



Home Affairs Committee

Select Committee Team, House of Commons, London, SW1A 0AA

Tel +44 (0)20 7219 6856 Email homeaffcom@parliament.uk

Website homeaffcom@parliament.uk

Home Office
2 Marsham Street
London
SW1P 4DF

8 March 2023

Dear Home Secretary,

I am writing to request further information on work underway in your Department in relation to the Retained EU Law (Revocation and Reform) Bill (“the REUL Bill”). The latest version of the Government’s retained EU law (REUL) Dashboard, published on 30 January, identifies 26 pieces of REUL for which the Home Office (HO) is responsible. Compared with many other Government Departments, the Home Office has relatively little REUL to review. However, I would be grateful if you could explain:

- 1. What progress you have made in reviewing each of these pieces of REUL?**
- 2. How many and which pieces of this REUL are within the scope of the REUL Bill’s clause 1 sunset?**
- 3. How many and which pieces of this REUL are within the REUL Bill’s clause 3 sunset?**
- 4. Whether you have identified specific pieces or provisions of REUL that you intend to save from the clause 1 sunset and your reasons for preserving them?**
- 5. Whether there are specific pieces or categories of REUL for which you intend to apply a later sunset (up until 23 June 2026)?**

During the REUL Bill's Second Reading, the Government made a commitment to “take the necessary action to safeguard the substance of any REUL and legal effects required to operate international obligations within domestic law” and to “set out where retained EU law is required to maintain international obligations through the dashboard, so that the public can scrutinise it”.¹ Some HO REUL, for example on drug precursors, explosives precursors, and firearms, is relevant to the operation of the Protocol on Ireland/Northern Ireland. Some also appears to be relevant to the implementation of obligations under the EU/UK Trade and Cooperation Agreement, such as pieces of REUL relating to Passenger Name Record data and the accreditation of forensic service providers. The inclusion of REUL relating to refugee protection may engage wider international obligations under the UN Refugee Convention, the European Convention on Human Rights and other international treaties.

6. Please confirm how many and which pieces of HO REUL are within the scope of the Government’s commitment to “safeguard the substance of any REUL and legal effects required to operate international obligations within domestic law” and how this is shown on the Dashboard?

7. Please explain what mechanism you will use to safeguard relevant REUL. Do you envisage:

- **Using an existing power in the Bill (and if so, which power) to safeguard each piece of relevant REUL?**
- **Amending the Bill to create a specific new power to save the substance and legal effects of any REUL required to operate the UK’s international obligations within domestic law ?**
- **Introducing separate legislation to that end?**

Some pieces of REUL listed in the Dashboard concern minimum standards for individuals in need of international protection, temporary protection, and the certification of asylum claims as unfounded on safe third country ground.

¹ The (then) Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Dean Russell MP), Hansard, 25 October 2022, col 189

8. Please explain how these pieces of REUL interact with the Government's approach to asylum reform?

The Government has said that it does not intend to reduce existing protections for workers and for the environment contained in REUL.

9. Will you make a similar commitment to maintaining the minimum standards set out in the asylum related REUL listed in the Dashboard?

10. What assessment have you made of the risk that a reduction in these standards might hinder efforts to agree 'Dublin-style' arrangements with the EU or with individual EU countries for the transfer of asylum seekers to the EU country from which they sought to enter the UK?

11. Given the considerable public interest in the REUL Bill, I would welcome further details of your approach to consulting stakeholders in carrying out your review of HO REUL.

12. The REUL Dashboard does not address the question of devolved competence. I would therefore be grateful if you could provide a list of HO REUL which falls within an area of devolved competence and explain how you are engaging with the devolved administrations.

I would appreciate a response by 22 March.

Yours sincerely

A handwritten signature in black ink that reads "Diana Johnson". The signature is written in a cursive, flowing style.

Dame Diana Johnson MP