



Rt Hon Hilary Benn MP
Committee on Exiting the European Union
House of Commons
London
SW1A 0AA

1 March 2017

Dear Hilary,

Thank you for your letter of 2 February regarding the Committee on Exiting the European Union's inquiry into the negotiating objectives of the UK Government in leaving the European Union (EU). I am sorry I was not able to reply by 15 February as requested.

Firstly, I would like to clarify that, contrary to what is stated in the Committee's letter, the Government has not encouraged EU nationals to apply for a permanent residence card to demonstrate their eligibility to remain and their entitlement to certain rights. We have repeatedly been clear that the rights of EU nationals remain unchanged while we are a member of the EU and that EU nationals do not need to apply for any documentation to demonstrate this. This has been our position since the Referendum and is clear on the GOV.UK website.

The right of permanent residence, and the requirements that need to be met to acquire it, originate from EU law, from EU Directive 2004/38/EC (often referred to as 'the Free Movement Directive'). EU nationals automatically acquire permanent residence under EU law if they have lived in the UK for a continuous period of five years in line with the Directive – for example, if they have exercised Treaty rights as a worker, self-employed person, student, or self-sufficient person.

Such EU nationals can apply to the Home Office for a document confirming their status if they wish but there is no requirement for them to do so. If they wish to do so, they must be able to evidence that they meet the necessary requirements, as set out in EU law, in order to demonstrate that they have a right to reside, and obtain such documentation.

The Committee has asked what steps we are taking to simplify the application process for permanent residence. The Home Office has been working to make applications quicker and easier. A service was launched in October 2016 to enable single applicants to apply for permanent residence online, and since 6 February, this has been expanded to most applicants who apply alongside family members.

In addition, we have introduced the European Passport Checking Service enabling applicants to have their passports checked and certified by local authorities, removing the need for the Home Office to retain these documents while the application is decided.

We also continue to refine and improve the online forms to make them easier for individuals to use. For example, individuals applying online no longer need to provide their travel history for absences less than six months in duration.

As regards data sharing, there are arrangements in place between the relevant departments. The Home Office, Her Majesty's Revenue and Customs and the Department for Work and Pensions are continually working to improve data sharing that will help improve the efficiency and effectiveness of our systems.

The Committee also asks about alternative processes and contingency plans. As I have stated above, while we are still a member of the EU, EU nationals' rights remain unchanged. As was the situation before the Referendum, EU nationals continue to have a right to enter and reside in the UK as long as they meet the requirements set out in EU law.

The Government of course fully appreciates the importance of giving certainty to EU nationals on their status after the UK exits the EU. That is why the Prime Minister has made it one of her 12 negotiating priorities in the UK's exit from the EU to secure the status of EU nationals already living in the UK, and of British citizens living in the EU, as early as possible once formal negotiations begin.

As the Prime Minister made clear in the recent White Paper, 'The United Kingdom's exit from and new partnership with the European Union', we will seek a smooth, orderly exit that avoids a disruptive cliff-edge. The Government would have liked to resolve this issue ahead of the formal negotiations. Although many EU Member States favour such an agreement, this has not proved possible. The UK remains ready to give people the certainty they want and to reach a reciprocal deal with our European partners at the earliest opportunity. It is the right and fair thing to do.

The Committee has clarified that it is seeking the total number of EU nationals living in the UK (rather than the number of UK citizens in the UK, as stated in your letter). The Office for National Statistics estimates that around 2.8 million EU nationals (excluding Irish nationals) were resident in the UK in 2015. This is the latest available data.

The Committee also asked to receive:

- (i) Statistics on the percentage of permanent residence applications that had been: a) refused, and b) declared invalid.

In 2015, 23% of permanent residence applications were refused (refusal rate calculated only against those that were a 'grant' or 'refused' outcome) and 12% of applications were declared invalid (calculated against all applications). In 2016, 21% of permanent residence applications were refused (refusal rate calculated only against those that were a 'grant' or 'refused' outcome) and 9% of applications were declared invalid (calculated against all applications).

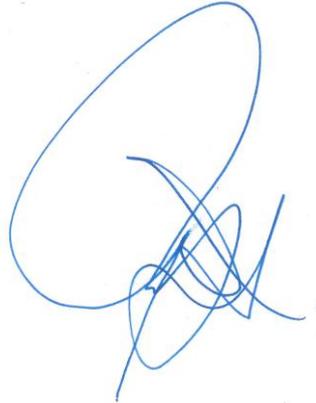
- (ii) A breakdown of the reasons for permanent residence applications being refused and being declared invalid, and how these have changed over time.

I am afraid the information you have requested is not captured in a way which is reportable.

- (iii) The average time taken for an application to be processed and how this has changed over time.

There has been a significant rise in applications over the last year; from 16,297 in 2015 to 106,554 in 2016. Consequently there has been an increase in average processing times. However, whilst cases are taking longer to be processed, service standards continue to be met, with 99.5% of applications being processed within the six month service standard.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, sweeping loop on the left and several smaller, overlapping loops and lines on the right, ending in a small dot.

Robert Goodwill MP