



Rt Hon James Cleverly MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London
SW1P 4DF

24 January 2024

Dear Home Secretary,

The rights of EU citizens in the UK and UK citizens in the EU under the Withdrawal Agreement

Thank you for your letter dated 30 November 2023 in response to our letter dated 15 November 2023. It was considered at the Committee's meeting of 23 January 2024.

We are grateful for the detailed response that you have provided to the majority of the questions that we put to you. We are also grateful to you for the letter you sent us on 16 January, on the Statement of Changes in Immigration Rules HC 246.

We note the Government's intention to amend the Immigration (Leave to Enter and Remain) Order 2000 in order to reflect the additional permitted absence from the UK associated with the Withdrawal Agreement's right of permanent residence. We would welcome more details on the planned amendment and an indication of when the Government plans to introduce it.

We have also noted in your response that you consulted with the Independent Monitoring Authority on your plans to respond to the High Court judgment of December 2022. However, your position seems to contradict the press release published by the IMA on 1 December 2023, which outlined its concerns with the Government's reaction to the judgment. In this regard, we draw your attention to the note at the end of the press release where "the IMA notes that while plans for automatic upgrade from pre-settled status to settled status continue to be developed by the Home Office, *the IMA does not have sufficient detail to make a full assessment of them*" (emphasis added).

The IMA's main concerns include:

- "The extension of pre-settled status does not go far enough to implement the judgment and that therefore this element continues to be incompatible" with the Withdrawal Agreement. The IMA continues: "The extension does not change the fact that pre-settled status is time-limited";
- "Maintaining expiry period for pre-settled status may have practical effects on citizens exercising their rights, for example those who are seeking employment or accommodation";
- The implementation of the second part of the High Court's judgment. "This found that permanent residence rights under the Agreements accrue automatically to a pre-settled status holder where the relevant conditions in the Agreements are met. The IMA is

concerned that there will remain a lack of clarity for citizens and public authorities regarding the rights of some citizens who hold pre-settled status but who are in fact in possession of permanent residence rights”;

The IMA’s concerns, which we share and which we note you did not draw to our attention, are, in our view, at odds with the repeated statements we have received from the Government that its response to the High Court judgment of December 2022 is compatible with the UK’s obligations under the Withdrawal Agreement. We therefore ask for an update on how the Government plans to address the IMA’s concerns.

We look forward to receiving your response within the normal 10-day deadline. In addition, we ask for a further report on work in progress on citizens’ rights by 3 June 2024.

Yours sincerely,

A handwritten signature in black ink, reading "Peter Ricketts". The signature is written in a cursive style, with the first name "Peter" and the last name "Ricketts" clearly legible.

Lord Ricketts

Chair of the European Affairs Committee