

Joint statement following the ninth meeting of the Specialised Committee on Citizens' Rights

The ninth meeting of the Specialised Committee on Citizens' Rights was held on 24 January 2022, co-chaired by officials from the European Commission and the UK government. 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 EU citizens in the UK and UK nationals in the EU, including their family members.

The EU and the UK 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 EU reiterated their concerns as regards the compatibility with the Withdrawal Agreement of two 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.

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.

Both the EU and the UK reaffirmed their shared objective of ensuring the correct implementation and application of the Citizens' Rights part of the Withdrawal Agreement in the EU and the UK, for the benefit of their citizens. A sixth Joint Report on Residence was also discussed and both the EU and the UK 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 Two of the Withdrawal Agreement in the EU and the UK, 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 EU and the UK agreed to meet again in mid-2022.