

# IMA

For the Citizens'  
Rights Agreements

**IMA's Annual Report  
to the Specialised  
Committee on Citizens'  
Rights established  
under the Withdrawal  
Agreement and the Joint  
Committee established  
under the EEA EFTA  
Separation Agreement**





# **IMA's Annual Report to the Specialised Committee on Citizens' Rights established under the Withdrawal Agreement and the Joint Committee established under the EEA EFTA Separation Agreement**

Presented to Parliament pursuant to the European Union (Withdrawal Agreement)  
Act 2020.



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**This report will be published on the [IMA website](#) where full details of all our work can be found.**

# 1. Introduction

This report is prepared in accordance with Article 159(2) of the Withdrawal Agreement and Article 65(1) of the EEA EFTA Separation Agreement. It reports on measures taken in the UK and Gibraltar to implement and comply with Part 2 and the number and nature of complaints made to the Independent Monitoring Authority on Citizens' Rights ("the IMA")<sup>1</sup>.

The requirement for the IMA to prepare this report is set out in the UK's domestic legislation in paragraph 31 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020 ("the Act"). Similar provision in relation to Gibraltar is made in regulation 14 of the Independent Monitoring Authority Regulations 2020<sup>2</sup> ("the Gibraltar Regulations"). In accordance with these provisions, this report also provides information on the exercise by the IMA of its functions in relation to Part 2 of the Agreements.

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**This is the second annual report prepared by the IMA and reports on the 12-month period from January 1 to December 31, 2022.**

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In addition to the prescribed matters which the IMA must report on, the report also contains information that we think is relevant to our operation which relates to this period.

The report is submitted to the Specialised Committee on Citizens' Rights established under Article 165(1)(a) of the Specialised Committee and the Joint Committee established under Article 65(1) of the EEA EFTA Separation Agreement.

This report will provide details on the implementation of Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. In general, the report does not distinguish between the two except where that is relevant and helpful.

The report will be submitted to the governments of each part of the UK and Gibraltar who will in turn lay it before their respective legislatures as required by the Act and the Gibraltar Regulations<sup>3</sup>.

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1. [European Union \(Withdrawal Agreement\) Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

2. [Independent Monitoring Authority Regulations 2020 \(gibraltarlaws.gov.gi\)](https://www.gibraltarlaws.gov.gi)

3. See paragraph 31(8), (9) and (11) of Schedule 2 to the Act and regulation 14(8) and (9) of the Gibraltar Regulations.

## 2. Role of IMA

The IMA was established in 2020 and became fully operational as at 11pm on 31 December 2020. We are an independent body that makes sure the rights of EU and EEA EFTA citizens and their family members living in the UK and Gibraltar as at the 31 December 2020 are upheld following the departure of the UK from the EU.

We monitor UK public bodies<sup>4</sup> to make sure they adequately and effectively implement the rights provided for by the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement (for the purpose of this report when we refer to both we use the term the Agreements). We promote the adequate and effective implementation and application of these Agreements by holding public bodies to account where there is not full compliance.

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**As to the scope of the IMA's powers, these are framed by the rights set out in the Agreements. These rights are extensive and were designed to broadly provide EU and EEA EFTA citizens and their family members the same entitlements to work, study and access public services and benefits as they enjoyed before the UK left the EU.**

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The citizens covered by the Agreements are those from the 27 EU Member states as well as Iceland, Liechtenstein and Norway, along with their family members.

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4. Public bodies include all parts of government and any body which exercises functions of a public nature. It would therefore include UK Government departments, the Northern Ireland Executive, the Scottish Government, the Welsh Government and the Government of Gibraltar. It also includes local government.





**The IMA has two broad duties  
– to monitor and to promote.**

**These citizens' rights include:**

- **residency:** this means the right to live in the UK or Gibraltar. It also includes the right to enter and exit the UK.
- **the right to work:** this means the right to work, including self-employed work and also the right to continue to be a frontier worker.
- **mutual recognition of professional qualifications:** this means the right for qualifications which have already been recognised before 31 December 2020 (or in the process of being recognised at that time) to continue to be recognised in the UK.
- **co-ordination of social security system:** this means that individuals who have lived in both the UK and the EU before the end of the transition period can continue to be able to access pensions, benefits and other forms of social security.
- **equal treatment and non-discrimination:** within scope of the rights set out above, EU and EEA EFTA citizens and their family members are entitled to be treated equally with UK citizens and not to be discriminated against on the grounds of their nationality. This includes ensuring access to certain public services such as education, healthcare and certain benefits.

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**Detailed information on the IMA's powers can be found on our website including our [Annual Plan for 2022/23](#) and [operational guidance](#).**

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## 2.1 Our power to receive complaints

We can receive complaints from persons who claim to have a right under the Agreements<sup>5</sup>. Complaints may report where the UK or Gibraltar has failed to comply with these Agreements, or a public body has acted or is proposing to act in a way that prevents the person exercising the right in question.

**Although we do not resolve individual complaints, we assess every complaint to see whether they indicate a potential breach of the Agreements.**

Complaints, however, are just one of the ways we understand the experience of EU and EEA EFTA citizens and their family members. We also collect and analyse intelligence from a range of sources to help us understand any issues citizens may be facing.

While these issues may not indicate a general or systemic failing and therefore would not of itself trigger the threshold for the carrying out an inquiry, we maintain the information from both our intelligence gathering and complaints as it may help form part of a wider set of intelligence gathered over time which could indicate a systemic failing.

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5. The IMA may also receive a complaint from a person who claims to have a right provided under UK or Gibraltar law which corresponds to rights provided under the Agreements.

## 2.2 Our power to conduct inquiries

Our powers to conduct inquiries are set out in paragraph 25 of Schedule 2 to the Act<sup>6</sup>.

### **We may decide to conduct an inquiry in one of three situations:**

- i. Following a request from the Secretary of State, the Northern Ireland Executive, the Scottish Government, the Welsh Government, or the Government of Gibraltar.
- ii. As a result of a complaint or series of complaints received.
- iii. Of our own initiative.

### **The purpose of an IMA inquiry is to:**

- decide whether the United Kingdom has failed to comply with the Agreements; or
- decide whether a relevant public body has acted or is proposing to act in a way that prevents a person exercising a relevant right (see definition in paragraph 41 of Schedule 2 to the Act); and
- to identify any recommendations for relevant public bodies appropriate to promote the adequate and effective implementation of the Agreements.

When considering whether to carry out an inquiry we will consider the importance of addressing general or systemic failings. We may not carry out an inquiry in the situations in (ii) or (iii) above unless we have reasonable grounds to believe that the inquiry may conclude that a failure to comply with the Agreements has occurred or that a public body has acted or is proposing to act in a way that prevents a person from exercising their rights under the Agreements.

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6. The corresponding power in relation to Gibraltar is found in regulation 8 of the Gibraltar Regulations.

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**To inform this assessment we will carry out pre-inquiry investigations. In carrying out such investigations we may be able to resolve any issues in a more timely way than proceeding to full inquiry.**

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We began one inquiry in 2022, further details about this are outlined in [section five](#). Compliance case investigations are also proceeding in regard to a number of issues which are also outlined below in relation to the emerging themes of some of the complaints and intelligence we have received to date.

A number of issues have also been resolved in what we refer to as Early Case Resolutions (ECRs). Details of these are outlined in [section five](#) of this report.

We also undertake assurance investigations to assure ourselves that public bodies are doing what they should to uphold the rights of EU and EEA EFTA citizens.

In 2022 we started one assurance review. More information on this can also be found in [section five](#).



## 2.3 Our power to take legal action

**Our powers to take legal action are contained in paragraph 30 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020<sup>7</sup>. It provides that the IMA may:**

- take legal action, or
- intervene in any legal proceedings.

In both cases, the IMA must be satisfied that it is appropriate to do so in order to promote the adequate and effective implementation or application of the Agreements.

While we are only able to take legal action by way of judicial review proceedings<sup>8</sup>, we can intervene in “any” legal proceedings. This includes not only public law actions brought against public bodies, but sometimes we may also feel it is appropriate to join private causes of action in order to ensure that we are effectively performing our duties.

Our approach to the exercise of our litigation powers is also detailed in our operational guidance.

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**In 2022 we have used our litigation powers in respect of four cases and these are detailed in [section five](#) of this report.**

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7. The corresponding power in relation to Gibraltar is found in regulation 13 of the Gibraltar Regulations.

8. Applications to the supervisory jurisdiction of the Court of Session in the case of Scotland.

### 3. Measures Taken on the Implementation and Application of Part 2 of the Agreements

To provide details on the measures taken on the implementation and application of Part 2 of the Agreements, we have sought information from those responsible for implementing and applying the Agreements.

**We requested the Government of Gibraltar, the Northern Ireland Executive, the Scottish Government, the UK Government and the Welsh Government to provide us with information relating to the:**

- most relevant legislative instruments in place to implement Part 2 of the Agreements;
- most relevant legislative instruments implementing Part 2 of the Agreements that were adopted or amended in the last year;
- most relevant domestic jurisprudence from the last year;
- basic statistical data that show how the Agreements have been applied (for example for residence rights: estimated number of resident beneficiaries of the Agreements, number of applications made in the last year and in total and their outcome (residence granted/permanent residence granted/refused/invalid applications/pending cases))

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**To do this we provided a proforma for them to complete and their returns are included at [section seven](#), numbered Annexes 1-5.**

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**We accept complaints from third parties as well as individuals who are affected and we encourage complaints to be made via our complaints' portal on our [website](#).**



## 4. Issues

The IMA publishes an issues log on our [website](#) which details all the areas we are investigating either as a result of complaints from citizens that public bodies are not upholding their rights or from intelligence we have gathered.

We are able to receive complaints about any of the rights which are protected by the Agreements. We are also able to receive complaints which 'correspond' to rights in the Agreements but are established in domestic legislation. For example, where the EU Settlement Scheme is extended to EU or EEA nationals not strictly in scope of the Agreements.

Complaints must be about a relevant public body which is defined as bodies carrying out public functions excluding courts and tribunals, the UK Parliament, and the devolved governments.

**We received 209 complaints in 2022 from citizens of 80% of EU and EEA EFTA countries, this is slightly less than in 2021 when we received 237 complaints. We are yet to receive any complaints from citizens who are from Estonia, Iceland, or Liechtenstein.**

Citizens whose nationality was recorded as 'other' registered the most complaints in 2022 with 40 complaints from people who classified themselves in this category. These citizens are non-EU and EEA EFTA nationals or dual nationals.

Most of the complaints related to the Home Office, followed by a smaller group of complaints related to a collective of public bodies, including Local Authorities, Student Finance England, Driver and Vehicle Licensing Agency (DVLA), Department for Environment Food and Rural Affairs (DEFRA), and Department for Trade (DfT). The third largest group of complaints related to the Department for Work and Pensions (DWP).

### **The right to reside and issues connected in some way to the EUSS, run by the Home Office (HO), were the subject of most of the complaints. The issues raised included:**

- Citizens experiencing long wait times for their EUSS applications, beyond estimated application processing times advised by the HO.
- Citizens experiencing long wait times for their EUSS Family Permit applications.
- Valid ID documents of citizens not being recognised by carriers when travelling to the UK.
- Lengthy EUSS administrative reviews and an inability by applicants to obtain updated information as the review progresses.

We also received complaints about the right to work and, in particular, ongoing technical issues affecting the View and Prove service which inhibit citizens' ability to access their proof of status.

Issues around the rights to access forms of social security were also raised including the denial and suspension of benefits based upon EUSS status and difficulties applying for proof of national insurance contributions.

We also received complaints about right of entry from citizens experiencing challenges and refusals at UK borders. These mainly related to their EUSS status.

**We received no complaints about the right to have professional qualifications recognised.**

## 4.1 Themes

During 2022 we began enquiries into 33 issues which we have detailed on our issues log on our [website](#). Five have resulted in early case resolutions and three in no further action being required at this stage. The rest are still subject to ongoing engagement with the public bodies involved.



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**On the [next page](#) is a list of some of the main themes being investigated.**

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Theme	Inquiry Action		Outcomes
<b>Access to Healthcare</b>	<b>2 lines of enquiry addressing:</b>		
	<b>1</b>	Guidance on implementing the overseas visitor charging regulations	
	<b>2</b>	NHS (Charges to Overseas Visitors) Regulations 2015/ Guidance on implementing the overseas visitor charging regulations	
<b>Equal Treatment and Non-Discrimination</b>	<b>4 lines of enquiry addressing:</b>		
	<b>1</b>	The Education Fees Scotland Regulations 2022	Early Case Resolution
	<b>2</b>	The St Mary's Music School – Aided Places	Early Case Resolution
	<b>3</b>	DVLA – issue relating to share codes	No Further Action
<b>4</b>	The Agriculture (Student Fees) Regulation (Northern Ireland) 2022	Early Case Resolution	
<b>Entry into the UK</b>	<b>3 lines of enquiry addressing:</b>		
	<b>1</b>	EUSS - UK Border Force	
	<b>2</b>	EUSS - Awareness of digital status and valid ID documents to travel	
<b>3</b>	Access to UKVI accounts		
<b>Residence</b>	<b>3 lines of enquiry addressing:</b>		
	<b>1</b>	EEA Family Permits	Early Case Resolution
	<b>2</b>	Civil Status and Registration Office	No Further Action
<b>3</b>	Appendix FM	No Further Action	

Theme	Inquiry Action	Outcomes	
<b>Housing</b>	<b>1 line of enquiry addressing:</b>		
	<b>1</b>	Access to housing in Gibraltar	
<b>Social Security</b>	<b>1 line of enquiry addressing:</b>		
	<b>1</b>	Disability Living Allowance	Early Case Resolution
<b>Living in the UK</b>	<b>11 lines of enquiry addressing:</b>		
	<b>1</b>	EUSS - Application Delays	
	<b>2</b>	EUSS - View and Prove	
	<b>3</b>	EUSS - Family applications	
	<b>4</b>	EUSS - Maiden Name Application Issue	
	<b>5</b>	Extra cohort	
	<b>6</b>	Civil Service Jobs website	
	<b>7</b>	EUSS - Issues with the Settlement Resolution Centre	
	<b>8</b>	EUSS - Rights of Late Applicants	
	<b>9</b>	EUSS - Enforcement	
	<b>10</b>	EUSS - Applications for Prisoners and Immigration Removal Centre detainees	
<b>11</b>	EUSS Administrative Reviews and Appeals		

## 5. Exercise of IMA's Functions

In general terms, in all the activities outlined below no differentiation is made between the rights provided under the Withdrawal Agreement and the EEA EFTA Separation Agreement. This is due to the fact that any potential breach, piece of legislation or litigation does not specifically relate to those with rights under the Withdrawal Agreement or EEA EFTA Separation Agreement.



## 5.1 Inquiry

In summer 2022 we launched an [inquiry](#) to establish whether the Home Office (HO) has fulfilled its obligation to issue a Certificate of Application immediately to EUSS applicants.

EU and EEA EFTA citizens and their family members who apply to the EUSS but are awaiting the outcome of their application should receive a Certificate of Application immediately. This certificate is the only means to evidence their rights, for example the right to work, rent or access benefits, while their application is being considered.

We received a number of complaints and information from citizens experiencing delays in receiving their Certificate of Application. The IMA examined the extent, nature and cause of any delays in issuing the certificates and assessed whether there is any breach of the Agreements. We also looked at the impact any delays are having on citizens who are unable to exercise their rights until the Certificate of Application is issued.

**Citizens were encouraged to share details of their experiences via a call for evidence survey. IMA staff also reviewed existing complaints, took accounts from citizens and considered information from stakeholders and other third parties.**

As part of the inquiry the IMA also investigated the policies and processes adopted by the HO for issuing Certificates of Application. This included performing on-site visits and interviewing HO staff.

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**The report detailing the inquiry outcome and any recommendations is expected to be published in spring 2023.**

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## 5.2 Assurance Reviews

We also launched our first assurance review in 2022 to find out what measures local government across the UK is taking to ensure eligible EU and EEA EFTA looked after children, care leavers and children in receipt of local authority care and support (for example children in need) have their rights protected.

**Following the UK's departure from the EU, all eligible citizens – including children – need to apply to the EUSS to secure their rights in the UK.**

The IMA is assessing whether local governments are upholding their responsibilities to support applications to the scheme for these children and care leavers.

The review is being undertaken in stages across all local government in England, Northern Ireland, Scotland and Wales. Separate reports will be provided for each part of the UK while England will be separated into nine different regions with reports for each region. The work is currently ongoing.

We are considering how local government identifies all looked after children, care leavers and children in receipt of local authority care and support who need to apply to the EUSS, as well as the procedures they have in place for monitoring applications. The review will indicate whether the IMA is satisfied these children will be able to access their rights. These include the right to work and study as well as access healthcare, housing and social security when needed.

The [interim report](#) for Wales has already been completed with 22 local authorities being considered against three areas: identification, record keeping and retrospective checks of eligible children. Each local authority was categorised as either green, amber or red based on the information provided by local authorities.

Further action by the IMA, such as compliance investigations and litigation, may be considered if the IMA believes that rights under the Agreements of looked after children, care leavers and children in receipt of local authority care and support are at risk.



## 5.3 Early Case Resolutions

Where possible we try to resolve issues quickly, so citizens are not disadvantaged or are denied their rights for as little time as possible.

We do this by undertaking Early Case Resolutions (ECRs) which are agreed interventions with public bodies to make improvements or changes to overcome potential issues.

We then undertake a period of monitoring to ensure that the public bodies involved have made the necessary adjustments.

**The enquiries which have resulted in ECRs are referred to briefly above with more details outlined below. In total we completed five new ECRs in 2022.**

Three of the ECRs were identified via our legislation monitoring which are detailed in our section on legislation monitoring at 5.5 below. While a further two came from issues and intelligence raised with us. All of these are now subject to a period of monitoring to ensure the action required is taken.

Two ECRs, which were completed in 2021, also concluded their period of monitoring in 2022. The conclusion of monitoring does not preclude the IMA from looking at the issues again should we receive new information that a problem could still exist.

### ECRs Completed in 2022 with Monitoring Ongoing:

- The IMA raised concerns with the Home Office (HO) that some citizens who had applied for an EEA Family Permit before the deadline were refused but on appeal were successful. However, in the meantime the EEA Family Permit route had closed and at that stage they were not eligible to apply for an EUSS Family Permit. The EEA Family Permit route allowed eligible EEA extended family members of EU and EEA EFTA citizens to travel to the UK to work or study for six months. The HO confirmed that EEA family members could use the EUSS route instead. The IMA welcomed the concession and has concluded the issue by means of an early case resolution.
- The IMA received a complaint raising concerns at how a Certificate of Application (COA) may not have been taken into account when the Department for Work and Pensions (DWP) assessed eligibility for [Disability Living Allowance \(DLA\)](#). While we investigated to clarify whether this was a wider failure or an isolated incident, DWP were able to confirm that no other cases were involved. While, however the DWP's decision to refuse the DLA was based on sound reasoning the way it was communicated was confusing and unhelpful. The DWP agreed to hold a lessons' learnt exercise to ensure the standard of public facing correspondence received in this particular case would not be repeated in the future.

### ECRs with Monitoring Completed in 2022:

- We concluded our period of monitoring with [Pembrokeshire County Council](#) after they wrongly removed EU and EEA EFTA citizens with pre-settled and settled status from their social housing lists. We contacted them to say it was unlawful and the policy was immediately reversed. We monitored the situation until February 2022. We believe the action taken resolves the issues identified.
- We also concluded our period of monitoring with the Welsh Government in relation to the [Allocation of Accommodation and Homelessness: guidance to local authorities in Wales](#). The IMA felt that part of the guidance in relation to eligibility criteria could lead to misunderstanding of those who could claim eligibility. We raised the issues with the Welsh Government who provided information of engagement work they had undertaken with local authorities to explain who was eligible for homelessness provision and agreed to amend the guidance and update local authorities that this had been completed. Following a period of monitoring we concluded that all actions had been taken to resolve the issue.

## 5.4 No Further Action

We refer to something as a No Further Action (NFA) when we have been in contact with public bodies about certain issues and are satisfied that the information provided does not show evidence of a breach and therefore no intervention is needed at that time. This, however, does not prevent the IMA from intervening or taking action at a later date.

**In the interests of transparency and openness our NFAs are [published](#) and below is a summary of the three that were concluded in 2022:**

- [DVLA](#) – we received a number of complaints that citizens were experiencing issues with EUSS share codes expiring while waiting for their licence applications to be processed. The DVLA confirmed with us that they had a recovery plan in place to address the issue and were also proactively liaising with the Home Office to improve the service offered regarding EUSS share codes.
- [Civil Status and Registration Office \(CSRO\)](#) – we received information about a delay in receiving blue civilian registration cards in Gibraltar. All Gibraltar residents are required to have a card with blue cards being issued to EU nationals. Due to an upsurge in requests for the blue card following a legislative change, which meant the card needed to change, people were experiencing delays in their cards being processed. The CSRO took steps to communicate the delay and worked with the card provider to address the backlog. Processing times are now at the targeted six weeks.
- [Appendix FM](#) - Concerns were raised that pre-settled status was not being recognised as sufficient in proving a citizen was present and settled in the UK and so could act as a sponsor for a partner visa application via Appendix FM. The Home Office clarified that pre-settled status is sufficient in proving that a sponsor meets the relationship requirement for the purposes of a partner visa application under Appendix FM; it does not, however, demonstrate that a person is present and settled in the UK. The Home Office also confirmed and provided evidence that applicants are signposted to the EUSS via the application page for a partner visa.

## 5.5 Legislation Monitoring

During 2022 the IMA looked at legislation across the UK and Gibraltar. It identified two Bills and 16 pieces of secondary legislation that affected citizens' exercise of their rights under the Agreements.



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**Reports in respect of that legislation can be found on our [website here](#).**

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**The legislation reviewed covered the areas of education, benefits, employment, renting, mutual recognition of professional qualifications and EUSS.**



**The IMA has submitted evidence to Parliament on the Retained EU Law (Revocation and Reform) Bill and is involved in ongoing discussions with UK Government officials on the Professional Qualifications Act 2022.**



**As a result of the IMA's legislation monitoring work, two pieces of legislation have been amended, with a further piece of amended legislation awaited, incorrect information has been corrected on websites and five pieces of guidance have been, or are in the process of being amended.**



**Two main themes emerged in 2022. One was about a lack of clarity as to eligibility for some benefits and services for those citizens who make a late application to the EUSS and for joining family members. The other was that legislation does not accurately reflect the policy position of government departments.**

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**The following few pages are some examples of work undertaken which in these cases also resulted in ECRs.**

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### Adult Disability Payment and Child Disability Payment (Scotland)

During 2022 the IMA considered a number of Scottish statutory instruments which were concerned with Child Disability Payment and Adult Disability Payment. These are new benefits administered by Social Security Scotland which replace Disability Living Allowance in Scotland.

In order to be eligible for the benefits, a person must not be subject to “immigration control” under section 115(9) of the Immigration and Asylum Act 1999. Citizens who have either pre-settled or settled status are not subject to immigration control.

Whilst the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 make it clear that some EU and EEA EFTA citizens and their family members who have a pending application for status made under the UK Government’s EU Settlement Scheme before 30 June 2021 are not subject to “immigration control”, there is no equivalent domestic legislation in respect of late applicants or joining family members who arrive after 30 June 2021.

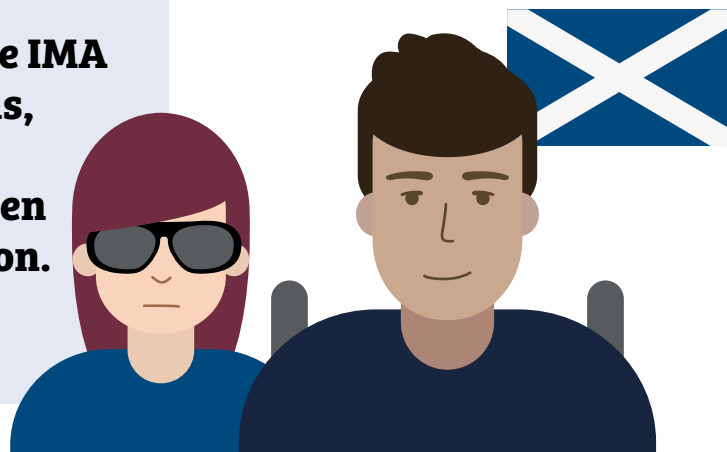
The Home Office however recognised in an announcement on 6 August 2021 that applicants to the EUSS after 30 June 2021, including joining family members are entitled to rights whilst their application is being processed.

This an issue that is being considered separately by the IMA, however in the meantime the IMA was keen to better understand how caseworkers were treating applications from late applications and joining family members.

Consideration of the case-worker guidance revealed that it did not adequately provide for late applicants or joining family members.



**Following discussion between the IMA and Scottish Government officials, changes have now been made to relevant guidance, so this has been treated as an early case resolution.**



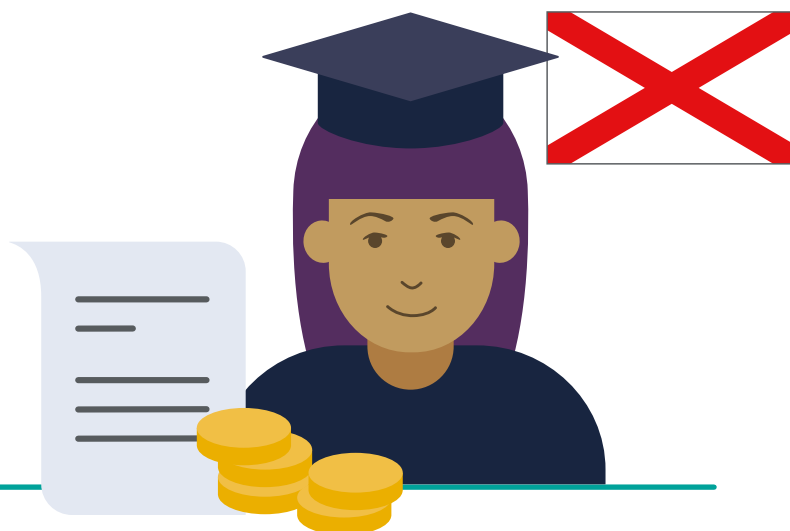
### The Agriculture (Student Fees) Regulation (Northern Ireland) 2022

The Regulations set the level of fees payable for undergraduate and postgraduate higher education courses delivered by the Department of Agriculture, Environment and Rural Affairs (Defra) at its college of Agriculture, Food and Rural Enterprise in Northern Ireland.

Whilst it was clear from the policy memorandum to the regulations that the intended policy was to treat citizens with status under the EUSS the same as students ordinarily domiciled in Northern Ireland so far as fees were concerned, the regulations did not provide for EU national students with pre-settled status to be treated in such a manner.



**Following discussions with officials from the Executive Office, Northern Ireland, they have agreed to progress amendments to the regulations. This has now been treated as an early case resolution.**





### The Education Fees (Scotland) Regulations 2022

The regulations replaced the Education (Fees) (Scotland) Regulations 2011. They provide that it is lawful for a Scottish Higher Education Institution to charge higher fees to students who do not have a 'relevant connection' with Scotland.

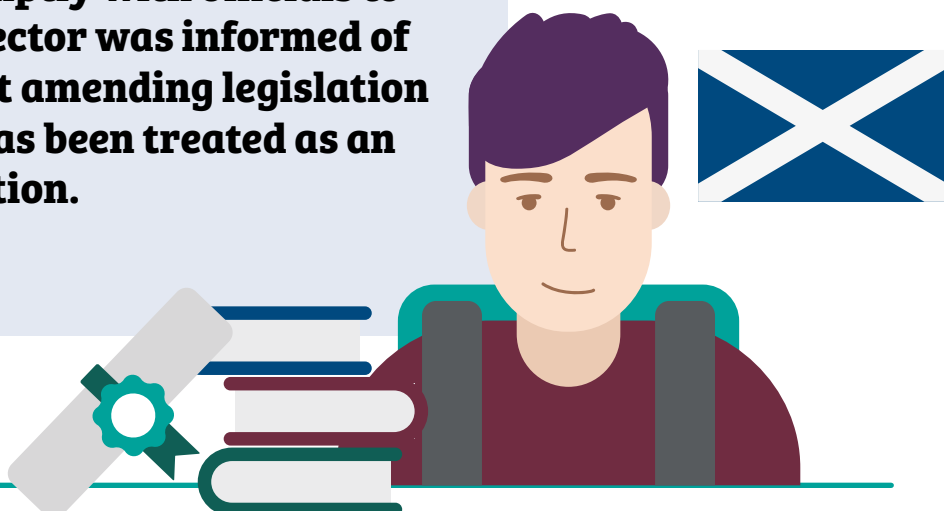
Scottish Higher Education Institutions are however prevented from charging higher fees to certain categories of students, referred to in the legislation as 'excepted students'.

Whilst under the 2011 Regulations, EU nationals and their family members who were within scope of the Withdrawal Agreement were 'excepted students' and could not be charged higher fees where they could demonstrate that they had been ordinarily resident in the UK and Islands, Gibraltar, the EEA, and Switzerland for three years prior to the first day of the start of the first year of their academic course, this provision had been restricted under the 2022 Regulations to residence in the UK only.

Restricting residence to the UK only meant that this criterion was impossible for some EU citizens with protected rights under the Withdrawal Agreement to meet. It also led to an odd situation whereby EU national students who had previously been 'excepted students' would no longer be in this category.



**Officials at the Scottish Government confirmed that there had been no change in policy and the omission of residence in the EEA was accidental. The IMA was able to work promptly with officials to ensure that the sector was informed of the error and that amending legislation was made. This has been treated as an early case resolution.**



## 5.6 Litigation

The IMA exercised its litigation powers on four occasions during 2022. Of those, three were the exercise of the IMA's powers to intervene within proceedings, and one was the IMA's own action.

### Judicial Review

**As to the IMA's own action, the IMA issued judicial review proceedings in December 2021 against the Secretary of State for the Home Department ("SSHD").**

We brought this case because we considered that the EUSS was unlawful in that it provided for a loss of residence rights in circumstances which were not permitted by the Agreements. Specifically, a requirement to make an application for settled status (or in certain limited circumstances for a further period of pre-settled status) and the automatic loss of rights which resulted from a failure to make this second application was considered unlawful.

We also considered that permanent residence arose automatically by operation of law once the citizen in question had reached five years of continuous legal residence.

The High Court granted the IMA permission to proceed with its judicial review claim in June 2022, and Mr Justice Lane heard this case in November 2022. The European Commission and the 3million intervened within the IMA's claim, in support of the IMA's position.

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**Judgment was handed down in December 2022. Mr Justice Lane agreed with the IMA and the two interveners that the EUSS, operating in the way as set out above, was unlawful. The IMA therefore received a judicial declaration to that effect.**

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## Interventions

### **The IMA intervened in three cases during 2022.**

In August 2022, we intervened within two sets of Court of Appeal proceedings, both against different Local Authorities (CA-2022-000752 and CA-2022-001016). These cases concerned the interpretation of the Withdrawal Agreement, specifically in relation to issues including derivative rights, non-discrimination rights, and the application of the [Charter of Fundamental Rights of the European Union](#) (“the Charter”) following the end of the transition period.

The case under reference CA-2022-1016 settled by way of consent order ahead of the appeal being heard. The case under reference CA-2022-000752 was due to be heard by the Court of Appeal in March 2023.

In October 2023, the IMA intervened within the Upper Tribunal case of Secretary of State for Work & Pensions v AT. In general terms, this case concerned the applicability of the Charter as under the framework of the Withdrawal Agreement. Judgment was handed down in December 2022, with the Upper Tribunal holding that the Charter does have a role following the end of the transition period under the Withdrawal Agreement. Permission to appeal the Upper Tribunal’s judgment was granted to the Secretary of State for Work & Pensions, and this appeal is also due to be heard by the Court of Appeal in March 2023.

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**Consistent with its approach to publication of its litigation activities, the IMA has published its key documents filed within these cases, and these are all available on our [website](#).**

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## 6. Other Information

A key focus continues to be to raise awareness of the IMA and what we do among citizens and stakeholders.

As a result, we continue to undertake a comprehensive stakeholder engagement programme. We regularly hold meetings with organisations supporting and representing EU citizens such as Settled, the 3Million, and Citizens Advice Services. We also continue to meet with representatives of the Northern Ireland Executive, Scottish Government, UK Government, Welsh Government and the Government of Gibraltar.

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### **We also continue to meet with the EU Commission and EFTA Surveillance Authority.**

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We have once again written to every elected member of the legislatures of the UK, Gibraltar, Northern Ireland, Scotland and Wales. We have undertaken regular and wide-ranging media interviews, including a number of briefings for the Foreign Press Association and are continuing to meet with EU Embassies as well as organisations that work with EU and EEA EFTA citizens.

**As the restrictions imposed by Covid receded we are pleased that we were able to undertake more and more meetings in person.**

**Our work with our Citizens' Panel continues and we welcomed a new cohort of members in 2022 as others left the panel. This enables us to ensure we are always hearing the perspectives of different voices. The panel continues to be invaluable at providing feedback and a citizens' perspective.**

We also re-launched our website in 2022 to make it easier for citizens to find information about their rights and what work we undertake which included the publication of a new issues log which details all the areas in which pre-inquiry work is taking place.

The evaluation of our first awareness raising social media and radio campaign, which took place at the end of 2021, helped to inform our social media content throughout 2022.

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**In particular it helped to identify the need to better explain individual rights for citizens which led to the production of dedicated downloadable promotional materials on our [website](#). It will also be used to shape future campaigns.**

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We continue to undertake an [annual survey](#) to try to better understand the experience of EU and EEA EFTA citizens living in the UK and Gibraltar since the UK left the EU. This continues to provide valuable insight.

Our proactive intelligence gathering involves developing relationships and we meet regularly with stakeholders including those from representative stakeholder networks and organisations that provide employment and immigration advice to citizens, including EUSS advisers. We also attend the EU Delegation to the UK's Citizens' Rights Monitoring Network. This approach has enabled us to develop our understanding of the impact or potential impact on citizens of reported issues, as well as to identify emerging issues.

## 7. Annexes

Information provided from the Government of Gibraltar, the Northern Ireland Executive, the Scottish Government, the UK Government, and the Welsh Government in relation to implementation and application of Part 2 of the Withdrawal Agreement and EEA EFTA Separation Agreements.



## **Annex 1 – Government of Gibraltar**

### **1) Residence rights**

**Gibraltar operates a residence scheme in accordance with Article 18(4) of the Withdrawal Agreement and Article 17(4) of the EEA/EFTA Separation Agreement (“the Agreements”).**

**EU and EEA/EFTA nationals who are exercising residence rights under the Agreements are issued with a blue civilian registration card. Persons connected with these nationals (who are within the scope of the Agreements) may also apply for a blue civilian registration card (which is substantially in the EU’s uniform physical format) under regulation 5 of the Electronic Identity Card Regulations 2015. Provided that the person can prove their entitlement, there is no time limit for application.**

**The blue civilian registration card serves as proof that the recipient is registered as resident in Gibraltar and may be used as a form of ID. As such, the card may be used to access provisions relating to residence.**

**Where a person had a blue civilian registration card before IP completion day (issued under EU law) that person can continue to use that card to access provisions for the remainder of their residence in Gibraltar.**

**Gibraltar has not put in place more favourable residence conditions.**

**Gibraltar has not made use of derogations from equal treatment under Article 23(2) of the Withdrawal Agreement.**

**The fee for the card is £27.00 on first issue, and £11.00 on renewal.**

### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Key legislative instruments in Gibraltar are:

- [European Union \(Withdrawal\) Act 2019;](#)
- [European Union \(Withdrawal Agreement\) Act 2020;](#)
- [Electronic Identity Card Regulations 2015;](#)

The following instruments are also relevant to the implementation of the Withdrawal Agreement and the EEA EFTA Separation Agreement.

- [Immigration, Asylum and Refugee Act;](#)
- [Civilians Registration Act;](#)
- [European Union \(Civilian Registration\) \(EU Exit\) Regulations 2021;](#)
- [Notice of Prescribed Fees.](#)

All of the legislation listed above implements both the Withdrawal Agreement and the EEA EFTA Separation Agreement.

### **B) Key legislative instruments adopted or amended in the reporting year**

No new key legislation has been adopted or amended in the reporting year.

### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

[Technical Notice \(10\) Guidance to EU/EEA/Swiss Residents of Gibraltar](#) is the key administrative document giving guidance on both the Withdrawal Agreement and the EEA/EFTA Separation Agreement.



**D) Key domestic jurisprudence from the reporting year**

No jurisprudence has arisen in the reporting year.

**E) Statistical data**

<b>A</b>	Estimated number of resident beneficiaries of the Withdrawal Agreement and EEA EFTA separation Agreement	<b>Total EU: 2,152 Total EEA: 68 Overall total: 2,220</b>
<b>B</b>	Number of residence applications made in the reporting year	<b>Total EU: 28 Total EEA: 1 Overall total: 29</b>
<b>B1b</b>	Number of applications granted as permanent residence	<b>13</b>
<b>B1c</b>	Number of applications refused	<b>0</b>
<b>B1c1</b>	Out of B1c, number of applications invalid	<b>0</b>
<b>B1c2</b>	Out of B1c, number of applications that were withdrawn by applicants	<b>0</b>

## 2) Rights of workers and self-employed

**In Gibraltar, beneficiaries of the Withdrawal Agreement are not obliged to apply for a document identifying their frontier workers' rights. Frontier Workers were provided a dedicated government electronic platform on which they are able to corroborate whether the Gibraltar Government considers them to be frontier workers covered by the personal scope of the Withdrawal Agreement. Since the 1 January 2021 the platform has included a facility, free of charge, which allows for frontier workers to request a letter certifying that they are frontier workers covered by the scope of the Withdrawal Agreement. In the period 1 January to 31 December 2022 the electronic platform was accessed 8,320 times and 14 requests for a letter were made.**

### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Key legislative instruments in Gibraltar are:

- [European Union \(Withdrawal\) Act 2019;](#)
- [European Union \(Withdrawal Agreement\) Act 2020;](#)

The following instrument is also relevant to the implementation of the Withdrawal Agreement and the EEA EFTA Separation Agreement.

- [Immigration, Asylum and Refugee Act;](#)

All of this legislation implements both the Withdrawal Agreement and the EEA EFTA Separation Agreement.

**B) Key legislative instruments adopted or amended in the reporting year**

No further legislative instruments have been adopted this year.

**C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

[Technical Notice \(11\) Guidance to EU/EEA/Swiss Frontier Workers](#) is the key administrative document giving guidance on both the Withdrawal Agreement and the EEA/EFTA Separation Agreement.

**D) Key domestic jurisprudence from the reporting year**

No jurisprudence has arisen in the reporting year.

**E) Statistical data**

The government maintains details of every frontier worker in Gibraltar. 7618 are EU citizens falling under the UK-EU Withdrawal Agreement, there are no frontier workers who are EEA nationals falling under the UK EEA EFTA Separation Agreement.

<b>A1</b>	Number of applications granted	<b>0</b>
<b>A2</b>	Number of applications refused	<b>2</b>
<b>A2a</b>	Out of A2, number of applications that were invalid	<b>2</b>
<b>A2b</b>	Out of A2, number of applications that were withdrawn by applicants	<b>0</b>
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	<b>0</b>

### 3) Co-ordination of social security schemes

**No special implementation choices have been made in respect of Gibraltar**

#### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Key legislative instruments in Gibraltar are:

- [European Union \(Withdrawal\) Act 2019;](#)
- [European Union \(Withdrawal Agreement\) Act 2020;](#)
- [Healthcare \(International Agreements\) and Social Security Coordination Act 2019;](#)
- [Healthcare \(European Economic Area and Switzerland Arrangements\) \(EU Exit\) Regulations 2020;](#)

Each of these pieces of legislation implement both the Withdrawal Agreement and the EEA EFTA Separation Agreement.

#### **B) Key legislative instruments adopted or amended in the reporting year**

No further legislative instruments have been adopted this year.

#### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement**

[Technical Notice \(16\) Getting ready for the end of the Transition Period – Social Security Coordination](#) is the key administrative document giving guidance on both the Withdrawal Agreement and the EEA/EFTA Separation Agreement.

**D) Key domestic jurisprudence from the reporting year**

No jurisprudence has arisen in the reporting year.

**E) Statistical data**

**Applicable legislation (Portable Document A1)**

**4**

**Cross-border health care (EHIC, Portable Documents S1 and S2)**

EHIC

**1,037**

S1

**8,333**

S2

**0**

**Pensions**

Old age pension

**103**

Survivors' pension

**6**

**Unemployment benefits (Portable Documents U1 and U2)**

U1

**403**

U2

**0**

**Family benefits**

Maternity allowance

**70**

Maternity grant

**181**

## 4) Recognition of professional qualifications

**No special implementation choices have been made in respect of Gibraltar.**

### A) Key legislative instruments implementing the Withdrawal Agreement

Key legislative instruments in Gibraltar are:

- [European Union \(Withdrawal\) Act 2019;](#)
- [European Union \(Withdrawal Agreement\) Act 2020;](#)
- [Recognition of Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020.](#)

### B) Key legislative instruments adopted or amended in the reporting year

No further legislative instruments have been adopted this year.

### C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement

[Technical Notice - No Deal Brexit - Recognition of professional qualifications](#) is the key administrative document giving guidance on both the Withdrawal Agreement and the EEA/EFTA Separation Agreement.

### D) Key domestic jurisprudence from the reporting year

No jurisprudence has arising in the reporting year.

<b>E) Statistical data</b>		
<b>Medical Practitioners</b>		
<b>A</b>	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2021)	<b>30</b>
<b>A1</b>	Number of applications granted	<b>30</b>
<b>A2</b>	Number of applications refused	<b>0</b>
<b>A2a</b>	Out of A2, number of applications that were invalid	<b>0</b>
<b>A2b</b>	Out of A2, number of applications that were withdrawn by applicants	<b>0</b>
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	<b>0</b>
<b>Nurses, Midwives and Health Visitors</b>		
<b>A</b>	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2021)	<b>28</b>
<b>A1</b>	Number of applications granted	<b>28</b>
<b>A2</b>	Number of applications refused	<b>0</b>
<b>A2a</b>	Out of A2, number of applications that were invalid	<b>0</b>
<b>A2b</b>	Out of A2, number of applications that were withdrawn by applicants	<b>0</b>
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	<b>0</b>

<b>E) Statistical data</b>		
<b>Dentists</b>		
<b>A</b>	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2021)	<b>4</b>
<b>A1</b>	Number of applications granted	<b>4</b>
<b>A2</b>	Number of applications refused	<b>0</b>
<b>A2a</b>	Out of A2, number of applications that were invalid	<b>0</b>
<b>A2b</b>	Out of A2, number of applications that were withdrawn by applicants	<b>0</b>
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	<b>0</b>
<b>Pharmacists</b>		
<b>A</b>	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2021)	<b>1</b>
<b>A1</b>	Number of applications granted	<b>1</b>
<b>A2</b>	Number of applications refused	<b>0</b>
<b>A2a</b>	Out of A2, number of applications that were invalid	<b>0</b>
<b>A2b</b>	Out of A2, number of applications that were withdrawn by applicants	<b>0</b>
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	<b>0</b>



## Annex 2 – Northern Ireland Executive

### 1) Residence rights

**The devolved Government in Northern Ireland does not levy any personal taxation but the Department of Finance does collect Domestic and Non-Domestic property tax referred to as “rates”. The amount levied is based on the Capital Value for Domestic Properties and Net Annual Value for Non-Domestic properties and so does not distinguish between property owned by a UK citizen and property owned by an EU or EEA citizen. The Department of Finance also provides a number of Rate Relief schemes, reducing the amount of rates payable based on the circumstances of the occupier. In administering these relief schemes, the Department of Finance does not distinguish between a UK citizen and an EU or EEA citizen in determining entitlement.**

#### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not Applicable

#### **B) Key legislative instruments adopted or amended in the reporting year**

Not Applicable

#### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not Applicable

**D) Key domestic jurisprudence from the reporting year**

Not Applicable

**E) Statistical data**

Not Applicable



## 2) Rights of workers and self-employed

### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not Applicable

### **B) Key legislative instruments adopted or amended in the reporting year**

Not Applicable

### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not Applicable

### **D) Key domestic jurisprudence from the reporting year**

Not applicable

### **E) Statistical data on the frontier worker scheme**

Not Applicable

### 3) Co-ordination of social security schemes

**A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not Applicable

**B) Key legislative instruments adopted or amended in the reporting year**

Not Applicable

**C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement**

Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015. [www.health-ni.gov.uk/sites/default/files/publications/health/doh-pnor-guidance-v2.1.pdf](http://www.health-ni.gov.uk/sites/default/files/publications/health/doh-pnor-guidance-v2.1.pdf)

**D) Key domestic jurisprudence from the reporting year**

Not Applicable

**E) Statistical data**

Not Applicable

## 4) Recognition of professional qualifications

**[If there are some implementation choices provided by the Withdrawal Agreement and EEA EFTA Separation Agreement, please provide text to describe choices made].**

### **A) Key legislative instruments implementing the Withdrawal Agreement**

Not Applicable

### **B) Key legislative instruments adopted or amended in the reporting year**

Not Applicable

### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement**

- Information on Regulated Professions, including Approved Driving Instructor and Approved Motorcycle Instructor is published here: [UK regulated professions and their regulators - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/uk-regulated-professions-and-their-regulators)
- Approved Driving Instructors and Approved Motorcycle Instructors who have qualified in an EU state can apply to transfer their licence to NI here: [EU instructor licence transfer application form | nidirect](#)
- The key information fulfilling the requirements of the EEA EFTA Train Driver Licensing, Certification and Regulatory Enforcement here: [Train Driver Licensing, Certification and Regulatory Enforcement | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/)

### **D) Key domestic jurisprudence from the reporting year**

Not Applicable

**E) Statistical data**

Please provide statistical data on:

<b>A1</b>	Number of applications granted	
<b>A2</b>	Number of applications refused	
<b>A2a</b>	Out of A2, number of applications that were invalid	
<b>A2b</b>	Out of A2, number of applications that were withdrawn by applicants	
<b>A3</b>	Number of applications that are still pending at the end of the reporting year*	<b>6</b>

\*The 6 pending applications all relate to professionals working in the field of education.

**Barristers:**

Over at least the last three years the only applications to be called to the Bar of Northern Ireland from outside the UK have come from barristers whose “home” practice has been in the Republic Of Ireland. These applicants have been able to do so by virtue of a long standing mutual recognition arrangements between the two Bars on the island of Ireland which are contained within our Rules of Admission. Under these regulations no EU lawyers have been admitted during this period.

**Solicitors:**

While the Northern Ireland Department of Finance has approached the Law Society for figures no reply has been received in time for inclusion in this reply.

## Annex 3 – Scottish Government

### A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement

Not Applicable

### B) Key legislative instruments adopted or amended in the reporting year

Legislation monitoring by the IMA identified issues around the definition of residence requirements in some Scottish Government regulations and guidance. After working with the IMA to identify the issues, and to ensure that any amendments accurately reflected the protections for EEA nationals and their families in the Withdrawal and Separation Agreements, the following regulations were amended:

- The Education (Fees) Scotland Regulations 2022 – Scottish Statutory Instrument (SSI) 2022 number 362
- The St Mary’s Music School (Aided Places) (Scotland) Amendment (No. 2) Regulations 2022 - SSI 2022 number 377

In addition, Social Security Scotland **guidance** for decision makers regarding Adult Disability Payment and the Child Disability Payment was updated to protect late applicants and joining family members.

### C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement

The Scottish Government continued to support EU citizens through their Stay in Scotland campaign. Since 2019, the Scottish Government has provided nearly £2 million to community organisations to help EU citizens to apply to the EUSS. The Scottish Government funded an immigration caseworker working with local authorities across Scotland to support vulnerable EU citizens to make late EUSS applications. They funded the Citizens’ Rights Project to provide advice and support to EU citizens.

The Scottish Government delivered an advice service with Citizens’ Advice Scotland, to support EU citizens making late EUSS applications and to understand their rights.

The Scottish Government provided helpful information for EU citizens online, which was periodically promoted through marketing campaigns and social media. This included up-to-date information on the [Scottish Government website](#) to help citizens access public services. The Scottish Government also commissioned [factsheets](#) in a range of languages to help citizens understand their rights.

Policy officials at the Scottish Government raised awareness of EU citizens' rights, inside and outside the Scottish Government. This included close working with a variety of policy areas, including Higher Education, NHS Scotland and Social Security Scotland. The Scottish Government worked closely with local government and the third sector. This included regular meetings with the Convention of Scottish Local Authorities to discuss issues related to EU citizens and updating guidance for local authorities [EEA Factsheet for Local Authorities](#). Scottish Government officials also regularly met third sector partners and other organisations working to support EU citizens and their families.

The IMA conducted an awareness raising session with the Scottish Government Legal Directorate in October 2022. The session was very well attended and successfully reinforced officials' understanding of the Scottish Government's obligations to EU citizens.

To better understand the needs and experiences of EU citizens in Scotland, the Scottish Government commissioned Migration Policy Scotland to host an event which was held on 16 September 2022. The event titled 'EU Nationals in Scotland: Experiences, Needs and Support' brought together migration and public policy experts to discuss the experiences and needs of EU citizens following Brexit and the pandemic. A summary of the event can be found [here](#).

### **D) Key domestic jurisprudence from the reporting year**

Not Applicable

### **E) Statistical data**

According to the 15th Home Office quarterly statistics report, published on 23 February 2023, up to 31 December 2022, 325,240 EUSS applications had been made from Scotland. Of the 319,140 concluded applications, 178,870 (56%) were granted settled status, 119,840 (38%) were granted pre-settled status, 10,160 (3%) applications were refused, 5,790 (2%) withdrawn or void and 4,470 (1%) were invalid applications.



## Annex 4 – UK Government

### 1) Residence rights

**The United Kingdom operates a constitutive residence scheme in accordance with Article 18(1) of the Withdrawal Agreement. The residence scheme went fully live for applications on 30 March 2019. Residence documents have been issued in a digital form since it went fully live on 30 March 2019. Residence documents are issued free of charge.**

**The deadline for applications under Article 18(1)(b) of the Withdrawal Agreement was 30 June 2021. This deadline applied to EEA nationals and their family members resident in the UK by the end of the transition period (31 December 2020) - it did not apply to joining family members arriving on or after 1 April 2021 who are subject to a rolling three-month post arrival deadline, as per Article 18(1)(b) of the Withdrawal Agreement.**

**The United Kingdom has put in place more favourable residence conditions than required under the UK-EU Withdrawal Agreement. Aside from identity and suitability requirements, eligibility for the EU Settlement Scheme (EUSS) is based on an EEA national being resident in the United Kingdom before the end of the transition period (23:00 on 31 December 2020), rather than requiring them to have been exercising relevant Treaty rights. This expanded the scope of those EEA nationals eligible to apply for residency and simplifies the application process. As a matter of domestic policy, the UK has also chosen to allow certain derivative rights holders who meet the residency requirements, to apply under the scheme.**

**The United Kingdom has made use of derogations from equal treatment under Article 23(2) of the Withdrawal Agreement. However, this is a continuation of the position which was in place prior to the UK leaving the EU.**

**A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

- [European Union \(Withdrawal Agreement\) Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [The Citizens' Rights \(Restrictions of Rights of Entry and Residence\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Immigration Rules Appendix EU - Immigration Rules - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Immigration Rules Appendix EU \(Family Permit\) - Immigration Rules - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

**B) Key legislative instruments adopted or amended in the reporting year**

- [The Immigration \(Restrictions on Employment and Residential Accommodation\) \(Prescribed Requirements and Codes of Practice\) and Licensing Act 2003 \(Personal and Premises Licences\) \(Forms\), etc., Regulations 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

**C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

- [EU Settlement Scheme caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Apply to the EU Settlement Scheme \(settled and pre-settled status\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [EU Settlement Scheme: family and travel permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [View and prove your immigration status - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Visiting the UK as an EU, EEA or Swiss citizen - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [EEA nationals at the border post grace period - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Entering the UK under the EU Settlement Scheme and EU Settlement Scheme family permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Public funds - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Landlord's guide to right to rent checks - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [EU Settlement Scheme: employer toolkit - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Right to work checks: employing EU, EEA and Swiss citizens - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [EEA decisions taken on grounds of public policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Considering immigration status and deciding enforcement action - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [EU Settlement Scheme: evidence of relationship - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

### D) Key domestic jurisprudence from the reporting year

- The Independent Monitoring Authority for the Citizens' Rights Agreements v Secretary of State for the Home Department, [2022] EWHC 3274 (Admin): [The Independent Monitoring Authority for the Citizens' Rights Agreements, R. \(On the Application Of\) v Secretary of State for the Home Department \[2022\] EWHC 3274 \(Admin\) \(21 December 2022\) \(bailii.org\)](#)
- Batool & Ors (other family members: [EU exit](#)) [2022] UKUT 219 (IAC) (19 July 2022) - [Batool & Ors \(other family members: EU exit\) \[2022\] UKUT 219 \(IAC\) \(19 July 2022\) \(bailii.org\)](#)
- Celik (EU exit, marriage, human rights) [2022] UKUT 220 (IAC) (19 July 2022) - [Celik \(EU exit, marriage, human rights\) \[2022\] UKUT 220 \(IAC\) \(19 July 2022\) \(bailii.org\)](#)



<b>E) Statistical data</b>		
Please provide statistical data on:		
<b>A</b>	Estimated number of resident beneficiaries of the Withdrawal Agreement and EEA EFTA Separation Agreement	<b>3.5-4.1 million<sup>9</sup></b>
<b>A1</b>	Number of EUSS applications to date (to 31 December 2022)	<b>7,040,670</b>
<b>B</b>	Number of residence applications made in the reporting year (1 January 2022-31 December 2022)	<b>655,130</b>
<b>B1</b>	Number of in time residence applications made in the reporting year	<b>n/a</b>
<b>B1a</b>	Number of applications granted as pre-permanent residence	<b>200,380</b>
<b>B1b</b>	Number of applications granted as permanent residence	<b>293,490</b>
<b>B1c</b>	Number of applications refused	<b>237,590</b>
<b>B1c1</b>	Number of applications that were invalid	<b>30,420</b>
<b>B1c2</b>	Number of applications that were void or withdrawn by applicants	<b>40,720</b>
<b>B1d</b>	Total number of in time applications pending at the end of the reporting year	<b>*Unable to provide data</b>
<b>B2</b>	Number of late residence applications made between 1 July 2021 and 31 December 2022	<b>396,190</b>
<b>B2a</b>	Number of applications where national authorities concluded that there were reasonable grounds for not respecting the application deadline between 1 July 2021 and 31 December 2022	<b>Unable to provide data</b>

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<b>E) Statistical data</b>		
<b>B2b</b>	Number of applications where national authorities concluded that there were no reasonable grounds for not respecting the application deadline between 1 July 2021 and 31 December 2022	<b>Unable to provide data</b>
<b>B2a</b>	Number of applications where national authorities are still assessing there were reasonable grounds for not respecting the application deadline between 1 July 2021 and 31 December 2022	<b>Unable to provide data</b>
<b>B2a1</b>	Number of late applications granted as pre-permanent residence between 1 July 2021 and 31 December 2022	<b>69,610</b>
<b>B2a2</b>	Number of late applications granted as permanent residence between 1 July 2021 and 31 December 2022	<b>78,060</b>
<b>B2a3</b>	Number of late applications refused between 1 July 2021 and 31 December 2022	<b>125,860</b>
<b>B2a3a</b>	Number of late applications that were invalid between 1 July 2021 and 31 December 2022	<b>18,090</b>
<b>B2a3b</b>	Number of late applications that were void or withdrawn by applicants between 1 July 2021 and 31 December 2022	<b>17,980</b>
<b>B1d</b>	Total number of late applications pending at the end of the reporting year	<b>*Unable to provide data</b>
<b>C</b>	Number of entry visa applications made in the reporting year by family members seeking to join the beneficiary under Article 14(3) of the Withdrawal Agreement	<b>50,890</b>
<b>C1</b>	Number of entry visas granted	<b>34,338</b>
<b>C2</b>	Number of entry visas applications refused	<b>47,149</b>
<b>C3</b>	Total number of entry visa applications pending at the end of the reporting year	<b>Unable to provide data</b>
*If this cannot be distinguished, please provide aggregate data on pending applications.		

## Notes regarding the data

**Data up to the end of the reporting year of 2022 is taken from the EUSS quarterly report up to 31 December 2022**

\* = 1 to 9

1. EUSS application figures are rounded to the nearest 10 and may not match overall totals.
2. Figures in these tables have been derived from live management information systems and are provisional and subject to change.
3. Total applications received by nationality include small numbers of records (less than 0.01%) in which nationality is not currently in an analysable form from live systems. The figures above include records where nationality was not in an analysable form.
4. For EUSS outcomes, invalid, withdrawn or void are not subsets of refusal figures.
5. While the IMA is not responsible for monitoring the UK-Swiss Citizens' Rights Agreement, applications from Swiss nationals and their family members have been included in the figures because they are part of our published statistics.
6. For EU, EEA and Swiss citizens and their family members resident in the UK by the end of the transition period, the deadline for applications to be made to the EUSS was 30 June 2021.
7. In-time applications include online applications received by 9am on 1 July 2021 and paper applications received by midnight 07 July 2021.
8. As data is taken from a live management information system, there may be differences to previous publications.
9. Late applications to the EUSS are self-reported by the applicant.

10. Post 30 June 2021 data which includes late applications is being consistently reviewed and there may be minor changes to future reports where administrative systems have been updated.
11. Concluded outcomes for late applications include those for late applications submitted in the previous reporting year.
12. The statistics include applications from cohorts able to apply as a result of domestic policy decisions (e.g. Zambrano cases) that are not covered by the Citizens' Rights Agreements or monitoring by the IMA.
13. For EUSS family permits, the number of concluded applications may exceed the number of applications made due to the way the data is captured in each period. For this reason, direct comparisons between the two should not be made.
14. EUSS family permit figures include a small number of EUSS travel permits.
15. For EUSS family permits, grants and refusals do not include applications withdrawn or lapsed.
16. Data for EUSS family permits can be found in the Immigration Quarterly report up to December 2022 (VIS\_D01 and VIS\_D02).

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**The United Kingdom has provided data for previous reporting years, and with nationality breakdowns. Please see data sheet at [annex 4.1](#) for details.**

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## 2) Rights of workers and self-employed

**In the United Kingdom, those who meet the definition of a frontier worker as set out in the Withdrawal Agreement are able to apply for a frontier worker permit confirming their status. Since 1 July 2021, frontier workers have been required to hold a valid frontier worker permit in order to evidence their right to enter the UK on this basis.**

**The frontier worker permit scheme opened for applications on 10 December 2020. The permits are issued primarily in a digital form. The permits are issued free of charge.**

### A) Key legislative instruments implementing the Withdrawal Agreement

- [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

### B) Key legislative instruments adopted or amended in the reporting year

- [The Immigration \(Restrictions on Employment and Residential Accommodation\) \(Prescribed Requirements and Codes of Practice\) and Licensing Act 2003 \(Personal and Premises Licences\) \(Forms\), etc., Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

### C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement

- [Frontier worker permit scheme caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

**D) Key domestic jurisprudence from the reporting year**

N/A

**E) Statistical data**

Please provide statistical data on:

<b>A</b>	Number of applications made in the reporting year	<b>3,834</b>
<b>A1</b>	Number of applications granted	<b>1,964</b>
<b>A2</b>	Number of applications refused	<b>2,376</b>
<b>A2a</b>	Number of applications that were invalid	<b>n/a</b>
<b>A2b</b>	Number of applications that were withdrawn by applicants	<b>175</b>
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	<b>Unable to provide data</b>

### 3) Co-ordination of social security schemes

#### A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement

- European Union (Withdrawal Agreement) Act 2020 ([legislation.gov.uk](https://legislation.gov.uk))
- Healthcare (European Economic Area and Switzerland Arrangements) Act 2019

#### B) Key legislative instruments adopted or amended in the reporting year

Section 162 of the Health and Care Act contains provisions to implement international healthcare agreements, amending the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019. The amendments have been approached by Parliament and are due to be commenced in 2023. Secondary legislation came into force in December 2022.

#### C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement

All departments: [Guidance relating to Operational Implementation of SSC Provisions.](#)

#### D) Key domestic jurisprudence from the reporting year

None

#### E) Statistical data

For statistical data on all departments please see - [Social Security Coordination at a Glance 2022](#)

## 4) Recognition of professional qualifications

The EU-based system for recognition of professional qualifications gained overseas is underpinned by the European Union (Recognition of Professional Qualifications) Regulations 2015 ('2015 Regulations'). The Professional Qualifications Act 2022 revokes the 2015 Regulations and introduces a new approach to recognising professional qualifications gained overseas. In implementing the Professional Qualifications Act, the UK government has committed to uphold existing recognition decisions and to ensure applications in process at the time of the revocation can be progressed. The UK government will preserve retained EU law where necessary to maintain international commitments. These include the **Common Travel Area with Ireland** and international legal obligations through the **Withdrawal Agreement with the EU**, the **EEA EFTA Separation Agreement**, and the **Citizens' Rights Agreement with Switzerland**.

### A) Key legislative instruments implementing the Withdrawal Agreement

- [Section 12 of the Recognition of Professional Qualifications section of the European Union \(Withdrawal Agreement\) Act 2020](#)
- [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#)
- [Services of Lawyers and Lawyer's Practice \(Revocation etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1342\)](#)
- [Recognition of Professional Qualifications \(Amendment etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/312\)](#) (amends the [European Union \(Recognition of Professional Qualifications\) Regulations 2015](#)).
- [Recognition of Professional Qualifications \(Amendment etc.\) \(EU Exit\) Regulations 2021](#)

**B) Key legislative instruments adopted or amended in the reporting year**

- [Professional Qualifications Act 2022](#)

**C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement**

- [Recognition of professional qualifications: guidance for regulatory bodies](#)

**D) Key domestic jurisprudence from the reporting year**

NA

**E) Statistical data**

Please provide statistical data on:

<b>A</b>	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year	
<b>A1</b>	Number of applications granted	
<b>A2</b>	Number of applications refused	
<b>A2a</b>	Number of applications that were invalid	
<b>A2b</b>	Number of applications that were withdrawn by applicants	
<b>A3</b>	Number of applications that are still pending at the end of the reporting year	

The UK Government does not hold detailed statistical data on recognition decisions on professional qualifications that relate to the provisions in the Withdrawal Agreement. Information on recognition decisions is held by the relevant regulators and professional bodies for professions in scope of the Withdrawal Agreement.

## Annex 4.1

### B1: Number of EUSS applications made between 1 January 2022 up to 31 December 2022

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>654,980</b>
<b>Total EU27</b>	<b>562,650</b>
Austria	1,170
Belgium	2,920
Bulgaria	60,220
Croatia	880
Cyprus	2,530
Czech Republic	5,760
Denmark	1,290
Estonia	520
Finland	1,320
France	11,980
Germany	7,320
Greece	12,890
Hungary	10,420
Ireland	810
Italy	45,500
Latvia	7,340
Lithuania	12,090
Luxembourg	120
Malta	440
Netherlands	7,220
Poland	44,110
Portugal	35,030
Romania	230,790
Slovakia	14,880
Slovenia	330
Spain	31,150
Sweden	13,640
<b>Total EEA EFTA and Swiss</b>	<b>4,640</b>
Iceland	130
Liechtenstein	*
Norway	3,410
Switzerland	1,100
<b>Non-EEA</b>	<b>87,680</b>

**B1a: Number of applications granted pre-settled status between 1 January 2022 up to 31 December 2022**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>200,330</b>
<b>Total EU27</b>	<b>135,660</b>
Austria	340
Belgium	1,000
Bulgaria	13,730
Croatia	230
Cyprus	660
Czech Republic	1,200
Denmark	350
Estonia	120
Finland	330
France	3,100
Germany	1,950
Greece	3,090
Hungary	1,830
Ireland	220
Italy	9,170
Latvia	1,580
Lithuania	2,500
Luxembourg	20
Malta	90
Netherlands	2,000
Poland	9,000
Portugal	7,460
Romania	57,980
Slovakia	3,250
Slovenia	40
Spain	9,400
Sweden	5,020
<b>Total EEA EFTA and Swiss</b>	<b>1,960</b>
Iceland	40
Norway	1,610
Switzerland	320
<b>Non-EEA</b>	<b>62,710</b>

**B1b: Number of applications granted settled status between 1 January 2022 up to 31 December 2022**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>293,430</b>
<b>Total EU27</b>	<b>263,310</b>
Austria	860
Belgium	1,780
Bulgaria	14,300
Croatia	680
Cyprus	1,310
Czech Republic	3,580
Denmark	960
Estonia	430
Finland	810
France	9,180
Germany	5,900
Greece	8,860
Hungary	6,920
Ireland	570
Italy	34,420
Latvia	4,820
Lithuania	8,890
Luxembourg	60
Malta	410
Netherlands	5,400
Poland	35,250
Portugal	19,990
Romania	72,490
Slovakia	6,310
Slovenia	300
Spain	16,420
Sweden	2,400
<b>Total EEA EFTA and Swiss</b>	<b>2,200</b>
Iceland	100
Liechtenstein	*
Norway	1,300
Switzerland	790
<b>Non-EEA</b>	<b>27,920</b>



**B1c: Number of applications refused between 1 January 2022 up to 31 December 2022 (excluding invalid and withdrawn or void)**

<b>Country of nationality</b>	<b>1 January 2022 - 31 December 2022</b>
<b>Total</b>	<b>237,580</b>
<b>Total EU27</b>	<b>209,480</b>
Austria	250
Belgium	780
Bulgaria	32,980
Croatia	160
Cyprus	1,160
Czech Republic	2,230
Denmark	290
Estonia	100
Finland	330
France	2,290
Germany	1,480
Greece	2,420
Hungary	2,800
Ireland	290
Italy	7,130
Latvia	2,420
Lithuania	3,840
Luxembourg	30
Malta	50
Netherlands	1,940
Poland	12,020
Portugal	11,550
Romania	101,580
Slovakia	6,880
Slovenia	30
Spain	9,310
Sweden	5,140
<b>Total EEA EFTA and Swiss</b>	<b>1,770</b>
Iceland	20
Norway	1,550
Switzerland	200
<b>Non-EEA</b>	<b>26,340</b>

**B1c1: Number of applications that were invalid between 1 January 2022 up to 31 December 2022 (excluding refused and withdrawn or void)**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>30,370</b>
<b>Total EU27</b>	<b>26,770</b>
Austria	20
Belgium	160
Bulgaria	1,840
Croatia	30
Cyprus	60
Czech Republic	680
Denmark	30
Estonia	10
Finland	30
France	800
Germany	320
Greece	180
Hungary	480
Ireland	70
Italy	890
Latvia	210
Lithuania	430
Luxembourg	*
Malta	20
Netherlands	310
Poland	4,130
Portugal	1,540
Romania	11,600
Slovakia	1,930
Slovenia	*
Spain	730
Sweden	300
<b>Total EEA EFTA and Swiss</b>	<b>160</b>
Iceland	*
Norway	130
Switzerland	30
<b>Non-EEA</b>	<b>3,450</b>

**B1c2: Number of applications that were withdrawn or void between 1 January 2022 up to 31 December 2022 (excluding refused or invalid)**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>40,570</b>
<b>Total EU27</b>	<b>35,260</b>
Austria	100
Belgium	160
Bulgaria	3,220
Croatia	30
Cyprus	160
Czech Republic	450
Denmark	110
Estonia	50
Finland	60
France	750
Germany	500
Greece	510
Hungary	690
Ireland	80
Italy	1,880
Latvia	790
Lithuania	1,520
Luxembourg	*
Malta	40
Netherlands	670
Poland	3,520
Portugal	2,380
Romania	14,250
Slovakia	1,180
Slovenia	*
Spain	1,640
Sweden	530
<b>Total EEA EFTA and Swiss</b>	<b>230</b>
Iceland	*
Liechtenstein	*
Norway	160
Switzerland	70
<b>Non-EEA</b>	<b>5,070</b>

**C: Number of entry visa applications made in the reporting year by family members seeking to join the beneficiary under Article 14(3) of the Withdrawal Agreement. Data provided includes EUSS Family Permits and EUSS Travel Permits**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>50,890</b>
Afghanistan	512
Albania	2,431
Algeria	157
Angola	154
Argentina	33
Armenia	19
Australia	21
Austria	21
Azerbaijan	8
Bahamas, The	1
Bahrain	1
Bangladesh	3,849
Belarus	54
Belgium	57
Benin	88
Bolivia	121
Bosnia and Herzegovina	6
Botswana	2
Brazil	876
Bulgaria	126
Burkina	31
Burma	2
Burundi	2
Cambodia	3
Cameroon	358
Canada	26
Cape Verde	55
Central African Republic	1
Chad	7
Chile	12
China	119
Colombia	503

Comoros	1
Congo	14
Congo (Democratic Republic)	51
Costa Rica	3
Croatia	13
Cuba	39
Cyprus	41
Cyprus (Northern part of)	8
Czech Republic	36
Denmark	28
Djibouti	26
Dominican Republic	1,222
East Timor	80
Ecuador	398
Egypt	222
El Salvador	6
Equatorial Guinea	30
Eritrea	35
Estonia	14
Ethiopia	138
Fiji	0
Finland	26
France	171
Gabon	5
Gambia, The	798
Georgia	41
Germany	88
Ghana	2,878
Greece	136
Grenada	2
Guinea	260
Guinea-Bissau	313
Haiti	8
Honduras	5
Hong Kong	13
Hungary	150
Iceland	1
India	8,940
Indonesia	49
Iran	45

Iraq	320
Israel	13
Italy	309
Ivory Coast	281
Jamaica	30
Japan	24
Jordan	62
Kazakhstan	26
Kenya	272
Korea (South)	6
Kosovo	17
Kyrgyzstan	9
Latvia	80
Lebanon	37
Liberia	29
Libya	20
Lithuania	61
Luxembourg	2
Macau	1
Macedonia	148
Madagascar	5
Malawi	8
Malaysia	12
Mali	22
Malta	12
Mauritania	4
Mauritius	9
Mexico	32
Moldova	2,157
Mongolia	6
Montenegro	3
Morocco	489
Mozambique	36
Namibia	2
Nepal	444
Netherlands	94
New Zealand	12
Nicaragua	6
Nigeria	2,504

Norway	32
Occupied Palestinian Territories	53
Other and unknown	97
Pakistan	8,321
Paraguay	6
Peru	86
Philippines	373
Poland	291
Portugal	227
Refugee	57
Romania	615
Russia	276
Rwanda	17
Sao Tome and Principe	84
Saudi Arabia	4
Senegal	715
Serbia	32
Seychelles	1
Sierra Leone	179
Singapore	9
Slovakia	21
Slovenia	1
Somalia	2,505
South Africa	276
Spain	293
Sri Lanka	336
St. Lucia	2
St. Vincent and the Grenadines	1
Stateless	5
Sudan	165
Sudan (South)	3
Surinam	5
Swaziland	1
Sweden	171
Switzerland	21
Syria	397
Taiwan	3
Tanzania	28
Thailand	84

Togo	15
Trinidad and Tobago	9
Tunisia	63
Turkey	295
Turkmenistan	4
Uganda	93
Ukraine	271
United Arab Emirates	3
United States	108
Uruguay	4
Uzbekistan	22
Venezuela	230
Vietnam	52
Yemen	267
Zambia	21
Zimbabwe	46

**C1: Number of entry visas granted**

**Data provided includes EUSS Family Permits and EUSS Travel Permits**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>34,338</b>
Afghanistan	371
Albania	1,444
Algeria	80
Angola	54
Argentina	21
Armenia	3
Australia	27
Austria	14
Azerbaijan	7
Bahrain	1
Bangladesh	2,257
Barbados	1
Belarus	43
Belgium	31
Benin	40



Bolivia	63
Bosnia and Herzegovina	4
Brazil	784
British overseas citizens	0
Bulgaria	57
Burkina	18
Burma	1
Cambodia	3
Cameroon	190
Canada	29
Cape Verde	29
Central African Republic	2
Chile	10
China	74
Colombia	228
Congo	5
Congo (Democratic Republic)	17
Costa Rica	4
Croatia	3
Cuba	16
Cyprus	17
Cyprus (Northern part of)	16
Czech Republic	14
Denmark	17
Djibouti	12
Dominica	3
Dominican Republic	466
East Timor	59
Ecuador	155
Egypt	158
El Salvador	2
Equatorial Guinea	14
Eritrea	15
Estonia	1
Ethiopia	99
Finland	17

France	118
Gabon	2
Gambia, The	284
Georgia	27
Germany	166
Ghana	2,692
Greece	97
Guatemala	4
Guinea	133
Guinea-Bissau	118
Haiti	7
Honduras	6
Hong Kong	9
Hungary	50
India	5,750
Indonesia	32
Iran	33
Iraq	216
Israel	20
Italy	218
Ivory Coast	105
Jamaica	23
Japan	18
Jordan	37
Kazakhstan	18
Kenya	162
Korea (South)	5
Kosovo	9
Kuwait	2
Kyrgyzstan	2
Latvia	33
Lebanon	27
Liberia	22
Libya	8
Lithuania	14
Macedonia	92

Madagascar	2
Malawi	5
Malaysia	17
Mali	16
Malta	7
Mauritania	2
Mauritius	9
Mexico	35
Moldova	1,526
Mongolia	1
Montenegro	1
Morocco	240
Mozambique	14
Nepal	200
Netherlands	77
New Zealand	6
Nicaragua	4
Nigeria	1,550
Norway	31
Occupied Palestinian Territories	31
Other and unknown	24
Pakistan	6,956
Panama	1
Paraguay	4
Peru	57
Philippines	225
Poland	117
Portugal	133
Refugee	78
Romania	231
Russia	204
Rwanda	4
Sao Tome and Principe	23
Saudi Arabia	3
Senegal	386
Serbia	37

Seychelles	2
Sierra Leone	151
Singapore	5
Slovakia	9
Slovenia	1
Somalia	2,010
South Africa	201
Spain	223
Sri Lanka	126
St. Lucia	1
St. Vincent and the Grenadines	1
Stateless	4
Sudan	109
Sudan (South)	10
Surinam	2
Swaziland	1
Sweden	115
Switzerland	22
Syria	212
Taiwan	7
Tanzania	18
Thailand	49
Togo	5
Trinidad and Tobago	6
Tunisia	44
Turkey	204
Turkmenistan	4
Uganda	61
Ukraine	452
United States	98
Uruguay	1
Uzbekistan	11
Venezuela	115
Vietnam	26
Yemen	184
Zambia	5
Zimbabwe	31

**C2: Number of entry visas applications refused**  
**Data provided includes EUSS Family Permits and EUSS Travel Permits**

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>47,149</b>
Afghanistan	462
Albania	3,423
Algeria	141
Angola	176
Argentina	21
Armenia	13
Australia	10
Austria	14
Azerbaijan	2
Bahrain	1
Bangladesh	4,386
Barbados	1
Belarus	35
Belgium	40
Benin	47
Bolivia	96
Bosnia and Herzegovina	5
Botswana	3
Brazil	1,157
Bulgaria	115
Burkina	25
Burma	2
Burundi	2
Cambodia	1
Cameroon	188
Canada	14
Cape Verde	47
Central African Republic	2
Chad	9
Chile	10

China	101
Colombia	452
Congo	16
Congo (Democratic Republic)	43
Costa Rica	2
Croatia	14
Cuba	32
Cyprus	32
Cyprus (Northern part of)	4
Czech Republic	35
Denmark	20
Djibouti	22
Dominican Republic	939
East Timor	73
Ecuador	336
Egypt	158
El Salvador	3
Equatorial Guinea	22
Eritrea	37
Estonia	9
Ethiopia	127
Finland	19
France	127
Gabon	5
Gambia, The	796
Georgia	30
Germany	156
Ghana	2,828
Greece	101
Guinea	230
Guinea-Bissau	271
Guyana	1
Haiti	16
Honduras	3
Hong Kong	7

Hungary	133
Iceland	2
India	6,883
Indonesia	33
Iran	56
Iraq	218
Israel	4
Italy	243
Ivory Coast	218
Jamaica	18
Japan	6
Jordan	47
Kazakhstan	22
Kenya	225
Korea (South)	7
Kosovo	12
Kyrgyzstan	11
Latvia	60
Lebanon	38
Liberia	19
Libya	22
Lithuania	58
Luxembourg	3
Macau	3
Macedonia	101
Madagascar	2
Malawi	8
Malaysia	8
Maldives	1
Mali	21
Malta	8
Mauritania	3
Mauritius	5
Mexico	15
Moldova	1282

Mongolia	6
Montenegro	2
Morocco	432
Mozambique	28
Namibia	2
Nepal	414
Netherlands	87
New Zealand	6
Nicaragua	5
Nigeria	2,384
Norway	21
Occupied Palestinian Territories	48
Other and unknown	47
Pakistan	9,063
Paraguay	3
Peru	70
Philippines	242
Poland	252
Portugal	205
Refugee	79
Romania	565
Russia	178
Rwanda	24
Sao Tome and Principe	78
Saudi Arabia	5
Senegal	480
Serbia	34
Sierra Leone	188
Singapore	6
Slovakia	14
Slovenia	5
Somalia	2,357
South Africa	192
Spain	218
Sri Lanka	310



St. Lucia	2
Stateless	7
Sudan	120
Sudan (South)	3
Surinam	3
Sweden	85
Switzerland	18
Syria	336
Taiwan	5
Tanzania	15
Thailand	50
Togo	12
Trinidad and Tobago	7
Tunisia	59
Turkey	193
Turkmenistan	1
Uganda	107
Ukraine	188
United Arab Emirates	3
United States	78
Uruguay	5
Uzbekistan	24
Venezuela	190
Vietnam	42
Yemen	190
Zambia	18
Zimbabwe	28

## Applications for FW Permits. Frontier Worker

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>3,834</b>
Australia	1
Austria	21
Belgium	31
Bulgaria	89
Croatia	38
Cyprus	3
Czech Republic	64
Denmark	74
Estonia	39
Finland	7
France	59
Germany	176
Greece	160
Hungary	44
Iceland	2
India	1
Ireland	6
Italy	118
Kosovo	1
Latvia	286
Lithuania	144
Malta	3
Netherlands	204
Norway	71
Other and unknown	265
Pakistan	1
Poland	980
Portugal	94
Romania	581

Russia	1
Rwanda	1
Slovakia	33
Slovenia	20
South Africa	1
Spain	161
Sweden	40
Switzerland	13
United States	1

## Outcomes of applications. Frontier Worker - Permits Issued

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>1,964</b>
Austria	18
Belgium	27
Bulgaria	26
Croatia	16
Cyprus	2
Czech Republic	37
Denmark	59
Estonia	21
Finland	2
France	49
Germany	146
Greece	119
Hungary	23
Iceland	1
Ireland	1
Italy	68
Latvia	134
Lithuania	65
Luxembourg	1
Malta	2
Netherlands	153
Norway	41
Poland	529
Portugal	63
Romania	191
Slovakia	17
Slovenia	12
South Africa	2
Spain	107
Sweden	25
Switzerland	6
United States	1

## Outcomes of applications. Frontier Worker - Permits Refused

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>2,376</b>
Argentina	1
Austria	5
Belgium	12
Bulgaria	74
Croatia	33
Cyprus	3
Czech Republic	51
Denmark	37
Estonia	25
Finland	5
France	40
Germany	95
Greece	54
Hungary	33
Iceland	3
Ireland	5
Italy	63
Latvia	184
Lithuania	101
Malta	2
Netherlands	98
Norway	55
Poland	652
Portugal	73
Romania	529
Slovakia	33
Slovenia	12
South Africa	1
Spain	65
Sweden	25
Switzerland	7

## Outcomes of applications. Frontier worker - Permits Withdrawn

Country of nationality	1 January 2022 - 31 December 2022
<b>Total</b>	<b>175</b>
Argentina	1
Australia	1
Austria	3
Belgium	1
Bulgaria	6
Croatia	1
Czech Republic	2
Denmark	3
Finland	2
France	6
Germany	4
Greece	10
Hungary	3
India	1
Ireland	1
Italy	9
Kosovo	1
Latvia	9
Lithuania	3
Netherlands	3
Norway	1
Other and unknown	1
Pakistan	1
Poland	31
Portugal	3
Romania	38
Russia	1
Rwanda	1
Slovakia	7
Slovenia	1
Spain	13
Sweden	4
Switzerland	3

## Annex 5 – Wales

### 1) Residence rights

#### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not applicable

#### **B) Key legislative instruments adopted or amended in the reporting year**

Not applicable

#### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

- In January 2022, the Welsh Government launched an EUSS/EU citizens' rights awareness raising digital campaign via Facebook and Instagram. The aim of the campaign was to:
  1. Target those who were yet to make an application or those who may need to apply for a family member or someone they care for.
  2. Make EU citizens with pre-settled/settled status aware of their rights.
  3. Make EU citizens aware of their obligations to update their online immigration status.

Digital assets were produced in over 20 European languages with 7 key messages covering: late applications, EU citizens rights, access to healthcare and benefits, travelling with pre-settled or settled status, using the UK Government View and Prove service.

- The Welsh Government produced an EUSS/EU citizens' rights information leaflet that was shared with stakeholders and third sector organisations who provide advice and support to EU citizens in Wales. This leaflet was used in community network events to provide EU citizens with the relevant information relating to the rights under the European Withdrawal Act Agreement.

- The Welsh Government also produced EU Settlement Scheme reminder cards for pre-settled status holders. These pocket-sized cards enabled status holders to record the date that their pre-settled status expires, to remind them to apply for settled status to ensure that they did not lose access to their rights and entitlements.
- The Welsh Government continued to provide a package of free support to help EU citizens continue to live and work in Wales. This package of support has enabled EU citizens to get the help they needed, including:
  - Free advice and support from third sector organisations Citizens Advice Cymru and Settled
  - Advice on social welfare issues and workplace rights
  - Free specialist immigration advice for people with complex needs, delivered by immigration law firm Newfields Law
  - Outreach support for hard-to-reach and vulnerable groups
- The funding for EUSS Advice Services provided by Citizens Advice, Settled and Newfields Law was extended until March 2023 to continue to provide support to those with more complex applications which has become commonplace since the deadline for applications in June 2021.
- The Welsh Government continued to promote Wales as a 'Nation of Sanctuary' ensuring the Welsh Government's website 'Sanctuary' remained up to date on information for migrant and EU citizens. [Home - Wales: Nation of Sanctuary \(cityofsanctuary.org\)](https://www.gov.wales/sanctuary).
- The "Preparing Wales" website (created in 2019) remained active until October 2022 and was regularly updated to signpost EU citizens to the relevant information on the EU Settlement Scheme and EU citizens' rights. The information from Preparing Wales was migrated to the Welsh Government website: [EU citizens' rights to reside in Wales | GOV.WALES](https://www.gov.wales/eu-citizens-rights).
- The Welsh Government has produced six factsheets on EU citizens' rights. These are: Rights to access benefits, Rights to access healthcare, Rights to vote, Rights to study, Rights to housing and Rights to work. These factsheets were updated regularly and published on GOV.WALES. These leaflets were also shared with our stakeholders who provide advice and support to EU citizens' and can be accessed at: [EU citizens' rights | GOV.WALES](https://www.gov.wales/eu-citizens-rights).
- The Welsh Government continued to chair the quarterly EUSS Co-ordination Group meetings which allows key stakeholders across Wales an opportunity to meet and raise issues in relation to the EU Settlement Scheme.



- In January 2022 the Minister for Social Justice attended the EUSS Co-ordination Group meeting. This meeting provided an opportunity for the Minister to hear about the work undertaken by our stakeholders and the support that was still required despite the deadline for the EU Settlement Scheme having passed. The meeting also provided opportunity to discuss future support needs.
- The Welsh Government continued to communicate and share information on various topics, to key stakeholders, which could impact EU citizens.
- On the 1-year anniversary of the EUSS deadline social media assets were produced and shared on the Welsh Government Facebook and Twitter channels to inform EU citizens who missed the deadline that there is still time to apply. Assets were shared with the EUSS Co-ordination Group, Migration Roundtable, and Health Inspectorate Wales and Care Inspectorate Wales with a request to share these via their own communication channels.
- In 2022 the Welsh Government attended the Welsh Head of Wales School Nursing and Health Visitors meeting following stakeholders reporting concerns that EU citizens were not aware that they needed to apply for pre-settled status for children and new-borns. The purpose of attendance was to raise awareness of EUSS with midwives and health visitors.
- On 13 July 2022, the First Minister and Minister for Education and Welsh Language met with the EU Ambassador to the UK to discuss several issues in relation to the UK's relationship with the European Union including the rights of EU citizens residing in Wales.
- On 18 & 19 October 2022, the Welsh Government hosted a meeting with the European Union Economic and Social Justice Committee where members met with Ministers and Officials to hear about the work the Welsh Government is undertaking to ensure the rights of EU citizens continue to be protected following the UK's departure from the European Union.
- On 28 November 2022, following the interim report from the Independent Monitoring Authority (IMA) for Wales being published, the Chief Social Care Officer for Wales wrote to all Heads of Children's Services in Wales, highlighting the issues regarding how Local Authorities are making and supporting EU settlement scheme (EUSS) applications on behalf of all eligible looked after children, children in receipt of local authority care and support and care leavers. The letter outlined the local authorities' duties and requested that measures were put in place to improve how they support eligible children and young people in their role as corporate parents.
- In December 2022, the First Minister met with the new EU Ambassador to the UK to discuss EU citizens rights.

**D) Key domestic jurisprudence from the reporting year**

Not applicable

**E) Statistical data**

Not applicable

## 2) Rights of workers and self-employed

### **A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement**

Not applicable

### **B Key legislative instruments adopted or amended in the reporting year**

Not applicable

### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement and EEA EFTA Separation Agreement**

The Welsh Government produced six factsheets on EU citizens rights. These are: Rights to access benefits, Rights to access healthcare, Rights to vote, Rights to study, Rights to housing and Rights to work. These factsheets were updated regularly and published on GOV.WALES. These leaflets have also been shared with our stakeholders who provide advice and support to EU citizens and can be accessed at: [EU citizens' rights | GOV.WALES](#).

### **D) Key domestic jurisprudence from the reporting year**

Not applicable

### **E) Statistical data on the frontier worker scheme**

Not applicable

### 3) Co-ordination of social security schemes

#### A) Key legislative instruments implementing the Withdrawal Agreement and EEA EFTA Separation Agreement

- The Welsh Government has made the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2022 which ensure that the National Health Service (Charges to Overseas Visitors) Regulations 1989 reflect the UK-Switzerland Convention on Social Security Coordination.
- A review of the National Health Service (Charges to Overseas Visitors) Regulations 1989 with regards to the charging of late EUSS Applicants was initiated by the Welsh Government in December 2022.
- A review of the [Allocation of accommodation and homelessness: guidance for local authorities in Wales](#) was initiated by the Welsh Government in December 2022.
- The EU Settled Status (EUSS) Data Linkage Project which is an Administrative Data Research (ADR Wales) initiative, led by the Welsh Government, born out of the need to improve the evidence base on EU citizens in Wales who are part of the EU Settlement Scheme continued. The project aims to anonymously link Home Office data with other data already held within the SAIL Databank, enabling researchers and policymakers to better understand the experiences of EU citizens with Settled Status, and therefore to develop better informed policy and services that address the needs of this potentially vulnerable population. Understanding trends in the workforce is crucial to help maintain and improve the health of the economy. This research will investigate the experiences of EU citizens in the workforce.
- Right to rent checks continue to not be applicable to EU citizens in Wales.

#### B) Key legislative instruments adopted or amended in the reporting year

Not applicable

### **C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement**

- The Welsh Government has published the “Guidance on implementing EU Exit amendments to the Overseas Visitors Charging Regulations” [Guidance on implementing EU Exit amendments \(gov.wales\)](#). The guidance provides help and advice to Local health Boards on the implementation of changes to the charging of overseas visitors to Wales:
  - as a consequence of the UK Government’s decision to leave the European Union (EU).
  - the new arrangements resulting from the UK’s relationship with EU under the Protocol on Social Security Co-ordination (SSC) contained in the UK-EU Trade and Co-operation Agreement (TCA).
  - the consequential changes made in The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2020 and The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2021; and
  - The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2022.

A review of aspects of this guidance regarding the charging of late EUSS Applicants and family members was initiated by the Welsh Government in December 2022.

- The EU Settled Status (EUSS) Data Linkage Project is an Administrative Data Research (ADR Wales) initiative born out of the need to improve the evidence base on EU citizens in Wales who are part of the EU Settlement Scheme. The project aims to anonymously link Home Office data with other data already held within the SAIL Databank, enabling researchers and policymakers to better understand the experiences of EU citizens with Settled Status, and therefore to develop better informed policy and services that address the needs of this potentially vulnerable population.

A crucial element of understanding the experiences of EU citizens with Settled Status in Wales is understanding how their experiences differ from those of the rest of the population. The wealth of de-identified data in the SAIL Databank provides the opportunity to develop a closely matched control group of British citizens with similar characteristics. This could help explore whether EU citizens with Settled Status have different experiences to British

citizens. This data linkage will provide an opportunity to compare the health experiences of EU citizens with the rest of the population in Wales along with the educational experiences of EU citizens. As education attainment is such an important predictor of other outcomes, an understanding of the education experiences of EU citizens would be invaluable for supporting them in the future.

**D) Key domestic jurisprudence from the reporting year**

Not applicable

**E) Statistical data**

Not applicable



#### 4) Recognition of professional qualifications

**A) Key legislative instruments implementing the Withdrawal Agreement**

Not applicable

**B) Key legislative instruments adopted or amended in the reporting year**

The Professional Qualifications Act 2022 was amended. Please see link:  
[Professional Qualifications Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk).

**C) Key administrative documents giving guidance on the implementation of the Withdrawal Agreement**

Not applicable

**D) Key domestic jurisprudence from the reporting year**

Not applicable

**E) Statistical data**

Not applicable



**IMA**

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