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Home Office



UK Visas and Immigration

Policy paper

Factsheet 1: overview

Published 5 March 2020

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Minister for Future Borders and Immigration:

“ This bill marks the momentous first step towards ending free movement, taking back control of our borders, and delivering on the people’s priorities.

“ Our firmer and fairer points-based immigration system will attract the brightest and best from around the globe, prioritising those who come to Britain based on the skills they have to offer, not on the passport they hold.”

What does the bill do?

The government introduced the Immigration and Social Security Co-ordination (EU Withdrawal) Bill (the bill) in the House of Commons on 5 March 2020.

The Queen's Speech on 19 December 2019 announced an Immigration and Social Security Co-ordination (EU Withdrawal) Bill to end free movement and pave the way for "a modern, fairer points-based immigration system that will welcome skilled workers from across the world to contribute to the United Kingdom's economy, communities and public services."

The bill will end the EU's rules on free movement of persons, which are retained in UK law by the EU (Withdrawal) Act 2018, as amended by the European Union (Withdrawal Agreement) Act 2020, and will make citizens from the EU, the EEA EFTA states of Iceland, Norway, Liechtenstein and Switzerland (referred to collectively in this factsheet as "EEA citizens"), and their family members, subject to UK immigration controls. This means they will require permission to enter and remain in the UK for example, to work or study.

The government has legislated through the [European Union \(Withdrawal Agreement\) Act 2020](#) to protect the residence rights of EEA citizens and their family members who are in the UK by the end of the transition period, 31 December 2020. In addition, the government fully opened the [EU Settlement Scheme](#) to all EEA citizens and their family members in March 2019. The scheme has been set up to enable EEA citizens and their family members resident before the end of the transition period to apply for UK immigration status, so they can continue to live in the UK and their status is clear when the new points-based immigration system begins operating from January 2021. The deadline for applications to the EU Settlement Scheme is 30 June 2021. The process to obtain status under the scheme is straightforward and streamlined and there is a wide range of support available to EEA citizens and their family members to help them apply.

The bill paves the way for the future points-based immigration system to be delivered. It does not set out the details of the future immigration system because those details, such as the requirements needed to come to the UK as a worker, student or family member, will be set out in the Immigration Rules as they are now for non-EEA citizens. These rules will be based on the policies set out in the government's policy statement [the UK's points-based immigration system](#) published on 19 February 2020.

Irish citizens

The bill makes specific provision in relation to Irish citizens. Since the 1920s, British and Irish citizens have enjoyed a unique status in each other's State, distinct from that later enjoyed because of EU free movement. This status existed prior to the UK's membership of the EU, and gives effect to the particularly strong historical, economic and cultural links between the UK and Ireland. The bill respects and upholds this. It protects the status of Irish citizens in the UK when free movement rights end by ensuring that Irish citizens will not require permission to enter or remain in the UK after free movement ends, regardless of the Irish

citizen's point of departure. As now, there are some limited exceptions to this where they are subject to a deportation order, exclusion order or an international travel ban. See factsheet 2 for more detailed information on protecting Irish citizens.

Consequential power

The bill will also give ministers powers to modify primary or secondary legislation as appropriate in consequence of, or in connection with, the immigration provisions in the bill. This will enable the government to align existing immigration laws for EEA citizens with those for non-EEA citizens in order to deliver a firmer and fairer system, allowing us to decide who comes to the UK on the basis of their skills and not where they came from. The powers will also ensure UK legislation is coherent following the ending of free movement by 31 December 2020 at which point EEA citizens and their family members become subject to UK immigration law. The amendments will be made by statutory instrument under the Bill and will be subject to the appropriate parliamentary procedures. See factsheet 3 for more detailed information on the immigration consequential power.

Social security co-ordination

The bill will also enable the UK to respond to its withdrawal from the EU and the outcome of negotiations on the future relationship by making changes to social security co-ordination arrangements. It will allow the government and/or, where appropriate, a devolved authority to implement new benefit rules for EEA citizens in the UK. See factsheet 4 for more detailed information on the social security aspects of the bill.

Extent

Immigration is a reserved matter and the immigration provisions in the bill apply to the whole of the UK. The bill includes provision to enable the immigration aspects of the bill to be extended to the Crown Dependencies and the British Overseas Territories.

The bill will not make any changes to the Common Travel Area arrangements between the UK and Ireland and the Crown Dependencies.

Some aspects of social security are devolved to Scotland and transferred to Northern Ireland. In the case of Wales, social security is reserved to the UK Government. The social security co-ordination aspects of the bill confer powers

on the Scottish and Northern Irish Ministers in respect of matters within devolved competence. The social security co-ordination power is expressed as exercisable by “an appropriate authority”, defined as being the Secretary of State for the Treasury, a devolved authority, or a Minister of the Crown acting jointly with a devolved authority.

In February 2019, the UK signed an [agreement with Ireland](#) which protects the social security rights of all UK and Irish nationals travelling throughout the Common Travel Area.

Commencement

As is usual the provisions of the bill (other than the interpretation and extent and commencement clauses) will be commenced by regulations.

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