

By email:

Minister of State at the Home Office, Tom Pursglove MP
Copied: Home Office SUG team and the office of the Secretary of State for the Home
Department, the Rt Hon Suella Braverman KC MP

6 October 2022

Dear Tom Pursglove MP,

Introduction and Comprehensive Sickness Insurance

We write to you firstly to congratulate you on your appointment as Minister of State at the Home Office. We understand your new role includes the EU Settlement Scheme and implementation of the Withdrawal Agreement with respect to the Citizens' Rights parts. We regularly corresponded with your predecessor, Kevin Foster MP, and look forward to continuing and building on those exchanges.

We are an organisation established to represent the interest of EU citizens impacted by the UK's decision to leave the European Union. We have over the years worked closely with colleagues at the Home Office and other key departments to identify areas of concern impacting our constituency and ways to address them. In that spirit, we ask that we meet with you to discuss our current concerns including the one we address in this correspondence.

Secondly, we write to you about the Home Office's implementation of a decision in the European Court of Justice ('ECJ').

In March 2022 the ECJ handed down a decision relating to the UK's application of the Comprehensive Sickness Insurance ('CSI') requirement under EU Freedom of Movement law.¹

EU Free Movement law states people can move to other EU member states to live, work and study. However, if they are studying or self-sufficient, they need CSI to not be a burden on a country's healthcare system.

Most EU member states have insurance-based healthcare systems, requiring both nationals of that state and immigrants to hold insurance policies to access healthcare.

¹ C 247/20 VI the judgment can be found here:

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=255423&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=233107>

However, as you will be aware, the UK's NHS is funded from general taxation (including VAT paid by everyone) and as such EU citizens living in the UK have in the past been able to use the NHS on an equal footing with British citizens without the need for insurance.

Despite this, and the significant contributions made by many, the Home Office has required EU citizens to hold CSI to live in the UK in accordance with EU laws. We understand this practice has been in place since as early as 2011.

The ECJ found that the UK should have accepted that access to the National Health Service is sufficient to meet the requirement for CSI.

The implications of this are far-reaching. Whilst the requirement for CSI is not a condition for people to settle in the UK via the EU Settlement Scheme it has and continues to have an impact on our constituency in various ways.

For over a decade some EU citizens have acquired expensive health insurance they never needed (many thousands of pounds), some were denied recognition of their permanent residence rights, some were denied access to welfare benefits resulting in destitution and other hardship, many children who should have been British were not, and in extreme cases, people were required to leave the UK. These are but a few examples of where the CSI requirement has impacted people's lives. There is a regrettable, long and complex history to its impact that requires attention and restitution to those affected.

On 24 May 2022, Baroness Ludford asked a question about the UK's implementation of that judgment in the House of Lords.² Baroness Penn, on behalf of the Home Office, confirmed that "... we are not disagreeing with the finding of the court in this case; we are just seeking to ensure that we understand fully its implications, and that is what I will update Members on in due course."

Since May 2022, there have been no updates (either to Parliament or Government policy) as to how the UK is to implement the judgment of the court.

We ask that you confirm:

1. When will changes be introduced to the Home Office's and other government policies where CSI is required and what will these changes be?
2. When will work be undertaken to identify, support and compensate those impacted by the CSI requirement?

Given the amount of time that has passed since the ECJ's judgment, we hope you can provide a response to these questions urgently and would request a reply to our letter by close of business on Friday 21 October 2022.

Yours sincerely,

Luke Piper

Head of Policy and Advocacy on behalf of the3million

² <https://hansard.parliament.uk/Lords/2022-05-24/debates/622FBB7D-9A6C-4D5C-A371-D608884F06BB/CourtOfJusticeOfTheEuropeanUnionComprehensiveSicknessInsurance>