and not concluded. This is the second highest proportion of all nationalities.

489. The third, fourth and fifth highest are calculated to be Bulgaria (6.09%), Italy (5.86%), and Poland (5.74%).

490. Countries calculated to have a lower percentage of received applications not yet concluded include Ireland, Malta and Iceland. These are also calculated to account for a relatively low proportion of the total applications received and not yet concluded.

491. While taking into consideration possible inaccuracies in the data, the calculations suggest that the volume of applications received and not yet concluded largely consists of applications from citizens from Romania and Non-EEA countries.

Proportions of applications received and applications concluded

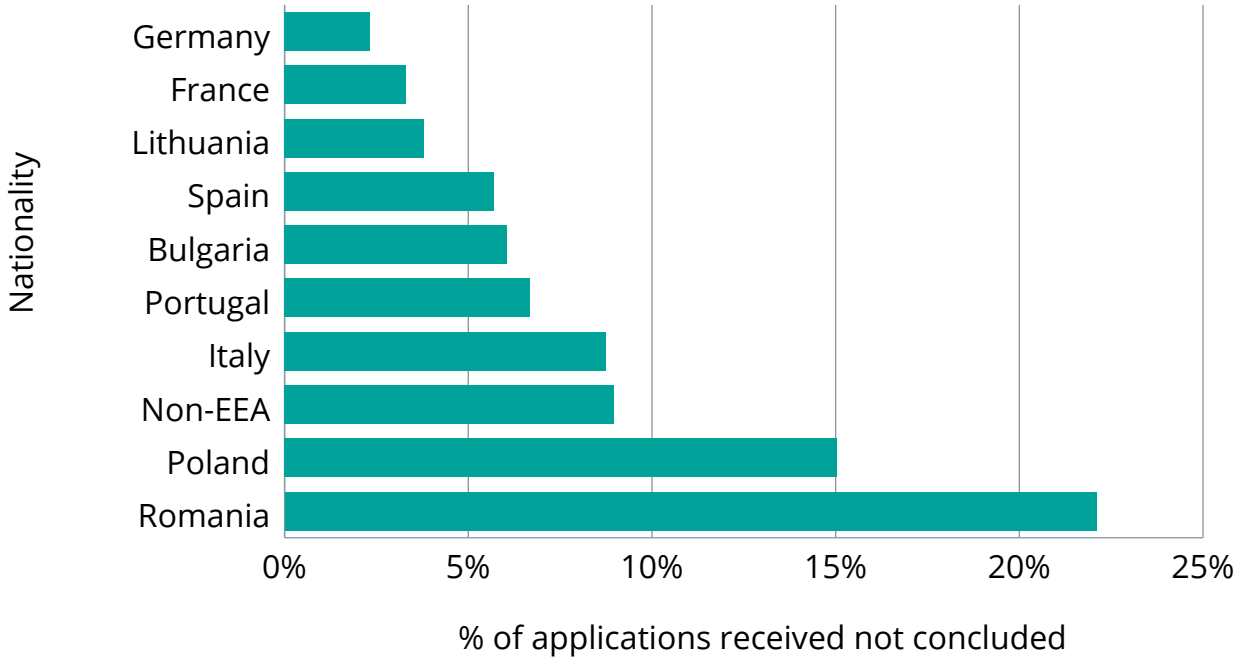
492. To provide further insight into the processing of applications in relation to nationality, an analysis was completed to consider the proportions of applications received and applications concluded by nationality.

493. The volume of applications received up to 31 March 2025 was reported as 8,470,950. Applications received from Romania accounted for the highest proportion (22.1%) with the total number of applications received from this nationality being 1,871678. The proportion of applications concluded was similar with Romania accounting for 1,834,561 (22.03%) of concluded applications.

Table 22: Top ten nationalities by proportion of applications received (%) to 31 March 2025

Nationality	Volume of applications received	% of total applications received
Romania	1871678	22.10%
Poland	1274404	15.04%
Non-EEA	760174	8.97%
Italy	740175	8.74%
Portugal	565834	6.68%
Bulgaria	513040	6.06%
Spain	483666	5.71%
Lithuania	321659	3.80%
France	280661	3.31%
Germany	196141	2.32%

Graph 31: Top ten nationalities by proportion of applications received (%) to 31 March 2025



494. The top ten nationalities accounting for the highest proportion of applications received align with the top ten nationalities accounting for the highest proportion of concluded applications.

495. The volume of applications received from non-EEA countries is reported as 760,174, accounting for 8.97% of the total applications received.

496. The volume of concluded applications from non-EEA countries is reported as 720,881, accounting for 8.66% of the total concluded applications.

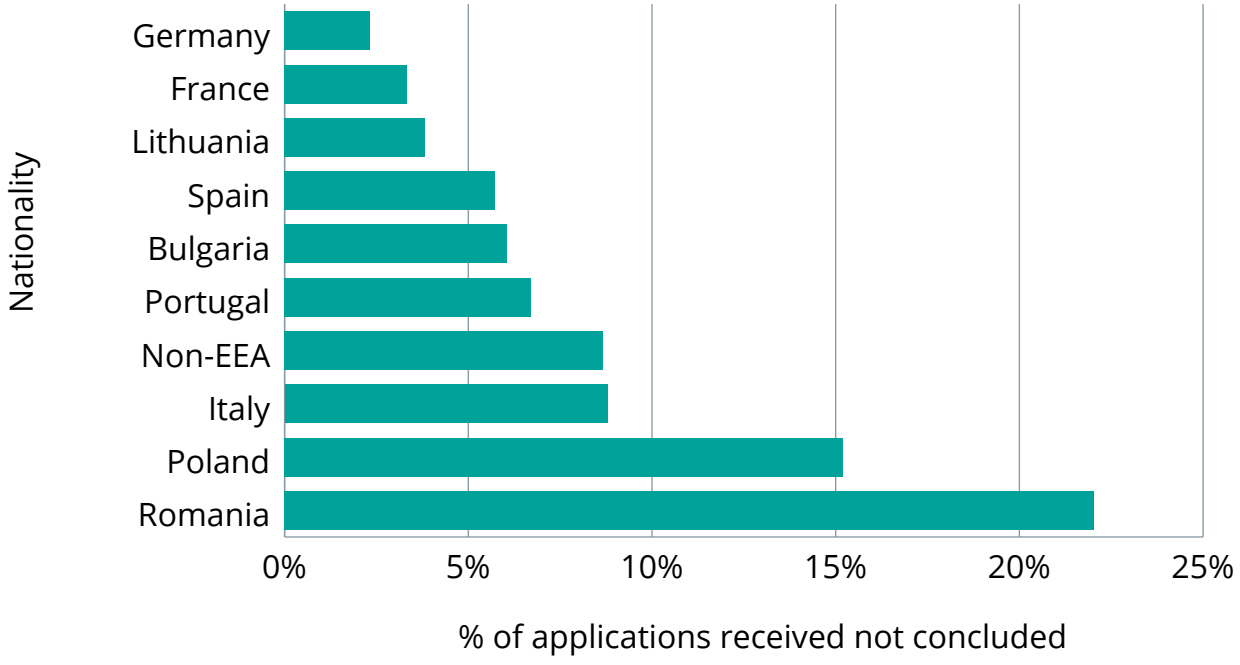
497. Non-EEA countries account for 27.34% of the total applications calculated to be awaiting outcome, which is considerably higher than the proportion they account for of applications received and of applications concluded.

498. As previously stated, an isolated assessment of the proportion of cases by nationality awaiting outcome could suggest disproportionality. However, when considered alongside the proportions of received and proportions of concluded applications by nationality, it could be argued that, aside from applications from non-EEA, the proportions of applications from most nationalities remain similar throughout.

Table 23: Top ten nationalities by proportion of concluded applications (%) to 31 March 2025

Nationality	Volume of applications concluded	Proportion of total concluded applications
Romania	1834561	22.03%
Poland	1266154	15.20%
Italy	731746	8.79%
Non-EEA	720881	8.66%
Portugal	558115	6.70%
Bulgaria	504286	6.06%
Spain	476787	5.73%
Lithuania	318990	3.83%
France	278216	3.34%
Germany	194397	2.33%

Graph 32: Top ten nationalities by proportion of concluded applications (%) to 31 March 2025



Repeat applicants

499. The analysis in this section is drawn from repeat applicant data as published in the Home Office EUSS – summary tables, year ending March 2025.

500. In addition to notes included in the published statistics, Home Office states that figures reported in the statistical publications account for applications to the system, including individuals making applications on more than one occasion. For example, an individual who has been granted PSS can make a new application at a later stage for SS. Equally, they can receive an outcome on one application and choose to withdraw another application. As these are separate applications with separate outcomes, they are counted as separate applications and outcomes in the statistics.

501. To continue to meet user needs and to better understand the number of applicants to the scheme, the Home Office has explored ways to identify repeat applications by individuals and their outcomes (e.g. those moving from PSS to SS).

502. Details of the methodology employed can be found in section 5.3 of the Home Office EU Settlement Scheme Statistics: user guide – GOV.UK

503. Figures provided in EUSS_RA_01 to EUSS_RA_04 are for numbers of individuals, not applications. An individual may have multiple applications and as such these figures will differ from application figures provided in the other summary tables.

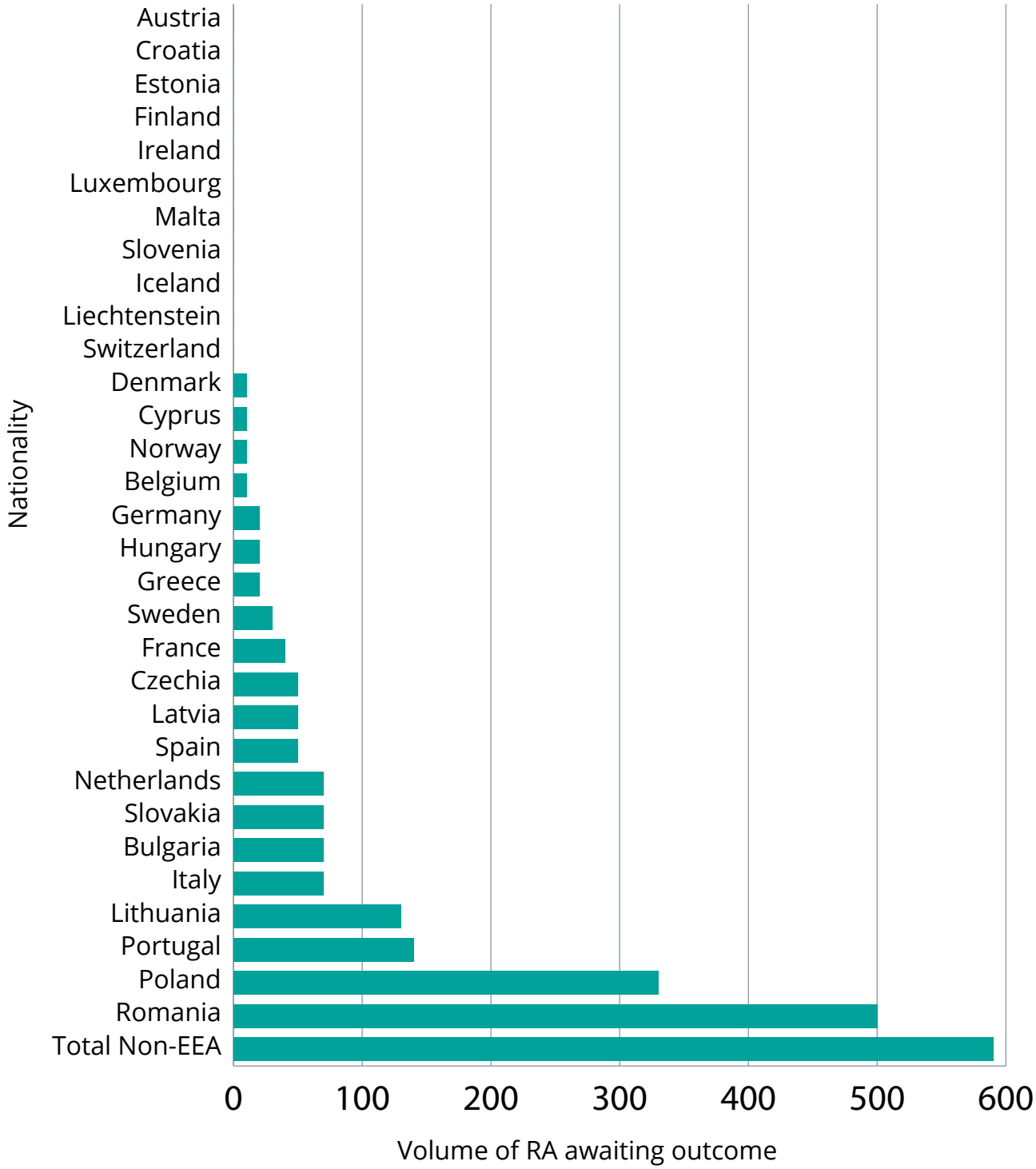
504. Conclusions in the repeat applicant tables reflect the most recent decision recorded for each person. "Awaiting an outcome" indicates that no outcome for any of the applications identified for a person in the repeat applicant cohort has been found. This will exclude single applicants with no recorded outcome at the date information was extracted.

Table 24: Calculations based on concluded Repeat Applicants and Repeat Applicants awaiting outcome as of 31 March 2025

Country	RA concluded apps	RA awaiting outcome	Calc % RA awaiting outcome	Calc total RA in system	% of total RA
Total	1,699,620	2280	100.00%	1,701,900	100.00%
Total EU27	1,506,690	1670	73.25%	1,508,360	88.63%
Romania	470,000	500	21.93%	470,500	27.65%
Italy	195,240	70	3.07%	195,310	11.48%
Total Non-EEA	179,580	590	25.88%	180,170	10.59%
Poland	146,230	330	14.47%	146,560	8.61%
Portugal	119,870	140	6.14%	120,010	7.05%
Bulgaria	114,170	70	3.07%	114,240	6.71%
Spain	110,940	50	2.19%	110,990	6.52%
Greece	47,940	20	0.88%	47,960	2.82%
France	44,190	40	1.75%	44,230	2.60%
Lithuania	40,910	130	5.70%	41,040	2.41%
Hungary	35,820	20	0.88%	35,840	2.11%
Slovakia	28,870	70	3.07%	28,940	1.70%
Germany	27,610	20	0.88%	27,630	1.62%
Netherlands	25,040	70	3.07%	25,110	1.48%
Latvia	22,220	50	2.19%	22,270	1.31%
Sweden	19,160	30	1.32%	19,190	1.13%
Czechia	15,170	50	2.19%	15,220	0.89%
Total other EEA and Swiss	13,360	10	0.44%	13,370	0.79%
Belgium	10,210	10	0.44%	10,220	0.60%
Norway	8,550	10	0.44%	8,560	0.50%

Country	RA concluded apps	RA awaiting outcome	Calc % RA awaiting outcome	Calc total RA in system	% of total RA
Cyprus	7,450	10	0.44%	7,460	0.44%
Croatia	4,810	0	0.00%	4,810	0.28%
Austria	4,570	0	0.00%	4,570	0.27%
Finland	4,570	0	0.00%	4,570	0.27%
Switzerland	4,340	0	0.00%	4,340	0.26%
Denmark	4,200	10	0.44%	4,210	0.25%
Estonia	2,230	0	0.00%	2,230	0.13%
Ireland	1,720	0	0.00%	1,720	0.10%
Malta	1,620	0	0.00%	1,620	0.10%
Slovenia	1,440	0	0.00%	1,440	0.08%
Luxembourg	460	0	0.00%	460	0.03%
Iceland	460	0	0.00%	460	0.03%
Liechtenstein	20	0	0.00%	20	0.00%

Graph 33: Repeat applicants awaiting outcome by nationality



505. Table 24 and graph 33 show the volume and percentage of repeat applicants that have been concluded and that are awaiting outcome by nationality.

506. Non-EEA repeat applicants account for the highest volume of those still unresolved (590 cases).

507. Evidence from the case sampling indicates that non-EU nationals and family members often face longer delays and more refusals. Caseworkers shared that this is often due to the complexity of their applications and more onerous documentation requirements.

508. The challenges faced by this group suggest that their cases are more likely to require resubmission or protracted review.

509. Among EU countries, Romania has the most pending repeat applicants (500) and also has the highest calculated applications received from repeat applicants (470,500). Poland (330) and Portugal (140) account for the next highest volume of repeat applicants awaiting outcome.

510. Most countries have very low percentages of unresolved repeat applicants, which could suggest that overall volumes of unresolved applications received from repeat applicants are low and the Home Office is handling repeat cases efficiently.

511. Challenges such as language barriers and digital literacy may contribute to applicants needing to submit repeat applications and experiencing a delay in their conclusion. These challenges are likely to be more prevalent among applicants from Romania and Poland and non-EEA backgrounds, especially those with limited access to legal and immigration advisory support.

512. A report published by the University of Sheffield and the Roma Support Group, Roma EU citizens in the UK: ongoing struggles with the EU Settlement Scheme, cited difficulties such as "60% [of Roma citizens surveyed in 2024] do not use the internet at all for general use and around half of Roma rarely or never check email. More than 70% said they struggled with English online and 50% said they were not confident with technology". The IMA acknowledges that the Home Office as yet, have not officially responded to this report.

513. Reflecting on the data, it appears that the distribution of unconcluded applications is uneven with certain nationalities accounting for a significantly higher proportion of the total.

514. Romanian repeat applicants account for 27.65% of the calculated total of applications submitted by repeat applicants and 21.93% of the total repeat applicants awaiting an outcome.

515. Total non-EEA repeat applicants account for 10.59% of the calculated total of repeat applicants submitting applications but account for 25.88% of the total awaiting an outcome.

516. Repeat applicants from Poland account for 8.61% of the calculated total of repeat applicants but for 14.47% of repeat applicants awaiting outcomes.

517. Non-EEA applicants and some Eastern European nationals appear to be particularly impacted – suggesting issues such as:

- Language barriers
- Lack of access to digital support
- Lack of access to immigration support

518. Based on these findings, the Home Office could consider providing better targeted support to those nationalities that appear to be most affected by the need to submit repeat applications and the delay in outcomes. This could include expanding translated resources and advisory services for Romanian, Polish and certain non-EEA applicants.

519. This could point to a wider question around the EUSS application process and how accessible it is for all linguistic and digital literacy levels.

Application decisions based on demographical data

520. Consideration has been given to commenting on the demographic data available from those who provided account records, however the sample size obtained relative to the number of EUSS applications is relatively small and therefore it is not possible to draw any statistical conclusions from the cases that were reviewed. Instead, the examples are used to form a picture of how citizens feel that delays impact their daily life in the UK.

Part 6 Home Office efficiencies

521. Whilst protracted application decisions have been identified throughout the Inquiry, there is also evidence of attempts to streamline the system and processes for assessing and granting applications for SS or PSS for EU, EEA and Swiss citizens and their family members living in the UK.

Staff training

522. 'Reset and Refresh' is a training programme aimed at improving the quality and consistency of casework within the EUSS, ensuring that all staff are well-equipped to handle cases effectively.

523. The purpose is to ensure that all EUSS staff are up to date with the latest policies, procedures and best practices. Phase 1 began in 2023 and involved a one-day session on write-outs and refusals. Phase 2 began in 2024 and involved running monthly bitesize training sessions on topics arising from quality assurance trends, appeal determinations, policy queries or caseworker suggestions and updating staff on new policies and changes in processes.

Improvement projects

Service Line Management model

524. In January 2023, a Service Line Management (SLM) model was introduced to the EUSS, with the aim of monitoring and reviewing application processing times and service performance to ensure that the different types of applications are managed accordingly.

525. The approach to SLM in the EUSS recognised that, although the oldest cases have always been prioritised, it is beneficial to have tailored approaches to the different cohorts within the EUSS WIP, rather than viewing the WIP as a single entity.

526. The service lines focus on the following types of EUSS application:

- JFM applications.
- PSS to SS applications.
- In-time applications lodged by 30 June 2021.
- Late applications lodged on or after 1 July 2021.

527. The SLM team has already implemented a number of changes to the process including a change to the PEGA casework system in March 2024, which splits up the 'Get Next' queue into the cohorts listed above, allowing full monitoring of cases in each WIP and informing allocation of resources accordingly.

528. The IMA saw evidence of two projects that have taken place under the SLM model, specifically dealing with in-time and aged cases.

In time case review

529. The 'in-time' case review was set up in April 2023 to focus on applications submitted by 30 June 2021 and at the suitability stage of the case working process. The process involves SAT sending a list of cases to the EUSS eligibility operations manager as soon as they have progressed from the suitability stage.

530. Cases are then filtered by the operations manager, added to a tracker and manually allocated across case working teams to be prioritised. This process aims to ensure that remaining in-time applications are directed to an appropriately trained caseworker able to deal with any potential complexities and reach the eligibility decision more quickly.

Aged case review

531. The 'aged case' review focused on the introduction of a more robust management process for the oldest late applications (submitted on or after 1 July 2021). This process was handled by the specific service line teams utilising lists of the oldest late applications alongside the 'Get Next' WIP. This ensured that the oldest cases were checked more often and appropriately managed to avoid further delays.

'Ownership'

532. Following the establishment of the SLM model and the introduction of the service lines, the Home Office now align the EUSS operational management teams on the basis of route and/or date of application:

- JFM applications,
- Pre-1 July 2021 (in-time) applications,
- Post-1 July 2021 (late) applications,
- Post-9 August 2023 (late; reasonable grounds) applications and
- PSS to SS applications.

533. This is an ongoing approach to work, rather than a project with a set deadline and seeks to have more defined 'ownership' of cohorts of EUSS cases.

ACRO

534. During the case sampling sessions, the IMA noted a change in process for requesting OCCs – at an unknown time an amendment to the request was made to include EU and EEA EFTA member states' legal obligation under Article 18(1)(p) of the Withdrawal Agreement and Article 17(1)(p) of the EEA EFTA Separation Agreement (which reference Article 27(3) of Directive 2004/38/EC) to respond to UK requests for conviction certificates.

535. This was done in an attempt to improve engagement with, and response rates from, the relevant authorities.

536. The Home Office also informed the IMA of the "ACRO aged cases project" that began in August 2023. This project focused on bolstering collaborative working relationships between SAT and ACRO in an effort to reduce the ACRO WIP. Since the start of the project the ACRO WIP has reduced by 63%.

Glossary of terms

Term	Definition
Administrative review	The review of an eligible decision, the purpose of which is to decide whether the decision was wrong due to a case working error.
Call for Evidence	An information gathering exercise comprising of an online survey and mailbox for citizens and other stakeholders to submit information to the Inquiry.
Case sampling exercise	The onsite phase of the Inquiry conducted by the IMA at the Home Office's UK Visas and Immigration offices. The IMA reviewed a random sample of EUSS applications and created a chronology for each application.
Certificate of Application	A document issued to pending applicants to the EUSS upon validation of their application. This document is the means by which a citizen can prove that they are a pending applicant and therefore have temporary protection of rights under the Agreements until their application has been finally determined.
Citizens	Citizens who are eligible to apply to the EUSS.
Deportation	A process where the UK Government orders an individual who is not a British citizen (foreign national) to leave the UK, usually because of their criminal conviction(s).
Deportation Order	An official order to deport someone from the UK and prevent re-entry, usually after a criminal conviction.
Eligibility stage	The third and final stage of considering an EUSS application under the requirements in Appendix EU, following which a decision is made regarding whether status will be granted to the applicant and, if so, whether that status will be pre-settled status or settled status.
End of the transition period	11pm on 31 December 2020. This is the point at which the EU law that had continued to apply to and within the UK via Part 4 of the Withdrawal Agreement ceased to apply. EU free movement rules were brought to an end in the UK at 11pm on 31 December 2020.

Term	Definition
European Union Settlement Scheme (EUSS)	A UK Government scheme managed by the Home Office allowing EU, EEA and EFTA citizens resident in the UK before the end of the transition period, and their families, to apply to continue living, working and studying in the UK after its exit from the European Union. The scheme implements Article 18(1) of the Withdrawal Agreement and Article 17(1) of the EEA EFTA Separation Agreement. The scheme is implemented by Appendix EU to the Immigration Rules.
Foreign National Offender	A person who is not a British citizen and has been convicted of a criminal offence in the UK.
Foreign National Offender Return Command	A part of the Home Office responsible for managing the removal and deportation of non-British citizens (foreign nationals) who have been convicted of crimes in the UK.
Grace period	The period from the end of the transition period to 30 June 2021. For countries that decided to require citizens to apply in order to enjoy the rights contained in the Agreements (referred to as a 'constitutive scheme'), the Agreements required a grace period of a minimum of six months from the end of the transition period during which the full rights contained in the Agreements would be available. The UK decided to implement a constitutive scheme and set the grace period to come to an end six months from the end of the transition period, i.e. 30 June 2021. The Agreements provided for a grace period during which EEA citizens and their family members who were lawfully resident in the UK under EU free movement law before the end of the transition period were given additional time to make their application under the EUSS. (See Article 18(1)(b) and (2) of the Withdrawal Agreement; and Article 17(1)(b) and (2) of the EEA EFTA Separation Agreement; and the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 made under powers in the European Union (Withdrawal Agreement) Act 2020).
Immigration Enforcement	A part of the Home Office that manages individuals who breach immigration laws.

Term	Definition
In-time applicants	Citizens (other than joining family members – see below) who have made an application to the EUSS before the end of the grace period (30 June 2021). Also joining family members who have applied before (1) the expiry of the period of 3 months after their arrival in the UK, or (2) the end of the grace period (30 June 2021); whichever is later.
Joining Family Member (JFM)	A close relative of an EU, EEA or EFTA citizen who was not living in the UK on or prior to 31st December 2020. Under the EUSS, a JFM has the right to apply to join their sponsoring family member in the UK under the terms of the Withdrawal Agreement.
Judicial review	A type of court proceedings in which a judge reviews the lawfulness of a decision or action made by a public body.
Late applicants	Citizens (other than joining family members – see below) who have made an application to the EUSS after the end of the grace period (30 June 2021). Also, joining family members who have made an application after (1) the expiry of the period of 3 months after their arrival in the UK, or (2) the end of the grace period (30 June 2021); whichever is later.[53]
Overseas Conviction Certificate (OCC)	An official document issued by the authorities of a foreign country that provides details of an individual's criminal convictions in that country. It is used by the Home Office and other government agencies to assess an individual's criminal history when considering immigration, visa or settlement applications. OCCs help determine whether and applicant meets the UK's suitability requirements.
Police National Computer (PNC)	A national database maintained by the Home Office that stores and shares information on individuals, vehicles, property and crimes. The PNC is primarily used by police forces and other criminal justice agencies to support law enforcement, investigations and public safety. It includes records such as criminal convictions, wanted persons, missing persons and stolen vehicles.

53 Apply to the EU Settlement Scheme (settled and pre-settled status): Who can apply – GOV.UK

Term	Definition
Pre settled status (PSS)	Immigration status granted under EUSS for EU, EEA and EFTA citizens and their families living in the UK for less than 5 years.
Reasonable Grounds Test	Home Office's assessment of whether there are reasonable grounds for the applicant's delay in applying to the EUSS – that is, after the deadline applicable to them: 30th June 2021 (or later for Joining Family Members arriving from 1st April 2021 onwards).
Settled status (SS)	Immigration status granted under EUSS for EU, EEA ad EFTA citizens and their families living in the UK for at least 5 years. As of July 2025, the Home Office introduced a more flexible approach to qualifying for settled status for those who already hold pre-settled status – applicants can qualify if they can show residence in the UK for at least 30 months out of the last 60 months, prior to the application.
Settlement Resolution Centre (SRC)	A helpline for EUSS applicants who have questions about how to apply or questions about an application they have submitted. It also provides support with any technical issues while applying online.
Suitability stage	The second stage of considering an EUSS application under the requirements in Appendix EU, which involves an assessment of the applicant's personal conduct or circumstances in the UK and overseas, including whether they have any relevant prior criminal convictions, and whether they have been open and honest in their application.
The Agreements	The UK-EEA EFTA Separation Agreement and the UK-EU Withdrawal Agreement, and specifically Part 2 of those Agreements which provide rights for those EU and EEA EFTA citizens, and their family members, who were living in the UK in accordance with EU law prior to 11pm on 31 December 2020 and any joining family members.
Validity stage	The first stage of considering an EUSS application under the requirements in Appendix EU, where the application is checked to confirm the identity of the applicant and ensure compliance with EU9 (for example, the correct application form has been used).
HO Secure system	A HO system used by Border Force and other immigration and security agencies to identify individuals who may pose a security, immigration or criminal risk.

Annex 1: The Inquiry's Terms of Reference

The Inquiry will examine whether the Home Office has fulfilled its obligations under the Withdrawal Agreement (WA) and EEA EFTA Separation Agreement (SA) ('the Agreements') to determine applications for residence status under the EU Settlement Scheme ("EUSS") within a reasonable time.

The United Kingdom decided, as provided for by Part 2 of the Agreements, to implement a constitutive scheme where in order to enjoy rights under Part 2 of the Agreements, eligible EU and EEA EFTA citizens and their family members are required to apply for a new residence status. The EUSS implements this decision in the UK.

The IMA considers that the Agreements impose an implied obligation on the UK to consider applications to the EUSS, under Article 18 WA/Article 17 SA within a reasonable time period. The obligation arises, as a result of the overarching principle of good faith in Article 5 of the Agreements; as read together with general principles of international law and general principles of union law, such as the principle of good administration and the general principle of effectiveness and effective remedial protection.

What is a reasonable time within which an application is determined will be fact and context specific.

The purpose of the Inquiry is to assess:

- the extent to which the Home Office is determining applications to the EUSS within a reasonable time; and
- any impact on citizens caused by any delay in determining EUSS applications.

In conducting the Inquiry, the IMA will seek information from a range of sources including the Home Office, as the public authority responsible for the EUSS; but also, citizens who have or are experiencing a delay in the determination of their applications and other stakeholders who have an interest or support citizens in this area. This will include:

1. Considering citizens' experience of EUSS application decisions by:

- issuing a Call for Evidence,
- reviewing existing complaints received by the IMA,
- taking accounts directly from citizens, and
- engaging with and listening to a wide range of stakeholders and other third parties.

2. Liaising and engaging directly with the Home Office by:

- investigating the terms of all policy and procedure documents (whether published or not) that apply and have applied during the relevant period, and how they have been implemented.
- examining data and information requested,
- performing on-site visits, and
- interviewing staff.

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