



Rt Hon. Sir Edward Leigh MP, Mr Graham
Stringer MP
Chairs, Immigration and Social Security Co-
ordination (EU Withdrawal) Bill Committee
House of Commons
London, SW1A 0AA

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17 June 2020

Dear Sir Edward and Mr Stringer,

I am writing further to our discussion during Committee stage of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill on 16 June. I committed to write in response to questions from honourable Members on the position of individuals whose application to the EU Settlement Scheme has been made but not concluded by the end of the grace period.

As set out in the withdrawal agreements, the rights of someone who has made a valid application to the EU Settlement Scheme before the deadline will be protected while the outcome of that application is pending. Such individuals will be protected by regulations which the Government will bring forward under section 7 of the EU (Withdrawal Agreement) Act 2020. These regulations will set the deadline for applications to the EU Settlement Scheme as 30 June 2021. They will also save relevant legislation otherwise repealed by Clause 1 and Schedule 1 of the Bill, so EEA citizens and their eligible family members resident by the end of 2020 are able to apply to the EU Settlement Scheme by the deadline and retain relevant rights in relation to residency and access to benefits and services in the meantime.

The regulations will save these rights for those who make an application by 30 June 2021 until it is finally determined. This includes pending the outcome of any appeal against a decision to refuse status under the EU Settlement Scheme. This means someone who applies by the deadline of 30 June 2021 and has not yet been granted status under the EU Settlement Scheme can continue to work and live their life in the UK until their application is finally determined. The Home Office cannot take immigration enforcement action against an EEA citizen in this position, whose rights are protected while their immigration status is being resolved.

An individual undergoing an eligibility check while the outcome of an EU Settlement Scheme application made by the deadline is pending, will have the same entitlement to accommodation, work, benefits or services as they had before the grace period ended. Where needed, the Home Office will be able to confirm the outcome of an application is pending.

The statutory instrument making the regulations will be laid in Parliament alongside those making two other sets of regulations needed to implement the citizens' rights part of the withdrawal agreements for the protected cohorts. These regulations will maintain a route to the UK for those EEA citizens who are operating as frontier workers at the end of the transition period and continue to do so, and will apply the EU public policy, public security and public health tests to conduct committed before the end of the transition period for those protected by the withdrawal agreements. The statutory instruments will be subject to debate and approval by Parliament and will need to come into force at the end of the transition period.

I would also like to take this opportunity to clarify a point made by the honourable Member for Halifax concerning eligibility checks during the grace period. The honourable Member stated checks by employers and landlords will not apply to some EEA citizens during the grace period. This is incorrect. Employers and landlords have been required to carry out status checks on EEA citizens since such measures were introduced, as they do with all prospective employees and tenants, including British citizens, and this will remain the case during the grace period.

We have been clear the current arrangements, under which employers and landlords can accept the passport or national identity card of EEA citizens as evidence of permission, will continue until 30 June 2021. Employers and landlords will not be required to distinguish between EEA citizens who arrive before the end of the transition period and those arriving after, or to carry out retrospective checks on existing employees or tenants.

I am copying this letter to all members of the Bill Committee. A copy of this letter will be placed in the libraries of both Houses

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish extending from the top of the 'F'.

Kevin Foster MP
Minister for Future Borders and Immigration