

All Party Parliamentary Gypsies, Travellers, Roma and Migration¹

'Brexit: The Impact on Roma Communities in the UK'

Wednesday 11th July 2018

15.30 -17.45

Cholmondley Room, House of Lords

Chairs:

Kate Green MP (Co-Chair APPG Gypsies, Travellers and Roma and Chair APPG Migration)

Baroness Janet Whitaker (Co-Chair APPG Gypsies, Travellers and Roma)

Opening Remarks: Kate Green MP

This is a very topical issue as we await the Government's white paper on Brexit and, in due course, its immigration bill following the announcements of a week or so ago around the process for European Union nationals already in this country to apply for settled status. An announcement that has raised as many questions as it has answered, particularly among Roma people and community groups and the organisations that work with them.

I am going to have to nip out for a few minutes at around four o'clock to vote and then come back again. At this point I will hand over seamlessly to Janet to take over the meeting.

We will be producing follow-up reports from this event and we are very pleased to have the support of both David Brown and Phil Brown who are both writing up material both for this event and as part of the wider work of the All Party Parliamentary Group.

But just to say how very pleased we are to have so many of you here today to talk about a group who have already suffered quite considerable disadvantage and discrimination here in the UK and back in their home country of Romania and that we are particularly anxious to get ideas and public policy suggestions out now to ensure that the post-Brexit climate is less, not more hostile, for Roma people here in the UK. So, I am delighted to hand over to Janet to introduce our speakers.

Baroness Janet Whitaker

Thank you very much Kate. The first expert that you are going to hear from is Chris Desira, the founder of Seraphus, a solicitor practicing immigration law.

Presentations

¹Notes taken during the 'Brexit: the impact on Roma Communities in the UK' event and an audio file of the event were used to produce this document. The document does not represent a full transcript of the proceedings as at times wording has been changed for clarity. In addition, some minor elements (speaker handovers etc.) of the meeting have been excluded from the document. If you have any questions or would like a copy of the audio recording, please contact Lynzi Duncan (lynzi.duncan@sheffield.ac.uk).

Chris Desira

Thank you and thank you for inviting me here to speak.

My name is Christopher Desira and I'm an immigration solicitor. I also work with the European Commission Representation Office in London. I have been dealing a lot with settled status as it is right now and working with EU27 on how to protect EU citizens. Our work with the EU Representation Office has been mainly policy and advice and we have been advising the Representation Office.

The settled status process is based on the draft UK-EU Withdrawal Agreement that was published on the 19th March this year broadly protecting EU citizens who were resident here before the end of the transition period which is 31st December 2020 and also protecting some close family members who are not in the UK by that date.

The draft Withdrawal Agreement allowed for two processes to protect EU citizens and British citizens living in the EU. One is a residence system, so you just register your residence and your rights are protected. And the second system, a constative system, which is an application process: if you don't apply then your rights are not protected. It is no surprise that the UK has taken the latter.

The Home Office EU Statement of Intent on 21st June this year gives us a bit more detail on what settled status would be and gives us some draft immigration rules on what it will look like. Settled status so far will protect people who have been living here continuously for five years. For those that have not been living here continuously for five years they will get something called pre-settled status which is temporary residence to allow them to acquire five years' worth of residence and then acquire the right to settle here permanently.

Now the Home Office says that this process is going to be streamlined, it is going to take into account existing Government data and it is meant to reduce the burden on individuals making these applications. There are some good points to the settled status process – they have dropped the requirement for sickness health insurance and they are not going to assess what someone has been doing while they have been in the UK. They are not going to assess whether someone has exercised Treaty rights. They won't check whether someone has been working or self-employed. So, those have been dropped.

The three key main requirements are: prove EU nationality, prove residence and undergo a criminal check to ensure that they are not serious or consistent offenders.

The process so far will be online only. The Home Office are intending to have a paper application available for those who are not connected online but they are encouraging people to engage with the online process because it will be easier for them to deal with.

There will be a mobile application that can be downloaded to certain phones, mostly android phones, which will allow them to upload identity documents. The mobile application will scan biometric residence permits, national identity cards and transmit that data to the Home Office. EU citizens won't have to post their identity documents to the Home Office.

When an individual makes an application, there will be live checks with HMRC and DWP. The purpose of these checks is not see if someone is receiving benefits or if someone is working, but it is to check that records exist with those two departments. If they do, that will be deemed evidence of residence. Those that don't have relationships with HMRC and/ or DWP or have sporadic relationships with them and

have gaps in residence, the applicant will have to prove residence by scanning and uploading additional proof of residence. The Home Office's intention is to change the way that they engage with applicants, so it is going to be a grant process – they will be looking to grant applications and looking to assist people through the application process and their intention is not to refuse on the first basis. They are indicating that it is going to be a very straightforward and helpful process.

Applications are going to cost £65 per adult, £32.50 for people under sixteen and free for those who have indefinite leave to remain and permanent residence. For those with indefinite leave to remain and permanent residence it will be a straight swap and they will not be charged a fee for that.

The deadline is going to be 30th June 2021. The process is going to be open in beta form by the end of 2018 and there are going to be select groups that are invited to apply. It will be open for everyone else by 30th March 2019.

Those who do not apply by the deadline will be given an opportunity to apply later on but they will have to have a good reason for why they have applied late. At present, we do not know what those good reasons will be. The period between applying late and accepting the good reason will be a period of unlawful residence.

The Home Office have said that they have engaged closely with EU citizens on this and have worked with stakeholder groups and have listened closely but there are some elements of the policy which do not indicate that they have really listened, and it is going to impact on the Roma communities. A lot of EU communities will already have one or two issues with settled status, but the Roma groups are going to encompass all of the issues that EU citizens are going to face throughout this process. It is going to be quite a tricky task to get 100% of the Roma and vulnerable groups engaged with this process and through the process by 30th June 2021. The different social backgrounds and different settlement bodies and different nationalities, different language and dialects and different levels of language and literacy skills are going to be huge obstacles for them to get through this process. And that is without factoring in some of the fears that more vulnerable groups will have when dealing with authorities and also having to deal with discriminatory attitudes towards them.

The Roma community have always fallen outside of authority groups – children are often not in school, they are not on electoral registers, they may not have identity documents, some may even be stateless. We already see that there is going to be an element of difficulty for some of these communities, especially with the documentary requirements that will be placed on them.

To summarise the main issues with this process:

1. Evidence of nationality – this will be a big issue for some of these communities. They will need to evidence their nationality by national passport or a national I.D. card. If you do not have those documents, you will need to try to find some other evidence of your nationality but if the Home Office does not accept your nationality, your application will be refused in that first instance. The Home Office say that the evidence of nationality is to limit fraud and abuse of the system but they haven't really engaged with how to resolve issues of those who are EU citizens but do not have any documents to prove that. This has been communicated with the Home Office and I personally, though I cannot speak on behalf of the European Commission Office, but I have been quite frustrated with their responses which are pretty much 'they will have to just

find a way to evidence this. We are not asking for much and what we are asking for is what we need. If they cannot document themselves then they have to fall back on their Embassies and their Consulates to try and obtain documents themselves.’ The EU27 have said that they are facing massive turnaround times on documenting and renewing passports – on average it is taking between one and two years to renew or apply for passports or national I.D. cards for many Embassies and Consulates. The documents have to be valid so if documents are expired then they are not going to be accepted as sufficient evidence of I.D. In addition, some Embassies may not have enough information to prove nationality. So those who could get a document may get it too late to apply and those who can try and get a document may not even have the assistance of their Embassies because they may not have enough information on them either. There is no real answer on how to resolve the issue of national identity documents.

2. Residence – Often vulnerable communities have no relationships or very little relationship with HMRC or DWP. Vulnerable communities will often lack documentation, are less likely to be engaged with the labour market or social assistance and are not aware of their rights. Even those who have the right documents to engage with the labour market may find obstacles to that because there are discriminatory attitudes towards them or they are vulnerable to employers. Even vulnerable groups that are employed may not have necessary documents to get through this process because their employers do not issue payslips, don’t issue P60s or even fail to pay their tax, national insurance or PAYE. When the Home Office undergo their checks with HMRC it will come back as crosses and then they will have to fall back on trying to find other evidence of their residence. The Statement of Intent that was published on 21st has a long list of residence documents that the Home Office are likely to accept but it is all the usual stuff – P60s, bank statements, mortgage statements. All of the documents which the Roma communities may have difficulties supplying or may have very little of those documents to rely upon.
3. Communications – Vulnerable groups are often not aware of their legal rights now, let alone what they are going to need to do to secure their future rights. The Home Secretary in the House of Lords Sub-Committee on 21st of January said that email registration updates has only had two hundred thousand registered emails addresses added. But two hundred thousand is a drop in the ocean, especially taking into account that huge numbers of those who registered will be lawyers, community groups and charities that have signed up to be updated. Therefore, the number of EU citizens who are engaging with this is smaller than the two hundred thousand who have signed up. In addition, communications is online – the Home Office are publishing adverts online – Spotify and several other apps – to publish adverts on settled status. They haven’t thought about offline advertisements to reach more vulnerable communities. They have said that they are willing to consider this at a later date, if certain areas in the UK require this. Communications is a massive issue for even the most well-connected EU citizens – some are aware of settled status, they are aware of what is going on and look online to see what is going on but still they have many questions about what to do with this process, when to apply, what evidence they are going to need. So, we can only imagine what problems vulnerable communities will have if they are not online literate and not able to figure out what to do.

4. Absence of support for vulnerable groups – The Home Office have said that they are going to have some assistance, but it is going to be digital. People who cannot fill in the form or have difficulties filling in the form will be able to access online assistance. There may also be a telephone advice line to help people apply and they are considering face to face services to help people apply. But, that assistance will be limited to administrative assistance. The idea is that people will have a place to go and make the application and someone to help them fill in these details but there is no legal assistance available to these groups to advise them on what residence evidence they need when they do not have a national I.D. document or what they can do about that before they make the application. There is an absence of legal advice. Vulnerable groups require a lot more assistance than just administrative assistance – they are going to need outreach, they are going to need to get out there and identify the groups that are most vulnerable, and also provide legal assistance to help them fill in these forms because they are not going to understand what they are filling in and what is required. This is troubling as the Statement of Intent does not go far enough towards supporting vulnerable groups. Because Gypsy, Roma and Travellers of Irish heritage are ethnic minority communities, they are supposed to be protected under the Race Relations Amendment Act. In addition, the Every Child Matters Policy is meant to provide additional support for children who require additional needs because children have to make these applications themselves. The level of communications and the level of assistance does not meet those requirements that are placed on the UK Government.

The Statement of Intent is a good start, there are some positives, but we have a lot more work to do to try and make sure that it covers the most vulnerable people. So that is a rough summary from me.

Baroness Janet Whitaker

Thank you very much. We now turn to Mihai Bica from the Roma Support Group who has some very personal experiences to share.

Mihai Bica

First of all, thank you very much for giving me this great opportunity. It is both an honour and a responsibility for me. I am a Romanian Roma and I am come from a Roma family from Romania. I was raised by an illiterate Mother, whose Grandfather was shot twice while trying to escape a concentration camp during the holocaust time, and by a very hard-working miner who worked twenty-four years for the same company and in same poor place.

I grew up in an environment where others let me believe that being Roma is a problem and made me deny my identity and hide it until I was about twenty and I never understood why. Then I started working with and for my community. Unfortunately, this put me in a position to witness lot of very negative things and attitudes towards Roma – I have witnessed Roma families being forcibly evicted from their homes, I have seen children placed in special needs education for no appropriate reason, and I have seen families being illegally deported from countries like Denmark or put on planes and sent to their countries of origin by French authorities. It also gave me the opportunity to know more about our history, our culture and about our amazing music and about our unique language. And so, I understood that being a Roma is not a problem. I started working at Roma Support Group in October 2016 and I had a chance to meet hundreds of Roma community members from different European countries. I heard

amazing stories about how people travelled and settled in this country. Roma people migrated to UK to escape persecution and discrimination. We have been through hundreds of years' slavery, persecution during the Holocaust time, during the communist time and we still suffer inequality today. In 2010, we have seen French authorities sending thousands of Roma back to their countries of origin by planes. Over the years, we have all witnessed Italy's behaviour towards Roma and we all are concerned about what is going on today with the Italian Government's behaviour towards Roma.

In UK, we are today facing the Brexit. To secure their status in the UK Roma are being asked something that will be very difficult for most of them, to use a computer and sort out their bags full of documents - bags they never sorted because they just don't know what is what. This makes us vulnerable and will put us at risk of exploitation. The majority of Roma community members are functionally illiterate and this is because we have been excluded from education for hundreds of years and unfortunately, we are still facing that. We are really concerned about our future in the UK and for our children's future in this country. We finally found a country where we are doing a bit better. Some Roma people told me that their first day in the UK was the first time in their life that they felt equal to any other human being. We want to do better. We are coming from zero education about seventy/eighty years ago to thirty/forty percent or maybe more these days. This is because we want to do better. All Roma families I have worked with in the last, almost, two years in the UK have their children in schools. All of those children are doing so much better than their parents or grandparents. This is because the UK has offered us a chance. Now, I am asking all of the parliamentarians here what will you do to ensure the continuity of chance that you have offered us? To ensure a better future for the Roma community? And to add a new colour to the British Culture?

Thank you very much.

Baroness Janet Whitaker

Thank you for sharing your personal experiences. I now turn to Camille Gangloff from the Council of Europe, from the Human Rights National Implementation Division.

Camille Gangloff

Thank you very much for the invitation today. I am very pleased to be here and to listen to your concerns because I think it is very important to be aware of what is going on here. I am now working for the Roma and Travellers' Team in the Council of Europe and that is why I am here today. I will talk a little bit about this other institution which is different from the European Union.

The Council of Europe is very important as it is an institution for protecting rights and it is especially important for Roma all over Europe. Of course, what I will say today, will not bring many answers to your very legitimate questions and I am sorry for this. Brexit is a very unique situation – it is the first time that a member state will leave the European Union and I think it is quite experimental. It is normal to have a lot of questions for EU citizens living in the UK and for UK citizens living in the EU and for Roma in particular I guess.

However, what I wanted to underline today is that the most vulnerable groups need special mention in this context because they do not have easy access to information, they need help to understand what is happening, what they need to do. We have mentioned that the lack of documents raises huge questions and for Roma in particular. But what is clear is that even after the Brexit, the obligation of the United

Kingdom towards the Council of Europe will remain because the United Kingdom will remain a Member State of the Council of Europe. This is extremely important because the protection of minorities, the protection of fundamental rights of individuals will remain and the prohibition of discrimination as well. All legal instruments existing today and binding for the United Kingdom will remain after Brexit.

As I mentioned before, the Council of Europe is a European Institution with forty-seven Member States, so it is much bigger than the European Union. It includes the United Kingdom since the beginning in 1949. It also includes Balkan countries, Russia, Turkey, a lot of countries from the Southern Caucasus.

The core mission of the Council of Europe is the protection of Human Rights, Democracy and Rule of Law. It is also an intergovernmental organisation, so it is not like the EU where there was a transfer of competency. The decisions of Council of Europe are taken by Member States with unanimity so it is really a different kind of set up. But, that does not mean that the commitments are not binding, they are binding for the Member States. This is very important because we have a lot of legal instruments and if you check on our website you will see that the United Kingdom has ratified one hundred and twenty-seven Charters, Conventions and Treaties of Council of Europe, so that is a huge number of legal documents. Let me mention some of them, the most relevant ones.

The European Convention on Human Rights is really a key instrument for the protection of individual rights and freedoms. It is also directly applicable which means that individuals can use this Convention for protecting their rights once they have exhausted all internal remedies. In addition, there is also the European Social Charter, the Framework Convention for the Protection of National Minorities, the Convention on Action Against Trafficking in Human Beings, and many recommendations and resolutions adopted by the Parliament.

Moreover, the Council of Europe also monitors the application of legal instruments and conventions. This is achieved through a number of monitoring bodies and mechanisms. For example, the European Court of Human Rights. For Roma this is very important as this will remain after Brexit as well as in other parts of Europe. In 2007, we took action against the Czech Republic in relation to the segregation of Roma children in special schools. This is a quality piece of legislation that ensures equal access to education to all Roma children in all Council of Europe Member States. Some of the other monitoring bodies are: The European Commission Against Racism and Intolerance, The European Committee of Social Rights, and a group of experts on action against trafficking of human beings. Council of Europe do not only have legal instruments but also monitoring powers to ensure that rights are protected.

It also provides concrete activities. The treatment of Roma in France in 2010 was a turning point for the Council of Europe. Together with the European Union they decided to provide concrete assistance to Member States to improve the situation in the Member States. They implement projects - concrete activities – focusing on housing, community action, inclusive education, teaching history.

The legal instruments will remain after Brexit and the Council of Europe will be willing to support the inclusion of Roma communities whatever happens after Brexit. I am currently managing a programme called 'In School' about inclusive education in schools – four schools in the UK are part of the programme which is partially funded by the EU. After Brexit we won't be able to use EU funding but that is not a problem because the Council of Europe can use its own budget to continue to fund the activities.

Thank you very much for this opportunity.

Baroness Janet Whitaker

Thank you very much. Our last speaker is Zubier Yazdani from DPG Law.

Zubier Yazdani

Thank you. My name is Zubier Yazdani. I am a solicitor at Deighton Pierce Glynn. I just want to highlight some of the issues that cause a concern to me in my experience of dealing with the Home Office.

The process seems laudable – the fact that the Home Office are using I.T. and cooperating with other agencies such as HMRC to check status and to check engagement activities. But my experience is that will require a wholesale shift at the Home Office. Currently people have to prove, in their encounter with the Home Office, that they are not someone who should be removed from the UK. There is no attempt to check with HMRC, which is a simple check, but in fact statutory gateways do exist for the Home Office to check such records. Similarly, with DWP. So, I find it quite incredible that this system would be rolled out in an efficient and trouble-free manner. I can see lots of problems happening.

Going back to the issue of documentation, there will be significant problems for vulnerable groups in collecting all of the required documentation to prove that they are people who should be granted settled status. This is going to present a huge challenge. In my experience of dealing with such clients, establishing eligibility is a huge problem. What often happens is that housing associations, DWP etc. refer to the Home Office and the Home Office will respond inevitably drawing a blank – saying that we do not have any records. That does not mean that this person is not eligible, it just means that the Home Office does not have any information on this person. We are then left with the task as lawyers of running around trying to gather information from all corners to establish that this person is someone who has the right to reside.

Enforcement seems to be the primary purpose, in my experience, for the Home Office. Last year, there was a case in the High Court called Gureckis. I represented the AIRE Centre who intervened in those proceedings. The Home Office had decided that rough sleeping was an abuse of free movement rights, that rough sleeping was a behaviour designed to cheat or defraud the rights afforded to someone under the Citizens Directive. This was published in the administrative removal guidance in May 2016 and anecdotally we had seen that this had been happening before that. But, it was only in May 2016 that it was formalised in the Home Office policy document which gave clear instructions to say that rough sleeping amounts to an abuse of free movement rights. The High Court rejected that argument in very clear and simple terms. The Home Office did not appeal because they could not appeal. But in that period between May 2016, or slightly before that, there was a huge number of EU nationals that were picked up.

I can provide experience of dealing with a client who was a Romanian national and was on his way to work when he was picked up on a raid where there was a quota to pick up Romanian nationals specifically because intelligence had led to the fact that there was a gathering of homeless Romanians in a park. He was caught up in this, and despite his offers to provide evidence of work, he was then detained and then eventually he was removed from the UK.

We [the AIRE Centre] have also been challenging Operation Nexus, so yesterday we were in the Court of Appeal challenging the legality of Operation Nexus which is described as an 'information gathering exercise to established whether high harm foreign national offenders can be removed from the UK'. But this operation is an inapt application to EU nationals because we say that it effectively amounts to a systematic verification of EU national rights. That is something that is prohibited under the Directive. Again, EU nationals are being asked questions to prove their residence – You need to prove that you are allowed to be here. I cannot see that that culture is going to change very much. I have real concerns about how this is going to work in practice.

The main challenges facing vulnerable communities will be, as has already been said, education, awareness raising and supporting. I am afraid to say that it is going to fall to the voluntary sector and lawyers to give their clients and service users information that they need because we saw that Home Office launched a campaign about a year and a half ago or two years ago with these vans going around London saying that if you don't have status you should go home, go back. I doubt whether there is going to be a move to publicise how people can get settled status. I have been through the terms of the draft Withdrawal Agreement and I have real concerns on how this is going to pan out.

Baroness Janet Whitaker

Thank you for an overview of a wide range of problems. It is now your chance to ask factual questions. We are very short of time but there will be an opportunity to make longer points afterwards. But first of all, factual questions or brief statements please.

Has anybody got a factual question?

Questions and Answers from the Panel

Alexandra Bahor: I was just wondering if there are any plans in the event of a no deal? Will everything that is agreed so far just fall away?

Chris Desira: Nothing has been confirmed but the Home Office have told us in User Group Meetings that they are working towards the settled status process whatever the outcome of the negotiations which I think is a sensible move because if we end up facing a no deal scenario, after 29th March 2019, EU citizens won't have any lawful right to be in the UK. So, they are going to have to have something in place to secure rights in the event of a no deal which is why they seem to be heavily invested in settled status and they look like they intend to roll it out no matter what.

Sonia Michalewicz: If someone is here over ten years and does not have any residence documents, will this be held against them when they apply for a residence card after Brexit?

Chris Desira: Yes, everyone will need to apply for settled status and no one gets any added benefit from being here longer than five years. So, however long someone has been here, they will still have to prove that they have been here for at least five years and it will be the most recent five years when they make the application. So, if you have been here ten years, you will still apply, make the application, HMRC and DWP will run the checks and if you need any more paperwork for the last five years then they will need to be scanned and uploaded to the Home Office application.

Sonia Michalewicz: But it is a question about people who came here and they are not entitled to work. What is going to happen with them? How can they prove that they can get residence status?

Chris Desira: Well, that is a good question. If someone is not working, then they will have an absence of relationship with HMRC and they won't have any employment documentation. So they are going to have to start thinking outside of the box. I know that Statement of Intent from the Home Office has given us a list of documents that they would like to see but as a solicitor in practice you would always find whatever evidence you can to prove residence here, whether it is on that list or not. So that is where you will have to think creatively about what other evidence may possibly exist that I can rely on.

Dmitry Fedotov: Chris, you have kind of alluded to this already but, what is the interplay and relationship between settled status and indefinite leave to remain? Which one trumps which? Why do you need one if you have the other? What is the difference?

Chris Desira: Settled status is going to become indefinite leave to remain. I guess the question that those with indefinite leave to remain need to ask themselves is whether they also want to apply for settled status. They can do so. But, you would be doing so in order to take advantage of the additional benefits that are in the draft Withdrawal Agreement. So for example, if you have close family members living outside of the UK, you would want settled status because they will be able to apply to enter the UK much easier than current UK immigration rules will allow.

Dmitry Fedotov: So, if you want to get citizenship, is settled status a half way house?

Chris Desira: No, settled status will work towards citizenship. So, what will happen is when you get settled status you are going to have to have settled status for an additional year before you can apply for citizenship. So, the same rules apply, as if it was indefinite leave to remain. The only drawback is someone who got indefinite leave to remain two years ago would now have to wait to apply for citizenship. Someone who doesn't have indefinite leave to remain has to apply for settled status, have indefinite leave to remain for one year and then apply for citizenship. So, there is a delay in that process.

Crina Morteau: I was just wondering, the legal assistance needed in order to fill in the application, would you say that is a requirement for someone to fill in an application? Would a person really need the legal assistance?

Chris Desira: So as a lawyer I have spoken to many EU citizens before and since the referendum and even the most engaged, well-informed and well-educated EU citizens have many questions about do I apply for PR? Do I get citizenship? Do I wait for settled status? What does settled status mean? How do I apply? When does it open? And that is the most well-informed. That is the top of spectrum. And then you go all the way down to the bottom of the spectrum and you will have someone who is vulnerable that goes I need to apply for this thing now and I don't have a passport, what do I do? Or I don't have residence documents, what kind of residence documents can I supply? The documents I have are not on this list. All of a sudden, they need legal advice. They are not going to know whether they can submit additional evidence that is not on the list. A lawyer would advise them to do that. They will see these complications ahead of them and either find a lawyer and may be subject to exploitation if they do not find the right lawyer or they are going to look at the system and go, I can't deal with this and so I am not going to. Then they will cause immense problems past the deadline. That is the worry. With legal aid stripped and the advice sector, charitable sector, strained, everyone is trying to deal with this. So, you

can imagine the influx of people who are going to be needing help once it hits and there is just not going to be enough assistance out there for it and a lot of people will need it.

Marec Pacan: We have heard that people have barriers with numeracy and literacy, will you guys fund advice bureaux or some other organisations to help them out because it is 2018 and I still think that we are going back in history rather than learning from history as we were talking about the Holocaust. We going back there and it is sad. So, will you guys support advice bureaux and other organisations that work with Roma community? What is going to happen? Are we going to lead them and show them?

Baroness Janet Whitaker: By you guys, I assume you are referring to parliamentarians. We certainly have means of asking and of arguing for more advice centres. The problem is always Government funding, but we can make a fuss, I don't know whether anyone will help us.

Kate Green MP: I will just say to that obviously members of parliament are not licenced to give immigration advice but people should be encouraged to go to their Member of Parliament's Advice Surgery if they need help because MPs can write letters to the Home Office and, indeed, most of us are very well accustomed to doing that. It will bring home to Members of Parliament if there is a problem in the system, if there are systemic difficulties, if people bring those to our advice surgeries so that we are aware early that we are getting lots and lots of cases and that will mean that we will be able more quickly, not just to try to help individuals, but to say to Government ministers that we are picking up lots and lots of these cases, your system isn't really working. So, I would say to any agencies in the room, once the system starts to roll, if you have problems do encourage your people to go and see the local Member of Parliament to see if they can help and to make them aware of what is going on.

Chris Desira: As the European Commission representation officer, I am trying to think of ways to try to support EU citizens with these applications. So, we have European Information Direct Centres across the UK, including in Northern Ireland, where they are funding additional legal support for people to get advice from those centres. They have also started a project with local community groups. It could be any type of local community group, you don't have to be a legally constituted organisation, you could just be a local church group, to contact the European Commission Office if you want to run citizens' advice events yourself. They will fund lawyers to go there and give this advice in public and to try to help someone with advice afterwards. So, there is some support there. But I am a little frustrated with Government ministers when they say that there is just not enough money for this. Legal aid was a drop in the ocean in terms of Government budgets, legal aid could have covered this. It still can cover this. There is plenty of money for it and that is something that maybe we could still continue to apply pressure for, to try to reintroduce legal aid. Maybe this will be a backdoor to reintroduce legal aid for a whole range of other legal issues that have been cut in recent years.

Speaker unknown/ no introduction: As of next year, when the UK is no longer part of the EU, will people still be able to travel home because they are scared that they won't be able to cross the border? I am scared as well actually.

Chris Desira: As long as this deal goes through, free movement rights continue until 31st of December 2020. So, you can continue coming in and out of the UK using whatever documents that you have. There is no restriction on rights assuming this document comes into force and negotiations go the way that they hope. The only addition to this is the settled status process. So, if want to live here after 31st December 2020, you need to apply for settled status before the deadline.

Dr Roxana Barbalescu: My question is about the support for Roma communities, are they being looked after by any of the larger organisations in the UK? And, I also have a question for Chris and the parliamentarians, what about the other associated rights of EU citizens including the right to vote in local elections, access to welfare or access to university loans? Have there been any conversations on these rights?

Chris Desira: Some conversations but that is the future relationship kind of stuff and they haven't dealt with that yet. So, voting rights and university fees in relation to what kind of fees you would be charged or not. We don't know. There has been some agreement with Scotland and the UK have said that university fees will be fine from 2019 until 2020. But, who knows what happens after that. It is all future relations stuff and we are still trying to figure out the present relationship.

Elsbeth MacDonald: Will settled status documentation be digital? I was wondering how this squares with the Roma community?

Chris Desira: That is a good question because those who are not online literate or connected, how are they going to be able to access their status and communicate to employers that this status exists. That is a big problem for the disadvantaged communities. I don't think the Home Office are going to budge on that because they say that they are edging towards digital status for everyone. So, what you will see is that digital status will be rolled out for all other immigration applications. They are not listening about that.

Kate Green MP

Thank you all very much for your contributions from speakers and from those on the floor who have asked questions and helped to develop the discussion. What we are going to do now is take some short contributions.

Plenary Session: Contributions from the Floor

Sonia Michalewicz – Friends of Romano Lav

I came from Glasgow to talk about Roma from Scotland. I am the voice from them to the Government and to the Home Office because people are worried about the Brexit. But it is not just the Brexit, they are worried also about the future for the kids. For example, we have to go back to origin country. So, we are worried they might suffer, the children, because the children are born here, and they don't know nothing about origin country. They don't know discrimination, about racism because it has never happened to them.

The Roma people feel very safe here because they have never found a situation like in my country where we are going on the street and other people, non-Roma people, shouting on us and saying look at that 'gypsy tart'. So, it is very, I don't know how to explain but it is a very, it hurt my heart when people say things like that to me. But I don't know what I will do if they are going to talk to my kids like that. The kids have never had an experience like that. The kids in origin country, they don't even go to school, they don't want to go into education.

Here in UK, they love to go to school, they love to be with people who are not Roma, to have their activities and everything they enjoy. We, the parents, we love to go to work because nobody say to us

look it is a gypsy, she is not going to get a job here. We are accepted everywhere, so nobody say that we are gypsy because this country is a multicultural country.

So, if people ask what is going to happen with us after the Brexit, they are very worried that we are going to go back to origin countries, then, it is very much going to affect our children. Our children, if someone asks, 'where are you from', they do not say we are from Poland, from Romania. My children say, 'I am Scottish'. They are very proud, and they are very happy to be here because we found that Glasgow is our home, UK is our home. We don't have a country, so we are very happy to be here, and we don't want to be sent back to the origin country.

Thank you very much.

Martina Stipakova – Clifton Learning Partnership

I am originally from Slovakia. I work with families from lots of different countries. I can tell you my story. I have been here twelve years and I am worried about Brexit as well. I got residency about seven years now. But, I am still worried about what is going to happen with my family – my sisters, my sister in law, our kids.

Basically, we just love England. We try our best, I know it is hard. But some Roma have very little English because they do not feel that education is important. I give you one example about residency now, my sister in law applied for residency and she paid about £300 and they still not give us for the children because they say that her children is not entitled. She will need to do an appeal and pay £80 again. I give money, so it is very hard. She is in England about ten years. So, yeah, basically, yeah.

Thank you.

Dmitry Fedotov – The Youth Association

I will be very, very brief. Exploitation is a key agenda item for every service that I know working with Roma people up in Yorkshire. Lots to report from our end. But I want to focus on that one key issue. Already the Roma community in Doncaster and Bradford, whenever they need to fill out forms for benefits and things like that already they are going to other people to support them. The question that then arises is who are they going to?

People are making a lot of money by doing things like helping out with benefits claims and then skimming five percent off the top of what they end up getting and making a business out of it. I think there was a million-pound case in Bradford that kind of collapsed. There is a landlady in Doncaster that is doing the same at the moment and kind of getting away with it even though she is on council's radar. There is a huge estate in Doncaster where lots of Roma families live in her properties and also work for her, interestingly. I don't know how that works but there is clearly some questions around when it comes to settled status, any time it gets to a point when forms need to be filled out, even an online form, there is a huge call from our organisation supporting Roma communities to ensure that we are resourced. This is not a call for funding for us. But, like I said, we need to be resourced and to have feet on the ground and to be trusted to help the Roma community with those things because otherwise you are going to have chaos on your hands, exploitation and serious issues.

Ruth Richardson – Roma Community Care

I guess the main thing that the Roma community has been telling us is the deep anxiety that they have and the stress that is causing. In the past, I have worked with the Pakistani heritage communities and they have mentioned to me that they were building homes in their countries of heritage because at some point they believed that they would be kicked out. And I remember thinking 'imagine carrying that around with you and feeling that you are a British citizen but preparing for the day that you will be removed.' And yet, I am seeing exactly the same with these people who have lived in the community for a really long time, have contributed to the community. They are positive citizens. Their children are going to school here, as was previously mentioned. And yet, there is a distinct possibility that they are not going to have their rights upheld.

Actually, listening to the structures that exist – legally, politically – that are meant to protect marginalised communities. But many of us working at a grass roots level know that does not necessarily translate into people's realities. I think Roma communities have an acute sense of how easy it is for them to be discarded and for their rights to be forgotten.

I guess, this is just a plea. Somebody said as well, not to repeat history on this occasion.

Crina Morteau – Luton Roma Trust

I think our concerns are in relation to the application process really and how we are going to be able to help our beneficiaries. As Mihai already mentioned, most of our beneficiaries are illiterate. That is the biggest problem that we face.

The second problem is the need for translation. They cannot manage themselves to manage their own affairs. To fill in an application and send it to the Home Office online, which requires having a computer, which requires having access to the internet, and having a bit of knowledge of how to actually do that. So, this confirms that without these things, it is impossible to do that. So, there are very concerned about their rights after Brexit. They are very concerned that their children already have a life here. Their children are not forced to go to segregated school, as they are in Central and Eastern Europe, which is a great achievement for all of us, I think. Especially as the children speak English, they speak like native speakers. They go to school and they want to further their education and they would never, ever, have had this opportunity in their origin countries.

I am very frustrated that the Home Office is putting in a system without any sort of safeguards. I am not sure whether the Home Office is actually aware of the impact that this system will have on the lives of these people. We are playing with their lives and with our lives as well. I think it would be really good if we had someone from the Home Office today to actually answer our questions and make sure that they understand what our concerns are.

Kate Green MP

Just to say that the Home Office were invited to come, the Vulnerability Lead for settled status was invited to come, but they declined to attend today.

Mihai Bica

We have been invited to attend their User Group Meetings, they have special User Group Meetings talking about vulnerable groups and we do attend those meetings and we have provided them with all

this feedback. We have told them about the vulnerabilities in relation to illiteracy, not having the ability to speak English, problems regarding documentation, people not being able to prove employment, people working cash in hand. All we have done, all of these things, on several occasions. Unfortunately, we haven't seen that in the Statement of Intent but we have passed the message on, on several occasions.

Johann Kostka – University of Lancaster

It seems from the presentations that the burden on registering will be placed exclusively on the citizens and obviously vulnerable, marginalised groups will have a harder time. Are there any plans to prepare the civil service to assist? Are there no plans? No budget? Any sort of assistance? Maybe that is where the pressure should be placed.

For citizenship and the way the university has been treating me now, it is despicable. I am, by no means, part of a marginalised group and it is basically, I am being asked to pay a lot of money for things that I do not quite understand.

And the question, is when will the Government have the final policy set in place? We are talking about deadlines for applying and putting together the documents and people will start preparing and spending money and then the Government will say 'well actually you have until 2025' or 'there is no deal'. So whether there is an actual plan by the Government to say 'by this day we will have everything in order'.

Marec Pacan – Sheffield Roma Network

I came in 2004. I came from a country, from a small village where you have to go for water ten minutes away from your house. I came to UK where I didn't know nothing about. I didn't know the culture, I don't know what Muslim stands for. I knew people, I met people from different background, different colour of skin. I was wearing, same as my Mum and my siblings, where I coming from.

In 2004, there was no that much new arrivals, I am not going to say vulnerable people, I am going to say people that they only in need, people that are leaning on us, waiting for us to show them, support them and to lead them. They are not marginalised, vulnerable, people. They are only in need.

When I came in UK, I saw opposite – something else. From a village that I did not want to come from, so when you say United Kingdom, I say Kingdom. I am so, so proud that you gave me a chance, you opened your gates, to see better through life, even though I didn't want to leave that shitty village that I am coming from. I didn't even know that life could be better. And I will say it, until now, I haven't learnt that that I have learnt in here.

I was just saying that we should learn from the history. You know back in the Second World War we had to hide in forests. We have missed that education. We didn't have time to say, 'okay we are going to eat fruit, vegetables.' No, we were suffering because people were trying to kill us because of who we are. It is 2018 people, if we are the clever ones, if we are the ones that should know what they are doing, come on let's wake up.

I don't care what is behind, I am concentrating on these meetings. If we really want to help those people, lead them. Let's just be honest, this is not literacy. This is a reality where people need our knowledge.

Trevor MacFarlane – European Parliament Office for Julie Ward MEP

We have been getting a lot of case work in relation to voluntary return schemes being applied within communities. It is a real problem. The Home Office are using EU funding to run workshops with faith groups, community groups etc. to give them advice on how to go home. We have raised our concerns with Dianne Abbott and we hope to work with Kate in the future to raise this further.

I just wondered if the panel have a response and if they could pass that on to the Home Office as well?

No introduction – mentions Newcastle (Peter Sagar – Newcastle Groups?)

We have a drop-in with Citizens Advice Bureau (CAB) in Gateshead where Roma can come along. We have had a lot of support from service providers, but it is a constant battle for funding to keep it open and for the service providers as well. So, I was just wondering two things:

1. Can CAB help with the settled status process?
2. Can any extra funding be made available for some organisations and CAB?

Alexandra Bahor – Granby and Toxteth Development Trust

I am very worried as a lot of Roma are worried as they do not have I.D. documents/ passports.

In addition, I also work with a lot of Roma people who are very sick, and they are worried that if they return to their countries of origin they will not receive health care due to discrimination.

Children have also been in schools in the UK and will not get equal access to education due to segregation in schools. This is the future of our communities – we need to think about this.

We also need to be careful as Roma are likely to be exploited – A lot of people will want to make the application for them, but they will have to pay for this, similarly to what is happening with benefits. Many Roma will not receive anything in return for the money that they will pay.

Petr Torak – Compass

The other side of the camp is Roma people who want to return to their countries of origin. I have been working with the Czech Government on this. We are working on interactive tools where people will be able to input their data in relation to whether they want to remain or leave. This tool will give them guidance on what they need to do before they leave the UK. This will be available very soon.

A member of a national policy and research unit

I am slightly worried that the tone of the debate is so negative that people might feel that it is impossible to apply and so won't apply. I really think that is worrying. I just want to highlight a few things that we have heard from the Home Office that might help to reassure.

1. Home Office has said that there will be a phoneline available to help people with these applications.

2. As I understand it, you need five years for settle status, but you can apply with very little information for pre-settled status. All you need to show is that you are in the country at that point.
3. We also heard from the Home Office that they might be willing to consider other options on I.D. if there are very serious barriers.
4. They did say that there would be a big comms budget. So, I would recommend that any groups the are willing to get out the message actually go to the Home Office and see if they are willing to give money. It is one of the biggest comms budgets that they have had.

Andrea Brookes – Clifton Learning Partnership

I respect what you are saying but the reality is not that. The form that you receive has the wrong telephone number on it and does not have an email address on it. Functioning people, intelligent people, literate people are having their applications returned. In addition, they may get citizenship, but their children are not because schools have refused to give five years of reports. It is all about the money and people are spending hundreds of pounds, but they haven't been successful, and they are going into debt. It really does look as if the Home Office are putting every barrier up to ordinary people. The reality is that you cannot get through on the phonline, there are no records, the email address is wrong.

Roza Kotowicz – Roma Support Group

I am Roma and I understand the problem. There are many, many different things. What is helping for the Roma? I sit and listen, I have not heard the question about advice for the Roma. The Home Office is not coming today. Many of the problems are inside the Roma. Who is giving the advice?

I know the Roma Support Group is helping. But I see many differences but it is not Roma. Thank you but what is the life to the Roma? What is after the Brexit?

I am sorry, but this is my question.

Ollie Persey – Public Law Project

If you look at the Statement of Intent, there is a really important bit on the second page which is the email address for the people who drafted it. You can contact them directly, you don't need to go to the Home Office User groups. I would strongly recommend that you do that so that the voices of the Roma community are amplified.

Gill Brown

I have been working APPG and the Roma Support Group to put on this event. My question is in relation to countries of origin and people having to return. Are there any routes for the countries of origin to feed back to the British Government?

Chris Desira: In response to Gill's question about Embassies

There are monthly User Group Meetings with EU27 and the European Commission Representation Office. They have been running every month since January. They are strong advocates of EU rights. They

are doing what they can with the Home Office. They are really pressuring the Home Office on settled status and every intricate detail of settled status process including documentation, assessment for criminality. It is happening. I cannot speak on behalf of them, but it is difficult for me to say how useful they have been in pushing this process. On one hand, I have been frustrated with the way the User Group Meetings have gone – I am not sure how much they are listening and taking on board. But at the same time, I don't really know how much they have listened as they do not disclose what they were thinking in January and what they thought it would be and how it looks now. At the beginning they were talking about evidencing treaty rights and lawful residence. That has dropped away in the last few months. On one hand, I feel like sometimes they don't listen. But on the other, they may well have listened and realised how difficult settled status will be if you have to start evidencing someone's right to work and self-employment.

So there is no harm in showing them all of the deficiencies and to try to make sure that it improves as we get nearer to that date.

No introduction

It seems that there is a huge amount local authorities could be doing to support vulnerable people through this process and I was just wondering if local authorities have been consulted with or encouraged to be involved with this process as it moves forward?

Sonia Michalewicz – Friends of Romano Lav

Most of the children have been born here and when we apply for permanent residence they are declined. I don't know why they want proof of how long they have been here, if they are going to school, things like this. But they are born here.

Summary and Conclusions

Kate Green MP

We are not able to answer all of the questions. We are not from the Home Office. But, what we can do is gather up all of the questions, concerns and points that people have raised today and discuss them with the Home Office. So what I am going to ask David to do is to draw together the issues that have come up this afternoon.

Dave Brown – Migration Yorkshire

This won't be comprehensive as this has taken an hour and a half and I need to summarise it. All of the points have been very good points.

The first important point that come out across the whole thing was the positive experience of Roma in the UK. People want to be here – you gave me the chance; my kids don't feel discrimination. All of those things and everything that we have been talking about is a reflection of that – that people like being here and they fear not being here and something changing.

The other positive, I suppose, is that there are legal frameworks. So, we heard from the Council of Europe that there are things that the EU have put into place and the other nation states. The UK will, it

is hard to believe, there will be a very clear legal process and status for people. That is important to remember. We shouldn't be too negative because there will be something there.

But, what keeps coming out is the lack of clarity. That is what we are all worried about. This is no different to anything to do with Brexit. But, it is different because it is more important for Roma because it is about real lives, it is about your lives here and whether they remain here. And the fear that goes with that. There is a genuine fear from a lot of people about themselves, about their children and that is also based upon, not just the lack of clarity, but it is also based upon the problems with citizenship, with residency, what is happening with children, and the costs. Or even the deportations that have been ramped up on Roma over the last few years. So, there are some legitimate fears as to how Roma will be affected by this.

Then there was quite a lot of talk about the particular issues for Roma because we have to differentiate the lack of clarity for everyone and then the particular vulnerabilities, or difficulties – language, illiteracy, online system etc.

Moving on from that, there is also the fear of what might happen if we get this wrong. There is chaos, exploitation, no safeguards, huge costs to people. These are really quite big issues to get wrong – people being here illegally a period because of not filling in a form at the right time. Those things, if we get it wrong, could really affect people.

But, then there are the solutions. So, moving now on to that. I would back up this positive view of where we might get to – there shouldn't be too much negativity. The Home Office will have to get this right. Strangely, if you go to a presentation from them you go away thinking 'they have cracked this'. Then you go away and think 'oh, I am not too sure'. I think they have got the best people on this. I am not normally that positive about the Home Office. But, we should go in with the hope that things will be alright, even if we have genuine fears about it. And, as people said, there are ways to engage them. So, it is about keeping on top of that. We also heard other options, the use of MPs in particular to continue raising it.

And then, I suppose, the big issue is actually about the solutions – there isn't the help there now, the answers aren't there. It has come out a lot that people want answers now but there aren't. That is the big thing that we are left with.

One final thing, a good comment to end the day on, really, we should be trying to keep things positive. The UK seems to be the place that people want to be. So, I am going to finish with a comment that someone said, 'We just love England'.

Kate Green MP

Thank you very much David. Thank you to everyone who has contributed this afternoon. I think we have heard a lot of very specific concerns, questions, people asking for more information. I absolutely recognise how Roma up and down the country are living through a period of considerable uncertainty at the moment and how hard that is to live with, even if everything that the Home Office say and do is trying to be positive and reassuring. Until people know for sure, until they can use the system and find out what works and make sure that people are actually able to get the settled status easily, we are always going to feel uneasy and anxious. That is natural human nature. I want to assure you that what we are working on is to produce a report that we can eventually present to the Home Office to say that

these are the concerns and issues that we will need you to answer so that people know exactly how all their questions and concerns will be dealt with. I am really sorry that we have not got all of those answers today. I am not sure that the Government has all of those answers today. But, when you ask them questions, as we heard, they do try to be reassuring. They are trying to respond but it is true that not all the questions that you have raised we know the answers to. So, we will continue to put those questions to the Home Office.

I think it is really important that we make clear to the Home Office how much people value being part of this country – living here, working here, being part of the UK community. I think that is not always understood and recognised. People want to be part of this country and we should be very proud of, and pleased, that people who have come here feel in that way. So, we will also make sure that message comes across very clearly to the Home Office as we continue to have discussions with them. There are lots of opportunities for Members of Parliament, for User Groups and others, to go on asking all of your questions, so please stay in touch with Andy or with Gill to make sure that we know of any new things that come up.

We have seen the Government take a long time to get to the point where they have announced settled status scheme. I would like to think that is because they have been thinking about it quite carefully before they announced it. We should go with the grain of that spirit. They want to design a scheme that enables people who are here to remain here, to continue to be part of the community. And what we have got to say to them is ‘well that is your intention and we really welcome that but, this bit of your system isn’t working very well. Can you help to get that right.’ So, I think that is the spirit within which we need to continue this conversation with them over the next few weeks and months.

Once people start to use the scheme and make applications, we will be very, very keen to hear information about how the process works in practice. I think the Home Office know that they have got to put a lot of resources into the initial stage because if confidence is lost in the system then that is a very big problem for the Home Office as well.

So I just want to conclude by saying thank you for giving us so much information and I am sorry that we are not able in return to give you full and comprehensive answers because you have asked a lot of questions that we don’t have the answers to. But, we will continue to ask these questions and are very keen to stay in touch with all of you and the groups that you work with.

I just want to say before I hand back to Janet, thank you very much for your time and input today. It has been a really, really informative discussion and we are very grateful for your participation.

Baroness Janet Whitaker

Thank you very much Kate. This has been a very useful and significant meeting. Thank you all for your contributions. Particular thanks to the organisers. I think this has been a very well organised meeting. And it has been a meeting at the right time – the right time to influence Government, to present information and to canvas support. I would also particularly like to thank the Public Law Project because their paper, which I think is available on the web, will guide us to form the recommendations that we will make in our report.

Before I ask you to join me in thanking all of our speakers, can I wish you all a safe journey and thank you again for coming.