



HOUSE OF LORDS

European Affairs Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 6083
pooks@parliament.uk

Wendy Morton MP
Minister for European Neighbourhood and the Americas
Foreign, Commonwealth and Development Office
King Charles Street
London, SW1A 2AH

12 October 2021

Dear Wendy,

Thank you for your letter of 4 August 2021 which was considered by the European Affairs Committee at its meeting of 12 October 2021. Thank you also for appearing before the European Affairs Committee as part of its inquiry on Citizens' Rights on 22 June. The Committee received a request from the Foreign, Commonwealth and Development Office for an extension to the deadline for your response to our Report from 23 September to 14 October. As you will be aware, this was agreed, and we look forward to reading the Government's response later this week.

The Committee welcomes the Government's new approach to temporary protection for those who have reasonable grounds for a late application. Our inquiry heard concerns that those who applied late could face a "status gap" while their application is processed, and we heard calls from campaigners and charities for the Government to address this by granting late applicants rights provisionally from the point of application. Paragraph 144 of our Report highlighted these concerns, and called on the Government to "set out how it intends to resolve the legal uncertainty facing late applicants." We are pleased that the Government has now met this recommendation, and note that the approach reflects that proposed by several of our witnesses.

However, our inquiry also heard concerns from witnesses that individuals may face liabilities (such as NHS charges) during a "temporary period of unlawfulness" between the 30 June deadline and the point at which they submit a late application. Temporary protection from the point of application, while welcome, does not seem to address this problem of temporary unlawfulness before an application is made. We would welcome a further update on how the Government intends to address this issue.

Moreover, in the light of the concerns our inquiry heard over proof of status, we must ask you to clarify how qualifying individuals will be able to prove their rights to temporary protection. Will they be able to use their certificates of application, for example? And will proof of temporary protection rights be digital-only, or will physical documents be available?

In addition, you say that further details on the Government's approach will be published in due course. I would be grateful if you could update the Committee as and when further details are published.

Finally, the Committee believed that the Settlement Scheme was the responsibility of Kevin Foster MP, Minister for Borders and Immigration in the Home Office, and that any correspondence on these matters should be directed to him, yet you have written with an update. Can you confirm which Minister and Department retains responsibility for the EUSS?

I am copying this letter to Kevin Foster MP, Minister for Borders and Immigration in the Home Office.

We look forward to your response to this letter within the usual ten working days.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Kinnoull', with a horizontal line underneath the name.

Lord Kinnoull
Chair of the European Union Committee