

# Roma and Brexit

Report on a Joint All Party  
Parliamentary Group  
roundtable event

**July 2018**

Cholmondeley Room  
House of Lords

This report was written by Professor Philip Brown from the University of Salford in partnership with Andy Shallice from Roma Support Group, Gill Brown from the Traveller Law Reform Project and Arthur Ivatts OBE, Trustee of the National Federation of Gypsy and Traveller Liaison Groups.

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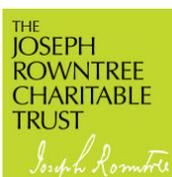


THE ALL-PARTY PARLIAMENTARY GROUP  
Gypsies, Travellers  
and Roma



THE ALL-PARTY PARLIAMENTARY GROUP  
On Migration

**ROMA**  
SUPPORT GROUP



**SHUSU**  
SUSTAINABLE HOUSING  
& URBAN STUDIES UNIT

# Introduction

Following the decision of the UK to exit the EU as a result of the referendum which took place in 2016, questions remain about the future migration status of Roma communities and other EU nationals, and Roma living in the UK are facing a period of considerable uncertainty. The new Settled Status policy raises as many questions as it has answered, particularly among Roma people and those working with them. This roundtable was a first attempt to explore the policy context, draw together the analysis of those with expertise and to hear and document the fears of Roma. In advance of this event we sought evidence from them, to ensure their voice is heard in the broader Brexit debate.

It is clear from the event that Roma people living in the UK have a huge contribution to make to society and at the meeting we heard how much people value living here, working here, and being part of the UK community. This is not always understood and recognised. People want to be part of this country and we should be very proud of the fact, and pleased that people who attended this event feel in that way.

But uncertainties about future status damage this positive climate. Over the coming months we will be working urgently with NGOs, lawyers and relevant European organisations, to urge the Government to fully consider the particular situation of the Roma and the challenges they are now facing in the UK. We hope this initial report will be of interest to policy-makers.

We would like to thank the Roma Support Group for coordinating this event, the Joseph Rowntree Charitable Trust for its support, and all those who contributed either in writing or at the meeting.



**Kate Green MP,**

Co-Chair of the APPG on Gypsies, Travellers and Roma and APPG on Migration



**Baroness Janet Whitaker,**

Co-Chair of the APPG for Gypsies, Travellers and Roma

# Overview



Chris Desira



Mihai Bica



Camille Gangloff



Zubier Yazdani

Over the last decade, people from Roma communities have settled in the United Kingdom (UK) as part of the broader movement of European nationals across the enlarged European Union (EU).

**Roma people have come to the UK with a unique set of experiences which have often been influenced by persistent exclusion and marginalisation in their countries of origin.**

These experiences have often shaped their settlement in this country and the UK's withdrawal from the European Union may further exacerbate this marginalisation. To consider these issues, a special joint roundtable of the All-Party Parliamentary Group for Migration and All-Party Parliamentary Group for Gypsies, Travellers and Roma was held in July 2018. This event brought together parliamentarians, civil society, public authorities and expert members of the public, including a number of Roma people, to discuss the situation of Roma in the United Kingdom against the context of Brexit. The roundtable consisted of presentations from a panel followed by questions and contributions from the audience.

## **The panel members were:**

### **Chris Desira**

Immigration Lawyer, Seraphus Solicitors

### **Mihai Bica**

Advocacy and Campaigning Project Worker, Roma Support Group

### **Camille Gangloff**

Council of Europe

### **Zubier Yazdani**

Deighton Pierce Glynn Law Solicitors

The APPG event was co-chaired by **Kate Green MP** and **Baroness Janet Whitaker** with **David Brown** from Migration Yorkshire undertaking a rapporteur role.

This report provides an overview of the key issues discussed at the event and identifies future steps which the APPGs will undertake based on the experience of Roma applying for Settled Status in the coming months.

# Background

The collapse of the Soviet Union in 1991, and the European Union's enlargement in 2004 and 2007, saw the UK experiencing a rise in the migration of Roma communities from new Member States in Central and Eastern Europe (CEE)<sup>1</sup>.

Their migration to the UK in the 1990s was initially made possible by trying to exercise their right to claim asylum. Since the enlargement of the EU they, like other EU citizens, had a right to free movement, largely due to Directive 2004/38/EC which gives EU citizens and their family members the right to move and reside freely within the EU<sup>2</sup>. Although it is difficult to provide a definitive population size, it was estimated that in 2013 there were up to 200,000 members of the Roma community living in the UK<sup>3</sup>.

Although the population of Roma should be seen as diverse, a unifying characteristic is that many of those people who have arrived in the UK, have often been deeply socially excluded in their country of origin and have varied and complex vulnerabilities. Many of these vulnerabilities stem from multi-generational discrimination and exclusion experienced in their countries of origin where the state is often complicit. This exclusion continues to the present day with recent research from the Fundamental Rights Agency suggesting that significant levels of exclusion persist in Central and Eastern European Member States, ...

**'80 % of Roma continue to live below the at-risk-of-poverty threshold of their country; that every third Roma lives in housing without tap water; one in 10 in housing without electricity; and that every fourth Roma (27 %) and every third Roma child (30 %) live in a household that faced hunger at least once in the previous month'<sup>4</sup>.**

As well as social and economic exclusion from the labour market, health care, education, housing, social assistance, welfare and justice members of the Roma communities often face systemic harassment and interpersonal violence by non-Roma communities within the neighbourhoods and areas in which they live<sup>5</sup>. These persistent exclusionary experiences have routinely been cited as the main reasons Roma have migrated to countries such as the UK<sup>6</sup>.

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- 1 Morris, M (2016) Roma Communities and Brexit. London: Institute for Public Policy Research.
  - 2 For more details and the conditions of the right to movement across the EU see, Council Directive (2004) Directive 2004/38/EU of the European Parliament and of the Council of 29th April 2004. Strasbourg, The Council of the European Union.
  - 3 Brown, P., Martin, P, and Scullion, L. (2013) Migrant Roma in the United Kingdom: Population size and experiences of local authorities and partners. Salford: University of Salford. Available here: [https://www.salford.ac.uk/\\_\\_data/assets/pdf\\_file/0003/1155666/Migrant\\_Roma\\_in\\_the\\_UK\\_final\\_report\\_October\\_2013.pdf](https://www.salford.ac.uk/__data/assets/pdf_file/0003/1155666/Migrant_Roma_in_the_UK_final_report_October_2013.pdf)
  - 4 FRA (2016) EU-MIDIS II: Second European Union Minorities and Discrimination Survey Roma – Selected findings. Luxembourg: European Union Agency for Fundamental Rights. Available here: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings> (p.3)
  - 5 Ibid
  - 6 For background on the reasons for Roma migration to the UK see Brown, P., Allen, D., Czureja, S., Dinu, L., Glowacki, S., Hesk, G., Ingmire, S., Martin, P., Orsos, O., Palmi, M. and Rostas, T (2016) Supporting Roma Voices. Salford: University of Salford available at [https://www.salford.ac.uk/\\_\\_data/assets/pdf\\_file/0008/1155608/SRV-Final-Report-Dec-2016.pdf](https://www.salford.ac.uk/__data/assets/pdf_file/0008/1155608/SRV-Final-Report-Dec-2016.pdf); Migration Yorkshire (2017) South Yorkshire Roma project. Migration Yorkshire: Leeds, University of Salford and Sheffield City Council. Set of 7 reports available at: [www.migrationyorkshire.org.uk/romamigrants](http://www.migrationyorkshire.org.uk/romamigrants); Sigona, N. and Trehan, N. (eds) (2009) Romani Politics in Europe: Poverty, Ethnic Marginalisation and the Neoliberal Order. Basingstoke: Palgrave.

Across the EU and within the UK, Roma remain a vulnerable group with heightened risk of discrimination and persecution. Organisations working with and on behalf of Roma, as well as Roma themselves, have documented significant levels of anxiety and fear about the potential impact on them by Brexit<sup>7</sup>. Whilst the uncertainty about Brexit affects many EU citizens in the UK, the uncertainty surrounding movement rights of EU citizens arguably further accentuates the existing exclusion and vulnerabilities faced by Roma.

At the time of this roundtable meeting (11 July 2018), the nature of the agreement being shaped between the UK and the EU relating to the future relationship remains uncertain and depends largely on the withdrawal agreement reached between the EU and the UK, and the anticipated Immigration Bill. In the summer of 2018 there were announcements by the Government which aimed to provide greater certainty as to the status of EU nationals in the UK post-Brexit through a process of 'Settled Status'. The Home Office issued a Statement of Intent on the 21st June 2018 which provided detail on what Settled Status will be and provides some draft immigration rules on what it will look like and the conditions attached<sup>8</sup>.

**The focus of the roundtable, therefore, largely revolved around the Settled Status policy, the view from legal practitioners about the policy and associated processes and concerns about how such approaches may impact on members of Roma communities. Guidance for caseworkers charged with considering applications under the pilot phase of the scheme was released after the roundtable on the 28th August 2018 and this has added further details<sup>9</sup>.**



- 7 See for example Migration Yorkshire (2017) South Yorkshire Roma project. Migration Yorkshire: Leeds, University of Salford and Sheffield City Council. Set of 7 reports available at: [www.migrationyorkshire.org.uk/romamigrants](http://www.migrationyorkshire.org.uk/romamigrants)
- 8 For more information on the Settled Status process please see: <https://www.gov.uk/settled-status-eu-citizens-families>
- 9 EU Settlement Scheme – EU citizens and their family members available at <https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

# Presentations by the speakers

## Chris Desira Immigration Lawyer, Seraphus Solicitors

### **Chris Desira outlined the Settled Status policy and process for applying for the status (as announced at the time of the event). Chris talked about the process as intended being guided by a number of key principles, namely:**

- It will be online only with the Home Office proposing that paper applications will be made available for those without internet access. By extension, it is planned that there will be a smart phone/tablet compatible form which will allow applicants to upload identity documents;
- There will be live data checks between HMRC and DWP to evidence residency of applicants;
- The procedure is intended as a 'grant process'; i.e. the Home Office will be looking to grant applications and assist people in making their claims and not with the intention of refusing applications, and;
- The deadline for applications is June 2021<sup>10</sup>. The process opens in 'beta' form at the end of August 2018 and a number of select groups (i.e. students and NHS staff) will be invited to apply initially. It will be open to everyone else by 30th March 2019. Those who do not apply by the deadline will be given an opportunity to apply later on but must be able to demonstrate a good reason for why they have applied beyond the limit.

Chris then went on to highlight ways in which the Roma communities may be affected by the Settled Status process. Chris described how the Home Office have said that they have engaged closely with EU citizens on this and worked with stakeholder groups, but there are some elements of the policy which remain challenging. The Roma community have always fallen outside of the mainstream: they tend not to feature on electoral registers, they may not have identity documents, and some may even be stateless. It is going to be quite a challenging task to get 100% of the Roma and other vulnerable groups engaged with and through the process by the deadline. The different social backgrounds, nationalities, language/dialects and language and literacy skills are going to be huge obstacles. This is further compounded by the general apprehension that Roma have when dealing with the authorities. The main issues are as follows:

#### **Evidence of identity**

This is likely to disproportionately affect Roma communities. Home Office guidance states that applicants will need to authenticate their nationality through specific forms of evidence such as a national passport or a national I.D. card. If applicants do not have these documents, they will need to try to find some other acceptable proof of their nationality but if the Home Office does not accept this as valid, their submission will be refused in that first instance. The Home Office states that evidence of nationality is required to limit fraud and abuse of the system but they are yet to offer a solution for those individuals who are EU citizens but do not possess any of the appropriate documentation.

If they cannot provide these proofs then the onus will be on the individual to approach the relevant Embassies or Consulate to seek such certification documents. The EU27 have said that they are currently facing lengthy turnaround times for 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.

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<sup>10</sup> Recent guidance appears to have brought this deadline forward to December 2020.

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. There is a palpable risk that those who are able to obtain a document may receive it too late to apply.

## Residence

Often vulnerable communities have no (or very limited) relationship with HM Revenue and Customs (HMRC) or Department of Work and Pensions (DWP). They will often lack documentation, are less likely to be engaged with the formal labour market or social assistance and are not aware of their rights. It is well known that Roma are often engaged in precarious employment or informal labour markets. Even those who have the right documents to engage with the labour market may encounter significant obstacles to work (or sustaining work) as a consequence of discriminatory attitudes towards them or be vulnerable to exploitation by employers.

Even vulnerable groups that are employed may not have necessary documents to get through the residence process because their employers do not issue formal paperwork or may fail to pay tax, national insurance or PAYE. When the Home Office complete their verification checks with HMRC, there is a heightened risk that as Roma often feature in precarious labour markets they will not appear. Other evidence that can be used to demonstrate residence (e.g. bank statements, tenancy agreements, mortgage statements and so on) is also likely to prove challenging for many Roma to supply or they may have an insufficient quantity or range of such documentation to rely upon.

## Communications

In addition to a limited understanding of their future entitlements and obligations, vulnerable groups are often not aware of their existing legal rights. On 21st January 2018, the Home Secretary told the House of Lords Sub-Committee that email registration updates have only had 200,000 registered emails addresses added. This is a small number taking into account the considerable numbers of EU nationals in the UK<sup>11</sup>. Many of those who are registered are likely to be highly skilled migrants such as lawyers, community groups and charities. In addition, all communications are posted online – the Home Office are publishing adverts on Settled Status via the web, which will restrict awareness to those with internet access (and reasonable literacy). Communication is a critical issue for even the most well-informed EU citizens and this is a significant issue for vulnerable communities if they are not digitally literate nor connected to wider networks.

## Limited support for vulnerable groups

The Home Office have said that they are going to provide online assistance for applicants and people who cannot or have difficulties filling in the form. There may also be a telephone advice line to help people apply and they are considering face-to-face services to help people, but it is likely that such support will be limited to administrative assistance. It is well known that vulnerable groups require a lot more than administrative assistance as often people from more vulnerable communities do not know about the process/policy or what is required of them. It should be noted that the Settled Status policy does have certain elements which are improvements on previous iterations. For example, there is no longer a requirement for sickness health insurance; and the Home Office will make no assessment as to whether and how someone has exercised their Treaty rights in the past.

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**11** The Office for National Statistics estimated that as of March 2018 there were 2.29m EU nationals working in the UK SEE. See article: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articlesukandnonukpeopleinthelabourmarket/may2018>

## Mihai Bica

Advocacy and Campaigning  
Project Worker, Roma Support  
Group

**Mihai Bica explained his Romanian Roma heritage. He currently works at the Roma Support Group (RSG) in London and has been at the organisation since 2016.**

Mihai provided the attendees at the roundtable with a very personal account of his family background, his movement to the UK and his experience of working with Roma since being at the RSG. Mihai underlined the reasoning for why many Roma people chose to come to the UK which focussed on escaping persecution and discrimination in their countries of origin and the ongoing challenges and inequalities they face.

Mihai went onto express the concerns within the Roma community about the uncertainty surrounding Brexit and his reflections from working with Roma people, and the implications of the proposed process for applying for Settled Status for the community. Many of these comments supported the previous account by Chris Desira in terms of the typical lack of access or understanding of digital platforms and their inability to provide all the necessary documents as evidence.

Mihai went on to talk about how Roma people have seen the UK as a safe haven and as a place they had felt included in society and were playing full and active roles in the labour market, education system and local communities. Mihai pleaded with those attending to help ensure Roma people could continue to build on the positive steps and inclusion that they had benefited from since being in the UK.

## Camille Gangloff

Council of Europe

**Camille Gangloff works in the Roma and Travellers' Team in the Council of Europe. Camille's contribution to the roundtable focussed on articulating the role the Council of Europe plays and how this will function in a post-Brexit UK/EU context.**

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, not like the EU where there was a transfer of competency. The decisions of the Council of Europe are taken by Member States with unanimity. Commitments made by Member States are binding and the United Kingdom has ratified 127 Charters, Conventions and Treaties of the Council of Europe. Membership of the Council of Europe exists outside the EU; the Council of Europe has 47 Member States compared to the EU's 28<sup>12</sup>.

The UK will remain a Council of Europe member after Brexit and, as such, the protection of fundamental rights of individuals will remain, as well as the prohibition of discrimination. All legal instruments existing today are binding for the United Kingdom and will remain so after Brexit. One of the protocols is the European Convention on Human Rights which is 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 other recommendations and resolutions adopted by the Parliament. These, and other, 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.

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**12** Further information about the Council of Europe can be accessed here: <https://www.coe.int/en/web/portal>

# Zubier Yazdani

Deighton Pierce Glynn  
Law Solicitors

## **Zubier Yazdani has extensive experience of liaising with the Home Office on immigration matters and contributed to the discussion by reflecting on this experience in the context of the proposed Settled Status policy and process.**

Although Zubier was complimentary about the intentions of the policy and process, he expressed a great deal of scepticism about whether the Home Office would be able to achieve the necessary shift towards a 'grant' culture for the Settled Status policy to be a success. Zubier cited 'Operation Nexus' as a specific example of the apparent priorities of the Home Office being towards removal, as opposed to granting, when it comes to European migrants in the UK<sup>13</sup>.

Zubier added further support to some of the critique identified in Chris Desira's early analysis with particular reference to the issue of the access to, and retention of, eligible documentation. Continuing, Zubier argued that the main challenges facing vulnerable communities, such as Roma, will be education regarding the requirements of the process, awareness raising amongst the communities and support to applicants in need. There was a fear that this work would fall to the voluntary sector and lawyers to give their clients and service users information that they need.



**13** More information about Operation Nexus can be found here: <https://www.gov.uk/government/publications/operation-nexus-high-harm>

# Comments and concerns from the audience

Following the panel speakers, a number of questions and concerns were raised by a range of participants representing organisations across different sectors, as well as individuals.

These concerns are too numerous and detailed to cite here in full. However, they will inform the future focus of the APPG Gypsy, Travellers and Roma in its objective to challenge the effects of the Government's Settled Status policy on UK Roma.



However, to provide an indication of the nature of the questions raised, themes included:

In support of the presentations made by the panel, practical concerns relating to the application process in terms of accessibility to the internet/IT, lack of English language proficiency, collection and retention of official documentation;

A perception that although the Home Office had held User Group Meetings to discuss this policy and process, the specific issues relating to Roma had not been taken seriously;

Whether the Home Office would be making any additional support available to assist the most vulnerable;

Potential counterproductive messages being sent to the Roma communities who are being presented with options to return to their countries of origin through voluntary return;

The lack of funding within the voluntary and community sector to provide Roma communities with the anticipated level of support and whether additional funding would be available;

Whether the budget made available for communications could be distributed around networks to improve the awareness of the Settled Status policy and process;

How the reference to 'criminality' be operationalised and what implications this will have for those who may have criminal records in their country of origin as a result of entrenched discrimination;

Concerns about the way certain more vulnerable members of the communities may be open to exploitation by being charged for 'advice' and support by unscrupulous persons, and;

A fiercely stated fondness and admiration for the UK, the way of life, the freedom from intense discrimination and the desire to remain and contribute to this country.

# Summary and next steps

The new Settled Status application process is being trialled with NHS staff, and university staff and students, in the North West of England from the end of August.

**However, this may not pick up many of the issues which are likely to present significant challenges for Roma and other vulnerable communities. At this point, it is unclear what the post-March 2019 phase will look like, and how it will be managed.**

The roundtable event of 11 July 2018 (and this report), is the first step in both APPGs commitment to support the Roma community through the Brexit process. Over the next two years, the APPGs will be working with organisations within civil society, lawyers and the UK Government to:

- monitor the effectiveness of the Settled Status process and bring matters concerning Roma to the attention of UK and EU Parliaments;
- assess that the remit of the Independent Monitoring Authority (IMA)<sup>14</sup> is sufficiently robust and its powers are adequate to deal with the complications affecting Roma;
- further monitor the work of the IMA once established and with particular reference to Roma;
- assess the evidence and produce an early analysis of the experience of Roma communities in 2019; and continue reviewing the process in 2020 and 2021, with updates and relevant actions.

## Resources for further reading

All resources relating to this event, including the presentations, are accessible here: <https://www.gypsy-traveller.org/appg/activities/brexit-and-roma/> A written account which offers a more detailed record of the roundtable event is also available via this link.

It should be noted that this note is not a verbatim account and the authors of this report are not responsible for any inaccuracies that may be present. Prior to the roundtable, organisations that support Roma were invited to contribute their experiences relating to Brexit and this can also be downloaded at the above link.

Along with the literature cited throughout this report, the following documents may be useful sources of information:

- Home Office (2018) EU Settlement Scheme: employer toolkit: <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>
- Migration Observatory (2018) "Measuring Success: Will we ever know how many eligible EU citizens did not apply for Settled Status." 16 July 2018: <http://migrationobservatory.ox.ac.uk/resources/commentaries/measuring-success-will-we-ever-know-how-many-eligible-eu-citizens-did-not-apply-for-settled-status/>
- Sumption, M., Kone, Z. "Unsettled Status? Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?" Migration Observatory report, COMPAS, University of Oxford, UK, April 2018: [http://migrationobservatory.ox.ac.uk/wp-content/uploads/2018/04/Report-Unsettled\\_Status.pdf](http://migrationobservatory.ox.ac.uk/wp-content/uploads/2018/04/Report-Unsettled_Status.pdf)
- The 3 Million (2018) Settled Status Checklist of documents: <https://www.the3million.org.uk/checklist>
- The 3 Million (2018) Information defining legal support in the context of Brexit: <https://www.the3million.org.uk/legal-advice>

<sup>14</sup> The IMA will be set up as a result of the Withdrawal Agreement. See this statement from the European Parliament: <http://www.europarl.europa.eu/unitedkingdom/en/media/news/2018/july18/bsgstatement.html>

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