



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

15 November 2017

Dear Hilary,

House of Commons Exiting the EU Committee Report: ‘*The Government’s negotiating objectives: The rights of UK and EU citizens*’

I was pleased to give evidence to the Committee on Wednesday 25 October.

I am grateful for the Committee’s report on the Government’s negotiating objectives on the rights of UK and EU citizens, published on 5 March 2017.

I welcome the Committee’s focus on the important issue of how the rights of UK nationals already living in the EU, and EU citizens already living in the UK, can be protected. This is an important aspect of the current negotiations on the UK’s withdrawal from the European Union and one which the Prime Minister has prioritised.

The Committee’s report was published before the UK Government publicly set out, on 26 June 2017, its offer on citizens’ rights: “*Safeguarding the Position of EU citizens in the UK and UK nationals in the EU*”. I would like to refer the Committee to this publication, as it responds to many of the recommendations raised.

I would also refer the Committee to the joint technical notes that the UK and the EU publish, in the interest of transparency, which set out the progress made during negotiations on the wide range of issues encompassed by citizens’ rights.

The negotiations are progressing well, and I am sure that if both sides approach them with flexibility and pragmatism, we should be able to reach an agreement on the issue of citizens’ rights soon. We have agreed on the broad framework for granting residence to EU citizens in the UK and UK nationals in the EU, including the

personal scope of the Withdrawal Agreement, to define who will be captured by the final citizens' rights agreement.

We have also agreed that the application system for settled status should be smooth, streamlined and user friendly. The Home Office is currently working to develop such a system and is conducting a number of 'user groups' to consult key stakeholders on the design of the scheme.

We have reached agreement on all aspects of reciprocal healthcare arrangements for the purposes of the Withdrawal Agreement. This includes continuing with reciprocal health cover for eligible UK nationals living in the EU on exit day.

We also continue to make good progress on protecting social security rights for those who are covered by the Withdrawal Agreement. For example, we have agreed that these individuals will continue to benefit from the coordination rules for aggregating contributions made in the EU and UK both before and after exit and the rights that flow from such contributions, such as uprating and reciprocal healthcare.

We have agreed on the definition of a 'frontier worker', those who are working in a cross border situation on the day of exit and that they will be protected under the Withdrawal Agreement.

We have also agreed on the protection of economic rights, as we know they are of great importance to citizens, which include the right to be employed, self employed and the right to own a business. We are also in discussion with the EU on the mutual recognition of professional qualifications.

The Prime Minister has also announced that the Withdrawal Agreement will be incorporated fully into UK law so that UK courts can refer directly to it, giving citizens confidence that their rights will be protected.

There are of course areas where we are still to reach agreement with the European Union - areas on which we hope to see movement in the continuing negotiating rounds. For example, we would like to see the EU agree to protect voting rights for EU and UK nationals under the Withdrawal Agreement.

We have been clear that we see the right to vote in municipal elections as a fundamental democratic right. However, the EU sees this as a decision for individual Member States to take.

We have also offered EU citizens a lifetime right to return to the UK, if they hold settled status, in return for continuing onward free movement rights for UK nationals in the EU. We are continuing to discuss this with the EU.

It is clear that the negotiations on the citizens' rights agreement have been detailed and complex. Because of this complexity, we need to be confident that we have considered in full all the technical details and future implications. It is therefore right that we have conducted these negotiations on a reciprocal basis, rather than making an early unilateral statement.

I would like to stress that the Government recognises the invaluable contribution to our economy and our society that EU nationals make.

On 19 October, the Prime Minister wrote directly to EU citizens in the UK to reassure that resolving citizens' rights remains a top priority and that the focus over the weeks to come will be delivering an agreement that works for the people in both the UK and the EU.

Of course, if there remain any further outstanding questions, I would be happy to answer them.

A handwritten signature in blue ink, appearing to read 'David Davis', with a large, sweeping flourish underneath.

RT HON DAVID DAVIS MP
SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION