



the3million  
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13 October 2020

Kevin Foster MP

Dear Minister,

**Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020**

We write further to recent correspondence and the publication of the above regulations. We understand that these regulations are due to be debated tomorrow. We would be grateful for your consideration of this correspondence in anticipation of that debate.

We understand that these regulations leave a significant proportion of EU citizens unprotected during the grace period as they are not considered "lawful residents" in accordance with the EEA regulations 2016. The regulations only give residence status to those not yet granted leave under the EU Settlement Scheme ('EUSS') who are relevant persons / permanently resident under the EEA Regulations 2016 by the end of the implementation period. This includes those with outstanding applications to the EUSS.

We urge you to resolve this problem by replacing the requirement of residence to be simply 'resident' instead of in accordance with the EEA regulations 2016

We understand from Baroness Williams' response last week that it is not the intention of the Government to grant new status to people who did not have it at the end of the grace period.<sup>1</sup>

We are concerned that this contradicts commitments made by the Government in the explanatory notes of the EU (Withdrawal Agreement) Act 2020 (then bill). The notes say that a 'protected cohort' would be provided status during the grace period.<sup>2</sup> This protected cohort included both those relevant persons within the meaning of the EEA regulations 2016 and those eligible for status under the EUSS.

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<sup>1</sup> <https://bit.ly/2Gh000N>

<sup>2</sup> Paragraphs 129 - 137 with reference to paragraph 40  
<https://publications.parliament.uk/pa/bills/lbill/58-01/016/5801016en.pdf>

These regulations do not protect all those eligible for status via the EUSS.

It also appears to contradict commitments made by you during the sixth sitting of the Immigration and Social Security Coordination (EU Withdrawal) Bill.<sup>3</sup>

The Government recognised that to register millions of EU citizens living in the UK it would need to adopt a generous, broad EUSS eligibility criteria. It has been consistently the UK's commitment to allow all EU citizens resident in the UK the opportunity to remain and settle. We ask that this generosity continues by giving status to all resident EU citizens during the grace period and whilst they wait for decisions on their applications.

We are concerned about the implications these regulations will have for people's day-to-day lives during the grace period and, in particular, whilst people wait for a decision on their application beyond the end of June 2021. We note that the absence of protection to those not 'relevant persons' could lead to removal and denial of access to services such as healthcare and housing.

We would be grateful for the Government to reflect on its commitments previously made and amend the regulations accordingly.

The problem can be resolved by replacing the requirement of residence to be simply 'resident' instead of in accordance with the EEA regulations 2016. It would bring certainty and peace-of-mind to EU citizens. It would be in the spirit of the commitments previously made by the Government. This solution would also only be for the grace period and whilst EU citizens are waiting for a decision.

Yours sincerely,

A handwritten signature in black ink that reads "Luke Piper". The signature is written in a cursive, slightly slanted style.

Luke Piper  
Head of Policy  
the3million