

Baroness Williams of
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Baroness Hamwee
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By Email Only

2 March 2022

Dear Sarah and Sally,

**Nationality and Borders Bill: Lords Committee Stage 1 February 2022 –
Comprehensive Sickness Insurance**

I am grateful to you for the detailed debate on the Nationality and Borders Bill on 1 February 2022. Our debate covered the final clauses in Nationality and clause 11 in Part 2 of the Bill. During the course of that debate, I committed to write to you concerning the planned Immigration Rules change in relation to Comprehensive Sickness Insurance.

During the debate on Baroness Ludford's new clause on comprehensive sickness insurance (CSI), I explained that, consistent with the Citizens' Rights Agreements and the relevant EU case law, a so-called 'Lounes' dual EEA/British national can currently sponsor relevant family members under the EU Settlement Scheme (EUSS) where that national was living in the UK in accordance with free movement law – including any requirement for CSI – before they also acquired British citizenship. I then informed the House that the Government has decided that, as a matter of fairness, it will amend the Immigration Rules for the EUSS and the EUSS family permit at the next appropriate opportunity to disapply any requirement for a 'Lounes' dual national to have held CSI in order to sponsor applications by relevant family members. This will mean that such family members will in practice be treated in the same way as an EEA national or their family member in applying to the EUSS or for an EUSS family permit: their eligibility will not be affected by any past lack of CSI on the part of their sponsor.

In relation to this, you queried the significance of 29 March where the EUSS is concerned and asked whether the planned Rules change would be in place by

then. The change will be made at the next appropriate opportunity, but is not relevant to the cohort affected by 29 March, which is the deadline for applications to the EUSS by a different cohort – family members of British citizens returning with them to the UK after living with them in the EEA or Switzerland. There is already no requirement under the EUSS or EUSS family permit for CSI in the UK where such cases are concerned, although (as Lord Paddick noted in regard to his own circumstances) it would not be uncommon for British citizens to have been obliged by their host state to hold CSI in order to be lawfully resident there.

I hope this provides clarification and I look forward to continuing to work with you to deliver this important legislation and further discussing these critical issues as the Bill moves through Parliament.

A copy of this letter will be placed in the libraries of both Houses.

A handwritten signature in black ink, appearing to read 'Susan', written in a cursive style.

**Baroness Williams of Trafford
Minister of State**