

# That easy IT solution to get “settled status” after Brexit. Will it work as promised?



**Edgar Whitley (LSE)** explains how the process of acquiring “settled status” after Brexit may unfold. His analysis shows there is continuing uncertainty about whether applying for electronic documentation will be indeed as easy as claimed. If it isn’t, then the backlash from EU citizens and the EU could be significant, he concludes.

Being a “local” to the Belgian city of Bruges has a number of advantages, including a [10% discount on the price of chips](#). In Bruges, deciding who has the status of “being local” doesn’t involve asking anyone for their passport. Instead, as one chip seller noted, “I can hear it if someone is from here: if you speak the dialect, it is good for me”. Conceptually, the process differentiates the attribute of “being local” from the identity of the person buying the chips.

The UK Government’s recent [statement of intent](#) around obtaining “settled status” for EU citizens living in the UK also involves determining an attribute rather than an identity. The benefits of settled status, however, namely the ability of EU citizens to stay and continue their lives, with the same access to work, study, benefits and public services that they enjoy now are perhaps more valuable than discounted fried potatoes. For EU citizens to obtain the attribute of settled status, they need to (prove that they) have lived continuously in the UK for five years. A new, “streamlined and user-friendly” process is being developed to check this claim. In particular, it will “draw on existing government data” in order to minimise the burden on applicants to provide evidence of their residence and “caseworkers will be able to exercise discretion in favour of applicants where appropriate, to minimise administrative burdens” (1.15).

The proposals are not yet finalised (they will be part of a forthcoming “Withdrawal Agreement and Implementation Bill”, a new Independent Monitoring Authority will be set up and the government anticipates laying regulations before Parliament to set the fees for the scheme and to take and securely process biometrics from applicants (1.8, 1.9, 1.11, 2.6)). They are also, inevitably, complex: different rules apply for Irish citizens and family members of EU citizens, different time periods apply for different actions including the option of pre-settled status to allow those EU citizens who arrive by 31 December 2020 to stay long enough to satisfy the five-year residency requirement. Unsurprisingly, some are already [warning about the risk that some EU citizens may fail to secure their rights](#) after Brexit, for example, simply by not being aware of their need to apply for settled status.



Image by [Cristina](#)

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The proposed application process is also intriguing, not least because the government has chosen to [outsource the activity](#) to a consortium of service providers including Accenture, Capgemini and Deloitte rather than relying on companies that have already been certified to prove that each company's [service works for users, is secure, meets the required standards, has the right technical and user support in place and provides the services the company promised in their bid](#).

The new process will involve the government verifying the applicant's identity and nationality. This will normally be done via their passport or existing national identity card. The government intends to read the data from the chip on the biometric document, although this means the [app won't run on Apple devices](#) (which don't allow third-party apps to interact with the chip reading technology found on the phone). Passports with chips have been available in the UK since 2006 and the chip [includes the same information as printed on the personal data page](#). As it is often possible to check that a passport hasn't been stolen or reported lost it is unclear what benefit is gained from reading the data from the chip.

The application process will involve uploading (and storing?) a facial image of the applicant. Presumably, this image is to be compared with the face biometric on the chip (perhaps along the lines of [other commercial services that can use 'selfies' to check against a photograph of a government-issued identity document](#)) to help confirm the identity of the applicant.

Having confirmed the identity of the EU national, this information will then be checked, [on an automatic basis](#), against records held by HM Revenue and Customs and, “in due course” also against data held by the Department of Work and Pensions (1.13). Matching identity records with existing government data requires [clear data sharing agreements and good quality data](#) to be effective. The final check relates to suitability (criminality) and will presumably build on [existing disclosure and barring service \(DBS\) checks](#).

Applicants who successfully complete the application process and satisfy the three criteria will have the additional attribute of “settled status”. Evidence of this new attribute will be given to EU citizens “in digital form” (7.2) with no physical document issued to them. They will be able to share this digital attribute with anyone who needs to check it. Again, at this stage, it is unclear what form this digital attribute will take. If all these elements come together as smoothly as the government hopes, then applying for “settled status” should be simpler (and more reliable) than receiving discounted chips. If they don't, then the backlash from EU citizens and the EU could be significant.

\* A worrying indication is that, at the time of writing (26 June 2018), the link for signing up for email updates in the document (1.23) is incorrect (<https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know>) – the correct URL is <https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know>

*This article gives the views of the author, and not the position of LSE Brexit, nor of the London School of Economics.*

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