



HOUSE OF LORDS

European Union Committee

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James Duddridge MP
Parliamentary Under Secretary of State
For Exiting the European Union
9 Downing Street
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29 October 2019

Dear James,

Thank you for your detailed letter of 9 October, which was considered by the Committee prior to its evidence session on the position of UK nationals in the EU on 22 October.

While we understand that you and the Secretary of State are extremely busy, it would have been helpful if you had been able to attend and give evidence to our Committee on this complex issue prior to the Government's preferred exit day of 31 October 2019. While the Secretary of State did give evidence to the European Union Select Committee on 21 October, he was not able to deal with any of our detailed concerns in the time available. We ask that you do so now, in response to this letter.

We acknowledge that the UK Government cannot take unilateral action to mitigate every difficulty faced by UK citizens in the EU, since this sometimes requires reciprocity by our EU partners. But at our evidence session on 22 October we were also told that the UK Government could be doing more in a number of areas. These include assurances:

- That UK citizens who wish, or need, to return to the UK at any point in the future should be entitled to do so, with their families, as is the situation at present;
- That the current arrangements for student fees and finance for UK individuals resident in the EU at the time of Brexit should be continued for a period of 15 years;
- That the UK should continue to fund healthcare for those to whom it is liable at Brexit until new agreements are made (and in any case until the end of 2020); and,
- That it should commit to uprate the pensions of UK nationals living in the EU for as long as they continue to live there.

We accept each of these points. The situation, as it stands, means that many UK citizens have now lived in a state of anxiety and uncertainty for several years. Many UK nationals moved to the EU several decades ago and did so with a reasonable expectation that the rights to which they were then entitled would not be subsequently removed without due notice and consultation. What consideration have you given to these points, and what steps do you intend to take to mitigate these concerns? The Secretary of State made reference to the provisions put in place for UK residents in Spain in his evidence to the European Union Select Committee. Please provide an update on the discussions you have had with other European governments on coming to similar arrangements in these countries. Given the importance often placed on the concept of reciprocity in the context of Brexit negotiations, how many Member States do you consider to have offered UK citizens

something equivalent to what you have offered EU citizens in the UK (i.e. the EU Settlement Scheme)?

Moreover, we heard evidence that the consequences of some of the actions of the UK Government may be actively counter-productive. For example, a failure to uprate pensions after 2023 could result in UK nationals in the EU being forced to return to the UK against their will, at great expense (including the UK Government then being required to meet the costs of their future healthcare, any welfare benefits they may be entitled to etc). Further, many pensioners may wish to return to the UK but may realise insufficient funds and be forced to seek public sector housing. What assessment have you made of the potential costs to the UK taxpayer of UK citizens currently living in the EU returning to the UK after Brexit? What analysis have you conducted of the likelihood of this outcome and the potential numbers of people involved?

It is plain from the evidence that we received that future co-ordination of social security and healthcare entitlements with the EU 27 may prove especially challenging in the event of a 'no deal' Brexit. We remain concerned that this will have a deleterious impact both on individuals and also on UK businesses – particularly those which have branch offices in the European Union. We heard how social security rights, for example, are currently protected when moving through the EU but that, after Brexit, UK citizens working in the EU would no longer be able to aggregate contributions and build up entitlements to pensions etc if they are moving between EU countries for work. What assessment have you made of the number of UK citizens who currently work across EU borders as part of their jobs and what steps have you taken to address this particular issue? What conversations have you had with UK businesses about their concerns on this issue (including the challenges that the lack of social security coordination will have on their employment of EU nationals) and what assessment have you made of the impact on UK businesses?

On the evidence we have received, these serious issues for both individuals and businesses cannot be addressed solely on a state to state basis. We, therefore, urge the UK Government to engage urgently with the European Commission to address them.

Finally, in his evidence to the Select Committee, the Secretary of State mentioned that you have a breakdown, by country, of what assurances have been given to UK citizens in each Member State. It is imperative that we are provided with a country by country analysis, preferably in the form of a single document, setting out information on health, social security and other reciprocal rights to enable us to assess what some have described as the potential "lottery" on citizens' rights in the event of a no deal Brexit.

I am copying this letter to the Rt Hon Michael Gove MP, Cabinet Office; the Rt Hon Yvette Cooper, Chair of the Commons Home Affairs Committee; the Rt Hon Harriet Harman MP, Chair of the Joint Committee on Human Rights; the Rt Hon Hilary Benn MP, Chair of Exiting the EU Committee; and Sir William Cash MP, Chair of the European Scrutiny Committee

Yours sincerely,



Lord Morris of Aberavon
Chair EU Justice Sub-Committee

