

Citizens' Rights Specialised Committee meeting, 24 January 2022: joint statement

A joint statement by the Specialised Committee on Citizens' Rights between the European Commission and UK government:

The ninth meeting of the Specialised Committee on Citizens' Rights was held on 24 January 2022, co-chaired by officials from the UK government and the European Commission. A number of representatives from EU Member States were also in attendance. The Committee has been established by the Withdrawal Agreement to monitor the implementation and application of the Citizens' Rights part of the Withdrawal Agreement, which protects UK nationals in the EU and EU citizens in the UK, including their family members.

The UK and the EU discussed the implementation and application of the Citizens' Rights part of the Withdrawal Agreement, noting that the final grace periods in constitutive Member States were now closed. The meeting provided an opportunity for both sides to take stock of any outstanding issues.

During the meeting, issues related to residence were discussed. The UK raised concerns relating to evidencing status in declaratory Member States. The UK reiterated concern that UK nationals continue to experience difficulties when seeking to access benefits and services. The UK requested that the EU emphasise the need for clear guidance in declaratory Member States. The UK also expressed concern at the lack of detail around late residency application policies in constitutive Member States. The UK encouraged the EU to ensure that all constitutive Member States match the UK's pragmatic and flexible approach.

The UK also encouraged the EU to take a more proactive role in resolving cases of mis-application by Member States.

The EU reiterated their concerns as regards the compatibility with the Withdrawal Agreement of 2 aspects of UK implementation: lack of legal clarity to EU citizens, who hold a new UK residence status, as to whether their rights are guaranteed by the Withdrawal Agreement or by the UK immigration law; and loss of residence status if EU citizens do not apply in time from pre-settled to settled status. The EU took note of the UK position on both issues and noted that it will now consider appropriate next steps.

The EU also raised concerns related to the implementation of the UK digital only policy and stressed challenges faced by EU citizens and, in particular, their non-EU family members.

Both the UK and the EU reaffirmed their shared objective of ensuring the

correct implementation and application of the Citizens' Rights part of the Withdrawal Agreement in the UK and the EU, for the benefit of their citizens. A sixth Joint Report on Residence was also discussed and both the UK and the EU agreed to its publication.

External representatives from civil society organisations, 'British in Europe' and 'the3million', attended the meeting of the Committee and asked questions about the implementation and application of Part 2 of the Withdrawal Agreement in the UK and the EU, in conformity with the rules of procedure of the Specialised Committee.

The UK's Independent Monitoring Authority, established under Article 159(1) of the Withdrawal Agreement, and the European Commission presented their respective monitoring and complaint handling activities.

The UK and the EU agreed to meet again in mid-2022.