

**This scenario aims to be a composite of scenarios EU Citizens may face if the settled status proposal is implemented. It is designed to illustrate a series of worst-case scenarios.**

Pierre is a French national. He has worked in the UK as an IT engineer for 10 years. He is married to a Brazilian wife – Sophia. She works part-time as a dental hygienist. She applied for a document to enter the UK some years ago. It was in her old passport which she doesn't have anymore. They have 2 children both under 5.

Pierre and his family have taken a relaxed approach to the issues surrounding Brexit. They have heard about settled status and know that they should apply for it. Life got on top of them and they have left their application a little late in the day.

Pierre submits his application for settled status online with the Home Office. He is self-employed and his family have moved around a lot in the last 10 years so don't have much paperwork. He is reassured after reading the online form he was told to complete that the process would be simple and the Home Office would look into his HMRC records. He was told that because Brexit day was coming soon, his and his family's documents would need to be retained. He is not told how long it will take for the Home Office to make a decision. There were some questions about criminality and whether or not he had breached any laws in the UK. Pierre had been found guilty of possession and criminal damage some time ago when he was a teenager and declares this on the form. It was a dark chapter in his youth that he is not proud of.

Brexit day passes. Pierre and Sophia feel assured that their applications are being dealt with by the Home Office as they were submitted before Brexit day.

A few weeks pass and Pierre receives a letter from the Home Office telling him that his children's applications have been rejected because they submitted incorrect passport photographs of them and their passports were not included in the application. Pierre was sure that he had included the documents. Unsure what to do, Pierre tries to complete the online form again. As Brexit day has passed he is told that he has to apply under a different route for his children. Pierre fills in a Human Rights application and pays the Home Office fees. Pierre is shocked to find out that he has to pay Home Office fees totalling nearly £3000.

Shortly after the rejection, Sophia loses her job and tries to find a new one. She faces great difficulty in proving her right to work in the UK because she does not have a passport because it is with the Home Office. They decide that they will continue to wait for the Home Office decision and rely on Pierre's income – hopefully the decision will be made soon and this issue will sort itself.

A few weeks pass, Pierre receives a letter from the Home Office saying that his children need to leave the UK. Pierre and Sophia try to contact the Home Office by telephone to find out what this means. They call numerous numbers, some of which they have to pay extortionate fees for, to be told that the Home Office letters are probably correct but they should just wait for the decision on the Human Rights applications that were submitted. Whilst unsure that this is correct, Pierre and his family choose to take the word of the Home Office and move on.

Whilst out cycling, Sophia is involved in a car accident. She is taken to hospital and after receiving emergency treatment she is informed by a member of staff in the hospital that if she does not prove that she is eligible for treatment she will have to pay for her medical bills. She tells the staff about her application with the Home Office. The NHS representative says that the debt is due and must be paid.

Pierre and Sophia eventually receive a decision from the Home Office. Their applications have been refused. Pierre's previous convictions and his conduct in the UK when he was young make him undesirable to be in the UK. They also do not believe that his relationship with his wife is genuine because they didn't submit enough evidence of their relationship with one another. The decision letter says they need to leave the UK. They are warned of a series of criminal offences they would be committing if they stay in the UK and are told that they are not allowed to work anymore. They do not get a right of appeal because the decision maker believes there are no arguments for them staying in the UK. They can all return to France where they can live together.

Pierre and Sophia quickly book an appointment with a solicitor. They have little money but do have a house with equity and some savings. They ask whether or not there is legal aid to help them. They are told that because of their capital and Pierre's job, they cannot get legal aid. They will need to judicially review the Home Office's decision because there is no right of appeal on the type of decision made. They are also told that they technically cannot stay in the UK whilst the case against the Home Office is proceeding. Pierre and Sophia are caught in a difficult spot. Pierre will not be able to get work in France and Sophia's immigration history with the French authorities is not great. The children are also about to go to school and do not want to disrupt them. Both Pierre and his family have called the UK their home and decide to stay and fight their case.

They use what money they have to instruct a solicitor to help them with their case and hope that the Home Office will see sense and grant them their status to stay in the UK. Pierre understands that he is not allowed to work so stops working. They begin to rely on the money they have left and handouts from family and friends. They put their house on the market to raise extra cash.

A few days pass. Pierre begins to receive text messages from Capita asking him when he is leaving. Sophia starts to get letters as well as texts telling her she needs to leave. They ask their solicitor about them and are told not to worry. This is of little help and Pierre and Sophia become increasingly unwell due to the stress.

The DVLA write to Pierre and Sophia, asking for the return of their driver's licences. They are not allowed to drive without leave to stay in the UK. Pierre and Sophia have no choice and send them back to the Home Office.

They receive an offer on their house. Pierre and Sophia will have money to survive a little longer in the UK. Hoping that their case will be settled and this whole misunderstanding will come to an end, they decide to rent a small place. The rent is cheaper than their mortgage and they have just about budgeted for 6 months. They feel sure that things will be sorted by then. They approach the agents who are managing the property and are told that they cannot rent the property. They do not have the right to rent in the UK. Shocked by this discovery, they don't know what to do. Sell their home and try and stay with family? Stay in their house and hold on that little bit longer? Or go back to France?

Exhausted and fearful of every knock on the door, the decision in relation to their children's human rights applications arrives. They are refused. The children have not lived in the UK for the required period of time to qualify for leave to stay. Because their parents' applications have been refused, the Home Office conclude that they can all go back to France together. They do, however, give the children a right to appeal the decisions. The same day, they receive a letter from the bank saying that their accounts have been frozen because of their immigration status.

Pierre and Sophia return to see their solicitor. They have no money now and ask if they can get legal aid to help with the children's cases.

They are told that because they want to appeal a Human Rights case they cannot get legal aid unless they apply for Exceptional Case Funding. The solicitor tells them this will be tricky to obtain in time to lodge the appeal. Pierre and Sophia quickly fill in the forms and manage to get a loan from a friend of a friend to pay the court fees. They will apply for Exceptional Case Funding and hope that it will arrive in time for the appeal. The solicitor tells them that they could be waiting for over a year before their case is heard.

Months go by. Because of the freeze on their bank accounts they are struggling to pay their mortgage. The mortgage company are seeking repossession and have issued court proceedings. Thankfully, their judicial review succeeds but they now must wait for the Home Office to make a new decision. The court order that the Home Office do this within 3 months and pay back costs to Pierre and Sophia. They desperately need the money and the new decision. The Home Office delay in their decision making, despite their solicitor putting pressure on them to make one. Eventually, a new decision arrives – 5 months later. By this time their home has been repossessed. They have been staying with friends.

The decision recognises the Home Office's failings and grants settled status to Pierre. However, there is no decision in relation to Sophia. They instead call Pierre and Sophia in for an interview to establish whether or not their relationship is genuine.

The Home Office ask invasive questions about their lives together. Make them feel uncomfortable. They ask them to recall dates from many years ago. They are interviewed separately and feel sure that they made mistakes. The Home Office write to Sophia, they maintain that they do not believe their relationship is genuine. In fact, they say that information she provided in her previous application contradicts information they have. They believe that she has provided false information and refuse her application for this reason as well. She is given a right of appeal.

To be continued ....