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Committee on the Future
Relationship with the European
Union

Implementing the Withdrawal Agreement: citizens' rights

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*Report, together with formal minutes relating
to the report*

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Committee on the Future Relationship with the European Union

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Conclusions and recommendations

What do we know about the procedures in each country?

1. In those countries where UK nationals will be asked to make a new application for a residence status under Article 18(1) of the Withdrawal Agreement, the deadline for applications is 30 June 2021 at the earliest. Each Member State can decide if it wishes to extend this deadline, and we understand that so far seven out of the thirteen countries, where this applies, have done so. We urge other EU Member State to consider extending deadlines if it appears that a large number of UK nationals in their country have not taken the necessary steps, and there is a possibility they would lose their status. (Paragraph 16)
2. We welcome the increased information on how each Member State will choose to implement Part Two of the Withdrawal Agreement to protect citizens' rights provisions for UK nationals in the EU. The introduction of a constitutive system in EU member countries for UK nationals has caused some concern that it may involve burdensome administrative procedures as part of the application. We welcome the remarks of the Minister that nobody should be asked for information beyond what is necessary to demonstrate that they were lawfully resident before 31 December 2020. We call on the Government to monitor the proposals in each Member State and, working with the European Commission and Member States, ensure that any such process is smooth, transparent and simple, and that any unnecessary administrative burdens are avoided. (Paragraph 20)

How will UK nationals know what they have to do?

3. It is vitally important that UK nationals resident in the EU are aware of how their situation might change and what steps they need to take to protect their rights. It is the responsibility of both the UK Government and the relevant host country to make sure that information is available and communicated to those who may be affected. This has to happen now so people can prepare, and it needs to continue into 2021 reflecting any deadline. The aim has to be to make sure as many people as possible understand what steps they have to take to ensure they do not lose their rights under the Withdrawal Agreement, and that as few people as possible lose rights inadvertently because they did not act in time or did not know they needed to act. (Paragraph 30)
4. We welcome the fact that the direct efforts of the Foreign, Commonwealth and Development Office will be complemented by those of the organisations in receipt of the National Support Fund. We know from the experience of the EU Settlement Scheme in the UK that there are going to be hard-to-reach parts of the British population in Europe and it is important that the NSF organisations emphasise supporting those who may find the procedures required challenging. Particular focus needs to be given to the British population in countries such as Spain and France, given their numbers and their geographical spread across the country, and the proportion who are unregistered. (Paragraph 31)

5. Monitoring of the effectiveness of the National Support Fund will be important. We are pleased that the Minister also thinks this is important and we support the principle set out by the Minister that those in receipt of funding must evidence their work in a series of regular reports. We commend the commitment shown by the Minister in her letter to update Parliament. We recommend that the monthly and quarterly reports are published. Furthermore, given the various procedures and deadlines in each EU Member State, and the potential need for the support to be refocused to meet demand as it is identified, we recommend that the Government set out a strategy for how the NSF will be used to support citizens in countries or regions where demand increases and there is currently no coverage. (Paragraph 32)

How many UK nationals will this affect and where do they live?

6. It is in the interests of UK nationals to make sure that they are registered in their host state before the end of transition on 31 December 2020. The UK Government needs to focus particular attention on those countries where there is potentially a large number of UK nationals unregistered, and where registering is the first step to gain protection under the Withdrawal Agreement. (Paragraph 40)
7. Understanding the size of the population affected also helps the FCO and host countries reach their target audience. This is crucial given that they may not be aware of what they need to do in order to secure their status, and when they need to do it by. (Paragraph 41)
8. There is evidence of delays happening in some EU Member States earlier in the year when Covid-19 caused offices to close down, reduce their staffing or levels of access. The risk remains that the pandemic could lead to restrictions being reintroduced and delays to the administration of any scheme. We call on Member States to be pragmatic in how they enforce a deadline where someone seeking to comply with the procedure is delayed through no fault of their own, and we call on the UK Government to urge all EU Member State governments to be flexible and pragmatic when administrative delays have been caused by the pandemic. (Paragraph 43)

Scope for improving the situation for UK nationals in the EU

9. We welcome the proposal for a common format residence card for UK nationals so that they can show that their rights are covered under the Withdrawal Agreement, and that the card will state if the holder has acquired permanent residence. It is important that all relevant authorities recognise this card and the entitlements that it brings to the bearer. (Paragraph 48)
10. Furthermore, we welcome the Minister informing this Committee in advance of a meeting of the Specialised Committee of the UK position on the common format residence card for UK nationals in the EU. We look forward to similar examples of such transparency in future, and we call on the Minister to keep our Committee updated on progress with regard to Member State governments recognising the common format residence card for UK nationals. (Paragraph 49)
11. We welcome discussions in the Specialised Committee regarding the possibility of combining the rights under the Withdrawal Agreement with the mobility rights of

a third country national in EU law and urge the Government and the EU to support measures that would ensure that UK nationals with five years residence would not be treated less favourably, in terms of mobility rights, than third country nationals with five years residence. (Paragraph 52)

12. The position of the UK and the EU on non-visa visits are consistent with their respective established policies. It is less clear whether the UK, in the negotiations on the UK-EU future relationship, proposed any form of change to the EU's 90 day in 180 day rule in order to allow UK nationals, such as those who own second homes or have family in different European countries, to visit for more than 90 days in a 180 day period. In the absence of it being part of the negotiations with the EU, the UK Government should state whether it intends to try and negotiate bilateral arrangements with any EU Member State. (Paragraph 57)

The EU Settlement Scheme

13. The EU Settlement Scheme has been a success for the majority of applicants. The system for applying has clearly worked for a large proportion of those who have applied. For the scheme to have received over 4 million applications is a considerable achievement. (Paragraph 73)
14. We welcome the fact that such a large proportion of those who have applied received a grant of status successfully. Many EU citizens are of working age, can provide evidence of residence, and have the digital skills to navigate the process. At the same time, we do not know how many people are eligible to apply and are yet to apply, because the estimates of how many EU citizens, and other people eligible to apply for the scheme, are not reliable. (Paragraph 74)
15. There is potential in using the data to show which categories of applicant are applying and receiving the correct status. We also know more about those categories who might not be applying in the numbers expected, or are applying and receiving the incorrect status, or getting refused on eligibility grounds. This is as important now as it was at the beginning of the scheme. We urge the Home Office and ONS to continue to gather data on the administration of the Settlement Scheme and publish statistics on its operation up to and beyond the deadline of 30 June 2021. The intelligence gained needs to feed back into how the Home Office targets its communications and the support it provides, including but not only, to the current grant funded bodies. (Paragraph 75)

Improvements to the EU Settlement Scheme

16. We support the call for EU citizens in the UK to be able to have the option of applying for a physical document to evidence their residency status under the Withdrawal Agreement, in addition to their digital status. (Paragraph 83)
17. From 1 July 2021, there will be a transition from the familiar passport or identity card check to an online process. This will apply in a range of situations where an immigration status check is made, be it employers, landlords, public service providers such as the DWP and the NHS. But it will only be for EU citizens. For non-EU citizens, the same checks will be carried out in a way that is already known

and familiar. We urge the Government to publish guidance as soon as possible, aimed at all those who currently carry out immigration status checks and who may be faced with having to carry out parallel procedures—digital for EU citizens and physical checks for non-EU citizens—from 1 July 2021. (Paragraph 84)

18. We recommend that the Government set out how it intends to monitor the introduction of the digital checks and that a review of its implementation should be published within six months of 30 June 2021. (Paragraph 85)
19. EU citizens coming to the UK did not expect to have immigration controls imposed on them afterwards, so alongside explaining to them that they need to apply, there needs to be better communication of the difference between Pre-Settled Status and Settled Status, and what options are available if awarded Pre-Settled Status. In addition, the Government should ensure that those granted Pre-Settled Status are clearly informed that they need to reapply at a date in the future. Again, any interaction with the system requires the applicant to have the documents they used for their original application. There will need to be support in place for people whose Pre-Settled Status matures over the next five years. (Paragraph 93)
20. The Government should explain how it will remind EU citizens with Pre-Settled Status when they have acquired five years residence and can make a new application to upgrade to Settled Status, and how much notice they will give. Reminding people to upgrade is preferable to thousands of EU citizens inadvertently becoming unlawfully resident in the UK because their Pre-Settled Status expired, and they were unaware that they needed to take further action. The Government should also be flexible and pragmatic in cases where it has not managed to make confirmed contact with a person who has Pre-Settled Status, to remind them to apply for Settled Status. In such cases such individuals should be given reasonable additional time to apply. (Paragraph 94)
21. The Government should produce a more detailed analysis of the significant proportion of applicants for Settled Status who are instead only being granted Pre-Settled Status. An equality impact assessment should be carried out to clarify how many long term residents, with gaps in employment in the last five years, for example due to caring duties, are affected and ensure that the current system is not resulting in women being disproportionately granted only Pre-Settled Status. In addition, we recommend that the Government update and publish its Policy Equality Statement for the EU Settlement Scheme. (Paragraph 95)
22. Some applicants are likely to face difficulties applying for the scheme, be it through language barriers, lack of support to complete the application, or because they are unable to source the documentary evidence to support their application. There are, by definition, people who are going to be hard-to-reach, possibly through remoteness and social isolation. These factors may combine, such as for elderly people living in rural areas where sources of advice are limited. Communications and support to such groups need to be enhanced as the deadline approaches. This can be through intermediaries, and the Government needs to learn from the experience of NGOs who are already working to try and support those marginalised and vulnerable groups. (Paragraph 102)

23. It is vitally important the Government publish the guidance for case workers on late applications. The Home Secretary said she would do so in April 2020. We hope that the default approach would remain to look for reasons to grant status rather than not grant status. (Paragraph 109)
24. The risk of refusing a large number of applications after the deadline, where the applicant would pass all the criteria and be granted status if they had applied one month earlier, would simply create a group of people living in the UK unlawfully. This would be unacceptable for UK nationals living in the EU and we urge Ministers not to apply an unduly restrictive approach in the UK. (Paragraph 110)
25. The Home Office must prepare for the possible increase in applications leading up to the deadline and prepare accordingly. This includes ensuring that certificates of application are sent out promptly, so that people are not put in a no man's land where they are unsure of their position and unable to explain their status until they receive a decision. (Paragraph 111)

Grant Funding Support

26. The Home Office's grant funding to organisations providing support and advice to EU citizens has been crucial in reaching out to a wide range of communities and individuals in particular circumstances. If there is an increase in applications leading up to the 30 June 2021, particularly among those with complex cases, then such organisations are going to need continued support beyond the end of this financial year. The Government should consider how it could target support to organisations, including but not solely the Grant Funded Organisations, that are able to provide the necessary legal advice. The Government should provide grant funding up to and beyond the deadline of 30 June 2021 and make clear that it will do so in good time before the end of the current financial year. (Paragraph 114)

After 1 January 2021

27. The UK will leave the transition period at the end of 2020 and forge its future outside the EU with its own independent immigration policy. There will be changes on 1 January 2021, some quite fundamental, for citizens across Europe. For EU citizens in the UK they will still have six months left to apply for Settled Status. This could potentially coincide with an increase in complex cases and the consequences of a digital system for demonstrating their status. For the UK nationals in the EU, thousands could be contemplating a new application process to acquire a status that protects their rights in the country which they thought was their home. The need for examining the implications of these changes has not diminished, in fact, it is likely to increase. (Paragraph 116)

Ongoing monitoring and Parliamentary scrutiny

28. We ask the Government to provide an update on progress for the Independent Monitoring Authority to be fully operational on 1 January 2021, and how it intends

to communicate to EU citizens the Independent Monitoring Authority's existence, its role and how it can support them. We expect the Independent Monitoring Authority to make its reports public and on its own terms. (Paragraph 121)

29. Many of the matters we have discussed in this report relate to what needs to be done now, but others may either only arise or intensify after the transition period ends. There needs to be continued monitoring of EU citizens' rights in the UK and effective oversight beyond 31 December 2020. That includes the Independent Monitoring Authority being accountable to Parliament. (Paragraph 122)
30. As we have seen this year, the Joint Committee—with representatives from the UK Government and the European Commission—is a powerful and influential body. It, along with its specialised committees, will have an important role in how the citizens' rights elements of the Withdrawal Agreement are implemented. Unfortunately, its internal working is not transparent. This makes it difficult to understand what it is being asked to decide on or the outcome of those decisions. We consider this to be wholly inadequate. There needs to be a better formal structure for Parliamentary scrutiny of the Joint Committee, and we intend to return to the question of its transparency in the future. (Paragraph 123)

1 Introduction

Citizens' rights in the Withdrawal Agreement

1. The UK left the EU on 31 January 2020. Part Two of the Withdrawal Agreement, agreed between the UK and the EU, contains articles on citizens' rights.¹ Those citizens, and their family members, covered by the Withdrawal Agreement, are granted rights in terms of residency and the right to work, but also in areas such as social security and healthcare.

2. The UK implemented the Withdrawal Agreement, including provisions relating to the rights of citizens, through the EU (Withdrawal Agreement) Act 2020.² The Withdrawal Agreement also included provision for the UK to enter a transition period where free movement of people would continue from 1 February to 31 December 2020.

Declaratory or constitutive

3. The Withdrawal Agreement allows for the UK and EU Member States to opt for one of two different systems in order to recognise a person's eligibility and provide them with evidence of their status, either:

- a **declaratory system**, where those complying with the conditions automatically have rights under the Withdrawal Agreement, but may apply for a document to provide evidence of those rights
- a **constitutive system**, where persons are required to apply for a new residence status to attest to their rights under the agreement.³

Article 18(1) of the Withdrawal Agreement sets out the criteria for the issuance of residence documents under a constitutive system.⁴ This includes Article 18(1)(e), that states:

the host State shall ensure that any administrative procedures for applications are smooth, transparent and simple, and that any unnecessary administrative burdens are avoided

1 [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community \(2019/C 384 I/01\)](#)

2 Commons Library Briefing paper, [Citizens' rights provisions in the European Union \(Withdrawal Agreement\) Bill 2019–20](#), 3 January 2020

3 [European Commission Guidance note](#), 12 May 2020 said "In a departure from the fundamental principles of Union free movement rules, Article 18 obliges the host State to make a choice—either to operate a constitutive residence scheme (Article 18(1)), or a declaratory residence scheme (Article 18(4))"

4 Article 18 (1) "The host State may require Union citizens or United Kingdom nationals, their respective family members and other persons, who reside in its territory in accordance with the conditions set out in this Title, to apply for a new residence status which confers the rights under this Title and a document evidencing such status which may be in a digital form." Article 18(4) states " Where a host State has chosen not to require Union citizens or United Kingdom nationals, their family members, and other persons, residing in its territory in accordance with the conditions set out in this Title, to apply for the new residence status referred to in paragraph 1 as a condition for legal residence, those eligible for residence rights under this Title shall have the right to receive, in accordance with the conditions set out in Directive 2004/38/EC, a residence document, which may be in a digital form, that includes a statement that it has been issued in accordance with this Agreement.

All UK and EU Member States must have a system in place to issue new residence documents on 1 January 2021 at the latest.⁵ The deadline for applications under a constitutive system cannot be earlier than six months after the end of transition, i.e. 30 June 2021.⁶

4. We have taken a close interest in the subject of citizens' rights since we started our inquiry into the negotiations for the UK to leave the EU, just as our predecessors committees did in the two Reports they agreed.⁷ We would like to thank all those who have taken the time to either send us written evidence or provide oral evidence in person over the last few years. We are acutely aware that this is an incredibly important matter which affects the lives of a large number of people and their families across 28 countries.

5. In this Report, we first discuss the situation for UK nationals living in EU Member States, then similarly for the EU citizens in the UK. Finally, we comment on the need for continuing scrutiny of the implementation of the Withdrawal Agreement in the future.

5 See for example, Letter from the German Ambassador ([FRE0123](#)), and [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

6 Article 18(1)(b) states that "the deadline for submitting the application shall not be less than 6 months from the end of the transition period, for persons residing in the host State before the end of the transition period."

7 Committee on Exiting the EU, [The Government's negotiating objectives: the rights of UK and EU citizens, Second Report of Session 2016–17](#), HC 1071, March 2017; [The progress of the UK's negotiations on EU withdrawal: the rights of UK and EU citizens, Eighth Report of Session 2017–19](#), HC 1439, 23 July 2018

2 UK nationals in the EU

What do we know about the procedures in each country?

6. When we took evidence at the end of June 2020, only three EU countries had started their process for regularising the status of UK nationals in their territory—Italy, the Netherlands and Malta.⁸ As such, it was difficult, at that point, for our witnesses to form a view on implementation so far.⁹ We wrote to the Ambassador for each EU Member State in the UK to ask whether their country planned to adopt a declaratory or a constitutive system for British nationals resident in their country, what preparations had been made so far, and how many UK nationals they understood to be resident in their country. The European Commission has published a guidance note on citizens' rights in the Withdrawal Agreement (WA), to assist in uniform interpretation and has an online resource showing the implementation of citizens' rights in each Member State.¹⁰

7. Among EU Member States, thirteen have chosen to use a constitutive system, and fourteen have chosen a declaratory system.¹¹

Declaratory

8. A declaratory system does not require UK nationals to apply for a new residence status, but may provide an option for them to get a new document to evidence that their rights are protected under the Withdrawal Agreement.¹² Below is a list of the countries that have chosen to operate a declaratory system.

Table 1: Countries operating a declaratory system

Country	Estimate of UK population (as of date)	Relevant steps and dates
Bulgaria	9,955 (July 2020)	Current residence document valid for one year after transition or expiry date. Arrivals during transition should register as resident by 31 December 2020
Czech Republic	8,462 (June 2020)	Since 1 February 2020, UK nationals have been able to register for new residence document certifying holder is beneficiary of rights in the WA
Croatia	900	Register as resident by 31 December 2020. Issuance of new residence document will be in place by 31 December 2020

8 Q481

9 Q484

10 European Commission [Guidance Note relating to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community Part two - Citizens' rights](#), 12 May 2020; European Commission, [Residence rights of UK nationals and their family members under the Citizens' Rights part of the Withdrawal Agreement - overview of implementation](#), 9 July 2020

11 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020; [Letters from the EU Ambassadors, European Commission - overview of implementation](#), 9 July 2020

12 Q481

Country	Estimate of UK population (as of date)	Relevant steps and dates
Cyprus	"thousands"	Register as resident by 31 December 2020 Exchange current registration document for new UK residence document after 1 January 2021 (€30)
Estonia	1,400 (July 2020)	UK nationals can continue to reside in Estonia with current ID card until expiry
Germany	93,365 (1 Jan 2020)	Register with the residents' registration office before 31 December 2020. Then notify their stay by 30 June 2021 to receive residence document
Greece	28,000	Register as resident before 31 December 2020. New residence document available from 1 October 2020
Italy		Register in the Italian registry office before 31 December 2020
Lithuania	669	All listed UK nationals in Lithuania will get a letter explaining steps to take to obtain new residence document
Poland	6,361 (June 2020)	Issuance of new residence document from 1 January 2021 and until at least 30 June 2021
Portugal	34,300	UK resident for less than five years register with local municipality. UK resident with more than five years apply for permanent residence with immigration authority. Will continue to accept applications after 30 June 2021
Slovakia	2,672 (June 2020)	Ensure registered as resident. Apply for new residence permits by 30 June 2021 at the latest
Spain	359,471 (2019)	From 6 July 2020. UK can apply for new TIE biometric card. No deadline for TIE card application
Ireland*		Common Travel Area

Source: [European Commission overview of implementation](#), [Letters from the EU Ambassadors](#)

9. We note that there are special circumstances regarding Ireland because of the long-standing Common Travel Area. The Irish Ambassador told us that "Ireland remains committed to upholding all aspects of the Common Travel Area and maintaining in full the associated rights and privileges that UK citizens currently enjoy in Ireland".¹³

10. British in Europe, a coalition of organisations representing UK nationals in the EU, has expressed a preference for countries to adopt a declaratory system with registration, and the ability to apply for a card to provide evidence of residence status. In such a system, for those who qualify under the Withdrawal Agreement, rights cannot be lost because a deadline was missed. At the same time, UK nationals will be given the opportunity to get a residence document that enables them to evidence their rights (see the section

13 Letter from the Irish Ambassador ([FRE01400](#))

below on a Common format residence card).¹⁴ As Kalba Meadows, British in Europe and Co-founder, France Rights, told us “It is going to be very important for people to make that application for a document.”¹⁵ Michael Harris, British in Europe and Co-Chair of EuroCitizens in Spain, explained what was happening in Spain:

The situation is that, legally, you will not have to do it but, practically, you will if you want to live in the country, access services and come in and out of the country.¹⁶

The new residence document in Spain is called the TIE, and the letter we received from the Spanish Ambassador said that there would not be a deadline to apply for the TIE card but:

It is highly likely that the majority will prefer to have a physical biometric card such as TIE [...] which can show they are beneficiaries of the Withdrawal Agreement [...] This will facilitate in practice the enjoyment of their rights in administrative procedures and border crossing, among other categories.¹⁷

Kalba Meadows told us that this was already being done in Italy where implementation had started and “people are being invited to request a certificate to show that they are covered under the withdrawal agreement. It is crucial.”¹⁸

11. The process in Cyprus, a declaratory country, encourages UK nationals to be registered before 31 December 2020 and therefore have a residence document. From 1 January 2021, they will be able to exchange it for a new residence document. The process allows for UK nationals who arrive in Cyprus during transition, and may not have registered yet, to be able to apply for residence documents as long as they can submit documentary evidence that they were resident prior to 31 December 2020. However, it states that for those UK nationals who already hold relevant the relevant residence documents “the process will be particularly straightforward” and keep any requirements for “documentary evidence to a minimum”.¹⁹

Constitutive

12. Below is a list of the countries that have chosen to operate a constitutive system and where the deadlines are known.

14 British in Europe ([FRE0014](#))

15 Q487

16 Q487

17 Letter from the Spanish Ambassador ([FRE0133](#))

18 Q487

19 Letter from the Cypriot Ambassador ([FRE0118](#))

Table 2: Constitutive countries

Country	Estimate of UK population (as of date)	Relevant steps and dates
Austria	11,177 (Jan 2020)	Procedure starts on 1 January 2021. Apply for a new residence document by 31 December 2021
Belgium	22,350	Register by 31 December 2020. Belgium has decided to extend the deadline beyond 30 June 2021 to 31 December 2021
Denmark	19,000 (Jan 2020)	Application process for obtaining a new residence document available from 1 January 2020. Denmark has decided to extend the deadline beyond 30 June 2021 to 31 December 2021
Finland	5,000	UK nationals registered in Finland can apply for a new right of residence from 1 October 2020. Finland has decided to extend the deadline beyond 30 June 2021 to 30 September 2021
France	148,300 (2016)	UK nationals in France can apply for a new residence permit from 15 October 2020. Deadline is 30 June 2021
Hungary	5,500	Register by 31 December 2020. Application process for obtaining a new residence document available from 1 January 2020. No decision on the deadline
Latvia	1,209	From October 2020, UK nationals in Latvia, who arrive before 31 December 2020, can apply for a new residence permit. Deadline 30 June 2021
Luxembourg		From 1 July 2020, UK nationals can apply for a new residence document. Deadline 30 June 2021
Malta	13,553	UK nationals in Malta can apply for a new residence permit from 17 February 2020. Deadline 30 June 2021. Arrivals during transition have to be resident for three months before making an application
The Netherlands		Register before 31 December 2020. From 1 February 2020, UK nationals can apply for a new residence document online. Deadline 30 June 2021
Romania	2,762	Subject to necessary draft law being passed, aim is that UK nationals can apply for a new residence document from 1 January 2021. Romania has decided to extend the deadline beyond 30 June 2021 to 31 December 2021
Slovenia	785 (Dec 2019)	Information on procedures will be sent to all registered UK nationals. UK nationals can apply for the new residence status from 1 January 2021. Slovenia has decided to extend the deadline beyond 30 June 2021 to 31 December 2021

Country	Estimate of UK population (as of date)	Relevant steps and dates
Sweden	19,000	Necessary legislation expected in force 1 December 2020. From 1 December 2020 UK nationals can apply for the new residence status. Sweden has decided to extend the deadline beyond 30 June 2021 to 30 September 2021

Source: [European Commission overview of implementation](#), [Letters from the EU Ambassadors](#)

13. The decision that the transition period would not be extended confirmed two relevant dates for the implementation of the Withdrawal Agreement. First that free movement would not apply from the 31 December 2020. Second, that under Article 18(1) of the Withdrawal Agreement the deadline for applications under a constitutive system cannot be earlier than six months after the end of transition, i.e. 30 June 2021.²⁰ For those countries choosing a constitutive scheme, UK nationals will have to make an application, and if they do not do so successfully before the deadline, they could lose their rights.

14. Of the 13 countries that have chosen a constitutive system, seven have decided to extend the deadline for applications for the new residence status beyond 30 June 2021. Austria, Belgium, Denmark, Romania and Slovenia have extended it to 31 December 2021.²¹ Finland and Sweden have extended it to 30 September 2021.²² We understand Hungary has not made a decision on whether it will accept applications beyond June 2021 yet.²³

15. The deadline for new applications is 30 June 2021 for France, Latvia, Luxembourg, Malta and the Netherlands. Latvia, Luxembourg, Malta and the Netherlands opened their application procedures early, and both Malta and the Netherlands have been accepting applications since February 2020. France intended to open its applications procedure early—in July—but this was postponed to October 2020, without extending the deadline.

16. In those countries where UK nationals will be asked to make a new application for a residence status under Article 18(1) of the Withdrawal Agreement, the deadline for applications is 30 June 2021 at the earliest. Each Member State can decide if it wishes to extent this deadline, and we understand that so far seven out of the thirteen countries, where this applies, have done so. We urge other EU Member State to consider extending deadlines if it appears that a large number of UK nationals in their country have not taken the necessary steps, and there is a possibility they would lose their status.

17. A constitutive system will create a new process and will require an application to be made by each person, in order to secure a new status. As Kalba Meadows told us, “Without an application in a constitutive system, there are no rights.”²⁴ Our witnesses were concerned that the application for the new status might require new evidence to be

20 Article 18(1)(b) states that “the deadline for submitting the application shall not be less than 6 months from the end of the transition period, for persons residing in the host State before the end of the transition period.”

21 See Letters from the Romanian Ambassador ([FRE0130](#)) and from the Slovenian Ambassador ([FRE0132](#)), and the [European Commission overview of implementation](#).

22 Q483. Letter from the Swedish Ambassador ([FRE0134](#))

23 [European Commission - overview of implementation](#)

24 Q481

presented and “a large pile of documentation” be provided in order to prove their rights.²⁵ They were unsure how the application requirements would follow those of the 2004 EU directive on free movement—under which people need to demonstrate that they are employed or self-employed, have sufficient resources and health insurance, or that they were a student with sufficient resources and health insurance.²⁶

18. Kalba Meadows said that the strict application of conditions for legal residence were applied differently across the EU27, and this included what documentation they ask for.²⁷ She also pointed out that there may be inconsistency on how this was implemented within a country where processing of applications or registrations is devolved to local authorities. She gave the examples of France, which had 101 local authorities, and Italy, where it was devolved to 6,000 different local authorities.²⁸

19. Addressing the question of what UK nationals in Europe might be asked to do to demonstrate residence rights, Wendy Morton MP, Minister for European Neighbourhood and the Americas, at the Foreign, Commonwealth & Development Office (FCDO), said:

The conditions to obtain residence rights replicate the existing free movement rules with respect to residence rights. As such, UK nationals who have not acquired the right of permanent residence before the end of the transition period, will need to demonstrate that they are exercising free movement rights at the end of the transition period in order to be considered lawfully resident. [...]

The European Commission has been clear that there is no discretion in the application of the relevant rules—unless these are in favour of applicants, in which case certain requirements can be waived. On this basis, UK nationals are not being asked to provide any additional information than they would under free movement rules except to demonstrate that they were lawfully resident before the end of the transition period.²⁹

20. We welcome the increased information on how each Member State will choose to implement Part Two of the Withdrawal Agreement to protect citizens' rights provisions for UK nationals in the EU. The introduction of a constitutive system in EU member countries for UK nationals has caused some concern that it may involve burdensome administrative procedures as part of the application. We welcome the remarks of the Minister that nobody should be asked for information beyond what is necessary to demonstrate that they were lawfully resident before 31 December 2020. We call on the Government to monitor the proposals in each Member State and, working with the European Commission and Member States, ensure that any such process is smooth, transparent and simple, and that any unnecessary administrative burdens are avoided.

25 Q484

26 Q484. See British in Europe ([FRE0014](#)), paras 10–12

27 Q484

28 Q484

29 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

How will UK nationals know what they have to do?

Communication and coordination

21. Jane Golding, Co-Chair British in Europe, said that UK nationals living in the EU were still the responsibility of the UK Government, as it was “the FCO’s remit to deal with UK citizens in the EU. We are part of their responsibility.” She saw the FCO as having “primary responsibility”, then the organisations [UK National Support Fund], and then Member States.³⁰ Part of this responsibility includes communicating with UK nationals about what will change and what they will be asked to do. When asked if they had concerns about what could happen in the time available, Kalba Meadows said:

I have a lot of concerns, but if I had to pick one out it would be that, in constitutive countries, people failed to obtain residence status because a robust communication system had not been put in place to inform them that they needed to apply. That needs to be put in place now—it is no good waiting, because it is going to take many months to get through to everybody. I am not yet seeing sufficient evidence that that is happening across the EU; it varies from country to country.³¹

Jane Golding said:

The key issue is that time is short, and it has been made shorter by the Covid crisis. We went through three cliff edges last year. This year, we are again in a window between the Covid crisis and what we expect to happen in the autumn, which is the Member States and the UK again making no deal contingency plans. That is likely to have an impact on the amount of bandwidth on both sides for informing our members as well as getting on and implementing the withdrawal agreement.³²

22. In her letter to the Committee, Wendy Morton told us of the work that the Foreign, Commonwealth and Development Office has been undertaking to communicate to UK nationals in each Member State:

On 13 July, we launched a tailored public information campaign to inform UK nationals of the changes taking place at the end of the transition period and the actions they may need to take to secure their rights in their Member State of residence. Overall, the campaign will operate across 30 countries and is planned to continue until 30 June 2021.³³

As part of its information campaign, the FCO encourages all UK nationals living in the EU to visit the Living in Guide on the GOV.UK website. The Living in Guides give advice on matters such as residency, working, studying, money and tax, healthcare and voting, for the 31 countries in the EU and EEA. They can also provide signposts to other sources

30 Q510. The FCO has since merged with DFID to become the Foreign, Commonwealth and Development Office.

31 Q514, Q508

32 Q514

33 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

of advice—including the host Government webpages on Brexit—and invites British nationals to sign up to receive emailed updates as the situation changes.³⁴ Wendy Morton described the Living in Guides as:

the principal source of guidance for UK nationals in the EU, including their rights under the Withdrawal Agreement.

She added that the Government:

will continue to work closely with Member States to ensure that the introduction of, or changes to, administrative procedures are communicated to resident UK nationals.³⁵

23. Many of the letters we received from the Ambassadors referred to outreach events for UK nationals, jointly arranged by the British Embassy and officials in the host country.³⁶

UK Nationals Support Fund

24. On 6 March 2020, the UK Foreign and Commonwealth Office announced a UK Nationals Support Fund (NSF), comprising £3million funding for organisations to provide practical support to UK nationals and their residency applications under the Withdrawal Agreement. The organisations that received funding and the countries in which they operate are:

- The AIRE Centre (Bulgaria, Greece, Iceland and Norway)
- Age in Spain (Spain—Catalonia and the Balearic Islands)
- Asociación Babelia (Spain—Alicante, Valencia and Castellón)
- Cyprus International Financial Services Association (Cyprus)
- Franco British Network (France)
- International Organisation for Migration (France, Spain, Poland, Slovakia, Germany, Italy and Portugal)
- SSAFA, the Veteran's Charity (British veterans and families in France, Germany and Cyprus)³⁷

On making the announcement, the FCO said “This extra assistance will build on the information and support that British embassies are already providing.”³⁸ Wendy Morton told us that the NSF “should complement and support services put in place by Member States”³⁹ and that the organisations in receipt of funding will:

34 [Guidance: Living in Europe](#)

35 [Letter from Wendy Morton MP to the Chair of the Committee, 21 July 2020](#)

36 For example, the letter from the Maltese Ambassador ([FRE0136](#)), the letter from the Slovakian Ambassador ([FRE0131](#)) the letter from the Austrian Ambassador ([FRE0115](#)) and the letter from the Polish Ambassador ([FRE0128](#))

37 [UK Government allocates £3 million to support UK nationals in the EU, 6 March 2020](#)

38 [UK Government allocates £3 million to support UK nationals in the EU, 6 March 2020](#). The FCO has since merged with DFID to become the Foreign, Commonwealth and Development Office.

39 [Letter from Wendy Morton MP to the Chair of the Committee, 21 July 2020](#)

[...] inform UK nationals about the need to register or apply for residency and support them as they complete their applications. This will include those who may find it harder to complete all the paperwork—focusing on the most vulnerable, those living in remote areas and those needing assistance with translation or interpretation.⁴⁰

25. While British in Europe did not receive funding from the NSF,⁴¹ they welcomed the decision of the Foreign Office to provide funding to some organisations. At the time we took evidence, in June 2020, our witnesses felt it was too early to judge the organisations' performance, but they did offer comments about the characteristics of the organisations and the geographical coverage. Not all Member States are covered.⁴²

26. The organisations benefitting from the NSF are operating mainly in countries that have opted for the declaratory system where, in the words of British in Europe, “the support will be helpful but not as critical as in the so-called constitutive countries.”⁴³ In contrast, of all the constitutive countries—where there will be a deadline of 30 June 2021 for UK citizens to apply and secure their status—only France has any NSF organisations providing support. In addition, organisations in receipt of NSF only covered Brittany, Normandy, Paris and Dordogne. This prompted Kalba Meadows to ask “why, given that France has the second highest population of British people across the EU, only 23% are covered, and why there are such large geographical gaps.” There are three organisations operating in France, and one of those, SSAFA, would be focussed on support to military veterans. She also said:

Only one of the organisations funded in France has any previous experience at all in citizens' rights; the other two are starting from zero. We have some concerns about the level of expertise that they can bring to the scenario. The rights under the withdrawal agreement are incredibly complicated, as we know from all the work that we have done on it, so we have concerns about getting it right. Under a constitutive system, getting correct information to people is absolutely vital and can make the difference between them obtaining a residence status or not.⁴⁴

Kalba Meadows called for “robust monitoring of the operation of the funds” in France and elsewhere across the EU,⁴⁵ and for there to be feedback from users.⁴⁶

27. Michael Harris said that in Spain—the EU country with the largest population of British nationals—funding had been provided to three organisations with differing geographical coverage or emphasis. Age Concern has a focus on the elderly but only in Catalunya and the Balearic Islands. The Asociación Babelia operate along the Mediterranean coast, including Alicante, and the International Organisation for Migration (IOM) in Madrid, Murcia and Andalusia. Mr Harris said that he was worried about Andalusia, which had one member of IOM staff to cover a region “physically the same size as England”, and that included Malaga and the Costa del Sol, where there would be “probably over 100,000

40 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

41 Q506, Q511. [British in Europe Statement](#), 6 March 2020

42 Organisations in receipt of Nationals Support Funding are operating in Bulgaria, Cyprus, France, Germany, Greece, Italy, Poland, Portugal, Slovakia, Spain. Plus the EEA countries Iceland and Norway.

43 [British in Europe \(FRE0014\)](#)

44 Q508

45 Q508

46 Q511. See also [British in Europe Statement](#), 6 March 2020

Britons".⁴⁷ Mr Harris said that IOM had started to help British people in Spain register, so that the process for getting a new residence document under the Withdrawal Agreement would be easier, once it came out.⁴⁸

28. In her letter, dated 21 July, Wendy Morton MP, Minister for the European Neighbourhood and the Americas, FCDO, explained the evidence that the UK Government expected the recipients of the NSF to produce regular reports:

- Monthly reports covering the number of UK nationals that have been supported, and qualitative feedback from UK nationals
- Quarterly reports reviewing progress and setting out a forward look of planning and risks; and
- Project completion reports providing an overall review of the project's effectiveness and lessons learned

29. In addition, the letter said:

The Foreign and Commonwealth Office will respond to any requests to update Parliament on the progress of the fund.⁴⁹

30. It is vitally important that UK nationals resident in the EU are aware of how their situation might change and what steps they need to take to protect their rights. It is the responsibility of both the UK Government and the relevant host country to make sure that information is available and communicated to those who may be affected. This has to happen now so people can prepare, and it needs to continue into 2021 reflecting any deadline. The aim has to be to make sure as many people as possible understand what steps they have to take to ensure they do not lose their rights under the Withdrawal Agreement, and that as few people as possible lose rights inadvertently because they did not act in time or did not know they needed to act.

31. We welcome the fact that the direct efforts of the Foreign, Commonwealth and Development Office will be complemented by those of the organisations in receipt of the National Support Fund. We know from the experience of the EU Settlement Scheme in the UK that there are going to be hard-to-reach parts of the British population in Europe and it is important that the NSF organisations emphasise supporting those who may find the procedures required challenging. Particular focus needs to be given to the British population in countries such as Spain and France, given their numbers and their geographical spread across the country, and the proportion who are unregistered.

32. Monitoring of the effectiveness of the National Support Fund will be important. We are pleased that the Minister also thinks this is important and we support the principle set out by the Minister that those in receipt of funding must evidence their work in a series of regular reports. We commend the commitment shown by the Minister in her letter to update Parliament. We recommend that the monthly and quarterly reports are published. Furthermore, given the various procedures and deadlines in each EU Member State, and the potential need for the support to be refocussed to meet demand

47 Q506

48 Q507

49 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

as it is identified, we recommend that the Government set out a strategy for how the NSF will be used to support citizens in countries or regions where demand increases and there is currently no coverage.

How many UK nationals will this affect and where do they live?

33. Estimates of the number of UK nationals living in the EU vary. The ONS estimated that on 1 January 2017 there were 784,900 UK nationals living in the EU.⁵⁰ The United Nations has a figure of 1.2 million British citizens in the EU.⁵¹ Figures based on the estimates of each Member State are probably more reliable as they will be based on those who have registered, and UK nationals are required to register in most EU Member States. Eurostat's estimate, as of the beginning of 2019, was around 900,000.⁵² In her letter to the Committee, Wendy Morton, said:

It is important to note that the number of UK nationals who may be eligible for protections under the Withdrawal Agreement will continue to fluctuate as individuals make life choices throughout the transition period. The number of UK nationals in scope will also continue to change in the future. [...] On this basis, it is not possible, to make a definitive estimate of UK nationals who may or may not be in scope of the Withdrawal Agreement.⁵³

She then goes on to give the broad ONS figures of 784,900 British citizens living in the EU on 1 January 2017, not including those living in Ireland.

34. The size of the population in each Member State is relevant. Larger populations may present a greater challenge in terms of the administration of any scheme in limited time. The three countries with the largest estimated British populations, not including Ireland, are Spain (359,000), France (148,300) and Germany (93,365).⁵⁴ Some countries have very small British populations and, assuming most are registered, it may be easier to communicate with and manage such numbers. For example, Lithuania (669), Croatia (900), Slovenia (785) Latvia (1,209) and Estonia (1,400) all have estimated British populations below 2,000.⁵⁵

35. Most EU Member States require foreigners to register their presence and collect data based on those registrations.⁵⁶ The numbers we were given by many Ambassadors were based on their national statistical service data on registered UK nationals.⁵⁷ However, the accuracy of such estimates will depend on the varying registration requirements in EU Member States.⁵⁸ The Greek Ambassador told us that there were an estimated 28,000 British in Greece, but also that it was “presumed that there is a yet undefined number of UK nationals residing in Greece.”⁵⁹ Mr Michael Harris told us that the British in Portugal group thought there were an estimated 30,000 unregistered Britons in Portugal, but it

50 ONS, [Living abroad: British residents living in the EU](#): April 2018. This figure does not include UK nationals in Ireland

51 Q478

52 European Parliament, [EU and UK citizens' rights after Brexit, An overview](#), June 2020

53 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

54 See letters from the Ambassadors of Spain ([FRE0133](#)), France ([FRE0135](#)) and Germany ([FRE0123](#))

55 See, for example, the letter from the Slovenian Ambassador ([FRE0132](#))

56 Q478

57 For example, letters from the Bulgarian Ambassador ([FRE0116](#)) and the Latvian Ambassador ([FRE0126](#))

58 European Parliament, [EU and UK citizens' rights after Brexit, An overview](#), June 2020

59 Letter from the Greek Ambassador ([FRE0124](#))

is difficult to quantify because these are “people who are under the radar and just do not figure in the statistics”.⁶⁰ If the unregistered figure is anything near 30,000, it would be a remarkable number given the Portuguese estimate is that there are 34,300 British nationals resident in Portugal.⁶¹ Our witnesses told us there were increasing numbers of UK nationals inquiring about how to register as a resident in several countries—which would suggest statistics based on registrations are undercounting.⁶²

36. An important country in this regard is Spain, which has the largest British population in an EU Member State—about 360,000 according to the Spanish Ministry for Inclusion, Social Security and Migrations.⁶³ This figure may be an underestimate because of the number of British people who may not be registered as resident in Spain. Michael Harris told us that “They are one of the groups that we are most worried about in terms of guaranteeing or achieving rights after the end of transition.”⁶⁴ The Spanish Ambassador told us that, due to “a remarkable effort” by the Spanish authorities, they had registered 62,000 previously unregistered UK nationals between 1 January 2019 and 30 June 2020.⁶⁵

37. We asked our witnesses what they would suggest for the British population who were unregistered. Michael Harris said that, for those without residency:

I would encourage those people spending up to six months a year in Spain to register, in order to get healthcare and to meet their fiscal obligations. Under EU law, after living for three months in a country, you should register. People should register if they want to spend that amount of time in Spain.⁶⁶

This is important for declaratory countries, where registration helps to secure any new residence document.

38. It is also important for constitutive countries where they use the register of foreign nationals as the basis for who is likely to apply for the new status. The Belgium Ambassador told us:

It is on the basis of this already existing registration system, which already yields a record of UK citizens legally residing in Belgium, that the additional registration for UK citizens who fall within the scope of the Withdrawal Agreement will operate.⁶⁷

The Latvian and Maltese Ambassadors also said that they had used their database of UK nationals registered as resident in order to write and provide information on the new application process.⁶⁸

60 Q478. See also Q493 and the British in Europe ([FRE0014](#))

61 Letter from the Portuguese Ambassador ([FRE0129](#))

62 Q478

63 Letter from the Spanish Ambassador ([FRE0133](#))

64 Q478. The Spanish estimate 250,000 and the ONS estimate 300,000

65 Letter from the Spanish Ambassador ([FRE0133](#))

66 Q488

67 Letter from the Belgian Ambassador ([FRE0137](#))

68 Letters from the Latvian Ambassador ([FRE0126](#)) and from the Maltese Ambassador ([FRE0136](#))

39. France does not require EU citizens to register with the authorities. It has a substantial British population and has opted for a constitutive system. All British nationals resident in France will have to apply for new status and residence card. The application will be online, then processed at the local level in the departmental *préfectures*.⁶⁹

40. It is in the interests of UK nationals to make sure that they are registered in their host state before the end of transition on 31 December 2020. The UK Government needs to focus particular attention on those countries where there is potentially a large number of UK nationals unregistered, and where registering is the first step to gain protection under the Withdrawal Agreement.

41. Understanding the size of the population affected also helps the FCO and host countries reach their target audience. This is crucial given that they may not be aware of what they need to do in order to secure their status, and when they need to do it by.

The impact of Covid so far

42. The pandemic has affected efforts to establish processes. Kalba Meadows explained what had happened in France:

As a result of Covid, registration offices around the country have a three-month backlog in processing residence applications from third-country nationals. It was felt that, because of that, it would not be possible to do justice to a whole load of applications from a whole new group. Covid was directly responsible for the delay.⁷⁰

Jane Golding pointed out that Covid affected the speed with which countries have brought out their draft legislation and started to implement it.⁷¹ Michael Harris explained that in Spain, where the lockdown started in February:

We had a couple of meetings with the Spanish Government, which told us that it was a declaratory system with no legal obligation, but just confirming status. Since then, everything has gone haywire. We had a very severe lockdown, and things are beginning to move only now.⁷²

He added:

In early June, the wheels of bureaucracy started to grind once more, although slowly.⁷³

He gave the example of one person who had an appointment in May which had been put off until January next year. As Spain will be a declaratory country, there is not going to be a legal deadline.⁷⁴ Other countries had experienced similar delays, for example, the letter

69 British in Europe ([FRE0014](#)), Annex France

70 Q500

71 Q482

72 Q482

73 Q502. See the letter from the Spanish Ambassador ([FRE0133](#))

74 Q502

we received from the Maltese Ambassador said that the agency with responsibility for processing the relevant documents “had to suspend its operations during the height of the pandemic period” and reopened in June.⁷⁵

43. There is evidence of delays happening in some EU Member States earlier in the year when Covid-19 caused offices to close down, reduce their staffing or levels of access. The risk remains that the pandemic could lead to restrictions being reintroduced and delays to the administration of any scheme. We call on Member States to be pragmatic in how they enforce a deadline where someone seeking to comply with the procedure is delayed through no fault of their own, and we call on the UK Government to urge all EU Member State governments to be flexible and pragmatic when administrative delays have been caused by the pandemic.

Scope for improving the situation for UK nationals in the EU

44. While rights to reside in their host country stay broadly the same, the rights are not the same as they were under free movement. Loss of free movement means losing the right to work across the EU and EU-wide recognition of professional qualifications. UK citizens in the EU have lost rights; for example, those relating to bringing future spouses back to the UK, and the ability of young British students to study in Europe have been diminished.⁷⁶ UK nationals lose the rights deriving from EU citizenship, unless they also have dual nationality with that of an EU Member State. This means that they lose political rights such as the right to vote and to stand as a candidate in European and municipal elections.⁷⁷ It is possible that the current situation may change, either through the work of the Joint Committee or through the negotiations on the future relationship.

Common format residence card

45. In February, the European Commission published an implementation decision, which proposed a uniform format EU-wide physical biometric document that would evidence the rights of people covered under the Withdrawal Agreement. This would be available to UK nationals if they lived in a country with either a declaratory or a constitutive system. The document would have a minimum validity of five years and a maximum of 10 years. This decision would be binding on all Member States from the end of the transition period.⁷⁸ In Spain, this is a biometric card that proves that its UK national holder is a legal resident in Spain who benefits from the rights in the Withdrawal Agreement. We note that in his letter, the Spanish Ambassador said that “We feel that the issuance of a physical biometric document would also be much welcomed by EU nationals residing in the UK if made feasible for them too.”⁷⁹

46. The common format residence card was welcomed by our witnesses from British in Europe, and recognised as important so that people can use a physical document

75 Letter from the Maltese Ambassador ([FRE0136](#)). See also the letter from the Polish Ambassador ([FRE0128](#))

76 Q472

77 European Parliament, [EU and UK citizens' rights after Brexit, An overview](#), June 2020

78 [European Commission Implementing Decision on documents to be issued by Member States pursuant to Article 18\(1\) and \(4\) and Article 26 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 21 February 2020

79 Letter from the Spanish Ambassador ([FRE0133](#))

enabling them to demonstrate that they are “covered under the Withdrawal Agreement for accessing services, travel, employment and every other reason under the sun.” However, Kalba Meadows said:

There is one issue with the format of that proposed document, which is that it does not make a distinction between those who have permanent residence rights and those who have ordinary or temporary residence rights. In the EU, people acquire permanent residence rights when they have lived legally in their host countries for five years. [...] Without evidence that somebody is legally resident on a permanent residence basis, there are going to be difficulties for them, because so many things across the board rely on having a permanent residence right. We feel it is very important that the document shows not only that somebody has rights under the withdrawal agreement but that, if they have them, they have permanent residence rights under the agreement.⁸⁰

47. In her letter to the Committee, the Minister welcomed the decision for a uniform format residence card across all EU Member States, but added:

I am aware that groups representing UK nationals in the EU are concerned that a differentiation between permanent and temporary residence is not made on the card itself. As you know, the UK’s EU Settlement Scheme makes this clear by providing successful applicants with either pre-settled or settled status. Whilst Member States are not legally obliged to add this information to the document, I think it is sensible to do and ensures UK nationals have full certainty about their status and don’t have to rely on providing further evidence to national authorities in the future.

I will therefore call on all Member States to make the differentiation on the card as some have already chosen to do. I understand the European Commission are making a similar recommendation and my officials will raise this point on my behalf at the next Specialised Committee on Citizens’ Rights.⁸¹

48. We welcome the proposal for a common format residence card for UK nationals so that they can show that their rights are covered under the Withdrawal Agreement, and that the card will state if the holder has acquired permanent residence. It is important that all relevant authorities recognise this card and the entitlements that it brings to the bearer.

49. Furthermore, we welcome the Minister informing this Committee in advance of a meeting of the Specialised Committee of the UK position on the common format residence card for UK nationals in the EU. We look forward to similar examples of such transparency in future, and we call on the Minister to keep our Committee updated on progress with regard to Member State governments recognising the common format residence card for UK nationals.

80 Q479. See British in Europe ([FRE0014](#)), paras 13–19

81 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

Mobility rights and third country nationals

50. At present, the Withdrawal Agreement does not provide a right to cross-border working for UK nationals in the EU. In June 2020, the European Parliament called for the negotiations on the future relationship to include legally binding provisions on citizens' rights and cross border working.⁸² Third country nationals, i.e. those from outside the EEA, who have lived in the EU for five years and secured long term residence, can acquire mobility rights across the EU. They would have more mobility rights than a UK national who has acquired the equivalent five years residence. Michael Harris pointed out that in Spain, there are thousands of British people who are family members of an EU citizen. They could choose to get status as a third country national, which would bring improved mobility rights, but it is not clear whether in doing so, they would lose their rights under the Withdrawal Agreement. It is not clear if the two statuses can be combined.⁸³

51. When we took evidence from British in Europe, this was not being discussed as part of the future negotiations and was not part of the draft text put forward by either the UK or the EU in the future negotiations.⁸⁴ Media reports of the second meeting of the Joint Committee suggested there was discussion of enabling UK nationals, who moved to the EU before the end of 2020 and had five years of continuous residence, to be able to move and settle in a different EU Member State to the one they are currently resident in, for work and study.⁸⁵

52. We welcome discussions in the Specialised Committee regarding the possibility of combining the rights under the Withdrawal Agreement with the mobility rights of a third country national in EU law and urge the Government and the EU to support measures that would ensure that UK nationals with five years residence would not be treated less favourably, in terms of mobility rights, than third country nationals with five years residence.

Mobility for UK citizens who are not resident in an EU Member State

53. We have received written evidence on the subject of how long UK nationals can continue to visit an EU country after the end of the transition period, where they may not wish to move permanently. The UK's position, at present, is that the UK will treat EU and non-EU citizens equally under our domestic immigration system from 1 January 2021. From this date, EU citizens will be treated as non-visa nationals, meaning they can come to the UK as visitors for six months without the need to obtain a visa. This is what the UK currently offers to the nationals of many other countries. At the same time, the EU will apply its existing rules for non-visa short term visits by UK citizens to the Schengen area, as it does for other third countries. This means applying the standard 90 days stay in a rolling 180-day period that the EU provides to the nationals of eligible third countries that offer visa-free travel access for EU citizens, in line with existing EU legislation.⁸⁶

54. The 180daysvisa-free.org campaign advocate for the many UK nationals who have second homes in the EU and want to be able to visit these homes for more than 90 days in

82 [European Parliament recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland \(2020/2023 \(INI\)\), para 74](#)

83 Q479. See also Q502

84 Q473

85 Politico, [Brits resident in the EU post Brexit to be given extra free movement rights](#), 7 August 2020

86 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

a 180 day period, for the UK Government to actively negotiate a reciprocal arrangement on tourist mobility in the UK-EU future relationship, and consider inserting into the UK draft text wording that achieves 180 days visa free travel in any rolling period of 360 days.⁸⁷ This would resemble the UK's intended policy to allow EU citizens to visit the UK visa free for a period of six months. We also received evidence from The Barge Association, whose members include UK nationals resident in the UK and in the EU, and who moor boats in an EU Member State and use them to move within and between more than one Member State. Their views include a similar desire to relax the 90 days in 180 days rule for UK visits to the EU, and possibly negotiated bilateral arrangements.⁸⁸

55. Kalba Meadows, British in Europe and resident in France, suggested there were three choices available for those who spend part of the year in the UK and part of the year in one or more Member State:

- Spend more than six months in an EU Member State and apply for residence under the withdrawal agreement. They would have to do this before the end of the transition period,
- Accept the 90 days in 180 day rule. This allows them to spend 90 days in the Schengen area in a 180 day period,
- Apply for a long-stay visa (which was described as 'onerous'). This would have to be done before each trip, involve an application to the consulate of the country where they wanted to visit, and may involve an interview, money, show proof of travel, proof of how they can support themselves, and proof of healthcare.⁸⁹

We received evidence that the required income levels and the prohibitive cost of Schengen compliant travel insurance is likely to preclude many UK citizens who live for part of the year in France from making such visa applications.⁹⁰

56. The EU does not appear to have changed its position, and Wendy Morton told us that in that event:

UK nationals may be able to stay in Member States for longer than the EU's 90 in 180-day visa-free allocation, but this will be a decision for the government of the relevant Member State to make and implement, in the same way they already do for third-country nationals.⁹¹

On the matter of whether the UK would be willing to negotiate non-visa visit arrangements, Ms Morton said:

The Government does not typically enter into agreements on visa-free travel. Mobility is part of the Mobility and Social Security Coordination strand of the negotiations. As you will be aware, negotiations with the EU are ongoing and updates will be provided to Parliament regularly.⁹²

87 180daysvisa-free.org (FRE0038)

88 The Barge Association (FRE0072). See also The Cruising Association, [Cruising in the EU post 31 December 2020](#), 4 June 2020

89 Qq 494–495

90 Alan Jones (FRE0056)

91 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

92 [Letter from Wendy Morton MP to the Chair of the Committee](#), 21 July 2020

57. The position of the UK and the EU on non-visa visits are consistent with their respective established policies. It is less clear whether the UK, in the negotiations on the UK-EU future relationship, proposed any form of change to the EU's 90 day in 180 day rule in order to allow UK nationals, such as those who own second homes or have family in different European countries, to visit for more than 90 days in a 180 day period. In the absence of it being part of the negotiations with the EU, the UK Government should state whether it intends to try and negotiate bilateral arrangements with any EU Member State.

3 EU citizens in the UK

The EU Settlement Scheme

58. The EU Settlement Scheme (EUSS) is the constitutive system put in place in the UK to enable eligible applicants to establish their right to remain in the UK. In most cases, EEA nationals,⁹³ their family members, and others currently residing in the UK based on rights derived from EU law will no longer have a legal right to reside in the UK once it leaves the EU. Therefore, they need to make an application.⁹⁴ In addition to EU citizens, there are also other categories of people who are eligible to apply. These include:

- Family member of an EU, EEA or Swiss citizen
- Family member of a British citizen and lived outside the UK in an EEA country together (known as the Surinder Singh route)
- Family member of a British citizen who has EU, EEA or Swiss citizenship and who lived in the UK as an EU, EEA or Swiss citizen before getting British citizenship
- Previously had an EU, EEA or Swiss family member living in the UK (retained right of residence)
- Primary carer of a British, EU, EEA or Swiss citizen (known as Zambrano and Chen carers)
- Child of an EU, EEA or Swiss citizen who used to live and work in the UK, or the child's primary carer (known as Ibrahim and Teixeira children)⁹⁵

59. Applicants are required to complete three key steps: prove their identity, confirm their UK residence, and declare any criminal convictions. The eligibility rules for EU Settled Status are set out in Appendix EU to the Immigration Rules.⁹⁶

60. There are two categories of status under the EUSS: Settled Status and Pre-Settled Status. Generally, an applicant is eligible for Settled Status (essentially Indefinite Leave to Remain) where, on the date of the application, they can show they have five years continuous residence in the UK. Pre-Settled Status is awarded where the applicant qualifies otherwise but has not yet accrued a continuous qualifying period of five years.⁹⁷

61. Those granted Pre-Settled Status, who subsequently acquire five years residence, will need to apply again to upgrade their status to Settled Status. The Government has said it will send a reminder to those with Pre-Settled Status to apply for Settled Status before their pre-settled status expires.⁹⁸

93 In this Report we use EU citizens to include those from the EEA countries Norway, Iceland, Liechtenstein, and Switzerland

94 See Home Office guidance [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members](#)

95 [Apply to the EU Settlement Scheme \(settled and pre-settled status\)](#)

96 [Appendix EU to the Immigration Rules](#)

97 [Appendix EU, Eligibility for limited leave to remain, EU14](#)

98 [EU Settlement Scheme: Statement of Intent, June 2018](#), para 1.18. See also the [Government response to Home Affairs report on the EU Settlement Scheme](#), 23 July 2019

Numbers and statistics

62. While most EU countries have a form of registration for citizens from another Member State exercising their treaty rights to free movement that can be used as a basis for estimating the number of UK nationals on their territory, the UK does not. The ONS estimate, based on the Annual Population Survey of private households in the UK,⁹⁹ is that there were around 3.4 million EU, EEA and Swiss citizens resident in the UK in June 2019.¹⁰⁰ The Home Office's own impact assessment from March 2019 gave an estimate of between 3.5 and 4.1 million—a range of 600,000 people.¹⁰¹

63. One of our witnesses, Dr Kuba Jablonowski, Research Associate, the3million, a campaigning organisation for EU citizens in the UK, questioned the accuracy of estimates of the EU population in the UK. He said the most recent ONS estimate of Bulgarian citizens in the UK is 121,000, yet there have been 179,000 applications to the EUSS from Bulgarian citizens, “so it seems that every Bulgarian citizen in the UK has put 1.5 applications through the settlement scheme system.”¹⁰² He said the ONS statistics are “very helpful” but “they are not granular enough” to monitor uptake of the EU settlement scheme.¹⁰³ In addition, free movement continues until the end of transition, so people are still moving back and forth, and there are EU citizens who have lived in the UK and retained rights of residency here, but are currently in another Member State and could still be eligible to apply.¹⁰⁴

64. In addition, the Home Office has published monthly and quarterly statistics on the number of applications to the EU Settlement Scheme, and outcomes, since May 2019. The quarterly release is only headline figures, while the quarterly statistics publication includes more detail it applies to older data. The most recent quarterly statistics were published in August 2020, for the period up to June 2020.¹⁰⁵ On 8 October 2020, a headline figure was published for all applications up to 30 September 2020.¹⁰⁶

65. The EUSS opened fully on 30 March 2019.¹⁰⁷ As of 30 September 2020, the total number of applications received was 4,061,900, and the number of applications concluded was 3,880,400.¹⁰⁸ Of these, 2,172,200 (56%) were granted settled status and 1,614,600 (42%) were granted pre-settled status. The highest number of applications, by nationality, have been Polish (718,620), Romanian (609,060), Italian (372,380), Portuguese (286,390) and Spanish (224,800). These top five nationalities represent 59% of all applications received.¹⁰⁹

66. On 8 October 2020, Kevin Foster MP, the Minister for Future Borders and Immigration, announced that the number of applications to the scheme had surpassed four million, and said:

99 The ONS survey does not include the majority of people living in communal establishments (such as care homes, hostels and halls of residence), absent from a household for more than six months, or staying in the UK on a shorter-term basis.

100 [Note on the difference between ONS population estimates by nationality and Home Office European Union Settlement Scheme \(EUSS\) statistics](#), 24 February 2020

101 Q523

102 Q530

103 Q528

104 Q523

105 Home Office, [EU Settlement Scheme quarterly statistics June 2020](#), published 27 August 2020

106 Home Office, [EU Settlement Scheme statistics](#), 8 October 2020

107 Following trial periods [The scheme received 50,000 applications on the opening weekend](#).

108 Home Office, [EU Settlement Scheme statistics](#), 8 October 2020

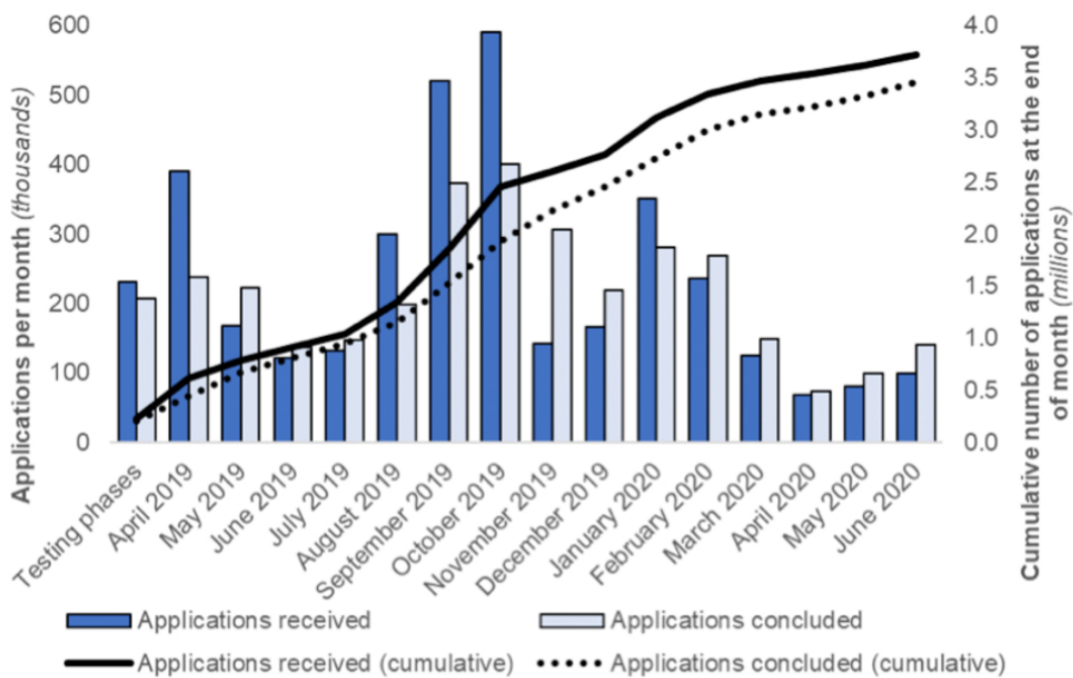
109 Home Office, [EU Settlement Scheme quarterly statistics June 2020](#), published 27 August 2020

European citizens are an integral part of our society, culture and community which is why I'm really proud we've already surpassed four million applications to the hugely successful EU Settlement Scheme.

A wide range of support is available online and over the telephone if you need it and we are funding 72 organisations across the UK to help the more vulnerable in society.¹¹⁰

67. The most recent quarterly statistical release has a graphic showing the number of applications received and concluded since the scheme opened fully in March 2019.¹¹¹

Figure 1 - EU Settlement Scheme: cumulative number of applications received, and applications concluded at the end of each month since the start of the scheme



68. The data has been criticised for double counting applications from the same individual. The Home Office data counts the number of applications rather than individual applicants and has acknowledged that about 2% of applications are duplicates—around 70,000 already in the system.¹¹²

Refusals

69. Applications for the EUSS can be refused on two grounds: eligibility and suitability (criminal checks). The figures up to 30 September say that 16,600 applications have been refused.¹¹³ The quarterly statistics, giving greater detail on the 3.5 million applications made up to June, show that only 3,060 had been refused. (There has been a considerable increase in refusals between June and September). Of the 3,060 refusals up to June,

110 [More than 4 million applications to the EU Settlement Scheme](#), 8 October 2020

111 Home Office, [EU Settlement Scheme quarterly statistics June 2020](#), published 27 August 2020

112 Q523 EUSS allows for more than one application and is free. This is unusual for immigration applications in the UK where the fees act as a disincentive to more than one application. Seraphus ([FRE0010](#))

113 Home Office, [EU Settlement Scheme statistics](#), 8 October 2020

99% were refused on eligibility grounds and 1% were refused on suitability grounds.¹¹⁴ Eligibility refusals are either due to lack of evidence of residence or failure to show a relationship to an EU citizen. The latest statistics show that 75% of the refusals were due to lack of evidence of residence.¹¹⁵ Before February 2020, most refusals had been on suitability grounds. Since February, the Home Office began refusing EU Settlement Scheme applications on eligibility grounds, and have said many such refusals relate to:

... cases that had been under consideration for several months and, in most cases, subject to repeated unsuccessful attempts to obtain missing evidence or information from the applicant.¹¹⁶

70. There were 205,990 applications from non-EEA family members compared to 3,487,870 from EU citizens. However, 49% of the total 3,060 refusals were applications from non-EEA nationals, and non-EEA nationals who were successful had a greater proportion of Pre-Settled Status (64%) than Settled Status (33%).¹¹⁷

71. EUSS allows for applications to use a paper form by applicants who are applying on the basis of a derivative right to reside,¹¹⁸ do not hold a valid identity document and are unable to obtain one, or are unable to apply using the online application form and cannot be supported to do so.¹¹⁹ The number of paper applications were not included in the statistics until the quarterly report published on 27 August 2020.¹²⁰ The latest statistics said 7,200 applications had been made on the basis of a derivative right to reside.¹²¹ Derivative rights refusals accounted for a quarter (25%) of the 3,060 refusals under the scheme as a whole. Of these, Zambrano applications had a much higher proportion of refused outcomes (770 refusals, 61%) than the other routes based on a derivative right to reside in the UK.

72. Non-EEA family members might not be applying because they are unaware of the need to apply as the communications tend to emphasise that the scheme is for EU citizens, and because the procedure they have to go through can require an increased amount of evidence.¹²²

73. The EU Settlement Scheme has been a success for the majority of applicants. The system for applying has clearly worked for a large proportion of those who have applied. For the scheme to have received over 4 million applications is a considerable achievement.

74. We welcome the fact that such a large proportion of those who have applied received a grant of status successfully. Many EU citizens are of working age, can provide evidence of residence, and have the digital skills to navigate the process. At the

114 Home Office, [EU Settlement Scheme quarterly statistics, as of June 2020](#), Published 27 August 2020

115 Migration Observatory, [Unsettled Status 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#), 24 Sept 2020

116 Home Office, [EU Settlement Scheme quarterly statistics, as of June 2020](#), Published 27 August 2020

117 Home Office, [EU Settlement Scheme quarterly statistics, as of June 2020](#), Published 27 August 2020

118 Derivative rights applicants are applicants who do not qualify for a right of residence under the Free Movement Directive but may qualify for a right to reside in the UK derived from other EU law, i.e. under one of the following routes: Chen, Ibrahim & Teixeira, Lounes & Surinder Singh, and Zambrano. See also Seraphus ([FRE0010](#))

119 Guidance, [Home Office EU Settlement Scheme statistics: user guide](#), Updated 27 August 2020

120 [Home Office, EU Settlement Scheme, Quarterly Statistics, 27 August 2020](#)

121 Applications received Lounes & Surinder Singh: 3,480, Zambrano: 2,890, Chen: 700, and Ibrahim & Teixeira: 130.

122 Professor Catherine Barnard and Fiona Costello, [EU Nationals and non-EU family members](#), 4 Sept 2020. See also Q553

same time, we do not know how many people are eligible to apply and are yet to apply, because the estimates of how many EU citizens, and other people eligible to apply for the scheme, are not reliable.

75. There is potential in using the data to show which categories of applicant are applying and receiving the correct status. We also know more about those categories who might not be applying in the numbers expected, or are applying and receiving the incorrect status, or getting refused on eligibility grounds. This is as important now as it was at the beginning of the scheme. We urge the Home Office and ONS to continue to gather data on the administration of the Settlement Scheme and publish statistics on its operation up to and beyond the deadline of 30 June 2021. The intelligence gained needs to feed back into how the Home Office targets its communications and the support it provides, including but not only, to the current grant funded bodies.

Improvements to the EU Settlement Scheme

76. We comment further on some aspects of concern around of the operation of the EU Settlement Scheme that were raised by our witnesses, including:

- Physical document
- Pre-Settled Status
- Vulnerable applicants
- Those who might apply after the deadline

Physical document

77. The UK Government EU Settlement Scheme Statement of Intent said:

Evidence of this status will be given to EU citizens in digital form; no physical document will be issued to them.¹²³

The Withdrawal Agreement allows for “a document evidencing such status which may be in a digital form” under Article 18(1)(a).

78. Luke Piper, Head of Policy, the3million, explained to us the Government’s arguments against a physical document. He said:

The reason that is communicated to us repeatedly of why things need to be digital only is that, in the large, a digital status is more secure and, essentially, a safer means of proving your status.¹²⁴

We heard that there were examples of people getting assistance from unregulated immigration advisers to make their application, then the third party retain the log-in details necessary to access the platform, and charge to send on details to employers.¹²⁵

123 Home Office, [EU Settlement Scheme: Statement of Intent](#), 21 June 2018

124 Q538

125 Q518, Q539

79. Barbara Drozdowicz, Chief Executive, Eastern European Resource Centre, said that the Home Office argued that the online product does not expire, but it remains linked to the physical document, such as a passport, used by the individual in their application to the EU settlement scheme. If the passport is changed, then the applicant has to update the online system.¹²⁶ Barbara Drozdowicz also gave us examples of some of the problems in the digital only system: accessing the online profile is not straightforward for people not fluent in IT and end up relying on the pdf document they receive informing them that a status has been granted which is not a substitute for actual evidence of status.¹²⁷

80. Not only does the EU citizen relying upon the digital only status have to be familiar with how it works, but also the person asking them to demonstrate their status has to understand it.¹²⁸ This would include employers, landlords, banks, but also public sector organisations such as the DWP and the NHS.¹²⁹ The Public Law Project has listed the nine steps that a third party would have to take in order to check the status of an EU citizen, which includes:

- (1) Request the code from the applicant;
- (2) Wait for an email with a link to arrive;
- (3) Open and read the email;
- (4) Search, identify, and open the correct website (there is no link in the email);
- (5) Start the checking process;
- (6) Enter the share code from the email;
- (7) Enter the applicant's date of birth;
- (8) Enter their company name; and
- (9) Check that the photo on their screen looks like the person applying for the job and keep a secure copy of the online check, either electronically or in hard copy.¹³⁰

These processes require reliable access to the internet and for none of the elements of the system to be unavailable.¹³¹ There were over 100,000 online status checks carried out on EU citizens between March and June 2020, mostly to assess eligibility for benefits.¹³² Barbara Drozdowicz told us that the lack of a physical document has contributed to the confusion over eligibility for benefits, because claimants have been unable to show a photo ID card showing their status. She said it was unclear how some decisions have been made by the DWP in terms of using settled status as a proof of eligibility.¹³³

126 Qq538–539, [\[Updated\] "Settled status" headache: updating details after passport renewals](#), 22 July 2019

127 Q518

128 See the Eighth Report of the Exiting the European Union Committee, [The progress of the UK's negotiations on EU withdrawal: the rights of UK and EU citizens](#), Session 2017–19, HC 1439, paras 46–49, and para 76

129 Q518. See the Guardian, [Brexit: EU citizens in UK could be shut out of vital services](#), 26 Sept 2020

130 Public Law Project, [Digital Immigration Status, A Monitoring Framework](#), September 2020

131 London First, [What can we do to prevent a 'seismic shock' to employers and EU citizens?](#), 30 September 2020

132 Free Movement, [Digital-only status for EU citizens "creates a real risk of harm", experts warn](#), 1 October 2020.

See [Visa and citizenship data: August 2020, Table VC_04](#)

133 Q519

81. Campaigners for EU citizens have called for a physical document to be available in addition to the digital status.¹³⁴ As we explain above with reference to the common format residence card for UK nationals in the EU, it would be a physical document for EU citizens in the UK, available as an option, to evidence their status. Barbara Drozdowicz said the option of a physical card would give an additional layer of safety against criminal attempts to 'hijack' someone's status.¹³⁵ A recent survey of 3,000 EU citizens found more than 10% had already been asked to provide proof of settled status,¹³⁶ and that the digital only status was deterring some from applying. Dr Jablonowski told us:

Of those who are yet to apply, 35% said that they were putting off their decision to apply because of the digital status. People are really concerned about it. Perhaps the most important finding of that survey, again based on more than 3,000 surveys completed, was that the physical proof came right at the top of concerns of EU citizens: 89% said they would like an option, not compulsory, of physical proof.¹³⁷

82. People are familiar with the current system which relied on passports or a physical document. Luke Piper said that:

It has taken many years for employers and the general public to familiarise themselves with these documents. We will see a seismic shift from that to a digital-only platform that requires multiple steps to access the status.¹³⁸

And this change from reliance upon a physical document to a digital only status is after the six-month grace period between 1 January 2021 and 30 June 2021. Mr Piper said:

It is not a small population of people who are going to have to go around and prove their digital-only status. We are talking about millions of people here. It is quite concerning that there is a guinea pig, untested trial going on here with EU citizens.¹³⁹

In the case of no physical document, he argued that there would need to be a large communication campaign, not just for the applicant, but:

It also has to be the comms of the immigration system to the public at large, because without that knowledge, unless the status quo of physical documents continues, it is going to lead to some quite significant problems further down the line.¹⁴⁰

The Immigration and Social Security Coordination Bill was amended in the House of Lords on 5 October, to include the option of a physical document to be made available to successful applicants to the EUSS.

83. We support the call for EU citizens in the UK to be able to have the option of applying for a physical document to evidence their residency status under the Withdrawal Agreement, in addition to their digital status.

134 Q538 See the3million [A physical backup to digital status](#)

135 Q539

136 Q519

137 Q519

138 Q538

139 Q538

140 Q519

84. From 1 July 2021, there will be a transition from the familiar passport or identity card check to an online process. This will apply in a range of situations where an immigration status check is made, be it employers, landlords, public service providers such as the DWP and the NHS. But it will only be for EU citizens. For non-EU citizens, the same checks will be carried out in a way that is already known and familiar. We urge the Government to publish guidance as soon as possible, aimed at all those who currently carry out immigration status checks and who may be faced with having to carry out parallel procedures—digital for EU citizens and physical checks for non-EU citizens—from 1 July 2021.

85. We recommend that the Government set out how it intends to monitor the introduction of the digital checks and that a review of its implementation should be published within six months of 30 June 2021.

Pre-Settled Status

86. Pre-Settled Status is for those EU citizens who otherwise qualify but cannot demonstrate five years continuous residence in the UK. The Home Office Impact Assessment from 2019 gave a range of between 900,000 and 1.4 million for the estimated number of Pre-Settled grants. The latest figures show there have been 1,614,600 grants of Pre-Settled Status (about 42% of all applications).¹⁴¹

87. There is evidence of people being given Pre-Settled Status wrongly,¹⁴² either because they accepted the first offer of a form of status not understanding that they could offer further information, or the system was unable to take into account the length of time they had lived in the UK. Kuba Jablonowski told us that an Independent Chief Inspector of Borders and Immigration report found that, in the three months between April and July 2019, there were more than 7,000 people who wanted to select the option of getting Settled Status but ended up on Pre-Settled Status.¹⁴³ The Settlement Scheme provides that an administrative review may be requested if a person receives a grant of Pre-Settled Status believes they qualify for Settled Status, or where an application is refused on eligibility grounds. Research into the outcome of EUSS administrative reviews found that, as of 12 September 2019, of the total 325 administrative reviews that had been decided, 291 resulted in a decision of Pre-Settled Status being overturned and Settled Status granted. This means 89.5% of initial decisions were overturned.¹⁴⁴

88. Kuba Jablonowski said that “it is impossible to quantify how many people were granted wrongly” but the 3 million had seen “numerous cases”. He also highlighted the instances of individuals granted Pre-Settled Status going to the media to publicise it, and within days the Home Office informing them that they would be upgraded to Settled Status.¹⁴⁵ He also

141 Home Office, [EU Settlement Scheme statistics](#), 8 October 2020

142 Q540. Independent Chief Inspector of Borders and Immigration, [An inspection of the EU Settlement Scheme \(April 2019 to August 2019\)](#), February 2020, Figure 16

143 Q540, Independent Chief Inspector of Borders and Immigration, [An inspection of the EU Settlement Scheme \(April 2019 to August 2019\)](#), February 2020, Figure 16

144 Public Law Project, [Admin Review and EU Settlement Scheme: What does the 89.5% success rate show?](#), 3 December 2019

145 Q540

argued for publishing data on gender and the number of applications and the number of outcomes by gender, which could help understand better the disparities in who might be getting granted Pre-Settled Status incorrectly.¹⁴⁶

89. This is important as Pre-Settled Status does not provide the same protection as that of Settled Status. The right of return for those with Pre-Settled Status can be lost if they are outside the UK for more than six months in a 12 month period, whereas those with Settled Status can be away for up to five years without losing their status and right to return. This has implications where Covid lockdowns interrupt the ability to travel back to the UK within six months.¹⁴⁷

90. The3million told us that many EU citizens who have been granted Pre-Settled Status under the EU Settlement Scheme had been struggling to access Universal Credit. To be eligible for Universal Credit requires the applicant to pass a 'Habitual Residence' test to show that the UK is their main home and that they have a 'right to reside'. Those with Settled Status satisfy the 'right to reside' requirement. Those with Pre-Settled Status were initially able to satisfy the 'right to reside' requirement until the UK regulations explicitly reversed that in July. The UK Government view is that Pre-Settled Status is not a right-to-reside and that citizens will continue to need to demonstrate that they are exercising a qualifying Treaty right to access income-related benefits.¹⁴⁸ There is a court case, brought by two EU citizens with Pre-Settled Status who were refused Universal Credit, currently awaiting an appeal date.¹⁴⁹ The European Commission appear to have raised this matter at the Joint Committee held on 28 September.¹⁵⁰

91. Pre-Settled Status lasts for up to five years, at which point it will be lost, unless the applicant applies again for Settled Status. It is difficult to know, from the current data, what number of those with Pre-Settled Status will fail to upgrade.¹⁵¹ If they do not apply then they lose their rights under the EUSS until they have successfully upgraded to Settled Status. There remains the issue as to how many people awarded Pre-Settled Status are aware that they need to reapply. As Kuba Jablonowski said:

If you do not realise what the limitations of pre-settled status are, the question has to be asked: will you know that you need to reapply to secure your rights in the long term?¹⁵²

The recent survey of migrant workers in Fenland, Cambridgeshire, found that there was a presumption among a number of EU migrants that those granted Pre-Settled Status would have an automatic transition to Settled Status after five years, rather than have to re-apply with further evidential requirements. The report said, "This lack of awareness could become a serious problem in the future for EU migrants granted only pre-settled status now."¹⁵³

146 Q528. Independent Chief Inspector of Borders and Immigration, [An inspection of the EU Settlement Scheme \(April 2019 to August 2019\)](#), February 2020

147 Q541. See also comparable situation for UK in the EU Q500

148 [Letter from Rt Hon Theresa Coffey MP to the3million](#), 30 April 2020

149 CPAG, [EU Pre-Settled Status, Fratila and Tanase v SSWP CO/3632/2019](#)

150 [Press statement by Vice-President Maroš Šefčovič following the third meeting of the EU-UK Joint Committee](#), 28 September 2020

151 Migration Observatory, [Not Settled Yet? Understanding the EU Settlement Scheme using the Available Data](#), 16 April 2020

152 Q541

153 SMF, [Best Intentions: EU migrant workers in Fenland](#), September 2020

92. Barbara Drozdowicz asked whether individuals who may need to reapply would necessarily be aware that they need to do so when that moment comes, “because hardly anyone is mapping out their life against their immigration status. This is not how life works.”¹⁵⁴ There will not be one single deadline—such as 30 June 2021—that applies to all and can be communicated broadly. Each person with Pre-Settled Status will have their own date in the future to remember.

93. **EU citizens coming to the UK did not expect to have immigration controls imposed on them afterwards, so alongside explaining to them that they need to apply, there needs to be better communication of the difference between Pre-Settled Status and Settled Status, and what options are available if awarded Pre-Settled Status. In addition, the Government should ensure that those granted Pre-Settled Status are clearly informed that they need to reapply at a date in the future. Again, any interaction with the system requires the applicant to have the documents they used for their original application. There will need to be support in place for people whose Pre-Settled Status matures over the next five years.**

94. **The Government should explain how it will remind EU citizens with Pre-Settled Status when they have acquired five years residence and can make a new application to upgrade to Settled Status, and how much notice they will give. Reminding people to upgrade is preferable to thousands of EU citizens inadvertently becoming unlawfully resident in the UK because their Pre-Settled Status expired, and they were unaware that they needed to take further action. The Government should also be flexible and pragmatic in cases where it has not managed to make confirmed contact with a person who has Pre-Settled Status, to remind them to apply for Settled Status. In such cases such individuals should be given reasonable additional time to apply.**

95. **The Government should produce a more detailed analysis of the significant proportion of applicants for Settled Status who are instead only being granted Pre-Settled Status. An equality impact assessment should be carried out to clarify how many long term residents, with gaps in employment in the last five years, for example due to caring duties, are affected and ensure that the current system is not resulting in women being disproportionately granted only Pre-Settled Status. In addition, we recommend that the Government update and publish its Policy Equality Statement for the EU Settlement Scheme.**¹⁵⁵

Vulnerable applicants

96. While there is broad consensus that the Settlement Scheme has worked for many people, some have encountered difficulties in applying or could be expected to find it difficult to apply, including:

- People who are not aware that the scheme exists, and if they are aware, that they need to apply. This could include those that do not think they have to apply because they have a permanent residence document

154 Q542

155 PQ [2612 7](#) [Immigration: EU nationals] 11 June 2019. See also [The Home Office response to the Independent Chief Inspector of Borders and Immigration’s report: An inspection of the EU Settlement Scheme, April 2019 to August 2019](#), 27 February 2020

- People who already face social exclusion of some kind or whose independence or autonomy is reduced, such as victims of domestic abuse or modern slavery, the Roma community, or children in care
- People who may struggle to navigate an application due to difficulties accessing or using the application, such as language barriers, low level digital skills and those with long term health conditions, e.g. dementia
- People who lack evidence proving their eligibility, e.g. they may not have a passport, or a paper trail to demonstrate continuous residence in the UK
- People who might fail to convert from pre-settled to settled status¹⁵⁶
- Applicants who are likely to qualify on eligibility grounds but face practical barriers to applying, for example, English language skills or digital challenges
- Applicants who are required to satisfy complex immigration rules in order to be granted status, for example, citizens without valid ID documents or those relying on derivative rights such as Zambrano carers¹⁵⁷

Some of these may be addressed by improved communication campaigns and support for NGOs etc. Some may require more specific measures to overcome the barriers.

Children

97. There are estimated to be more than 900,000 children of EU citizen parents (not including Ireland) living in the UK in 2017, born either in the UK or abroad.¹⁵⁸ The latest Home Office statistics, as of June 2020, said that 529,670 applications (14% of all applications) had been from people under 18.¹⁵⁹

98. The Home Office estimate there are 9,000 children and young people in the care system who are eligible for EUSS. The Children's Society have estimated that, as of May 2020, UK local authorities—with a duty of care to these vulnerable children—have made about 730 applications for these children.¹⁶⁰ This equates to only about 11% of the estimated 9,000 eligible children in/leaving care having secured EUSS status.

99. Barbara Drozdowicz explained why these cases can be difficult. She said that, first the child has to be identified as an EU national and that they need support to go through the EU Settlement scheme, then there is a need to identify the complexity of those cases and be able to refer them to appropriate immigration advisers, and also there may be a need to collect or reissue documentation so the child can evidence their residence. In addition, there may be an issue of consent for an application to be submitted on behalf of the child.¹⁶¹

156 Migration Observatory, [Not Settled Yet? Understanding the EU Settlement Scheme using the Available Data](#), April 2020

157 Seraphus (FRE0010)

158 Coram Children's Legal Centre, [Children left out? Securing children's rights to stay in the UK beyond Brexit](#), 1 July 2020

159 Home Office, [EU Settlement Scheme quarterly statistics, as of June 2020](#), Published 27 August 2020

160 The Children's Society, [Looked After Children and the EU Settlement Scheme: A guide for local authorities](#), May 2020

161 Q535

Mr Piper said Home Office staff should have clearer guidance about how to deal with such cases, particularly on providing evidence where children might be unable to acquire identity documents and on more support for social work agencies.¹⁶²

The elderly

100. Similarly, there is concern about the number of applications from older EU citizens. The latest Home Office statistics, up to June 2020, show that 84,150 applications had been from those aged 65 or above. This equated to only 2% of the number of applications. Elderly people may face barriers to applying to the EUSS, including dementia, isolation or low digital literacy. Older foreign-born residents are more likely not to have a passport.¹⁶³ In addition, Barbara Drozdowicz told us that many older people have a sense of belief that they are British, but have no documentation, such as a passport, to prove it. They have to identify if the person is a British citizen first.¹⁶⁴

101. Dr Jablonowski said there are “a large number of people who have been here for decades” but who have been offered Pre-Settled Status rather than Settled Status. They need to know about the Settlement Scheme, and know what status they should get, and make sure they do not accept the lesser Pre-Settled Status. And if they do, that they need to reapply to upgrade at a later date.¹⁶⁵

102. Some applicants are likely to face difficulties applying for the scheme, be it through language barriers, lack of support to complete the application, or because they are unable to source the documentary evidence to support their application. There are, by definition, people who are going to be hard-to-reach, possibly through remoteness and social isolation. These factors may combine, such as for elderly people living in rural areas where sources of advice are limited. Communications and support to such groups need to be enhanced as the deadline approaches. This can be through intermediaries, and the Government needs to learn from the experience of NGOs who are already working to try and support those marginalised and vulnerable groups.

Applications after the deadline

103. Article 18 of the Withdrawal Agreement states that the deadline for submitting an application shall not be less than six months from the end of the transition period, which is the 31 December 2020. The UK has said that EU citizens resident here by 31 December 2020 will be eligible to apply, and therefore the deadline for applications will be 30 June 2021. Article 18 continues:

(d) where the deadline for submitting the application referred to in point (b) is not respected by the persons concerned, the competent authorities shall assess all the circumstances and reasons for not respecting the deadline and shall allow those persons to submit an application within a reasonable further period of time if there are reasonable grounds for the failure to respect the deadline;

162 Q535

163 Migration Observatory, [Unsettled Status 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#), 24 Sept 2020

164 Q537

165 Q537

In a letter to the Home Affairs Committee on 14 April 2020, the Home Secretary wrote:

Where someone has reasonable grounds for missing the deadline, they will be given a further opportunity in which to apply. As with all aspects of the scheme we will take a flexible and pragmatic approach. We intend to publish guidance for caseworkers in due course on what constitutes reasonable grounds for missing the deadline to ensure consistency of approach.¹⁶⁶

The guidance to caseworkers has not been published.¹⁶⁷

104. The Home Secretary gave three examples of how this might be applied: children whose parent or guardian does not apply on their behalf, those in abusive or controlling relationships who are prevented from applying or accessing the documents they need to do so, and those who lack the physical or mental capacity to apply. Seraphus solicitors have argued that this represents a restrictive approach, and that “reasonable grounds” should include situations where citizens were unaware of the need to apply to the EUSS and where someone failed to apply based on a mistaken belief that they were not required to apply.¹⁶⁸ There is evidence that people are still not aware that they have to apply. A recent survey of migrant workers in Fenland found that 40% of those surveyed, and who intended to stay in the UK beyond the deadline, were unaware of the EU Settlement Scheme.¹⁶⁹

105. Luke Piper, from the3million, said:

I would like to know in what situations it is not reasonable for somebody to apply after the deadline. We have focused a lot on what would be reasonable, but I would be very interested to know when it would not be reasonable for people to apply.¹⁷⁰

Luke Piper explained the consequences of applying after the deadline:

The consequences for not applying in time are quite significant. [...] if you do not apply by the deadline, the rights you had before will disappear. If you do not have new rights, you are essentially living in the UK unlawfully, which means you cannot work or access housing, the NHS and other vital services until you acquire a status.¹⁷¹

Furthermore, in any time gap from deadline to application, “these rights will be lost until EUSS status is approved”.¹⁷²

106. Adrian Berry, Chair of the Immigration Law Practitioners Association (ILPA), has suggested that there should be a “benevolent regime” for those applicants who miss the deadline. He told the Immigration and Social Security Coordination Bill Public Bill Committee that “You apply late; they grant it. It is that simple. Why would you not do that? Somebody wants to regularise their status and they have withdrawal agreement rights—why muck around?”¹⁷³

166 [Home Secretary letter to the Home Affairs Committee](#), 14 April 2020

167 Seraphus ([FRE0010](#))

168 Seraphus ([FRE0010](#))

169 SMF, [Best Intentions: EU migrant workers in Fenland](#), September 2020

170 Q558

171 Q537

172 Seraphus ([FRE0010](#))

173 Immigration and Social Security Coordination Bill Public Bill Committee, 9 June 2020, [col 52](#)

107. When an application is made, the applicant should receive a 'certificate of application', providing proof that the application is in the system and pending a decision. Article 18 of the Withdrawal Agreement states that the certificate of application shall be issued immediately. This is important to provide reassurance to the applicant, so they can demonstrate their situation to prospective employers or anyone else asking for their status, and even more so if the application is near the deadline and they do not receive a decision until after the deadline. Luke Piper explained that:

It is really important that these certificates are issued to people who have applied, particularly as we get closer to the deadline, because there may be a delay and they will need to prove it. Both in my personal practice and in the reports that have been given to me, we have seen considerable delays in those certificates being issued. They are not being issued immediately.¹⁷⁴

The certificates are issued digitally.¹⁷⁵

108. During Report stage of the Immigration and Social Security Coordination Bill in the House of Lords, Baroness Williams of Trafford, Minister of State at the Home Office, said:

Apart from asking for the reason for missing the deadline, the application process will be the same; we will consider the application in exactly the same way as we do now, in line with the immigration rules for the EU settlement scheme. A person with reasonable grounds for missing the deadline, who subsequently applies for and obtains status under the scheme, will enjoy the same rights from the time they are granted status as someone who applied to the scheme before the deadline. However, they will not have those rights in the period after the missed deadline and before they are granted status, which is why we are encouraging and supporting people to apply as soon as possible.¹⁷⁶

109. It is vitally important the Government publish the guidance for case workers on late applications. The Home Secretary said she would do so in April 2020. We hope that the default approach would remain to look for reasons to grant status rather than not grant status.

110. The risk of refusing a large number of applications after the deadline, where the applicant would pass all the criteria and be granted status if they had applied one month earlier, would simply create a group of people living in the UK unlawfully. This would be unacceptable for UK nationals living in the EU and we urge Ministers not to apply an unduly restrictive approach in the UK.

111. The Home Office must prepare for the possible increase in applications leading up to the deadline and prepare accordingly. This includes ensuring that certificates of application are sent out promptly, so that people are not put in a no man's land where they are unsure of their position and unable to explain their status until they receive a decision.

174 Q556

175 Q557

176 HL Deb 30 Sept 2020, [cols 243–244](#) [Baroness Williams of Trafford]

Grant Funding Support

112. In April 2019, the Home Secretary announced that £9 million of funding would be available to organisations across the UK to provide practical support and inform vulnerable individuals about the need to apply for settled status and support them to complete their application for Settled Status.¹⁷⁷ In March 2020, the Home Office announced a further £8 million of funding for the 2020–2021 financial year.¹⁷⁸

113. Barbara Drozdowicz, whose Eastern European Resource Centre was one of the organisations that had benefitted from the scheme, said the scheme has been “fundamental in supporting people [...] we would not be able as a community sector to support our members and community members [...] without the support provided by the scheme.”¹⁷⁹ As we near the deadline, the later applications are likely to include more complex cases, possibly requiring complex immigration advice, and therefore need to continue funding of support groups,¹⁸⁰ including those supported by the Home Office Grant Funded Organisations.¹⁸¹

114. The Home Office’s grant funding to organisations providing support and advice to EU citizens has been crucial in reaching out to a wide range of communities and individuals in particular circumstances. If there is an increase in applications leading up to the 30 June 2021, particularly among those with complex cases, then such organisations are going to need continued support beyond the end of this financial year. The Government should consider how it could target support to organisations, including but not solely the Grant Funded Organisations, that are able to provide the necessary legal advice. The Government should provide grant funding up to and beyond the deadline of 30 June 2021 and make clear that it will do so in good time before the end of the current financial year.

177 [Funding awarded to support vulnerable EU citizens apply for settled status](#), 10 April 2019

178 [£8 million to help vulnerable people apply to the EU Settlement Scheme](#), 6 March 2020

179 Q520

180 See Commons Library research briefing, [Citizens’ rights provisions in the European Union \(Withdrawal Agreement\) Bill 2019–20](#), 3 January 2020, para 2.5

181 Seraphus ([FRE0010](#))

4 After 1 January 2021

115. Once the transition period ends, and free movement ends, we will be in new territory. As we adjust to this, it will be important to monitor and oversee the implementation of the Withdrawal Agreement and the commitments made by both parties to the citizens and their families in the UK and the EU27.

116. **The UK will leave the transition period at the end of 2020 and forge its future outside the EU with its own independent immigration policy. There will be changes on 1 January 2021, some quite fundamental, for citizens across Europe. For EU citizens in the UK they will still have six months left to apply for the Settled Status. This could potentially coincide with an increase in complex cases and the consequences of a digital system for demonstrating their status. For the UK nationals in the EU, thousands could be contemplating a new application process to acquire a status that protects their rights in the country which they thought was their home. The need for examining the implications of these changes has not diminished, in fact, it is likely to increase.**

Ongoing monitoring and Parliamentary scrutiny

The Joint Committee and the Specialised Committee

117. The Withdrawal Agreement included the creation of the Joint Committee which has the role of overseeing the implementation of the WA. The Joint Committee has six Specialised Committees, one of which is specifically to address citizens' rights matters. These committees started their work during the transition period and have met several times.¹⁸²

118. An initial request from the British in Europe and the 3 million to have observer status at the Specialised Committee received non-committal responses from both the UK and EU,¹⁸³ but they were allowed to attend the second meeting of the Specialised Committee held on 6 August 2020.¹⁸⁴ As we commented earlier, this appears to have been the meeting where there was discussion on the common format identity residence document for UK nationals across the EU, and how UK nationals in the EU might be able to continue cross border working in the future relationship.¹⁸⁵ Similarly, the Specialised Committee has provided a forum for the EU to make representation regarding EU citizens in the UK. It is the structure whereby the UK can make representation on behalf of UK nationals living in the EU. The Specialised Committee on Citizens' Rights met for the third time on 8 October 2020.¹⁸⁶

182 [Meetings of the EU-UK Joint and Specialised Committees under the Withdrawal Agreement](#)

183 Q513

184 European Commission, [Press statement by Vice-President Maroš Šefčovič following the second meeting of the EU-UK Joint Committee](#), 12 June 2020

185 Politico, [Brits resident in the EU post Brexit to be given extra free movement rights](#), 7 August 2020

186 [Joint statement following the third meeting of the Specialised Committee on Citizens' Rights between the European Commission and UK Government via video conference](#), 8 October 2020

The Independent Chief Inspector of Borders and Immigration

119. The Independent Chief Inspector of Borders and Immigration (ICIBI) was established by the UK Borders Act 2007, with a role to inspect the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary. The remit covers all activities of the immigration system in the UK. The ICIBI has carried out two inquiries into the EU Settlement Scheme, with reports published in May 2019 and February 2020.¹⁸⁷ In his second report he acknowledged that the ICIBI's detailed inspection process and reporting arrangements cannot keep pace with the Scheme in terms of published reports, and that he would continue to monitor and report and make recommendations, in line with his remit ahead of the creation of a new Independent Monitoring Authority (IMA).¹⁸⁸

The Independent Monitoring Authority (IMA) and the European Commission

120. The Withdrawal Agreement includes the requirement for the UK to create an Independent Monitoring Authority (IMA) to monitor the UK's implementation of the citizens' rights parts of the Agreements. This mirrors the role of the European Commission on behalf of implementing citizens' rights for UK nationals in EU Member States. The IMA will have authority to initiate its own inquiries and carry out inquiries in response to requests from the Secretary of State, Ministers of devolved areas, or complaints from individuals who fall within the scope of the Agreements. The IMA also has the power to intervene in legal proceedings and to apply for judicial review. The European Commission and IMA must report annually on the implementation and application of the citizens' rights provisions in the WA, including the number and nature of complaints received. The IMA is expected to be fully operational from 31st December 2020 and is currently recruiting staff.¹⁸⁹

121. We ask the Government to provide an update on progress for the Independent Monitoring Authority to be fully operational on 1 January 2021, and how it intends to communicate to EU citizens the Independent Monitoring Authority's existence, its role and how it can support them. We expect the Independent Monitoring Authority to make its reports public and on its own terms.

122. Many of the matters we have discussed in this report relate to what needs to be done now, but others may either only arise or intensify after the transition period ends. There needs to be continued monitoring of EU citizens' rights in the UK and effective oversight beyond 31 December 2020. That includes the Independent Monitoring Authority being accountable to Parliament.

123. As we have seen this year, the Joint Committee—with representatives from the UK Government and the European Commission—is a powerful and influential body. It, along with its specialised committees, will have an important role in how the citizens' rights elements of the Withdrawal Agreement are implemented. Unfortunately, its internal working is not transparent. This makes it difficult to understand what it is

187 [The Independent Chief Inspector of Borders and Immigration](#)

188 Independent Chief Inspector of Borders and Immigration, [An inspection of the EU Settlement Scheme \(April 2019 to August 2019\)](#), February 2020

189 [Independent Monitoring Authority \(IMA\) recruitment portal](#) [accessed 7 October 2020]

being asked to decide on or the outcome of those decisions. We consider this to be wholly inadequate. There needs to be a better formal structure for Parliamentary scrutiny of the Joint Committee, and we intend to return to the question of its transparency in the future.

Formal minutes

Wednesday 14 October 2020

Virtual Meeting

Members present:

Hilary Benn, in the Chair

Lee Anderson	Stephen Kinnock
Sally-Ann Hart	Barry Sheerman
Dr Rupa Huq	Dr Philippa Whitford

Draft Report (*Implementing the Withdrawal Agreement: citizens' rights*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 123 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Wednesday 21 October at 9.00am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 11 March 2020

The Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, Cabinet Office

[Q1–79](#)

Tuesday 17 March 2020

Stephen Booth, Head of the Britain in the World Project, Policy Exchange; **Christophe Bondy**, Partner, International Trade and Investment Law group of Steptoe & Johnson LLP, London; **Professor Anand Menon**, Professor of European Politics and Foreign Affairs, Kings College London

[Q80–137](#)

Monday 27 April 2020

The Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, Cabinet Office

[Q138–232](#)

Wednesday 27 May 2020

The Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, Cabinet Office; **David Frost**, Prime Minister's Europe Adviser and Chief Negotiator of Task Force Europe

[Q233–335](#)

Wednesday 10 June 2020

Sam Lowe, Senior Research Fellow, Centre for European Reform; **Professor Catherine Barnard**, Professor of European Union and Labour Law, University of Cambridge; **Dr Anna Jerzewska**, Independent Customs and Trade Consultant UN International Trade Centre

[Q336–388](#)

Monday 8 June 2020

Michel Barnier, Head of Task Force for Relations with the United Kingdom, European Commission

[Q389–419](#)

Tuesday 23 June 2020

Dr Lars Karlsson, President, KGH Border Services; **Tim Reardon**, Port of Dover, Head of EU Exit; **Alex Veitch**, Head of International Policy, Freight Transport Association

[Q420–470](#)

Tuesday 30 June 2020

Jane Golding, co-chair, British in Europe; **Kalba Meadows**, steering committee member, British in Europe; **Michael Harris**, steering committee member, British in Europe

[Q471–514](#)**Tuesday 7 July 2020**

Luke Piper, Head of Policy, the3million; **Barbara Drozdowicz**, Chief Executive Officer, East European Resource Centre; **Dr Kuba Jablonowski**, Research Associate, the3million

[Q515–558](#)**Tuesday 14 July 2020**

Richard Martin, Deputy Assistant Commissioner and UK enforcement lead for Brexit and International Criminality, National Police Chiefs' Council; **Professor Steve Peers**, Professor of Law, University of Essex; **Professor Valsamis Mitsilegas**, Professor of European Criminal Law, Queen Mary University of London

[Q559–609](#)**Tuesday 21 July 2020**

Professor Richard G Whitman, Director of the Global Europe Centre and Professor of Politics and International Relations, University of Kent; **Mikaela Gavas**, Co-Director of Development Cooperation in Europe and Senior Policy Fellow, Centre for Global Development; **Professor Malcolm Chalmers**, Deputy Director-General, The Royal United Services Institute

[Q610–646](#)**Wednesday 9 September 2020**

Richard Burnett, Chief Executive, Road Haulage Association; **Robert Hardy**, Operations Director, Customs Clearance Consortium; **Dr Anna Jerzewska**, Independent Customs and Trade Consultant

[Q647–713](#)**Tuesday 15 September 2020**

Wales: **Jeremy Miles**, Counsel General and Minister for European Transition; Scotland: **Mike Russell**, Cabinet Secretary for Constitution, Europe and External Affairs

[Q714–785](#)**Wednesday 23 September 2020**

Professor Catherine Barnard, Professor of European Union and Labour Law, University of Cambridge; **Shanker Singham**, Chief Executive Officer, Competere; **Georgina Wright**, Senior Researcher, Institute for Government

[Q786–825](#)

Wednesday 30 September 2020

Paul Everitt, Chief Executive, ADS Group Ltd; **Neil Hollis**, Regulatory Affairs Manager, BASF; **Dr Richard Torbett**, Chief Executive, Association of the British Pharmaceutical Industry

[Q826–876](#)

Wednesday 7 October 2020

The Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster; **Lord Frost**, Prime Minister's Europe Adviser and Chief Negotiator of Task Force Europe

[Q336–337](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

FRE numbers are generated by the evidence processing system and so may not be complete.

- 1 180daysvisa-free.org ([FRE0038](#))
- 2 ABTA – The Travel Association ([FRE0105](#))
- 3 ABTA – The Travel Association ([FRE0021](#))
- 4 Advertising Association ([FRE0071](#))
- 5 Airport Operators Association ([FRE0030](#))
- 6 Ambassador of Austria to the United Kingdom ([FRE0115](#))
- 7 Ambassador of Belgium to the United Kingdom ([FRE0137](#))
- 8 Ambassador of Bulgaria to the United Kingdom ([FRE0116](#))
- 9 Ambassador of Croatia to the United Kingdom ([FRE0117](#))
- 10 Ambassador of Cyprus to the United Kingdom ([FRE0118](#))
- 11 Ambassador of Denmark to the United Kingdom ([FRE0120](#))
- 12 Ambassador of Estonia to the United Kingdom ([FRE0121](#))
- 13 Ambassador of Finland to the United Kingdom ([FRE0122](#))
- 14 Ambassador of France to the United Kingdom ([FRE0135](#))
- 15 Ambassador of Germany to the United Kingdom ([FRE0123](#))
- 16 Ambassador of Greece to the United Kingdom ([FRE0124](#))
- 17 Ambassador of Hungary to the United Kingdom ([FRE0125](#))
- 18 Ambassador of Latvia to the United Kingdom ([FRE0126](#))
- 19 Ambassador of Lithuania to the United Kingdom ([FRE0127](#))
- 20 Ambassador of Malta to the United Kingdom ([FRE0136](#))
- 21 Ambassador of Poland to the United Kingdom ([FRE0128](#))
- 22 Ambassador of Portugal to the United Kingdom ([FRE0129](#))
- 23 Ambassador of Romania to the United Kingdom ([FRE0130](#))
- 24 Ambassador of Slovakia to the United Kingdom ([FRE0131](#))
- 25 Ambassador of Slovenia to the United Kingdom ([FRE0132](#))
- 26 Ambassador of Spain to the United Kingdom ([FRE0133](#))
- 27 Ambassador of Sweden to the United Kingdom ([FRE0134](#))
- 28 Ambassador of the Czech Republic to the United Kingdom ([FRE0119](#))
- 29 Association for Innovation, Research and Technology (AIRTO) ([FRE0111](#))
- 30 Association of British Insurers ([FRE0047](#))
- 31 Association of the British Pharmaceutical Industry (ABPI) ([FRE0102](#))
- 32 Bar Council Future Relationship Working Group ([FRE0049](#))
- 33 Barnes, Professor Richard ([FRE0069](#))

- 34 BASF Group ([FRE0100](#))
- 35 Bore, Marian ([FRE0061](#))
- 36 Breinlich, Professor Holger ([FRE0067](#))
- 37 Brian, Dr Jill ([FRE0080](#))
- 38 British Council ([FRE0110](#))
- 39 British Food Importers and Distributors Association ([FRE0091](#))
- 40 British in Europe ([FRE0014](#))
- 41 British Medical Association (BMA) ([FRE0084](#))
- 42 British Red Cross ([FRE0046](#))
- 43 The British Retail Consortium ([FRE0028](#))
- 44 British Veterinary Association ([FRE0078](#))
- 45 Brooke, R ([FRE0059](#))
- 46 Campaign for Science and Engineering ([FRE0094](#))
- 47 Canada Europe Roundtable for Business ([FRE0053](#))
- 48 Chartered Institute of Patent Attorneys ([FRE0068](#))
- 49 Chartered Institute of Taxation ([FRE0043](#))
- 50 Chartered Institute of Trade Mark Attorneys (CITMA) ([FRE0057](#))
- 51 Communities Inshore Fisheries Alliance ([FRE0045](#))
- 52 Confederation British Industry ([FRE0029](#))
- 53 Crown Prosecution Service ([FRE0066](#))
- 54 Customs Clearance Consortium ([FRE0011](#))
- 55 Dawar, Dr Kamala ([FRE0009](#))
- 56 DBA – The Barge Association ([FRE0072](#))
- 57 Erasmus Student Network UK ([FRE0104](#))
- 58 European Policy Centre ([FRE0007](#))
- 59 Farrand Carrapico, Dr Helena, (Associate Professor in Criminology and International Relations at Northumbria University) ([FRE0040](#))
- 60 Fashion Roundtable ([FRE0052](#))
- 61 Faull, Sir Jonathan ([FRE0004](#))
- 62 Ferguson, Ivor ([FRE0090](#))
- 63 Ferran, Professor Eilís and Professor Pedro Schilling de Carvalho (University of Cambridge) ([FRE0107](#))
- 64 Food and Drink Federation (FDF) ([FRE0106](#))
- 65 Freight Transport Association ([FRE0015](#))
- 66 FSB Northern Ireland ([FRE0016](#))
- 67 Garner, Oliver ([FRE0017](#))
- 68 Glencross, Dr Andrew (senior lecturer, Aston University) ([FRE0039](#))
- 69 Global Britain Programme, Henry Jackson Society ([FRE0064](#))
- 70 Henig, David (Director, UK Trade Policy Project) ([FRE0062](#))

- 71 Honda Motor Europe ([FRE0050](#))
- 72 Hughes, Dr Kirsty ([FRE0025](#))
- 73 Information Commissioner's Office ([FRE0079](#))
- 74 Institute of Chartered Accountants in England and Wales ([FRE0086](#))
- 75 Investment Association ([FRE0095](#))
- 76 Jerzewska, Dr Anna ([FRE0024](#))
- 77 Jones, Alan ([FRE0022](#))
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- 81 Kings College London ([FRE0008](#))
- 82 Law Society of England and Wales ([FRE0081](#))
- 83 Law Society of England and Wales ([FRE0054](#))
- 84 Law Society of England and Wales ([FRE0013](#))
- 85 Local Government Association ([FRE0098](#))
- 86 Lydgate, Dr Emily ([FRE0027](#))
- 87 Make UK ([FRE0006](#))
- 88 Maritime UK ([FRE0026](#))
- 89 McCann, Professor Philip ([FRE0089](#))
- 90 McEwen, Professor Nicola ([FRE0035](#))
- 91 Mitsilegas, Professor Valsamis (Queen Mary University of London, Deputy Dean for Global Engagement (Europe)) ([FRE0041](#))
- 92 Wendy Morton MP ([FRE0087](#))
- 93 Musicians' Union ([FRE0093](#))
- 94 National Farmers' Union ([FRE0082](#))
- 95 The National Federation of Fishermen's Organisations ([FRE0031](#))
- 96 National Grid Electricity System Operator ([FRE0073](#))
- 97 National Grid Group ([FRE0083](#))
- 98 National Police Chiefs' Council ([FRE0058](#))
- 99 Murray, Colin ([FRE0018](#))
- 100 Northern Ireland Retail Consortium ([FRE0070](#))
- 101 Nuclear Industry Association ([FRE0077](#))
- 102 Ofgem ([FRE0076](#))
- 103 Peers, Professor Steve (Professor of Law, University of Essex) ([FRE0042](#))
- 104 Peretz, George ([FRE0037](#))
- 105 Phinnemore, Professor David (Queen's University Belfast) ([FRE0023](#))
- 106 Police Service of Northern Ireland ([FRE0055](#))
- 107 Price Waterhouse Coopers LLP ([FRE0112](#))

- 108 Provision Trade Federation ([FRE0032](#))
- 109 Raess, Dr Damian ([FRE0036](#))
- 110 Road Haulage Association Ltd ([FRE0044](#))
- 111 Royal Institute of British Architects ([FRE0088](#))
- 112 Scottish Fisherman's Federation ([FRE0034](#))
- 113 Scottish Government ([FRE0114](#))
- 114 Seraphus Solicitors ([FRE0010](#))
- 115 Singham, Shanker ([FRE0003](#))
- 116 Smith, Professor Fiona ([FRE0103](#))
- 117 Starling, Michael ([FRE0060](#))
- 118 TechUK ([FRE0138](#))
- 119 the3million ([FRE0048](#))
- 120 TheCityUK ([FRE0108](#))
- 121 UK Chamber of Shipping ([FRE0012](#))
- 122 UK Finance ([FRE0109](#))
- 123 UK Intellectual Property Office ([FRE0065](#))
- 124 UK Seafood Industry Alliance ([FRE0033](#))
- 125 UK Trade Policy Observatory (Dr. Minako MORITA-JAEGER, Fellow) ([FRE0063](#))
- 126 Universities UK ([FRE0099](#))
- 127 Usherwood, Professor Simon ([FRE0005](#))
- 128 Wellcome ([FRE0092](#))
- 129 Welsh Government ([FRE0085](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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