

Immigration and Social Security Co-ordination (EU Withdrawal) Bill

“An immigration bill, ending free movement, will lay the foundation for a fair, modern and global immigration system. My Government remains committed to ensuring that resident European citizens, who have built their lives in, and contributed so much to, the United Kingdom, have the right to remain. The bill will include measures that reinforce this commitment.”

The purpose of the Bill is to:

- Bring an end to free movement in UK law, to ensure that the Government can deliver a new points-based immigration system from 2021.
- Make EU citizens arriving after January 2021 subject to the same UK immigration controls as non-EU citizens, to enable the Government to deliver a single global immigration system based on people’s skills.
- Clarify the immigration status of Irish citizens once the free movement migration framework is repealed. This means Irish citizens will generally not require leave to enter or remain in the UK.
- Enable the Government to deliver future changes to social security co-ordination policy.

The main benefits of the Bill would be:

- Paving the way for a new points-based immigration system, which will be based on people’s skills and contributions to the UK, so that we attract the brightest and best people from the whole world following the UK’s departure from the EU.
- Confirming our commitment to the EU Settlement Scheme and giving EU citizens and their family members who apply a right of appeal against decisions under the Scheme.
- Ensuring that we can set new rules on access to benefits and social security co-ordination that are in the national interest.

The main elements of the Bill are:

- Ending the free movement of EU citizens under UK law.

- The power to align the treatment of EU citizens arriving after January 2021 with non-EU citizens, and to maintain the treatment of EU citizens resident in the UK before exit day.
- Clarifying the immigration status of Irish citizens in the UK once the free movement rules are removed from UK law.
- Confirming the deadline for applications to be made under the EU Settlement Scheme.
- Giving EU citizens and their family members who apply a right of appeal against EU Settlement Scheme decisions.
- The power to make changes to the current rules for access to benefits and social security coordination for EU nationals.

Territorial extent and application

- The Bill's provisions would extend and apply to the whole of the UK. Immigration is a reserved matter.

Key facts

- The Home Secretary has commissioned the Migration Advisory Committee to consider a new points-based immigration system that is built around the skills and talent people have, not where they are from.
- There are an estimated 3.4 million EU, EEA and Swiss citizens, and their family members, living in the UK.
- The Government is already delivering certainty to these individuals through the EU Settlement Scheme which has been established in Immigration Rules made under the Immigration Act 1971.
- The EU Settlement Scheme is working well: Home Office figures show that by the end of September, more than 1.7 million people had applied and almost 1.5 million people had been granted status under UK law.
- The UK immigration status granted under the Scheme guarantees that EU citizens and their family members can carry on with their lives here broadly as before.

- On 4 September, the Government set out its policy on post-exit immigration arrangements in a no deal scenario. Free movement as it currently stands will end on 31 October.
- Should the UK leave the EU without a deal then EU citizens moving to the UK after Brexit will be able to apply for a temporary immigration status, called European Temporary Leave to Remain, which will carry them into the new skills based immigration system from 2021.