



Home Office

Rt Hon Brandon Lewis MP
Minister of State for Security and
Deputy for EU Exit and No Deal
Preparation

2 Marsham Street,
London SW1P 4DF

www.gov.uk/home-office

Mr Adrian Berry
Chair Immigration Law Practitioners' Association
Lindsey House
40-42 Charterhouse Street
London
EC1M 6JN

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Thank you for your letter of 23 August to the Home Secretary about the immigration arrangements for EEA citizens, and their family members, in the event of a no deal Brexit. I am responding as the Minister of State for Security and Deputy for EU Exit and No Deal Preparation. I am sorry for the delay in my response.

The Government values the significant contribution that EEA citizens make to our communities and to our public services, and we want them to stay. The Prime Minister has made it clear that all EEA citizens resident here before Brexit on 31 October will be welcome to stay, whether we leave the European Union with or without a deal. We have given an unequivocal guarantee that they will have the absolute certainty of their continued right to remain in the UK.

That certainty is being delivered by the EU Settlement Scheme. Status granted under the scheme will enable EEA citizens to secure their rights in UK law, with the same rights to work and access benefits and services as they have now. The scheme will cover all EEA citizens living in the UK before Brexit, and their family members, and they will have until at least 31 December 2020 to apply. Nearly 1.5 million people have already been granted status under the scheme.

The Government's priority remains to leave the EU on 31 October with a deal. However, to ensure our readiness for Brexit whatever the outcome of negotiations with the EU, we announced on 4 September the immigration arrangements for EEA citizens moving to the UK after a no deal Brexit. This replaced the policy paper published on 28 January 2019. The new policy can be found here: <https://www.gov.uk/government/publications/no-deal-immigration-arrangements-for-eu-citizens-moving-to-the-uk-after-brexit>.

Freedom of movement as it currently stands under EU law will be brought to an end when we leave the EU on 31 October. However, as you know, Parliament has provided that much of the free movement framework will remain in place under the EU (Withdrawal) Act 2018 until Parliament passes primary legislation to repeal it.

Ahead of that, if the UK leaves the EU on 31 October without a deal, the Government will introduce some specific changes, reflecting that we are no longer part of the EU, to increase security and better protect the public. This includes applying tougher, UK criminality thresholds at the border and when considering crimes committed in the UK.

For a transitional period from Brexit on 31 October until the introduction of a new, points-based immigration system from 2021, law-abiding EEA citizens and their family members will continue to be able to move to the UK and study, work and access benefits and services as they do now, for a temporary period.

EEA citizens who move to the UK after Brexit and their close family members, who wish to stay beyond 2020, will need to apply for and be granted a UK immigration status.

If the UK leaves the EU on 31 October without a deal, the Home Office will open a new immigration scheme – the European Temporary Leave to Remain (Euro TLR) Scheme – to provide a route to apply for UK immigration status. Applications will be free of charge and will involve a simple online process and identity, security and criminality checks. As part of a wider communications campaign, we will supplement the existing information on Gov.uk to ensure that guidance is available to assist those making applications to the scheme.

Successful EEA citizen applicants will be granted a period of 36 months' leave to remain in the UK, running from the date the leave is granted. Eligible close non-EEA citizen family members may apply for Euro TLR, and if successful they will be granted leave for the duration of the remaining leave held by the relevant EEA citizen. This will provide EEA citizens who move to the UK after a no deal Brexit, and their employers, with greater confidence and certainty during the transitional period, and will ensure that they have a secure UK immigration status before the introduction of the new points-based immigration system from 2021.

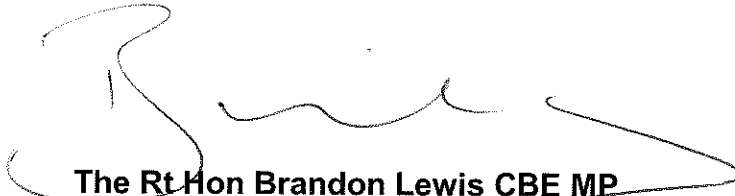
Euro TLR will not be extendable. Euro TLR holders wishing to stay in the UK after their Euro TLR leave expires will need to make a further application and qualify under the new points-based immigration system. Where an individual who holds Euro TLR does not meet the requisite criteria under the new immigration system or otherwise have a right to remain in the UK, they will be expected to leave the UK when their Euro TLR expires.

In a no deal scenario, for the time being border crossing arrangements will remain basically unchanged. EEA citizens will continue to enter the UK as they do now, using their passport or national identity card. They will be able to use e-Gates if they are travelling on a biometric passport, and they will not face routine intentions testing.

We have announced our intention to phase out the use of EU national identity cards for travel to the UK. This will happen during 2020. More details will be provided in due course. We recognise that some people will need to apply for a passport and that sufficient notice will be required to enable them to do so.

Regarding the future immigration system to be introduced from 2021, the Home Secretary has commissioned the independent Migration Advisory Committee to review the benefits of a points-based system and what best practice can be learnt from other international comparators, including the Australian immigration system. The Government will take back control by introducing a new, fairer immigration system that prioritises skills and what people can contribute to the UK, rather than where they come from.

Until the introduction of the new system from 2021, employers, landlords and others will not need to differentiate between those with status under the EU Settlement Scheme and those moving to the UK after exit in a no deal scenario. In the interim, EEA citizens will be able to evidence their right to live and work in the UK by using a valid EEA passport or national identity card, as now. Non-EEA citizen family members of EEA citizens will be able to rely on a Home Office-issued immigration document, as now.



The Rt Hon Brandon Lewis CBE MP
Minister of State for Security and Deputy for EU Exit
and No Deal Preparation