



Craig Whittaker MP

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EU and UK Nationals' Rights after Brexit

Thank you for contacting me about the rights of EU and UK citizens.

I am delighted that the UK and the EU are close to reaching an agreement that would guarantee both EU citizens in the UK and British citizens in the EU will be able to carry on living their lives broadly as before. The rights of EU citizens here in the UK will be upheld by writing them into UK law, instead of reference to EU law enforced by the EU institutions, as the EU had argued for. This will be done through the Withdrawal Agreement & Implementation Bill which will be brought forward after negotiations have been completed on the agreement itself.

A new settled status scheme under UK law will be introduced for EU citizens and their family members, covered by the Withdrawal Agreement. The scheme will provide a transparent, smooth and streamlined process, the criteria for which will be set out in the Withdrawal Agreement, but it will incorporate appropriate criminality checks.

The Withdrawal Agreement will enable families who have built their lives together in the EU or the UK to stay together. It will allow the spouses, children and elderly parents of those protected by the agreement, who live in a different country when the UK leaves the EU, to reunite as a family at any time in the future. This will not apply to future spouses or other relatives.

EU citizens are an integral part of the economic, cultural and social fabric of our country and I have always been clear that their rights needed to be secured. Applicants who already have five years' continuous residence in the UK will be immediately eligible for settled status. Those who arrived before the specified date but do not yet meet the five year threshold by exit day will be allowed to stay until they reach that milestone and can also secure settled status. Those EU citizens who are granted settled status will be treated like a comparable UK national, entitled to broadly the same rights and benefits.

That law will be determined by our courts, and the EU will not be able to override them by making them refer questions to the European Court of Justice. Our courts will pay due regard to EU case law as agreed at the point of exit to interpret that law as need be, just as they decide our law now with reference to international law where relevant. For a limited, non-extendable period (8 years), our courts will be able to choose to ask the ECJ for a legal view on a point of law that has not arisen before. But the decision on whether to refer to the ECJ will be for our courts alone, who will determine the case. In short, the ability of our courts to ask the ECJ for a view will be voluntary, time limited and very narrowly defined.

Thank you again for taking the time to contact me.

Kind regards,

Craig Whittaker MP