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The Rt Hon. the Lord Morris of Aberavon KG QC
Chairman, EU Justice Sub-Committee
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30 January 2020

Dear Lord Morris,

Thank you for your letter of 29 October and do please accept my apologies for the delay in responding following the dissolution of Parliament and the general election. You will of course be aware that many issues relating to citizens' rights were discussed during the passage of the European Union (Withdrawal Agreement) Act 2020. Nevertheless I would like to reiterate that it has been the Government's priority to protect citizens' rights throughout the negotiations on the UK's exit from the EU. This is a commitment we have delivered on. The Withdrawal Agreement provides certainty that the rights of EU citizens in the UK and UK nationals in the EU will be protected and that they can continue living their lives as they broadly do now.

The EU (Withdrawal Agreement) Act has now been passed into domestic UK law which implements the Withdrawal Agreement. This agreement protects the rights of EU citizens living in the UK and UK nationals living in the EU before the end of the transition period. We have also reached similar agreements with the EEA EFTA states and Switzerland to protect citizens' rights. I would therefore like to take this opportunity to identify how the Agreements will protect the rights of EU citizens and UK nationals alike.

THE WITHDRAWAL AGREEMENT

The Withdrawal Agreements protects the rights of EU citizens in the UK and UK nationals in the EU under the Withdrawal Agreement. This includes:

- **Eligibility and scope:** all UK nationals lawfully residing in a Member State at the end of the transition period will be able to stay, as will all EU citizens lawfully residing in the UK.
 - Allowing close **family members** to join after the end of the transition period on the basis of current EU rules, where the relationship existed before the end of the transition period. All family members lawfully resident with an EU citizen at the end of the transition period will also be protected.

- **Children** born before or after the end of the transition period, to parents protected by the Withdrawal Agreement are entitled to remain or to join them.
- **Residence:** the right to stay in the country in which they are residing before the end of the transition period.
 - In the UK, EU citizens and their family members can apply for a residence status through the EU Settlement Scheme. Member States will implement the Withdrawal Agreement for UK nationals living in the EU.
- **Rights of workers and self-employed:** workers and self-employed persons, including frontier workers, will be guaranteed broadly the same rights as they currently enjoy.
 - They have a right to not be discriminated against due to nationality, and the right to equal treatment with host state nationals.
- **Equal treatment:** protects the existing rights to equal treatment and non-discrimination for EU citizens residing or working in the UK, UK nationals residing or working in the EU, and their family members.
- **Recognition of professional qualifications:** EU professionals resident or frontier working in the UK, or vice versa, will continue to have their professional qualifications recognised, where they obtained or applied for a recognition decision before the end of the transition period.
- **Coordination of social security systems:** the EU's social security coordination rules will continue to apply in full to EU citizens living in the UK and UK nationals living in the EU at the end of the transition period, for as long as they remain in scope. As part of the deal on social security coordination, for those in scope, on a reciprocal basis:
 - We will continue to **aggregate** social security contributions, meaning those who have paid into a system will have their contributions, and the rights that flow from those contributions, protected.
 - The right to export relevant benefits to both EU Member States and the UK will generally continue, as under the current EU rules.
 - We will continue to pay an uprated UK **State Pension** to those living in EU Member States and, in accordance with EU rules, provide associated **healthcare** cover in the EU.
 - On **EHICs**, we have agreed that, where the UK or an EU27 Member State is responsible for the healthcare of those within scope of the social security coordination part of the Withdrawal Agreement, such individuals will be entitled to EHIC cover for as long as they remain in scope.

We have reached a fair and serious agreement, grounded in reciprocity, that seeks to allow citizens to continue living their lives broadly as they do now. The Withdrawal Agreement provides the UK and Member States with a choice about how they safeguard the rights of citizens. Member States may require UK nationals and their family members covered by the

Withdrawal Agreement to apply for a residency document or status conferring the right of residence.

As set out in the Withdrawal Agreement and in line with the EU Settlement Scheme, any application process adopted by EU Member States for UK nationals must be short, simple and user-friendly. The residence status shall be issued free of charge, or for a charge not exceeding that imposed on citizens or nationals for the issuing of similar documents, for example a national identity card or passport. We are working closely with the European Union and indeed Member States to ensure the smooth and orderly implementation of the Withdrawal Agreement.

EU SETTLEMENT SCHEME (EU CITIZENS)

The EU Settlement Scheme makes it easy for EU citizens and their family members who want to stay in the UK to get the UK immigration status they need.

The scheme launched on 30 March 2019. Overall, the total number of applications that had been concluded, as of 30 November 2019, was more than 2.2 million (2,230,900). Of these, 59% were granted settled status, 41% were granted pre-settled status, and five applications were refused on grounds of criminality.

Applicants will only need to complete three key steps - prove their identity, show that they live in the UK and declare any criminal convictions. The Home Office will check the employment and benefits records the Government holds to establish their period of residence, meaning most applicants won't need to do anything to evidence their residence. Where there are gaps, a wide variety of documents can be submitted as evidence, including a dated bank statement showing payments received or spending in the UK, a dated letter from a UK GP or indefinite leave to remain documentation.

EU citizens will have until 30 June 2021 to apply. The Government has always been clear that where eligible applicants have reasonable grounds for missing the deadline, they'll be given a further opportunity to apply. We will take a pragmatic approach and guidance will be made available to caseworkers will ensure cases are considered consistently.


EU citizens living in the UK are welcome to stay and we want them all to apply to the scheme. A new £1 million wave of UK government advertising for the EU Settlement Scheme was launched on 18 October 2019 and will continue our outreach work with community organisations and Member State Embassies and High Commissions to encourage every eligible EU citizen to apply.

There is a wide range of support available online, over the phone and in person to help people apply. We have awarded £9 million this financial year to 57 voluntary and community sector organisations across the UK to help us reach an estimated 200,000 vulnerable or at-risk EU citizens and their family members. Additional support is also available to those EU citizens in the UK who do not have the appropriate access, skills or confidence to apply online. This includes over 300 assisted digital locations across the UK where people can be supported through their application.

EU citizens are valued members of their communities and play an integral part in the

economic, cultural and social fabric of the UK, as do UK nationals living in the EU, who are equally valued by their host countries and communities. The Withdrawal Agreement provides certainty that the rights of EU citizens in the UK and UK nationals in the EU will be protected.

I would also like to take this opportunity to thank you for the Committee's continued consideration of these issues.



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