



The EU Rights Project

Developing an advising EU migrants toolkit

Charlotte O'Brien

Aims of the project

- EU citizenship: Compare law-in-the-books to law-in-the-real-world
- Legal action research: Advice-led ethnography
 - Collaboration Citizens Advice
- Heineken effect



'We don't look at the law'



- Administrative obstacles
 - Getting it wrong
 - Poorly informed decision making (including helpline gatekeeping)
 - Inaccurate DMG
 - Not caring about getting it right
 - Normalised delay
 - Refuse first, ask questions later
 - Stopping claimants putting it right
 - Communication barriers
 - Accentuated during periods of legal change
 - Decision makers confused
 - Problematic (or absent) guidance

'Your work is ancillary to the aims of your company'



- Legal obstacles
- Impacts of raft of reforms to EU nationals' entitlements
 - 3 month wait; GPOW; MET; limits HB
- Case studies – weight to critical analysis
- Changes problematic on paper – chaotic in practice

Practical outcomes

- Litigation & litigation support
- Input consultations
- Infringement complaints to the European Commission
- Adviser KE events
- Advising EU migrants toolkit



Preparing the toolkit

- Challenges...
- Some Brexit-related content
- But point is advice now
- Keeping updated
- Line between benefits advice and immigration advice...



Report findings

- Suggestions Brexit having effects
- Possible reduction in benefit applications – fear
- Disincentive to appeal decisions
- Increased difficulty accessing employment
- Increased difficulty opening bank accounts
- Increased difficulty securing accommodation
- Deteriorating decision making
 - Minimum Earnings Threshold all-but dereminative
 - Some decision makers refuse benefits on ground claimant contrived RTR to get benefits (i.e. saying only working to get bens): LA statement re PT work.



Report suggestions

- Some myth busting
- Email notifications of updates
- RTR status details with case studies
- Difficult RTR areas
- Notification of events
- Continuity
- List organisations & signposting
- Simple factsheets

