

Kevin Foster MP
Minister for Future Borders and
Immigration

Stephen Timms MP
Chair, Work and Pensions Select Committee
House of Commons
London,
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Dear Stephen,

I am writing to let you know the Immigration and Social Security Co-ordination (EU Withdrawal) Bill was introduced in the House of Commons today, and to give you some information about the content of the Bill.

The Bill was previously introduced in the 2017-2019 Parliamentary session but fell when Parliament was prorogued before the December 2019 General Election. There have been no substantial changes to the content of the Bill since it was previously considered in the last Parliament.

As the chair of the Work and Pensions Select Committee, we understand you will have a particular interest in the Social Security Co-ordination provisions in the Bill.

The primary purpose of the Bill is to repeal the EU's rules on free movement at the end of the transition period, which are retained in UK law by the European Union (Withdrawal) Act 2018, as amended by the European Union (Withdrawal Agreement) Act 2020 (EUWAA 2020). By ending free movement, citizens of the EU, EEA EFTA states of Iceland, Norway and Liechtenstein, and of Switzerland (referred to as "EEA citizens" for brevity), and their family members arriving in the UK from 2021, will be subject to UK immigration controls. The Bill therefore paves the way for the future immigration system to be delivered, although the details of this future system are not contained within the Bill; these will be set out in the immigration rules and secondary legislation, as is usual practice.

The Bill contains a power to make consequential amendments to primary legislation or retained direct EU legislation in light of the repeal of free movement law which will enable us to align the treatment of EEA and non-EEA citizens as part of the future immigration system, subject to saving certain provisions where appropriate and in accordance with the terms of the UK's withdrawal from the EU.

The Bill also confirms the UK's commitment to preserve its deep and historic ties with Ireland by protecting the immigration status of Irish citizens in the UK once free movement ends. Status supports wider rights enjoyed by Irish citizens in the UK, mirrored by equivalent provision in Ireland for the treatment of British citizens who are resident there. These arrangements are reciprocal, with UK citizens in Ireland enjoying similar rights.

The UK Government is firmly committed to maintaining the Common Travel Area (CTA) arrangements after the UK leaves the EU. The Bill will not affect the operation of the CTA and British and Irish citizens will continue to move freely between and reside in the CTA.



Home Office

Since the Bill was previously introduced, there has, understandably, been interest in the protection of rights of resident EEA citizens. The Government has always been committed to guaranteeing the existing rights of EEA citizens who are resident in the UK by 31 December 2020; this has been delivered through the EUWAA 2020 as well as the EU Settlement Scheme. EEA citizens living in the UK by 31 December 2020 will have their rights protected and they will be able to stay permanently by applying to the Scheme. This gives individuals and businesses the certainty they need. The Scheme is working well and as announced last month, over 3.2 million people have applied and almost 2.9 million people have been granted status.

The Bill also includes a power to modify, by regulations, the EU Social Security Co-ordination ("SSC") Regulations, which will be retained in UK law at the end of the transition period. The regulations govern the co-ordination of social security systems between Member States and contains rules relating to individuals whose social security situation is not confined to a single Member State. This includes rules relating to the payment of social security contributions and access to certain benefits (including export and aggregation) across the EEA by EEA citizens, and in some cases non-EEA citizens.

The EU's SSC regulations will continue to apply in full to those in scope of the Withdrawal Agreement for as long as they remain in scope. This is primarily UK nationals and EEA citizens living in the EEA and UK respectively by the end of the transition period. The UK-Ireland Convention on Social Security, signed in February 2019, will come into force at the end of the transition period and protects the social security position of all UK and Irish citizens travelling between the UK and Ireland. The powers in this clause will not impact upon this agreement.

The clause will allow the Government (and/or, where appropriate, a devolved authority) to make regulations to implement any new policies regarding co-ordination of social security for those not covered by the EU Withdrawal Agreement or the social security agreement between the UK and Ireland, to reflect the outcome of negotiations with the EU in this area.

More detail about the content of the Bill, including factsheets, will be published on GOV.UK shortly.

I am copying this letter to Justin Tomlinson MP.

Kevin Foster MP

Minister for Future Borders and Immigration