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David Rees AM
National Assembly for Wales
Cardiff Bay
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10 DEC 2019

Dear Mr Rees,

Thank you for your letter of 12 November on behalf of the External Affairs and Additional Legislation Committee at the National Assembly for Wales about your report 'Changes to freedom of movement after Brexit – the implications for Wales' which was published on 8 November. You are receiving a response from an official in accordance with procedures for handling correspondence during the pre-election period.

In respect of the first two points in your report's conclusions, the Government has commissioned the Independent Migration Advisory Committee (MAC) to review the Australian points-based immigration system and other international comparators, to advise what best practice can be used to strengthen our labour market. They have also been asked to advise on the appropriate level for salary thresholds. The MAC has conducted an extensive evidence gathering exercise and is expected to report in January 2020.

From January 2021, the Government intends to introduce a new immigration system that prioritises skills and what people can contribute to the UK – including to our public services – rather than where they came from. In accordance with the public sector equality duty under section 149 of the Equality Act 2010, the Government is obliged to have due regard to the impacts of its policies on those who share a protected characteristic. A policy equality statement, which sets out the Government's consideration of the impacts of the future immigration system on those who share such a characteristic, will be published when the details of the future system are finalised.

Regarding your third point, on the need for certainty about changes to the freedom of movement rules after Brexit: if the UK leaves the EU on the basis of the draft Withdrawal Agreement, the UK will continue to be bound by EU law for the duration of the implementation period, so free movement will continue throughout that time. Those EU citizens who are resident in the UK before the end of the implementation period on 31 December 2020 will be eligible to apply to the EU Settlement Scheme, which will allow

them to stay and continue their lives, with the same access to work, study and benefits and public services that they enjoy now. EU citizens will have until 30 June 2021 to apply. In the event that the UK leaves the EU without a deal, resident EU citizens will still be able to apply to the EU Settlement Scheme and will have until at least 31 December 2020 to do so. Their rights to claim benefits and access services in the UK will remain unchanged.

For those moving to the UK after a no-deal Brexit, the Government has been clear that free movement as it currently stands under EU law will be brought to an end. However, Parliament has provided that much of the free movement framework will remain in place under the European Union (Withdrawal) Act 2018 until Parliament passes primary legislation to repeal it. EU citizens and their close family members will continue to be able to come to the UK to live, work and study for a temporary period. If they wish to remain in the UK after the end of 2020, they will need to obtain UK immigration status. After a no deal Brexit, the Home Office will open a new voluntary immigration scheme – the European Temporary Leave to Remain (Euro TLR) Scheme – to provide a route to apply for this immigration status. Applications will be free of charge and involve a simple online process and identity, security and criminality checks. Successful applicants will be granted a period of 36 months' leave to remain in the UK, which will provide EU citizens and their employers with certainty during the transitional period before the new points-based immigration system is introduced from January 2021. More information about these arrangements is available here: www.gov.uk/government/publications/no-deal-immigration-arrangements-for-eu-citizens-moving-to-the-uk-after-brexit.

Regarding your fourth point, until the new points-based immigration system is introduced, EU citizens can continue to use their passport or national identity card to evidence their status in the UK. There is no requirement before then for EU citizens to start using their digital status under the EU Settlement Scheme or Euro TLR to evidence their entitlements, though they may choose to do so if they wish. The Home Office is not issuing a physical document to EU citizens granted status under the schemes, as physical documents expire, become invalid and can be lost, stolen or tampered with. Many people already use digital services to access banking, claim benefits or pay their taxes. Individuals are able to control who they wish to share their digital status with to demonstrate their UK immigration status and exercise their rights. Digital status is also easier to use for the visually impaired and allows more detailed information to be displayed to those who need it.

The Home Office is committed to enabling people to demonstrate their status and access the services they are eligible for in the simplest and most secure way possible. Where those services are provided by government, for example health and benefits, individuals should only need to present their identity, for government to confirm their eligibility. We are working closely with other government departments, notably the Department of Health and Social Care, the National Health Service, the Department for Work and Pensions and HM Revenue & Customs, as well as local authorities, to develop this.

On your final point, the Government wants to ensure that all resident EU citizens are able to apply to stay in the UK, so we regularly review the effectiveness of our advertising and engagement activities. Up until 31 October 2019, more than 2.4 million people had applied - with more than half a million applications in the month of October alone. Whilst the application rate is encouraging, we are not complacent. We ran a £3.75 million campaign earlier this year which supported the scheme's launch in March, including outdoor advertising in 6,000 locations across the UK, nationwide catch-up TV, radio (including European language stations) and social media. We launched a further wave of the campaign at the end of October to encourage EU citizens to apply. The campaign is currently paused in accordance with Cabinet Office guidance on advertising campaigns in a pre-election period.

To raise awareness further, at a local level, the Government has provided £9m of grant funding to 57 voluntary organisations and charities across the UK to help spread the word to those who are harder to reach and to support applications from vulnerable people. In addition, earlier this year the Home Office held a two-day engagement programme in Cardiff and Wrexham, meeting with community groups, employers and EU citizens. Over the summer the Home Office attended the Royal Welsh Show, which included a round table meeting with various key stakeholders across the agriculture industry. More recently we have held a series of pilot pop-up events in nine locations across the UK with caseworkers, engagement staff and the local grant funded organisations, sharing information and supporting EU citizens to apply to the scheme. Further local activations will be rolled out more widely in 2020, which will include pop-up events in Wales.

We meet regularly and share updates about the scheme with the Welsh Government and the Welsh Local Government Association to ensure information on EU Settlement Scheme reaches the 22 local authorities in Wales. We are also working closely with Ministry of Housing, Communities and Local Government to distribute information through their local authority channels and networks.

In addition, support is available to applicants, including from the EU Settlement Resolution Centre which can be contacted on 0300 123 7379, and at nearly 300 assisted digital locations across the UK. Further information is available at:
www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Nicola Smith', written in a cursive style.

Nicola Smith,
European Migration & Citizens' Rights Unit
Border, Immigration and Citizenship System Policy and International Group

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