

The Rt Hon Thérèse Coffey MP
Secretary of State for Work and Pensions
Caxton House
Tothill Street
London
SW1H 9NA

8 December 2020

Dear Secretary of State,

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

Thank you for your letter of 3 December in which you asked the Social Security Advisory Committee to give urgent consideration to the above draft legislation that gives effect to the government's future immigration system with regards to social security.

In accordance with the Committee's Rules of Procedure, I convened a sub-group of Committee colleagues to undertake an initial review of the above statutory instrument. That review involved scrutinising the draft regulations and Explanatory Memorandum that had been presented to us; meeting DWP officials to discuss some aspects of the proposals in more detail; reviewing additional written responses to questions that we had raised; and reconvening as a sub-group to determine our position. Following that process, the sub-group is confident in its view that the proposals are not a candidate for formal reference.¹ Therefore, I am writing to confirm that the regulations may proceed accordingly.

In reaching this decision, we have identified a number of issues within the proposals that we intend to examine more closely at our meeting on 27 January. In particular, we are keen to explore the impact of frontier issues on Northern Ireland with officials from both DWP and the Department for Communities (who we understand will be bringing forward separate legislation to ensure parity between Northern Ireland and Great Britain). We may provide further observations and/or advice to the Department once the scrutiny process has been completed.

¹ The Social Security Administration Act, Section 173 (1)(b)

In the meantime, we have provided some initial feedback on the draft regulations – both in terms of geographic scope and typographical corrections – which we are delighted have been taken on board by the Department.

Finally, I should like to place on record the Committee's thanks to Iain Walsh (Director, DWP International Strategy) and his team who briefed us on the proposals and responded at pace to requests for additional information.

I would be very happy to discuss this with you further if that would be helpful.

A handwritten signature in black ink, appearing to read 'Stephen Brien'.

Dr Stephen Brien
SSAC Chair