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“I returned to being an immigrant”: onward Latin American migrants and Brexit

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ABSTRACT

We explore the experiences of Onward Latin American Migrants (OLAs) in London – individuals born in Latin America who live in London and hold EU passports – with the EU Settlement Scheme (EUSS), a programme developed by the British Government to register EU nationals as part of the Brexit process. Drawing from qualitative fieldwork, we show that prior experience of being subject to immigration control in Southern Europe, including periods of irregularity, made OLAs anxious about maintaining lawful residence, favouring their uptake of the EUSS in an effort to re-secure their status and keep their rights. However, many of OLAs’ non-EU family members could not apply successfully to the scheme given difficulties in meeting the eligibility criteria – a pattern exacerbated by the COVID pandemic. For many OLAs, the EUSS ultimately signified a loss of rights and secured status which took them long to achieve and a return to a position of uncertainty.



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Introduction

Brexit – the UK withdrawal from the EU – turned EU nationals in the UK into subjects of immigration control.¹ EU nationals planning to move to the UK no longer have a right to freedom of movement – namely the right to reside, equal treatment, and social protection in the UK. EU nationals and their non-EU family members residing in the country had to apply to the EU Settlement Scheme (EUSS) to preserve lawful residence.

Research addressing how EU nationals in the UK make sense of their newly acquired immigration status and the restrictions imposed by it has emerged, along with concerns over the “cracks” in the EUSS (e.g. Botterill et al. 2020;

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Radziwinowiczówna, Kloc-Nowak, and Rosińska 2020; Bueltmann 2020). Even though the UK government presented the EUSS as a success (Home Office 2020a), scholars and civil society organizations worry about those who failed to secure their rights under the scheme (e.g. Sumption and Fernández-Reino 2020; Lagrue, Bourthoumieux, and Layonuet 2020). Concerns intensified with the COVID-19 outbreak, as the pandemic made it more difficult for some to obtain the documents needed to apply to the EUSS (Lazarowicz and Peszkowska 2020).

Studies on the EUSS have not fully addressed the heterogeneity of the EU population in the UK. One particular experience for which there is less research is that of “onward EU nationals” – namely, persons who moved to Europe, acquired EU citizenship via naturalization and then onward migrated to the UK (Ahrens, Kelly, and van Liempt 2016). Contrary to most EU nationals in the UK, these individuals have experienced being the subject of immigration control before, including periods of irregularity, and are more likely to have non-EU family members. On the one hand, this could mean that they are more prepared to navigate the EUSS. On the other, it could return them to a position of vulnerability and uncertainty they never expected to be at again.

This article provides insights on these possibilities by focusing on Onward Latin Americans (OLAs) in London, namely individuals born in Latin America who live in London and hold EU passports. This group has been growing since the late 2000s when Spain experienced a major economic meltdown (Mas Giralt 2017). Until then, the Spanish economy was growing, and the country opened the door to immigration from Latin America in order to meet the demand for labour (McIlwaine and Bunge 2016). After the collapse of the Spanish economy in 2008, many Latin Americans with new EU passports found their way to the UK (McIlwaine and Bunge 2016).

Drawing from qualitative fieldwork conducted between July 2020 and May 2021, we explore how OLAs in London navigated and made sense of the EUSS in the context of the COVID-19 pandemic. This article advances our understanding of how migrants experience having their recently acquired rights questioned. From a policy perspective, it contributes to the understanding of the extent to which the EUSS was effective in securing the rights of onward EU migrants and their non-EU family members in the context of the pandemic.

In what follows, we first describe the EUSS, the emerging literature on the scheme, and key features of OLAs’ migration to London. After describing the methodology, we present the findings. Apart from confirming existing concerns about the “cracks” in the EUSS and the anxieties it created for the EU population in the UK, particularly for low-income groups with limited digital skills and English fluency, this article shows that having prior experience of being subject to immigration control made OLAs anxious about maintaining lawful residence, favouring their uptake of the EUSS. However,

some of OLAs' non-EU family members were not able to apply successfully to the EUSS due to misinformation and the difficulty of meeting the EUSS eligibility criteria, which became particularly difficult during the pandemic. For OLAs, the EUSS ultimately signified a loss of rights and secured status which took them long to achieve and a return to a position of uncertainty.

Apart from contributing to making visible the EUSS experiences of OLAs in the context of the COVID-19 pandemic, we conclude by calling for research that takes into account the diversity of the EU population in the UK if the Brexit and post-Brexit experiences of individuals and families are to be fully understood.

The EU Settlement Scheme and onward EU migrants

The EUSS: imposing control

One of the key objectives of the UK Government as part of the Brexit process was to end freedom of movement in the country – namely EU nationals' right to reside, equal treatment, and social protection in the UK (Yeo, Sigona, and Godin 2019). The new rules allow EU nationals living in the UK to stay but additional immigration from the EU would be subject to strict controls, similar to those imposed on non-EU nationals (Yeo, Sigona, and Godin 2019). In order to achieve this, the UK government needed to distinguish between EU nationals residing in the country before freedom of movement ended on the 1st of January 2021 and those arriving afterwards. This was the purpose of the EUSS, which opened fully in March 2019 and closed in June 2021.

With just a few exceptions, the rules required all EU nationals and their non-EU family members residing in the UK to apply to the EUSS in order to retain lawful residence (Sumption and Fernández-Reino 2020). For most people, the application involved using a smartphone app to provide details such as name, address, and a scan of the passport or ID document. For those without a biometric passport or national ID the process was more cumbersome (Radziwinowiczówna 2020).

Successful applicants were granted "settled status" unless they had lived in the UK less than five years, in which case they received "pre-settled status". Both statuses allow EU nationals to retain the right to live and work in the UK (Botterill et al. 2020). The status is verifiable online only (no residency card).

Many EU nationals had been exposed to bordering practices and discrimination well before Brexit. In particular, the evidence suggests that Central and Eastern Europeans experienced discrimination and have had their rights to welfare support and legal protection questioned (Fox, Moroşanu, and Szilassy 2012; Fox, Moroşanu, and Szilassy 2015; Rzepnikowska 2019; Dagilyte and Greenfields 2015; Guma 2020) – a trend common also in other European countries (Parker and Catalán 2014). For example, Burrell and Schweyher

(2019) found that, before Brexit, Polish nationals in low-income jobs with limited English fluency struggled to prove their residency when opening bank accounts and had their right to welfare benefits and healthcare questioned often. Focusing on homeless EU nationals, Morgan (2021) draws the attention to the changes in the immigration rules in 2020, which made rough sleepers a group for “administrative removal” despite their EU right to freedom of movement.

However, the Brexit process, including the introduction of the EUSS, curtailed the rights of EU nationals further (Botterill et al. 2020). The new restrictions on family migration provide a clear example of this. EU nationals with pre-settled or settled status in the UK who started new relationships in 2021 need to meet additional criteria in order to bring their new partners to the UK. This includes paying the visa fee, NHS health surcharge, biometric information fee and settlement, in addition to showing proof of income of at least £18,600 a year. The evidence suggests that less than half of EU nationals working in the UK earned £18,600 or more in 2015 (Vargas-Silva 2016). Before Brexit, EU nationals were able to bring EU family members to live with them in the UK without any restrictions. They could also bring their non-EU family members more easily than UK citizens as their family rights were conditioned by the European freedom of movement, granting family reunification rights to a broader range of family members (Kilkey 2017). Now a substantial share of them is unlikely to be able to afford this.

This evidence points to two important issues. First, while the EUSS constitutes a rupture with the past, as it effectively ends EU nationals’ freedom of movement in the country, it also formalized the bordering practices that some groups were already experiencing before the Brexit referendum. Secondly, qualifying applicants were not equally positioned to deal with the EUSS, as discussed in the next section.

Emerging concerns with the EUSS

The EUSS received 6.3 million applications as of the 31st of October 2021, of which 5.9 million were concluded (Home Office 2021). Of these, 52 per cent resulted in settled status and 42 per cent in pre-settled status. Only 3 per cent of applications were unsuccessful, 2 per cent withdrawn, and 2 per cent invalid. Given the high number of successful applications, the UK Government presented the EUSS as a success (Home Office 2020a). Yet this rhetoric has been questioned.

One key concern around the EUSS involves the lack of accurate data on the number of EU nationals in the UK and on other groups that should apply such as their non-EU family members. It is therefore impossible to assess whether the EUSS registered all qualifying individuals (Sumption and Fernández-Reino 2020; Lagrue, Bourthoumieux, and Layonuet 2020). Furthermore, research indicates

that individuals with disabilities, limited English proficiency, lack of digital skills and the elderly are among the groups more likely to have failed in applying to the EUSS (Sumption and Fernández-Reino 2020; Bulat 2020). These findings confirm concerns raised prior to the introduction of the EUSS predicting that Europeans with higher economic, educational, social, and English fluency would be better prepared to deal with the consequences of Brexit (Lulle, Morşanu, and King 2018; D'Angelo and Kofman 2018).

Worries over the EUSS intensified following the outbreak of the COVID-19 pandemic as the related restrictions made it more difficult for some to obtain the documents needed to apply to the EUSS (Lazarowicz and Peszkowska 2020; Bulat 2020). It is also unclear to what extent individuals with pre-settled status understand that they will need to apply for settled status after completing five years of continuous residence to retain lawful residence (Jabłonowski 2020).

Apart from examining the “cracks” in the EUSS, researchers have investigated the extent to which EU nationals have been able to exercise their rights following Brexit and how they make sense of their newly acquired immigration status. Bueltmann (2020) found that in 2019 some employers were already asking EU nationals to provide evidence of immigration status despite regulations prohibiting it, suggesting that with Brexit EU nationals have encountered difficulties exercising their right to work.

Botterill et al. (2020) show that Polish nationals met the act of applying for the EUSS with ambivalent and reluctant compliance. While validating their presence in the UK, the EUSS questioned their belonging, as it reminded them that they no longer have an automatic right to reside in the country. Radziwinowiczówna, Kloc-Nowak, and Rosińska (2020), in their study on Polish migrants, found that the impending end of the freedom of movement made Poles feel anxious and uncertain about the possibility of bringing family members to the UK. While these insights are important, the EUSS experiences of onward EU migrants, such as OLAs, have been less studied.

OLAs' EUSS experiences: conceptual relevance

Latin Americans in the UK with EU nationality are a diverse population. The category “Latin American” typically refers to people from South America, Mexico, Central America and the Caribbean whose inhabitants speak Spanish, Portuguese or French. Some Latin Americans living in the UK acquired EU nationality by descent as the region was a major destination for European emigrants up until the 1990s (McIlwaine and Bunge 2016). However, the majority of Latin Americans with EU passports arrived in the UK after naturalizing in other EU countries.

In the early 2000s, Latin Americans began migrating in large numbers to Southern European countries, particularly Spain, attracted by a booming

economy, cultural similarities, and the relative ease to which they could naturalize (Pellegrino 2004). There was a particularly large flow of Colombians and Ecuadorians going to Spain (Ramos, Lauzardo, and McCarthy 2018). After Spain suffered a major economic meltdown in the late 2000s Latin Americans who were able to naturalize began onward migrating to other EU destinations with London being an attractive one for many (McIlwaine and Bunge 2016).

There are no official statistics on the size of the OLAs population in the UK. However, we can use analysis of the UK Labour Force Survey to provide related estimates. Using this survey, we estimate that for the last quarter of 2020 there were 450,000 people residing in the UK who were born in Central and South America. From these, at least 60,000 have EU nationality from another EU country. Close to 60 per cent of those 60,000 live in London and about the same share reported arriving since 2011. Hence, we are exploring a population that has mainly arrived in the UK during the last decade and that is concentrated in London.

Estimates suggest that in 2013 half of onward Latin American migrants in London were employed in the cleaning and domestic sectors due to, among other reasons, limited English fluency, lack of recognition of their educational qualifications, and discrimination (McIlwaine and Bunge 2016). In many ways, OLAs' position before Brexit resembled that of other EU migrants in low-income sectors who had been subject to bordering practices. As such, we expect OLAs to have encountered many of the challenges faced by other EU nationals in navigating the EUSS.

However, OLAs can provide a unique perspective on the EUSS because, contrary to most EU nationals, individuals in this group have recently acquired EU citizenship and have experience navigating an immigration system. This familiarity may shape OLAs' experience of the EUSS in particular ways. In a survey conducted after Brexit but prior to the introduction of the EUSS, McCarthy (2019) found that OLAs were more likely than "native" Spanish nationals to apply for permanent residence in the UK. According to McCarthy, having only recently acquired EU citizenship, OLAs were less confident about their EU rights in the context of Brexit. OLAs may perceive Brexit and the EUSS as "downward mobility" in the hierarchy of legal statuses that took them long to climb (i.e. from being irregular to becoming citizens of an EU country). Hence, by focusing on OLAs we can explore how migrants make sense of having their recently acquired rights and legal status questioned.

OLAs provide a unique perspective on the EUSS and Brexit also because they are more likely to have direct family members who are non-EU nationals. These family members include: (1) onward migrants living in the UK who did not naturalize in other European countries; (2) migrants who moved directly from Latin America to the UK; or (3) individuals living outside the UK. The

number of non-EU family members that would qualify for the EUSS based on one of these three categories is unknown. Migration laws produce and have repercussion on mixed status families (Bonjour and de Hart 2021). Many non-EU family members did qualify for the EUSS. Therefore, in principle, the EUSS provides a path of inclusion for many of them. However, they constitute one of the categories identified by experts as more likely to fall through the “cracks” of the EUSS (Sumption and Fernández-Reino 2020).

Methodology

To explore how OLAs in London navigated and made sense of the EUSS in the context of the COVID-19 pandemic, this article draws from qualitative fieldwork conducted between July 2020 and May 2021 for two interlinked research projects conducted as part of the first author’s doctoral studies:

- (1) A public engagement research project exploring the Brexit and COVID-19 experiences of London’s Latin American community conducted with Latin American House (LAH), a London-based NGO providing services to Latin Americans.
- (2) Additional fieldwork on the experiences of Colombian families who onward migrated from Spain to London after the 2008 crisis using Spanish passports.

We deployed the pan-ethnic category “Latin American” as this is the label commonly used by charities supporting and advocating for the rights of this group in London. However, this does not mean that all participants identified with this category.

Table 1 reports the different sources of information that inform this paper. First, this article relies on semi-structured interviews with 39 community workers from five London-based NGOs supporting Latin American migrants

Table 1. Different sources of information.

Source	Number of participants	Period
Semi-structured interviews with NGO staff helping OLAs	39	July–Aug 2020 Oct–Nov 2020 Jan–Feb 2021
Focus groups with Latin American migrants (3–6 participants each).	6 OLAs 3 non-EU family members 6 who acquired EU passport via descent	Feb–April 2021
Semi-structured interviews with OLAs	9	Feb–May 2021
Semi-structured interviews with OLAs’ non-EU family members	6	Feb–May 2021
Life history interviews with onward Colombians	51	Aug 2020–April 2021

in London through a variety of services, ranging from support with welfare benefits applications and immigration status regulations to the delivery of information and cultural activities. Interviewees included the staff members of the NGO with whom we carried out the public engagement project. These interviews aimed to understand how Brexit and COVID-19 affected Latin Americans in London and the support community workers provide to this community.

Our analysis is also based on focus groups and individual semi-structured interviews conducted with Latin Americans living in London with regular status in the context of the public engagement research project. Of those who participated either in the focus groups or in the individual semi-structured interviews, 6 acquired EU citizenship by descent and 15 through naturalization in Southern Europe. The former group included Mexicans, Argentinians, and Venezuelans in their late 20s and 30s (4 males in professional occupations, 2 females in low-income jobs) with less than five years of residence. The latter group included middle-aged Colombians, Ecuadorians, Dominicans, and Peruvians (3 males and 12 females) working in low-income sectors, particularly in the cleaning industry, whose length of residence in the UK varied from 2 to more than 5 years. Of those who participated either in the focus groups or in the individual semi-structured interviews, 9 were non-EU family members of Latin Americans with EU passports (8 females, 1 male), all of whom were spouses, with the exception of one woman who was the mother of an EU national.

Data collection was carried out with a staff member of LAH interested in taking an active role in the public engagement project. Due to the lockdowns, from January to mid-April 2021 focus groups took place online. Participants were recruited through an online form circulated on social media by LAH. Next, we organized online heterogeneous focus groups due to the difficulty in recruiting participants online and of coordinating focus groups in light of participants' availabilities. The focus groups included 3–6 participants and lasted 60–90 minutes. When we could not coordinate online focus groups, we opted for online individual semi-structured interviews lasting 25–35 minutes.

Conducting online group and individual interviews was advantageous as we could also interview three women and one man stranded abroad because of COVID-19 mobility restrictions. However, participants employed in low-income economic sectors were underrepresented among online interviewees. As such, with the relaxation of lockdown measures in April, we began conducting individual interviews within the premises of LAH with individuals coming to receive in-person advice on matters such as welfare benefits and the EUSS. The fact that those going to the LAH for advice tend to be onward migrant women explains why the majority of our respondents were Latin American women who acquired EU citizenship through naturalization in Southern Europe.

Finally, we draw from life history interviews with 51 Colombians (33 women and 18 males) who onward migrated from Spain to London after 2008. All of them were between 35 and 55 years old. The vast majority had Spanish passports and worked as cleaners, waiters, or carers. Life history interviews focused specifically on participants' migration stories. Brexit emerged as a key theme in nearly all life histories since all the interviewees either acquired EU passports while living in Spain or were non-EU family members of EU nationals. Participants were accessed through the community workers interviewed and snowballing sampling. Several interviews took place online to accommodate interviewees' health concerns, time constraints, and to deal with the mobility restrictions resulting from the COVID-19 pandemic.

All interviews and recordings were subject to informed consent. Interviews were carried out in Spanish, with the exception of those with community workers who were native English speakers. Transcription of the interviews was done in the same language as the interviews. Only the Spanish quotes included in this article were translated to English by the second author, who is a native Spanish speaker. We used thematic analysis to identify in the interview transcripts how OLAs learnt about the EUSS and felt about registering in the scheme; how they applied to the EUSS in the context of the COVID-19 pandemic; and how they made sense of their new immigration status. The thematic framework was developed in English, but Spanish was retained for in-vivo codes. In the discussion of the findings, all the names and identity markers were altered to preserve anonymity.

OLAs navigating the EU Settlement Scheme

Misinformation was common, particularly among OLAs' non-EU family members

With the introduction of the EUSS, OLAs reverted to be subjects of immigration control. Misinformation about the implications of this change, the EUSS process and application requirements was common among OLAs. Community workers expressed particular concerns over whether those with limited English fluency and working in low-income jobs were aware of their changing status or the process for remaining lawful residents. Our interviews suggest that lack of information about the EUSS was indeed common among OLAs working in these sectors. Yet, the vast majority of our interviewees with EU passports had already applied to the EUSS. Interviewees learnt about their changing status and the need to register to the EUSS through various channels, such as the news, friends, their employers, or community organizations.

However, there remained substantial confusion for OLAs' non-EU family members – one of the groups identified by scholars to be at risk of not registering to the EUSS (Sumption and Fernández-Reino 2020). One of the Latin

American immigration advisors interviewed referred to this group as the "*lado oculto*" (hidden side) of the EUSS. While conducting life history interviews with onward Colombian migrants we came across non-EU spouses who did not know they had to register with the EUSS. They felt safe because they already had their family permits, while their EU partners thought that the EUSS was only for EU nationals. According to the immigration advisors interviewed, this confusion is partly due to the fact that publicity about the EUSS was centred on EU nationals. This suggests that if in principle the EUSS included a path of inclusion for some non-EU family members in practice it may not have been the case for many of them.

OLAs prioritize maintaining lawful residence based on previous experiences

In the study by Botterill et al. (2020), Polish nationals were either ambivalent or reluctant about applying to the EUSS as the scheme was perceived as questioning their belonging to the UK. The situation for OLAs is different. Like other EU nationals in low-income jobs, many OLAs, have been exposed to bordering practices before Brexit despite the rights granted by their EU passport (Turcatti 2021; Mas Giralt 2017). However, contrary to most EU nationals, many OLAs had to "earn" their right to reside legally in Europe. This led to a strong emphasis on maintaining their lawful residence. As a EUSS advisor at a Latin American NGO explained:

A lot of people, especially my clients, are quite organized and conscientious or, like, panicky. For example, I had clients who did it [the EUSS] already ages ago ... but the same people contacted me [closer to the 31st of December 2020, the day before the end of freedom of movement] and said: 'I need to do my status' ... And I was like: 'you've got your status! You're fine'.

For many OLAs, earning the right to live in and move around Europe involved experiences of irregularity. Several OLAs arrived in Spain without residency permits in the early 2000s, but the country conducted several large amnesties for the undocumented population, with Ecuadorians and Colombians migrants being two of the groups that benefited the most (Ramos, Lauzardo, and McCarthy 2018). We found that the anxiety about maintaining lawful residence in the UK was stronger among interviewees who had experienced being irregular in Spain. Stephanie, an onward Colombian mother, powerfully captures these dynamics:

My children and I have Spanish nationality. It opened us doors, because after the [financial] crash in Spain we could come here [London]. But the [Spanish] passport ... we had to comply with many requirements, because it is not that they choose you randomly and they give you the [Spanish] passport. We had to work to do all of those things. We had to live through things ... we had

to acquire first a residency card and only then we could go for the passport [...] Knowing that I was given the [settled] status is of a great support now ... as I said, you need to earn it, you need to do it because you can't live in a country without documents. We need to make an effort to have our documents, a lot of effort. (Translation)

In the study by Botterill et al. (2020), Poles were unwilling to apply to the EUSS because the “simple” act of doing so involved the emotional effort of having to prove oneself, which was perceived as unfair. For OLAs, the fear of reverting to a status of irregularity and uncertainty made them eager to make the effort of proving their right to stay in the UK. From a policy perspective, these findings suggest that having experience with being the subject of immigration control favoured the uptake of the EUSS.

From a conceptual perspective, our findings show that when having their recently acquired legal status questioned, migrants experience a heightened sense of insecurity which drives them to find alternative ways to re-secure their status and rights in the country. Yet, as we explain below, doing so through the EUSS was not an easy task.

The EUSS was simple for some and complex for others

The UK Government described the EUSS application as simple and straightforward (Home Office 2020b). For young Latin Americans who had command over English and were digitally savvy, “*applying for residence seemed quite simple*”. However, the language and digital divide constituted an obstacle for several OLAs and their non-EU family members in low-income jobs. As explained by Lucrecia, an Ecuadorian woman in her late forties:

English is a big obstacle because ... well, I speak Spanish [...] it's a bit difficult to find information in Spanish [...] the process [to apply to EUSS] [...] you can do it online, you can download the application. But not knowing about technology makes you lose welfare benefits, makes you lose study opportunities, including the opportunity to get your settled status. (Translation)

This is why several interviewees approached Latin American NGOs, which, during the lockdowns, continued to provide their services via phone, including support with EUSS applications.

EU nationals needed to prove they have been in the UK before the 31st of December 2020. However, the burden of proof was higher for non-EU family members (Sumption and Fernández-Reino 2020). The documentation required for this group includes evidence of the relationship to an EU national. This was not an easy task for OLAs' non-EU family members. In some cases, gender dynamics played a role in limiting access to key documentation for women. Community workers discussed cases of women

whose ex-husbands would not let them access proof of relationship such as marriage certificates.

For OLAs' non-EU family members, applying to the EUSS became even more difficult with the outbreak of the COVID-19 pandemic. As part of the EUSS application, non-EU family members in the UK without biometric cards needed to provide their biometric information, including their fingerprints. This could only be done via in-person appointment at the Home Office's immigration centres, which however remained closed for most part of 2020 due to national lockdowns.

The pandemic complicated the application process for OLAs' non-EU family members living abroad too. Certain non-EU family members living abroad (e.g. spouses, civil partners, children, dependent children over 21 and dependent parents and grandparents) qualified for the EUSS as long as their relationship to EU/EEA nationals existed by the 31st of December 2020.

Due to the pandemic, there were cases of couples who could not get married before that date and did not have documents to prove their civil partnership. Furthermore, embassies closed for several months in 2020 and therefore were not issuing family permits, which non-EU family members abroad needed to travel to the UK and then to apply to the EUSS. Community workers also dealt with cases where non-EU family members did receive the family permit, which however expired before they were able to travel to the UK, due to flights cancellations.

The difficulties for non-EU family to prove their links to EU family expanded beyond issues related to the pandemic. Lucia, a Venezuelan spouse of an EU national we interviewed, explained how her daughter, being over 21, had to prove to be economically dependent on her stepfather, an EU national, in order to qualify for the EUSS and move to the UK. However, her attempts failed:

We [Lucia and her husband] got married in Peru in 2018. We then came to the UK the following January. From January to May, I was the one sending money to my daughter [who remained in Peru]. The money was his [of the EU husband], but I was sending her money under my name. They told me that there was no evidence that he sent money to my daughter. My advisor told me to do the application again and send the evidence they were asking me. I did it, and they denied it once again. They said I didn't have evidence. In the end, we stopped trying. (Translation)

Given the challenges that OLAs and their non-EU family members faced when applying to the EUSS, community workers highlighted an implicit hierarchy of (un)desired applicants. As John, an immigration advisor, put it:

All the publicity is around the idea that it is super easy to get settled or pre-settled status. If you are a young, bilingual European, good with technology

... if you have the EU passport ... Then yes, it is quite simple. But if you don't ... if you are a family member you can't apply, for example, with a tourist visa. You need to get a family permit, or a residency card. Both take a long time and the information available to deal with these cases is ... very bad. Basically, the Home Office gives you the impression that there are people that they want, and people that they don't want. The [non-EU] family members seem to be the type of people that they don't want. But no one speaks openly about this.

These findings confirm the concerns of scholars and community organizations with regards to the ways in which the outbreak of the pandemic, the digital divide, language barriers, complicated the process of applying for the EUSS (Bulat 2020; Sumption and Fernández-Reino 2020). The findings also show that applying to the EUSS was easier for OLAs compared to their non-EU family members. This suggests that some non-EU family members in the UK and abroad may have missed the opportunity for inclusion opened by the EUSS not simply because of misinformation and the fact that publicity about the scheme centred on EU/EEA nationals, as discussed in Section 4.1, but also because of the difficulty of meeting the EUSS eligibility criteria, particularly in the context of the pandemic. The fact that non-EU family members, particularly women, constitute *de facto* undesired applicants suggests that the EUSS embodies what scholars already identified as a process in which the design of migration laws perpetuate gender inequalities. Scholars have also suggested that there is a reluctance from the UK Government to see migration as a family process (D'Angelo and Kofman 2018).

OLAs making sense of a new status

EUSS anxiety: the challenge of proving it and keeping it

The introduction of the EUSS was meant to reassure EU nationals living in the UK that their rights would be preserved (Yeo, Sigona, and Godin 2019). The fact that almost all the EUSS applications were successful should have reassured them (Home Office 2021). Yet, in examining how OLAs perceived their newly acquired immigration status, we discover that several experienced anxiety and uncertainty for different reasons and in different forms.

Firstly, several OLAs felt anxious about proving their status. Even though the EUSS effectively closed on the 30th of June 2021, employers, landlords, and governmental agencies (e.g. welfare support) were already asking EU nationals to prove their immigration status in 2020. The fact that one's status is verifiable only online was cause of anxiety for low-income OLAs and non-EU family members, a feeling that has also been reported for other EU nationals (Bulat 2020). However, for OLAs this feeling was also influenced by their previous experience of irregularity in Spain. The acquisition of the "*Tarjeta de Identificación de Extranjero*" following regularization

in Spain and later on of the Spanish passport meant that OLAs could show a physical ID to the authorities. For OLAs, the physical document constituted a shield from deportation and a key to social protection. Given this, not holding a physical document to demonstrate their EUSS status made them feel vulnerable.

Secondly, many of those holding pre-settled status worried about not qualifying for settled status as a result of the pandemic. While pre-settled status holders who have been out of the country for up to a year due to the pandemic qualify for settled status since May 2021, at the time of the research individuals with pre-settled status out of the country for more than six months per year were not eligible for settled status. This caused anxiety among our interviewees. For example, while doing online focus groups, we came across two young women working in the cleaning sector in London who were stranded in Argentina and unable to come back to the UK because they could not afford the high fees for the hotel quarantine introduced by the UK Government at the beginning of 2021. As of July 2021, these fees amounted to £1,750 with additional adults charged at £650. This amount of money was impossible to cover for many OLAs working in low-income sectors.

We also interviewed low-income parents working in the cleaning sectors who feared future family separation for similar reasons, as in the case of Doris, an onward Ecuadorian mother:

We are a bit worried because our sons are in Spain. We want our children to come here because we are working here. My daughter in Spain is not working anymore and my son is 17. So, we want them to come here. But we don't have savings. So, we are a bit worried because, for the economic situation now [referring to the unemployment following COVID-19] [...]. Imagine this: it's me and my husband working, my two children come, and that will create lots of expenses. We need to find a flat, pay for their food, pay for the rent, for the bills, hoping that my daughter will find a job and help. [...] My children already have pre-settled status, but they need to be here before the six months expire. They must come, but it will cost us a lot. (Translation)

Finally, even though several OLAs with settled status considered themselves "fine", they perceived the EUSS status as unsecured. Among low-income interviewees, there were particular concerns such as the possibility of being charged the NHS surcharge that newcomers have to pay and that, as of July 2021, was up to £624 per year. Fernanda, an onward Ecuadorian mother, explains:

Every day they [the Home Office] come up with something else, every time these [referring to migration status] are things that they change or that they can change, because all of this is in their hands. They decide what they want to do and what not. It's like 'una inseguridad' (an insecurity). I feel like after this [Brexit] they can tell us, well, you have to pay for your health. And this is their right because it's their country. (Translation)

This is why many OLAs with settled status were interested in acquiring British citizenship. Some of the onward Colombian parents who partook in the life history interview already had gathered information about eligibility criteria and costs. Interviewees with limited economic resources to cover the application costs spoke of investing in their children's application. Applying for UK citizenship is indeed costly with a main fee of £1,330 (as of July 2021), plus biometric enrolment fee and Life in the UK Test fee, among other requirements. As Romina, an onward Peruvian mother married to an onward Colombian man, put it:

They [her children] are going to live here and their life is going to be much easier and secure if they become British. (Translation)

The fact that OLAs perceived the pre-settled and the settled status as insecure is a common pattern among EU nationals. Several studies show that with Brexit and the introduction of the EUSS a new status has been placed upon EU nationals without their consent, making them weary of the possibility that their position could be questioned again in the future, which is why several considered applying for British citizenship (Botterill et al. 2020; McCarthy 2019; Buelmann 2020). Our findings add to the literature as they show that part of the reasons why the new status was considered insecure was due to OLAs and their non-EU family members being unequally positioned not only to apply for the status, as shown in the previous section, but also to deal with the conditions to keep and prove their status due to pre-existing inequalities exacerbated by the pandemic. This suggests that even though the introduction of the EUSS was meant to reassure OLAs, in practice the scheme created new anxieties

Gaining status, gaining and losing rights

Our interviewees also reflected on what their status meant in terms of their rights and privileges. There was an overall sense of loss among OLAs. In Fernanda's words, an Ecuadorian mother: "*he vuelto a ser inmigrante*" (I returned to being an immigrant). While other groups of EU nationals also shared the experience of "migrantness" as a result of Brexit, and even before the referendum, for OLAs this was a *formal return* to "migrantness". This can be appreciated by examining what it took Fernanda to become a Spanish national, an experience common among the OLAs we interviewed. Fernanda arrived in Spain with a tourist visa in the late 1990s. She spent years being irregular, fearing deportation, and her road to Spanish nationality was a long one:

Thanks to the regularisation [introduced by the Spanish government in the early 2000s], we [Fernanda and her husband] got a temporary residency permit. The following year we had to renew it to get the permit for two years. In total, we had to stay five years to get permanent residence. Once

we had the permanent residency, I could work, I could travel, I could do whatever, I could return to my country. [...] Then, I applied for the [Spanish] nationality. Since Ecuador was a Spanish colony, we could access it only with two years of permanent residence in Spain, for other people it's 10 years. But the process was long, it was always long. I think it took us more than two years and a half to apply [...] But once you have documents it's like saying: I am Spanish! I am legal! (Translation)

OLAs' interpretations of their newly acquired status depended also on whether they were granted pre-settled or settled status. Some OLAs with pre-settled status perceived that they were not a priority of the UK Government. This is exemplified by Miguel, an onward Colombian father working in the cleaning industry:

What will happen now with Brexit? Well, according to what I understood, the people who ... It seems that those who have been here for five years or more will have priority. Since we [Miguel, his wife, and son] have been here for little time, we won't have priority. (Translation)

At the time of the interview, Miguel's work hours were reduced due to the COVID-19 pandemic and he was in the process of figuring out whether he was entitled to welfare assistance with the support of a Latin American NGO. By now, Miguel probably did find out that welfare access remains conditional on having worked in the UK for at least three months and having earned a certain salary. These were the conditions that EU nationals have had to satisfy since 2014 following policy changes reducing access to social protection (Dwyer et al. 2019). As a result, those who hurried to enter the UK before the end of freedom of movement during the pandemic and could not find employment were not entitled to welfare support. Antonio, an Argentinian man in his thirties who arrived in March 2020, highlighted how gaining pre-settled status did not necessarily mean gaining rights:

How Brexit will impact us ... it's still unsure. However, what I already saw is the difficulty to understand what it's your condition here. I am a pre-settled. But what am I? What am I entitled to in terms of benefits? Can I feel that I am a part of the UK or, in the end, I remain a visitor? (Translation)

While, overall, OLAs tended to associate the gaining of status with the loss of rights, some of the non-EU family members who previously did not have a right to public funds highlighted how having been granted pre-settled or settled status meant they could apply for welfare support. However, enhancing the rights of the non-EU family members who registered to the EUSS came at the expense of future family reunification. Stephanie, an Argentinian woman in her thirties with Italian nationality, explained how the end of freedom of movement meant her younger brother will not be able to join her in London:

I have Italian nationality, and thanks to it I came go to London [...]. I thought to move to the UK alone and later at some point, maybe, have my brother, who also has Italian nationality, with me in London, have him close. However, this is an opportunity that I don't have anymore. (Translation)

These findings show once again that the EUSS created new anxieties and uncertainty among OLAs. They also demonstrate that, while the EUSS allowed OLAs to retain their residence and included a path to inclusion for the non-EU family members who managed to register, for OLAs the EUSS ultimately signified a loss of rights which took them long to achieve, with repercussions for their access to social protection and family life. OLAs' concerns are not unique but resemble those of EU nationals without prior experience of being formally subject to immigration control (Bulat 2020; Radziwinowiczówna, Kloc-Nowak, and Rosińska 2020). However, what is unique is that for OLAs this loss or rights represented a *return* to a position of vulnerability and uncertainty they never expected to be at again and which took long to escape.

Conclusion

In this article, we examined the EUSS experiences of OLAs – namely, individuals born in Latin America who live in the UK and hold EU passports – in order to (1) evaluate the extent to which the scheme was effective in securing the rights of onward EU migrants and their non-EU family members in the context of the pandemic and (2) advance the understanding of how migrants experience having their recently acquired rights questioned. Drawing from several sources of qualitative fieldwork, we found that misinformation about the EUSS was common among OLAs and their non-EU family members. Furthermore, many OLAs and their non-EU family members experienced challenges applying to the EUSS, and they were unequally positioned to provide evidence of their new immigration status and comply with the conditions to keep it due to pre-existing inequalities exacerbated by the pandemic.

These findings confirm existing concerns about the “cracks” in the EUSS and the anxieties the scheme created for the EU population in the UK (Bulat 2020; Sumption and Fernández-Reino 2020). We also find that OLAs with higher economic, educational, and English fluency were better prepared to deal with the consequences of Brexit. Indeed, while OLAs in professional positions encountered less difficulties in applying for the EUSS, this was not the case for the vast majority of our interviewees, who work in low-pay jobs and have limited English fluency.

While these findings mirror findings for the wider EU population in the UK (Lulle, Moroşanu, and King 2018; D'Angelo and Kofman 2018), this article expands the literature on the EUSS by highlighting the importance of two characteristics of OLAs that distinguished their EUSS experience from that of other EU nationals. First, because of their previous experience of being

subject to immigration control, including experiences of irregularity, OLAs prioritized maintaining their legal status, favouring their uptake of the EUSS. This stands in contrast with studies on the EUSS experiences of EU nationals without similar previous experience who were ambivalent or reluctant to apply to the EUSS (e.g. Botterill et al. 2020).

The higher likelihood of having direct non-EU family members is a second characteristic that distinguished OLAs' EUSS experience from those of the general EU population. Our research suggests that OLAs' non-EU family members may not have been able to take advantage of the opportunity for inclusion opened by the EUSS because of misinformation, the fact that publicity about the scheme centred on EU nationals, and, particularly, the difficulty of meeting the EUSS eligibility criteria in the context of the pandemic. The fact that non-EU family members, particularly women, often constitute *de facto* undesired applicants is an example of the ways in which the design of migration laws may negatively affect families and perpetuate gender inequalities.

For OLAs, the EUSS ultimately signified a loss of rights which took them long to achieve. OLAs' concerns resemble those of the general EU population in the UK, who also have been effectively turned into migrants by the EUSS (Bulat 2020; Radziwinowiczówna, Kloc-Nowak, and Rosińska 2020). However, what is unique is that for OLAs legal uncertainty is not a new experience. The overall EU population in the UK felt that Brexit and the EUSS questioned their belonging in the country (Burnett 2017; Genova and Zontini 2020; Botterill and Hancock 2019; Guma and Jones 2019). For OLAs, Brexit and the EUSS more concretely represented not only a formalization of the discrimination and bordering practices they were experiencing before the EUSS, but also a return to a position of legal vulnerability and uncertainty they never expected to be at again. The EUSS indeed evoked memories of irregularity, of being fearful of deportation when unable to demonstrate one's right to reside, and of having limited rights.

All in all, this article calls for the need to be careful about assuming that the experiences of EU nationals born in Europe is representative of all EU nationals. This assumption excludes groups such as onward EU migrants from the discussion and limits our understanding of Brexit and the impact that the EUSS had and will continue to have on individuals and families. Now that the EUSS is effectively closed, taking into account the heterogeneity of the EU population in the UK will be crucial to understand and assess how individuals and families will navigate and cope with the post-EUSS scenario.

Note

1. While we refer to those applying to the EUSS as EU citizens, in practice the EUSS included citizens of EU countries, Switzerland, Norway, Iceland and Liechtenstein.

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