



Department
for Work &
Pensions

THE RT HON THERESE COFFEY MP
Secretary of State for Work & Pensions

Dr Stephen Brien
Chair, Social Security Advisory
Committee
Caxton House
Tothill Street
London, SW1H 9NA

3 December 2020

Dear Dr Brien

The Social Security, Child Benefit and Child Tax Credit (Amendment) (EU Exit) Regulations 2020

I write to share my statutory instrument that gives effect to the government's future immigration system with regards to social security. I ask that you consider in the emergency process, recognising that the instrument will be laid in the week commencing 7 December. DWP's interest related to clause two. The remainder of the instrument is led by HMRC.

Under the new system, EEA migrants arriving from 1 January 2021 will typically have no recourse to public funds for five years. However, nationals of EEA member states that are signatories to the European Convention on Social and Medical Assistance (ECSMA) and the European Social Charter (ESC) (25 in total) could still be able to claim Universal Credit, despite the no recourse to public funds condition and contrary to manifesto commitments.

Domestic legislations, under the Social Security (Immigration and Asylum) Consequential Provisions Regulations 2000 (2000 Regs) allows claimants from ECSMA countries to access UC. This is despite UC not being listed as a benefit to which signatories to the agreement are entitled. We are therefore seeking your approval to amend this legislation to remove UC from the 2000 regulations as an accessible benefit for ECSMA countries.

Separately, the 2000 regulations provide access to certain disability and carer's benefits to workers from non-EU countries that have Association Agreements (AAs) with the EU. As a result of the UK's exit, the UK is transitioning these AAs into bilateral agreements and for these agreements equal treatment, and therefore access to these benefits, will continue. However, AAs which are not transitioned by the end of the Transition Period will no longer apply to the UK. We are therefore amending the regulations to make clear that nationals of countries where the AA has not been transitioned will not be able to access the relevant disability and carers benefits from 1 January 2021.

