

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



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



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Contents

1. Introduction	3
2. Role of IMA	4
2.1 Our power to receive complaints	6
2.2 Our power to conduct inquiries	7
2.3 Our power to take legal action	9
3. Measures Taken on the Implementation and Application of Part 2 of the Agreements	10
4. Issues	11
4.1 Early Case Resolutions	14
4.2 No Further Action	18
5. Exercise of IMA's Functions	21
5.1 Inquiry	22
5.2 Assurance Reviews	24
5.3 Legislation Monitoring	25
5.4 Litigation	26
5.5 Litigation Monitoring	29
6. Other Information	31
7. Annexes	33
Annex 1 Government of Gibraltar	34
Annex 2 Northern Ireland	43
Annex 3 Scotland	51
Annex 4 United Kingdom	54
Annex 5 Wales	97

This is the third annual report prepared by the IMA and reports on the 12-month period from January 1 to December 31, 2023.



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").¹

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 2020² ("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.

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.³

The report will also be published on the IMA website where full details of all our work can be found.

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

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

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

We monitor UK public bodies⁴ 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.

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.

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.



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.

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.

Detailed information on the IMA's powers can be found on our website including our [Annual Plan for 2023/24](#) and [operational guidance](#).

In summary, the IMA's specific powers are as follows:

2.1 Our power to receive complaints

We can receive complaints from persons who claim to have a right under the Agreements.⁵ 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.

The IMA will consider every complaint received and will tell the person who made the complaint if we will carry out an inquiry. If we do not carry out an inquiry we may advise the person about other ways of dealing with their complaint.

Complaints are one way we have to understand the experiences of EU and EEA EFTA citizens and their families. We also gather intelligence from various organisations and sources to help us understand the issues and challenges that citizens and their families may be facing anywhere in the UK or Gibraltar.

Our focus is on general or systemic failings in the actions or behaviours of public bodies and organisations that are impacting on the lives of citizens and their families. This is a key criteria we use to determine whether to carry out an inquiry. The issues raised by an individual complaint may not meet the threshold for carrying out an inquiry. In these cases we may advise the person concerned about other ways of dealing with the subject matter of their complaint. We also maintain the information from both our intelligence gathering and complaints received as it may help form a wider picture over time of systemic failings.

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.⁶

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.

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

2. Role of IMA

We began one inquiry in 2023, further details about this are outlined below 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 four](#) 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 2023 we continued work on an 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 2020.⁷ 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,⁸ 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](#).

In 2023 we have used our litigation powers in respect of six cases and these are detailed in [section five](#) of this report.

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))

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

4. Issues

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

While we have the power to receive complaints, we are mindful that an absence of complaints does not necessarily mean an absence of issues, which is why we are increasingly becoming an intelligence-led organisation so we can build a picture of where citizens' rights are being delivered effectively and where they are not.

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 (EUSS) is extended to EU or EEA nationals not within 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 legislatures.

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.

We received 152 complaints in 2023 from citizens of over 70% of EU and EEA EFTA countries. We are yet to receive any complaints from citizens who are from Liechtenstein. Citizens whose nationality was recorded as Portuguese registered the most complaints in 2023 with 16 complaints from people who classified themselves in this category.

Most of the complaints related to the Home Office, followed by Department for Work and Pensions. The third largest group of complaints related equally to His Majesty's Revenue and Customers, the NHS and the 'unknown' category where there was no public authority identified.

Most complainants currently reside in England, this mirrors 2021 and 2022. No complaints were received from citizens residing in Wales or Northern Ireland. Twenty-seven complaints were received from citizens living outside the UK, include complainants who are joining relevant family members already residing in the UK.

4. Issues

Complaints are not the only way that we receive information or investigated areas of concern. We also use intelligence we gather from stakeholders as well as initiating our own assurance reviews if we believe there is an issue which needs further investigation. Details of an assurance review which took place in 2023 is outlined further in [section five](#) below.

In 2023 we initiated enquiries into 15 issues which were escalated for further investigation. A number resulted in Early Case Resolutions (ECRs) or No Further Action (NFAs) with the rest still subject to ongoing engagement with the public bodies involved.

Further information about the ECRs and NFAs are outlined at sections 4.1 and 4.2 as well as being detailed on our issues log on our [website](#).

Below is a list of some of the main areas of concern investigated.

Area of concern	Cases investigated		Outcomes
Access to Healthcare	1	NHS Charges for applicants to the EUSS (Scotland)	Early Case Resolution - Monitoring
	2	Health and Social Care Charges for Applicants to the EUSS (Northern Ireland)	Early Case Resolution
	3	Hospital charges for overseas visitors: implementing EU Exit amendments Guidance	Early Case Resolution
Residence	1	EUSS Family Permits	Ongoing
	2	Biometric Residence Cards (BRC) – delays and unclear guidance	No Further Action
	3	Dependent Relatives: Children of durable partners	No Further Action
Living in the UK	1	Enforcement Reforms	No Further Action

Area of concern	Cases investigated		Outcomes
Social Security	1	Mandatory Reconsideration Letters	No Further Action
	2	Cost of Living Payments	No Further Action
	3	The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022	Early Case Resolution
Equal Treatment and Non-Discrimination	1	The Education (Student Support etc) (Amendment) Regulations (Northern Ireland) 2022	Early Case Resolution
	2	A guide to financial support for further education students in 2022 – 23	Early Case Resolution



4.1 Early Case Resolutions

Where possible we try to resolve issues quickly, so citizens are not disadvantaged or 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 issues which have resulted in ECRs are referred to briefly above.

In total we worked on 15 ECRs in 2023; 13 were completed with work on two still ongoing beyond the end of 2023.

Our ECRs related to a range of different topics including financial support for students, disability living allowance, access to UKVI accounts and NHS Charges. All can be viewed on our website [here](#) and below are some examples of those which were concluded in 2023.

Disability Living Allowance

The IMA received a complaint regarding the Department for Work and Pensions (DWP) potentially disregarding a Certificate of Application (CoA) when assessing eligibility for Disability Living Allowance (DLA). After preliminary inquiries, it became clear that while the DWP's decision was justified, the communication to the citizen was confusing due to typographical errors and incorrect references to the CoA.

The DWP conducted a lessons learned exercise. They also agreed to investigate errors and propose measures to prevent such issues in the future using their Quality Assurance Frameworks and Departmental Charter.



EEA Family Permits

The IMA received information regarding some extended family members of EU and EEA EFTA citizens experiencing issues obtaining an EEA family permit. The EEA family permit enabled non-EEA national family members of EEA citizens (including extended family members) to join them in the UK. Since 1 July 2021, the Home Office had issued an EUSS family permit to those direct family members and durable partners qualifying for it who could not be issued an EEA family permit because that route had closed. These arrangements did not cover extended family members.

On raising it with the Home Office they accepted that measures needed to be put in place for this group. From 7 October 2021, the Home Office implemented a temporary concession to enable them to be issued an EUSS family permit and to rely on this as the 'relevant document' required by this group in then applying here to the EUSS. This change has now also been reflected in changes to the Immigration Rules.

The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 and others

As part of our legislation monitoring we reviewed regulations concerning Adult Disability Payment (ADP) and Child Disability Payment (CDP) in Scotland. We observed that the guidance for decision makers did not clarify the eligibility of applicants to the EUSS after June 30, 2021, including joining family members, for ADP.

Concerns arose regarding the compatibility of the guidance with the Citizens' Rights Agreements. To ensure compatibility, the IMA asked for the guidance to be updated to include all individuals with protected rights under the Agreements as eligible for ADP and CDP.

The Scottish Government committed to updating the guidance to clarify eligibility criteria and to publish the updated guidance on the Social Security Scotland website.



Civil Service Nationality Rules

The IMA identified that the Civil Service Nationality Rules (CSNRs) did not appear to clearly reflect the position of cap down late applicants and joining family members EUSS were eligible to apply for relevant posts via Civil Service Jobs.

On speaking to the Cabinet Office they agreed to update the CSNRs and the 'Civil Service Jobs Nationality Requirements' to reflect that those who have made a valid application to the EUSS after 30 June 2021, including joining family members of EU and EEA EFTA citizens who have protected rights, are eligible to apply for relevant roles within the Civil Service.

Access to UKVI Accounts

The IMA raised concerns with the Home Office regarding Grant Funded Organisations (GFOs) being unaware of the process for EUSS status holders to access their UK Visas & Immigration (UKVI) accounts.

We were concerned this lack of awareness could prevent citizens from evidencing or exercising their rights under the Agreements. After discussions with the Home Office, the process for unlocking accounts was clarified. The Home Office also confirmed support routes for GFOs, including a dedicated community organisation line and the EUSS Vulnerability Team. The Home Office agreed to promote these escalation routes and account unlocking processes at their Safeguarding User Group meetings and through the GFO network communication platform.



Nine of the 15 completed ECRs were identified via our legislation monitoring with the remaining from issues and intelligence raised with us. All of these were subject to a period of monitoring to ensure the action required is taken.

Another two ECRs were completed in 2023 with the Monitoring Period still ongoing:

NHS (Charges to Overseas Visitors) Regulations 2015

The IMA raised concerns with the Department for Health & Social Care (DHSC) concerning the charging of late applicants to the EUSS. Engagement with DHSC led to amendments to the regulation and revised guidance. A monitoring period of six months is ongoing to understand and oversee reimbursement arrangements undertaken by NHS Trusts.

EUSS and Maiden Names

A number of individuals receiving EUSS status under their maiden name and not their married name has been raised as a potential issue by third party action groups and complaints to the IMA. This was in relation to the name displayed within the Machine-Readable Zone (MRZ) of their passport.

The Home Office has confirmed to the IMA that, from early 2024, they will have a digital solution in place to handling name update requests on digital status from the affected cohorts. A monitoring period is ongoing to oversee the implementation by the Home Office.



4.2 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 the following pages show a summary of the NFAs concluded in 2023.

DWP Mandatory Reconsideration Notices – We raised concerns with the Department for Work and Pensions (DWP) regarding the potentially inaccessible nature of Mandatory Reconsideration Notices being sent to citizens. They reported that the correspondence regarding their entitlement to benefits was technical and unclear.

After discussions, the DWP clarified that while their correspondence aims to be clear and understandable, it must also detail the legal basis for any decision. The DWP also explained that they provide support channels for citizens to clarify points or discuss next steps, and claimants of Universal Credit can also discuss the letter with their Work Coach.

Given the assurances of support available and the necessity for clarity in legal decision-making, no further action was needed.

Home Office Settlement Resolution Centre – We received numerous complaints from citizens concerning the performance of the Home Office Settlement Resolution Centre (SRC) with three main issues emerging: long wait times and difficulty accessing the call queue, receiving unhelpful information, and delayed or no responses to emails.

The IMA asked for information on telephony software and SRC performance statistics and also started a call for evidence. It was identified that the SRC faced significant demand around the 30 June 2021 deadline for EUSS applications.

In response the Home Office put in place measures to mitigate call wait times, including self-service messages and diverting resources from other government telephony services. While citizens faced difficulties contacting SRC agents during this period, there was no clear evidence of breaches or impacts on citizens' rights due to SRC performance. Based on complaints and information from the Home Office, the IMA concluded that reported issues were linked to high demand before and after the June 30, 2021 deadline.

EUSS Family Applications – We received intelligence suggesting a higher proportion of EUSS applications from children under 18 were pending decisions compared to those from adults. We also received complaints about pending child applications despite family members' applications being decided, raising concerns about the requirement to consider family applications together.

After careful consideration and review of Home Office processes, the IMA found that while efforts are made to consider family applications together, it's not always feasible or appropriate. Individual circumstances, such as a child's eligibility for settled status despite a parent's pre-settled status, may necessitate separate consideration.

The Home Office explained that decisions on parent applications may be prioritized to reduce administrative burden and because a parent's status affects a child's eligibility. Safeguarding concerns may also lead to additional checks on child applications.

EUSS and Enforcement - 28 day notices – We contacted the Home Office to inquire about the decision to discontinue issuing 28-day notices which were previously given to individuals encountered by Immigration Enforcement who were potentially eligible to make a late application to the EU Settlement Scheme (EUSS).

We sought clarification on whether the removal of these notices raised any compatibility issues with the Agreements regarding an individual's right to submit a late EUSS application.

The Home Office confirmed that the removal of the notice does not affect an individual's ability to make a late EUSS application. Enforcement decisions would consider individual circumstances, including vulnerabilities, support needs, and evidence of EUSS eligibility. Individuals would also be directed to make a late application, if appropriate, and placed on immigration bail to allow time for application submission within the UK.

Cost of Living Payments – We received a complaint regarding the cap down cost of living are not covered by EU Social Security Coordination Regulations, as they aim to support vulnerable individuals facing cost-of-living pressures. The complainant's benefit from another EU member state did not qualify them for the payment.

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 do not specifically relate to those with rights under the Withdrawal Agreement or EEA EFTA Separation Agreement.

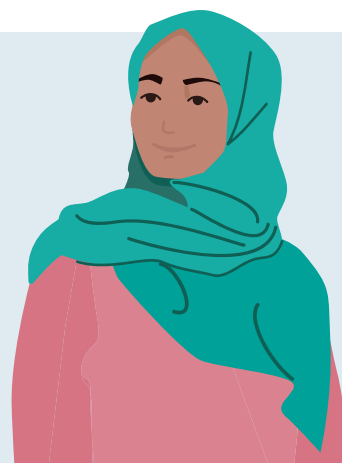


5.1 Inquiry

In September 2023 we launched an [inquiry](#) after receiving reports of citizens experiencing delays with their EUSS applications.

The IMA has received information and complaints from people experiencing long wait times for a decision on their application. These include people waiting beyond estimated application processing times advised by the Home Office.

As part of the inquiry, we are investigating the impact these delays are having on citizens who have applied to the scheme. The IMA called on EU and EEA EFTA citizens and their family members who reside in the UK to share their experiences via an online survey to inform the inquiry.



We also published details of [our first inquiry](#) into whether the Home Office (HO) has fulfilled its obligation to issue a Certificate of Application (CoA) immediately to EUSS applicants in 2023. We found that the Home Office had failed to comply with its obligation under the Withdrawal and Separation Agreements to issue a CoA immediately to EUSS applicants, for particular types of application.

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 CoA 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 CoA. 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 CoA 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 CoA. This included performing on-site visits and interviewing HO staff.

The IMA made a number of recommendations to the Home Office as a result of this inquiry. This included collecting meaningful data to monitor the time taken to validate applications to better manage the system of issuing certificates.

We welcomed the Home Office's commitment to better monitor processing times and their acceptance of this recommendation in our inquiry report.

The IMA also noted that since the conclusion of its inquiry significant changes have been made to the [EUSS validation requirements](#) which could have operational impact.

Nevertheless, we believe the issuing of a CoA immediately and specifically within five working days of receipt of an application, or any required further information, would be helpful.

The IMA continues to work with the Home Office on this matter and undertake monitoring to assess the operational impact of the changes made by the Home Office.

We have also assured ourselves that the problems identified in our inquiry report relating to caseworker availability and training have been sufficiently addressed.

5.2 Assurance Reviews

We continued our assurance review 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 in 2023.

We undertake assurance reviews in order to gain a deeper understanding of areas where, although there might not be complaints, we want to be assured that processes are in place to ensure the rights of citizens and their family members will be upheld.

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 [final report for Wales](#) was published in 2023 with all 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 Legislation Monitoring

During 2023 the IMA looked at legislation across the UK and Gibraltar. It identified 24 pieces of legislation that affected citizens' exercise of their rights under the Agreements.

Reports in respect of that legislation can be found on our website [here](#). We have also produced a video which is being shared on our website and social media channels to explain both our approach to legislation monitoring and our activity in 2023.

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

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 in guidance.

The majority of legislation considered in 2023 raised no issues, however, as with 2022, there continues to be 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.

5.4 Litigation

The IMA exercised its litigation powers on six occasions during 2023. Of those, five were the exercise of the IMA's power to intervene within proceedings, and one was the IMA's own action. The IMA also made a decision not to intervene in 13 cases, and to resist an appeal in one case.

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](#).

Judicial Review

As to the IMA's own action, the IMA issued proceedings, as a precautionary measure, against the Secretary of State for the Home Department in respect of The Immigration (Citizens' Rights Appeals) (EU Exit) (Amendment) Regulations 2023. The proceedings were immediately stayed in order for the IMA and the Home Office to engage in discussions.

The proceedings were withdrawn by consent, following commitments by the Home Office, which are detailed in the legislation monitoring report.

We also continued our monitoring of how the Home Office intended to implement a significant High Court judgment related to citizens' rights under the Agreements following a judicial review by the IMA. Further details on this are outlined below at [section 5.5](#).

Interventions

The subject matter of the IMA's interventions within 2023 has generally fallen within two categories (with the exception of the *K* case set out below). These categories are (1) the application of the Charter of Fundamental Rights of the European Union ('the Charter') and (2) extended family members, including durable partners.

On the first issue, the IMA's interventions have sought clarity as to the extent of the Charter application under the separation agreement framework. On the second issue, the IMA's

interventions have sought clarity on whether those extended family members who may have made mistakes in their residence applications prior to the end of the transition period may be able to rely on their rights under the separation agreements.

The IMA intervened in five cases during 2023 as follows:

1. **K v SSHD (Upper Tribunal)**

This case concerns delays in applications to the EUSS as a result of pending prosecutions. The issues raised included whether there is any obligation to decide applications under Article 18 of the Withdrawal Agreement within a reasonable time together with how an assessment as to what is reasonable is made. Judgment is awaited.

2. **Celik v Secretary of State for the Home Department (Court of Appeal)**

This case raises issues about how the Withdrawal Agreement should be interpreted, in particular whether an application for leave to remain as a durable partner under the EUSS, submitted before the end of the transition period, can be treated as an application falling within Article 10(3) of the Agreement. Judgment was handed down on 31 July 2023, with the Court of Appeal dismissing the appeal.

3. **VS v a Local Authority** and 4. **C v a Local Authority (County Court appeals)**

These cases follow on from the IMA's Court of Appeal interventions in 2022 in cases CA-2022-000752 and CA-2022-1016 which concerned the interpretation of the Withdrawal Agreement, specifically in relation to issues including derivative rights, non-discrimination rights, and the application of the Charter following the end of the transition period in the context of applications for homelessness assistance. Both of those cases concluded prior to hearing.

Cases two and three raise similar issues, concerning two citizens with pre-settled status who were refused homelessness assistance by different local authorities. The IMA intervened to seek clarity from the courts on the scope of the Withdrawal Agreement and the boundaries of Charter protection, and to assist the court in its decision.

Case two did not reach a substantive hearing, and judgment on case three is awaited.

5. Exercise of IMA's Functions

4. Siddiq v Entry Clearance Officer (Court of Appeal)

This case concerns a question of interpretation of the Withdrawal Agreement, specifically whether an application for an EEA family permit submitted before the end of the transition period can be treated as an application falling within Article 10(3) of the Agreement. At the end of 2023 a hearing on this case was awaited.

5. Secretary of State for Work & Pensions v AT (Court of Appeal / UK Supreme Court)

The IMA also continued its intervention from 2022 in the case of AT within the Court of Appeal. Judgment was handed down in November 2023, holding that those in the position of AT were entitled to rely upon the Charter under the Withdrawal Agreement framework, and therefore a refusal of Universal Credit in these circumstances was unlawful. The Secretary of State was refused permission to appeal to the Supreme Court by the Court of Appeal.



5.5 Litigation Monitoring

We monitored how the Home Office intended to implement a significant High Court judgment related to citizens' rights under the Withdrawal and Separation Agreements following a successful judicial review by the IMA.

In December 2022, the High Court found certain aspects of the EUSS to be unlawful. The Court's ruling affects more than two million EU and EEA EFTA citizens with pre-settled status.

The judge ruled that individuals with rights under the Agreements should not lose their right to live in the UK if they do not make a second application to the EUSS.



The Home Office said they planned to address the High Court's judgment by granting a two-year extension of pre-settled status for those who haven't switched to settled status shortly before their original expiry date, automatically converting as many pre-settled status holders to settled status as possible and ensuring individuals can rely on their permanent residency rights once acquired.

However, the IMA was concerned that the two-year extension for pre-settled status did not address the Court's ruling and that citizens may face challenges in areas of their lives, such as employment or housing due to the temporary nature of pre-settled status being reflected on official documents.



The IMA also highlighted a lack of clarity for citizens and authorities regarding automatic acquisition of permanent rights, leading to potential confusion.

5. Exercise of IMA's Functions

The IMA also urged the Home Office to make a public statement clarifying the rights of citizens under the Agreements. The IMA continued to monitor and work with the Home Office in relation to implementation of the judgement throughout 2023.

IMA Practice Direction

On 1 October 2023, the IMA's new [Practice Direction](#) came into force. This provides that when a party serves a statement of case which raises a citizens' rights issue, that party must send a copy of the statement of case to the IMA at the same time.

Although there is no sanction for non-compliance, in the event of such instances, the court will consider whether orders should be made or steps taken as a result.



6. Other Information

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

In 2023 we welcomed a new Chief Executive, Miranda Biddle and saw our Vice Chair Leo O'Reilly step into the role of Interim Chair when Sir Ashley Fox stepped down. Their appointments gave a new focus to our stakeholder engagement programme.

We regularly hold meetings with advocacy groups and continue to meet with representatives of the Northern Ireland Executive, Scottish Government, UK Government, Welsh Government and the Government of Gibraltar.

We also continue to meet with the EU Commission, EU Delegation and EFTA Surveillance Authority.

We have once again written to every elected member of the legislatures of the UK, Gibraltar, Northern Ireland, Scotland and Wales and gave evidence to the Lords European Affairs Committee about our views on citizens experience in Britain since the UK left the EU.

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.

We regularly update the media on our work and continue to meet with EU Embassies as well as organisations that work with EU and EEA EFTA citizens.

Our work with our Citizens' Panel continues which once again proved to be invaluable at providing feedback and the perspective of citizens.

We continue to publish details of what we are working on in our issues log which details all the areas in which pre-inquiry work is taking place. We have also updated our operational guidance to make it easier for people to understand how we work.

In 2023 we also focussed on providing easy to access guidance for citizens about key areas where issues may have been experienced. One of these related to what citizens should expect when returning to the UK after travelling out of the country.

We liaised with Border Force to produce a [series of videos](#) for our website and social media channels to explain what scenarios people could expect to face at the border to bring greater clarity about the process. These were welcomed by advocacy groups, Embassies and citizens and continue to be shared widely.

We continue to run our social media and radio campaign to raise awareness of who we are and also to help citizens better understand their rights. Our campaign in 2023 was well received increasing visitors to our website and our social media channels. The campaign also helped to inform our social media content throughout 2023.

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 £28.50 on first issue, and £11.50 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 implement 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

A	Estimated number of resident beneficiaries of the Withdrawal Agreement and EEA EFTA Separation Agreement	1,781
B	Number of residence applications made in the reporting year	190*
B1b	Number of applications granted as permanent residence	15

*This figure includes all EU and EEA EFTA citizens whether or not they derive a right from the EU Withdrawal Agreement or the EEA EFTA Separation Agreement.

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 continue to be provided with 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 2023 the electronic platform was accessed 4,952 times and 9 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 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 \(11\) 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 on the frontier worker scheme

The government continues to maintain details of every frontier worker in Gibraltar. 6,611 are EU citizens falling under the UK-EU Withdrawal Agreement, there are 3 frontier workers who are EEA nationals falling under the UK – EEA EFTA Separation Agreement.

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

EHIC	1,160
S1	6,056
S2	0

Pensions

Old age pension	103
Survivors pension	6

Unemployment benefits (Portable Documents U1 and U2)

U1	360
U2	0

Family benefits

Maternity allowance	62
Maternity grant	169

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

The [EEA and Registered European Lawyers and Lawyer's Practice \(Revocation etc.\) \(EU Exit\) Regulations 2023](#) were published on 27 July 2023. The purpose of these Regulations is to close off the ability of EEA lawyers from practising in Gibraltar in accordance with previously applicable EU law. However, the Regulations preserve the ability to practise of those already practising or in the process of seeking to practise at the end of the transition period, as is required under the Withdrawal Agreement and EEA EFTA Separation Agreement.

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 from the reporting year.

E. Statistical data

Medical Practitioners*

A	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2023)	19
A1	Number of applications granted	19
A2	Number of applications refused	0
A2a	Out of A2, number of applications that were invalid	0
A2b	Out of A2, number of applications that were withdrawn by applicants	0
A3	Number of applications that are still pending at the end of the reporting year	0

Nurses, Midwives and Health Visitors*

A	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2023)	31
A1	Number of applications granted	31
A2	Number of applications refused	0
A2a	Out of A2, number of applications that were invalid	0
A2b	Out of A2, number of applications that were withdrawn by applicants	0
A3	Number of applications that are still pending at the end of the reporting year	0

Annex 1 Government of Gibraltar

Dentists*		
A	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2023)	4
A1	Number of applications granted	4
A2	Number of applications refused	0
A2a	Out of A2, number of applications that were invalid	0
A2b	Out of A2, number of applications that were withdrawn by applicants	0
A3	Number of applications that are still pending at the end of the reporting year	0

Pharmacists*		
A	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2023)	3
A1	Number of applications granted	2
A2	Number of applications refused	1
A2a	Out of A2, number of applications that were invalid	1
A2b	Out of A2, number of applications that were withdrawn by applicants	0
A3	Number of applications that are still pending at the end of the reporting year	0

* Gibraltar continues to recognise professional qualifications of EU and EA citizens and the figures reported include applications from all EU and EA citizens, irrespective of whether they derive a right to recognition from the EU Withdrawal Agreement or the EEA EFTA Separation Agreement.

Annex 2 Northern Ireland

1. Residence rights

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

There is no specific legislation for residence rights for access to publicly funded healthcare. The Provision of Health Services to Persons Not Ordinarily Resident (PNOR) Regulations (Northern Ireland) 2015 make provisions on the exemptions from health service charges to a visitor who has an entitlement to the provision of those services by virtue of a right arising from the EU Withdrawal Agreement and the EEA EFTA Separation Agreement.

B. Key legislative instruments adopted or amended in the reporting year

The PNOR Regulations (Northern Ireland) 2015 require further amendment to make provision for the Withdrawal Agreement and EEA EFTA Separation Agreement. The changes are known to IMA and do not affect citizens' rights.

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

The PNOR guidance has been updated to provide access to publicly funded healthcare in NI for those EU citizens that fall within the Withdrawal Agreement and EEA EFTA Separation Agreement.

The PNOR guidance is available here:

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-pnor-guidance-v2.2.pdf>

D. Key domestic jurisprudence from the reporting year

Not applicable

E. Statistical data

The EU Settlement Scheme (EUSS) is operated by the UK Home Office and while evidence of having an EUSS status may on occasions be required for access to publicly funded healthcare in Northern Ireland, this data is not routinely recorded or reported on by the Department of Health.

2. Rights of workers and self-employed

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

There is no specific legislation for rights of workers and self-employed for access to publicly funded healthcare purposes. The Provision of Health Services to Persons Not Ordinarily Resident (PNOR) Regulations (Northern Ireland) 2015 make provisions on the exemptions from health service charges to a visitor who has an entitlement to the provision of those services by virtue of a right arising from the EU Withdrawal Agreement and the EEA EFTA Separation Agreement.

B. Key legislative instruments adopted or amended in the reporting year

The PNOR Regulations (Northern Ireland) 2015 require further amendments to make provision for the Withdrawal Agreement and EEA EFTA Separation Agreement.

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

The PNOR guidance has been updated to provide access to publicly funded healthcare in NI for those EU citizens that fall within the Withdrawal Agreement and EEA EFTA Separation Agreement.

The PNOR guidance is available here:

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-pnor-guidance-v2.2.pdf>

D. Key domestic jurisprudence from the reporting year

Not applicable

E. Statistical data on the frontier worker scheme

The Frontier Worker permit scheme is operated by the UK Home Office and while some Frontier Workers may need to supply a Frontier Worker permit to access publicly funded healthcare in Northern Ireland, the primary requirement to have a permit is for employment purposes. This data is not routinely recorded or reported on by the Department of Health.

3. Co-ordination of social security schemes

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

The key legislative instrument for the co-ordination of social security schemes for access to healthcare purposes is the Provision of Health Services to Persons Not Ordinarily Resident (PNOR) Regulations (Northern Ireland) 2015 which make provisions on the exemptions from health service charges to a visitor who has an entitlement to the provision of those services by virtue of a right arising from the EU Withdrawal Agreement and the EEA EFTA Separation Agreement.

[Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#)

[European Union \(Withdrawal Agreement\) Act 2020 \(legislation.gov.uk\)](#)

These provisions have UK-wide scope and so extend to Northern Ireland. While social security is devolved, international relations is an excepted matter.

B. Key legislative instruments adopted or amended in the reporting year

The PNOR Regulations (Northern Ireland) 2015 require further amendments to make provision for the Withdrawal Agreement and EEA EFTA Separation Agreement.

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

The PNOR guidance has been updated to provide access to publicly funded healthcare in NI for those EU citizens that fall within the Withdrawal Agreement and EEA EFTA Separation Agreement.

In December 2022, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA), through The Executive Office (TEO), sought and obtained clarity from the Department of Health over the charging of applicants to the EU Settlement Scheme (EUSS) for some Health and Social Care (HSC) treatment. An exercise concluded that none of the HSC Trusts had charged patients because they were awaiting an EUSS decision. Any charges made to visitors waiting for such a decision were because of failures to provide supporting documentation unrelated to their EUSS application or status.

In consultation with the IMA, the Department strengthened the operational guidance to the Health and Personal Social Services Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015. This amendment to the guidance provides more clarity around the position of EUSS pending applicants and joining family members. Amended guidance was published and circulated to the relevant staff across all HSC Trusts to ensure staff are aware of the guidance and the updates. This was one of the steps taken by the Department to achieve an IMA Early Case Resolution.

The PNOR guidance is available here:

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-pnor-guidance-v2.2.pdf>

[Guidance relating to the UK's operational implementation of the social security coordination provisions of Part 2 of the EU Withdrawal Agreement](#). This UK-wide guidance covers Northern Ireland.

D. Key domestic jurisprudence from the reporting year

Not applicable

E. Statistical data

This data is collected by the NHS Business Services Authority (NHSBSA) on behalf of the UK.

All the information below is provided by the Department for Work and Pensions in relation to the UK as a whole:

Applicable legislation (Portable Document A1)

Portable Document A1	
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Cross-border health care (EHIC, Portable Documents S1 and S2)

EHIC	
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S1	
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S2	
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Pensions

Old age pension	
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Survivors pension	
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Unemployment benefits (Portable Documents U1 and U2)

U1	
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U2	
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Family benefits

Maternity allowance	
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Maternity grant	
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4. Recognition of professional qualifications

Minister Mallon made a decision in January/ February 2020 to have unilateral recognition of EU issued train driver licences. This was achieved by not making any further amendments to the Train Driver Licensing and Certification Regulations (Northern Ireland) 2010.

A. Key legislative instruments implementing the Withdrawal Agreement

[The Professional Qualifications Act 2022 \(Commencement No. 3 and Savings and Transitional Provisions\) Regulations 2023](#)

[The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

[The Train Driver Licensing and Certification Regulations \(Northern Ireland\) 2010.](#)

B. Key legislative instruments adopted or amended in the reporting year

The following UK wide regulations were introduced by the Department for Business and Trade:

[The Professional Qualifications Act 2022 \(Commencement No. 3 and Savings and Transitional Provisions\) Regulations 2023](#)

[The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

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

The key information fulfilling the requirements of the EEA EFTA agreement can be found [here](#).

<https://www.infrastructure-ni.gov.uk/articles/train-driver-licensing-certification-and-regulatory-enforcement>

D. Key domestic jurisprudence from the reporting year

Not applicable

E. Statistical data

A	Number of applications under Article 28 of the Withdrawal Agreement made in the reporting year (2023)	0
A1	Number of applications granted	n/a
A2	Number of applications refused	n/a
A2a	Out of A2, number of applications that were invalid	n/a
A2b	Out of A2, number of applications that were withdrawn by applicants	n/a
A3	Number of applications that are still pending at the end of the reporting year	0

Annex 3 Scotland

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

N/A

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 Scottish Government NHS guidance. After working with the IMA to identify the issues, the following actions were taken:

NHS Charges for applicants to the EUSS (Scotland)

In December 2022 the IMA asked the Scottish Government to confirm how the rights of EUSS applicants to free NHS treatment were upheld. In addition, the IMA noted that some of the communications available on the NHS (Scotland) and Scottish Government websites were contradictory and that guidance in relation to EUSS applicants was out of date. The IMA also sought confirmation that EUSS applicants and their Joining Family Members (JFM) had not been erroneously charged for NHS treatment.

Actions taken in response:

- Contradictory information was removed from the NHS and Scottish Government websites
- NHS Inform website was updated with relevant information and communications were sent to NHS Boards informing them of these changes
- Relevant guidance was updated to provide information on the rights of EUSS applicants to access NHS services and to provide information on Joining Family Members.
- In correspondence with the IMA the Scottish Government also confirmed that:
 - Joining Family Members (within scope of the Agreements) have the right to access NHS healthcare in Scotland, at no charge.
 - No issues have been identified in relation to EUSS applicants accessing healthcare.
 - We will continue to liaise with Health Board's Overseas Visitors Managers to ensure that the rights of EU and EEA EFTA citizens living in Scotland, and their family members, are protected.
- The IMA Monitoring & Compliance period was concluded in November 2023.

In addition, the following amendments, which had been drafted during 2022, came into effect:

St Mary's Music School (Aided Places) (Scotland) (Amendment) (No.2) Regulations 2022

These regulations came into effect on 10 February 2023. They amend the *St Mary's Music School (Aided Places) (Scotland) Regulations 2015*, which provide the legislative framework for the administration of the aided places scheme for pupils attending St Mary's Music School. The legislation corrects deficiencies that were identified by the IMA in a previous review.

The Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2022

These regulations came into effect on 1 August 2023. They amend the eligibility categories in Schedule 1 of both the Education (Fees) (Scotland) Regulations 2022 ("the Fees Regulations") and the Student Support (Scotland) Regulations 2022 ("the Support Regulations") to remove unnecessary drafting following EU Exit and to clarify the home fee status of EU nationals and their family members who have been living in the United Kingdom for less than 3 years. They address an issue that was identified by the IMA in an earlier review of the Fees Regulations.

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 more than £2 million to community organisations to help EU citizens to apply to the EUSS. In 2023 the Scottish Government funded an immigration caseworker working with local authorities across Scotland to support vulnerable EU citizens to make late EUSS applications and they funded the Citizens' Rights Project (CRP) to provide advice and support to EU citizens. Since April 2023 they also fund Settled to provide higher level immigration advice, with advisors working closely with and taking referrals from a wide range of EU citizen support organisations across Scotland.

The Scottish Government provided helpful information for EU citizens online. This included 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, which were updated in January 2023.

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 the Legal department, and colleagues in areas of Homelessness, Ending Destitution, 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 regular meetings with third sector partners and other organisations working to support EU citizens and their families.

Emma Roddick, the Minister for Equalities, Migration and Refugees, attended a number of EU citizens related engagements to gain a fuller understanding of the issues facing the community, including attending and speaking at a Europe Day event *European citizens and Scotland: their issues, concerns & future prospects* event on 9 May 2023 and meeting with CRP volunteers supporting the homeless community in Aberdeen in July 2023.

D. Key domestic jurisprudence from the reporting year

N/A

E. Statistical data

According to the 19th Home Office quarterly statistical report, published on 29 February 2024, 348,260 EUSS applications had been made from Scotland. Of the 344,190 concluded applications, 192,920 (56%) were granted settled status, 122,560 (36%) were granted pre-settled status, 15,620 (5%) applications were refused, 7,120 (2%) withdrawn or void and 5,980 (2%) were invalid applications.

Annex 4 United Kingdom

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

B. Key legislative instruments adopted or amended in the reporting year

- [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

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 \(www.gov.uk\)](#)
- [Apply to the EU Settlement Scheme \(settled and pre-settled status\) – GOV.UK \(www.gov.uk\)](#)
- [EU Settlement Scheme: family and travel permits – GOV.UK \(www.gov.uk\)](#)
- [View and prove your immigration status – GOV.UK \(www.gov.uk\)](#)
- [Visiting the UK as an EU, EEA or Swiss citizen – GOV.UK \(www.gov.uk\)](#)

- [EEA nationals at the border post grace period – GOV.UK \(www.gov.uk\)](#)
- [Entering the UK under the EU Settlement Scheme and EU Settlement Scheme family permit – GOV.UK \(www.gov.uk\)](#)
- [Public funds – GOV.UK \(www.gov.uk\)](#)
- [Landlord’s guide to right to rent checks - GOV.UK \(www.gov.uk\)](#)
- [EU Settlement Scheme: employer toolkit - GOV.UK \(www.gov.uk\)](#)
- [Right to work checks: employing EU, EEA and Swiss citizens - GOV.UK \(www.gov.uk\)](#)
- [Right to work checks: an employer’s guide - GOV.UK \(www.gov.uk\)](#)
- [EEA decisions taken on grounds of public policy - GOV.UK \(www.gov.uk\)](#)
- [European Union, European Economic Area and Swiss citizens and their family members \(accessible\) - GOV.UK \(www.gov.uk\)](#)
- [Immigration status and enforcement action: caseworker guidance - GOV.UK \(www.gov.uk\)](#)
- [Apply for an EU Settlement Scheme travel permit to return to the UK - GOV.UK \(www.gov.uk\)](#)
- [EU Settlement Scheme: evidence of relationship - GOV.UK \(www.gov.uk\)](#)
- [EEA Operational guidance post grace period \(publishing.service.gov.uk\)](#)
- [Cancellation and curtailment of permission \(accessible\) - GOV.UK \(www.gov.uk\)](#)
- [EU Settlement Scheme derivative right to reside \(Chen and Ibrahim Teixeira cases\) \(publishing.service.gov.uk\)](#)
- [European Economic Area nationals qualified persons \(publishing.service.gov.uk\)](#)
- [Current rights of appeal \(publishing.service.gov.uk\)](#)

D. Key domestic jurisprudence from the reporting year

- Celik v Secretary of State for the Home Department: [Celik v Secretary of State for the Home Department \[2023\] EWCA Civ 921 \(31 July 2023\) \(bailii.org\)](#)
- Secretary of State for Work and Pensions vs AT: [Court of Appeal Judgment](#)

E. Statistical data

A	Estimated number of resident beneficiaries of the Withdrawal Agreement and EEA EFTA Separation Agreement	5.7 million
B	Number of residence applications made in the reporting year	677,940
B1	Number of in time residence applications made in the reporting year	N/A
B1a	Number of applications granted as pre-permanent residence between 28 August 2018 to 31 December 2023	2,807,790
B1b	Number of applications granted as permanent residence between 28 August 2018 and 31 December 2023	3,629,170
B1c	Number of applications refused between 28 August 2018 and 31 December 2023	409,350
B1c1	Out of B1c, number of applications that were invalid	130,990
B1c2	Out of B1c, number of applications that were withdrawn by applicants	157,050
B1d	Total number of in time applications pending at the end of the reporting year	Unable to provide data
B2	Number of late residence applications made in the reporting year	237,730
B2a1	Number of late applications granted as pre-permanent residence between 1 July 2021 and 31 December 2023	99,000
B2a2	Number of late applications granted as permanent residence between 1 July 2021 and 31 December 2023	110,800
B2a3	Number of late applications refused between 1 July 2021 and 31 December 2023	257,120
B2a3a	Out of B2a3, number of applications that were invalid	67,760
B2a3b	Out of B2a3, number of applications that were void or withdrawn by applicants	32,030
B1d	Total number of late applications pending at the end of the reporting year	Unable to provide data

Annex 4 United Kingdom

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	124,020
C1	Number of entry visas granted	184,160
C2	Number of entry visas applications refused	155,410
C3	Total number of entry visa applications pending at the end of the reporting year	Unable to provide data

B1a – B1c2 refer to the **total** number of **in-time** EUSS applications granted PSS, SS, refused, invalid and withdrawn.

B2a1 – B2a3b refer to the **total** number of **late** EUSS applications granted PSS, SS, refused, invalid and withdrawn.

C1 – total joining family members pre-settled and settled status.

Notes regarding the data

Data up to the end of the reporting year of 2023 is taken from the [EUSS quarterly report up to 31 December 2023](#)

* = 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	Data on concluded applications excludes figures that have been classed as having data quality issues which are less than 0.03%. Total applications received by nationality include small numbers of records (0.03%), in which nationality is not currently in an analysable form from live systems.
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 2023 (VIS_D01 and VIS_D02).

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

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 and EEA EFTA Separation Agreement

- [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](#)
- [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](#)

B. Key legislative instruments adopted or amended in the reporting year

[The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

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

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

D. Key domestic jurisprudence from the reporting year

Not applicable

E. Statistical data

A	Number of applications made in the reporting year	2837
A1	Number of applications granted	653
A2	Number of applications refused	1987
A2a	Out of A2, number of applications that were invalid	
A2b	Out of A2, number of applications that were withdrawn by applicants	122
A3	Number of applications that are still pending at the end of the reporting year	Unable to provide data

3. Co-ordination of social security schemes

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

DWP, HMRC and DHSC:

- [European Union \(Withdrawal Agreement\) Act 2020 \(legislation.gov.uk\)](#)

DHSC:

- [Healthcare \(International Arrangements\) Act 2019](#): Section 162 of the Health and Care Act 2023 contains provisions to implement international healthcare agreements, amending the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019. The amendments were adopted by Parliament in 2023 and as a result, the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 becomes the Healthcare (International Arrangements) Act 2019.

B. Key legislative instruments adopted or amended in the reporting year

DWP and HMRC: Nil Return

DHSC:

- [Healthcare \(International Arrangements\) \(EU Exit\) Regulations 2023](#)
- [Amendments](#) came into force on 18 February 2023 to the [NHS \(Charges to overseas visitors\) Regulations 2015](#) to clarify the position regarding applicants to the EUSS, ensuring those applicants are not charged for the period whilst an application is under consideration, if their application goes on to be rejected.
- [Cost Recovery Collection, Processing and Dissemination of overseas visitor and UK Patient-Level Data Directions 2021 \(as amended\) \(the Original Directions\)](#) were updated to include additional data sharing requirements between the Home Office and the NHS.

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

All departments: [Guidance relating to the UK’s operational implementation of the social security coordination provisions of Part 2 of the EU Withdrawal Agreement.](#)

DHSC: Amendments were also made to [guidance](#) on NHS Cost Recovery for Overseas Visitors. For implementation of Social Security Coordination under the Withdrawal Agreement please see Chapter 9: International Healthcare Agreements and Annex D: Persons covered by the Withdrawal Agreement, EEA EFTA Separation Agreement and Swiss Citizens’ Rights Agreement, to the extent that these relate to the EHIC, S1 and S2 policy and process. Other aspects of this chapter fall outside the scope of Social Security Coordination rules.

D. Key domestic jurisprudence from the reporting year

DWP: Judgment made at the Upper Tribunal. Please [see](#) reasons for the decision published on the 15th February 2023.

DHSC: Nil return

HMRC: Nil return

E. Statistical data

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

EHIC	
S1	
S2	

Pensions

Old age pension	
Survivors pension	

Unemployment benefits (Portable Documents U1 and U2)	
U1	
U2	

Family benefits	
Maternity allowance	
Maternity grant	

All departments: For statistical data on all departments please see - [Social Security Coordination at a Glance 2023](#)

4. Recognition of professional qualifications

On 1st December 2023, the UK brought into force section 5(1) of the Professional Qualifications Act 2022, which revokes the [European Union \(Recognition of Professional Qualifications\) Regulations 2015](#) ('2015 Regulations'), via [The Professional Qualifications Act 2022 \(Commencement No. 3 and Savings and Transitional Provisions\) Regulations 2023](#). The 2015 Regulations set out an interim system for recognition of professional qualifications from the EEA and Switzerland. Regulators of professions regulated by law and professions subject to industry-led regulation (chartered professions) are now no longer required to have systems in place to recognise EEA professional qualifications, and are free to maintain recognition pathways of their own choosing for professional qualifications gained from EEA countries. This is unless sectoral legislation or international agreements have specific requirements for recognition of EEA professionals.

The UK Government preserved application of relevant retained EU Law to ensure that the UK's international commitments in the [Common Travel Area with Ireland](#), the [Withdrawal Agreement with the EU](#), the [EEA EFTA Separation Agreement](#), and the [Citizens' Rights Agreement with Switzerland](#), are maintained. This includes regulators upholding recognition decisions made before 1st December 2023 and ensure applications made but not determined before this date progress for EEA and Swiss professionals.

The UK Government implemented the recognition of professional qualifications provisions set out in Chapter 12 of the UK-Norway, Iceland and Liechtenstein Free Trade Agreement on 1 December 2023 through the [Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023](#). These Regulations require regulators of professions regulated by law to have processes in place to recognise comparable qualifications obtained in Norway, Iceland and Liechtenstein.

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 \(S.I. 2019/312\)](#)
- [Recognition of Professional Qualifications \(Amendment etc.\) \(EU Exit\) Regulations 2021](#)
- [The Professional Qualifications Act 2022 \(Commencement No. 3 and Savings and Transitional Provisions\) Regulations 2023](#)

B. Key legislative instruments adopted or amended in the reporting year

- [The Professional Qualifications Act 2022 \(Commencement No. 3 and Savings and Transitional Provisions\) Regulations 2023](#) (revoked the interim system for recognition of EU professional qualifications contained in the [European Union \(Recognition of Professional Qualifications\) Regulations 2015](#), with transitional and savings provisions).
- [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023](#)

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

- [Revocation of general EU system of recognition of overseas qualifications guidance](#)
- [Recognition of Professional Qualifications under the UK's Free Trade Agreement with Norway, Iceland and Liechtenstein: guidance for regulators](#)

D. Key domestic jurisprudence from the reporting year

Not applicable

E. Statistical data

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

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 2023 up to 31 December 2023

Country of nationality	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Total
Total EU 27	80,460	80,460	80,460	80,460	80,460	80,460	80,460	80,460	80,460	80,460	80,460	50,460	50,460
Austria	120	80	90	80	110	80	110	120	140	130	120	100	1,280
Belgium	240	240	210	210	230	250	250	350	330	280	250	230	3,070
Bulgaria	6,170	4,620	4,960	4,470	4,730	4,570	4,650	4,970	4,670	4,690	3,990	3,280	55,770
Croatia	110	70	80	80	70	100	130	160	160	170	130	110	1,370
Cyprus	200	200	190	170	170	160	150	220	270	250	220	170	2,370
Czech Republic	600	530	520	460	500	490	570	590	670	560	480	350	6,320
Denmark	120	110	100	90	100	100	100	130	120	120	90	80	1,260
Estonia	50	50	40	30	50	50	50	50	70	40	60	30	570
Finland	130	100	120	80	90	120	130	130	160	140	100	100	1,400
France	1,170	910	970	910	870	930	1,010	1,200	1,240	1,080	930	870	12,090
Germany	720	600	600	600	580	590	700	800	890	760	670	570	8,080
Greece	1,310	1,140	1,230	1,000	1,100	1,100	1,090	1,230	1,500	1,480	1,160	1,040	14,380
Hungary	1,120	890	930	840	870	900	950	1,140	1,080	910	820	630	11,080
Ireland	60	50	40	60	60	60	50	70	70	50	60	40	670
Italy	4,420	3,740	4,130	3,630	3,850	3,830	4,290	5,020	5,060	4,720	4,080	3,940	50,710

Annex 4 United Kingdom

Country of nationality	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Total
Latvia	680	590	700	580	520	550	620	750	670	670	530	400	7,260
Lithuania	1,140	920	1,040	880	920	1,010	1,020	1,390	1,190	1,100	870	700	12,180
Luxembourg	10	*	*	10	*	*	10	10	20	20	10	10	100
Malta	40	30	30	40	20	40	60	40	60	50	40	30	480
Netherlands	630	550	580	560	600	590	670	840	690	640	590	560	7,500
Poland	4,040	3,500	3,730	3,310	3,350	3,450	3,950	4,260	3,760	3,400	2,860	2,330	41,940
Portugal	3,570	3,070	3,410	2,980	3,140	3,140	3,390	3,830	3,750	3,580	2,920	2,770	39,550
Romania	23,820	20,360	20,880	17,090	18,810	19,450	19,230	23,100	23,840	21,710	17,730	12,990	239,010
Slovakia	1,640	1,290	1,470	1,160	1,170	1,120	1,270	1,380	1,440	1,450	1,140	880	15,410
Slovenia	30	30	40	*	30	30	40	30	50	30	30	20	360
Spain	2,840	2,950	3,110	2,860	2,780	2,620	2,960	3,210	3,150	2,950	2,500	2,250	34,180
Sweden	1,410	1,020	1,040	870	1,020	910	1,030	1,370	1,020	910	780	730	12,110
Total EEA EFTA and Swiss	430	380	400	340	340	360	480	520	410	410	370	350	4,790
Iceland	10	10	*	*	10	20	10	20	20	20	*	*	120
Liechtenstein	*	0	0	*	0	0	0	*	0	0	*	*	0
Norway	320	280	280	250	250	240	350	390	260	280	260	250	3,410
Switzerland	100	90	110	70	80	100	120	120	130	110	100	90	1,220
Total Non-EEA	8,270	7,890	8,340	7,550	8,430	8,130	8,280	8,430	7,030	7,160	6,670	6,480	92,660
TOTAL													677,910

B1a: Number of applications granted pre-settled status between 1 January 2023 up to 31 December 2023

Country of nationality	1 January 2023 - 31 December 2023
Total	99,990
Total EU 27	72,810
Austria	140
Belgium	450
Bulgaria	6,680
Croatia	130
Cyprus	230
Czech Republic	580
Denmark	150
Estonia	40
Finland	150
France	1,260
Germany	870
Greece	1,660
Hungary	930
Ireland	70
Italy	5,830
Latvia	690
Lithuania	1,050
Luxembourg	20
Malta	30
Netherlands	870
Poland	4,130
Portugal	5,170
Romania	30,580
Slovakia	1,750

Annex 4 United Kingdom

Slovenia	30
Spain	5,330
Sweden	4,020
Total EEA EFTA and Swiss	900
Iceland	10
Liechtenstein	0
Norway	730
Switzerland	150
Total Non-EEA	25,950

B1b: Number of applications granted settled status between 1 January 2023 up to 31 December 2023

Country of nationality	1 January 2023 - 31 December 2023
Total	319,700
Total EU 27	286,540
Austria	940
Belgium	2,010
Bulgaria	18,550
Croatia	1,110
Cyprus	1,570
Czech Republic	3,030
Denmark	870
Estonia	450
Finland	1,010
France	9,390
Germany	6,190
Greece	10,990
Hungary	7,290
Ireland	460

Italy	40,000
Latvia	4,380
Lithuania	8,070
Luxembourg	110
Malta	380
Netherlands	4,920
Poland	28,390
Portugal	22,030
Romania	85,270
Slovakia	5,560
Slovenia	340
Spain	20,790
Sweden	2,440
Total EEA EFTA and Swiss	2,500
Iceland	120
Liechtenstein	0
Norway	1,470
Switzerland	920
Total Non-EEA	29,470

B1c: Number of applications refused between 1 January 2023 up to 31 December 2023 (excluding invalid and withdrawn or void)

Country of nationality	1 January 2023 - 31 December 2023
Total	223,700
Total EU 27	198,810
Austria	160
Belgium	580
Bulgaria	28,750
Croatia	140

Annex 4 United Kingdom

Cyprus	700
Czech Republic	2,220
Denmark	260
Estonia	90
Finland	270
France	1,560
Germany	1,050
Greece	1,910
Hungary	2,560
Ireland	160
Italy	6,190
Latvia	1,860
Lithuania	2,570
Luxembourg	20
Malta	40
Netherlands	1,550
Poland	9,990
Portugal	10,770
Romania	105,170
Slovakia	6,250
Slovenia	20
Spain	8,130
Sweden	5,840
Total EEA EFTA and Swiss	1,290
Iceland	20
Liechtenstein	0
Norway	1,110
Switzerland	150
Total Non-EEA	23,500

B1c1: Number of applications that were invalid between 1 January 2023 up to 31 December 2023 (excluding refused and withdrawn or void)

Country of nationality	1 January 2023 - 31 December 2023
Total	62,910
Total EU 27	55,100
Austria	40
Belgium	180
Bulgaria	5,510
Croatia	20
Cyprus	130
Czech Republic	850
Denmark	80
Estonia	20
Finland	90
France	550
Germany	340
Greece	360
Hungary	790
Ireland	70
Italy	1,740
Latvia	530
Lithuania	810
Luxembourg	0
Malta	20
Netherlands	490
Poland	3,770
Portugal	3,450
Romania	29,300
Slovakia	2,740

Annex 4 United Kingdom

Slovenia	10
Spain	1,920
Sweden	1,300
Total EEA EFTA and Swiss	340
Iceland	10
Liechtenstein	0
Norway	290
Switzerland	50
Total Non-EEA	7,430

B1c2: Number of applications that were withdrawn or void between 1 January 2023 up to 31 December 2023 (excluding refused or invalid)

Country of nationality	1 January 2023 - 31 December 2023
Total	36,090
Total EU 27	31,820
Austria	90
Belgium	140
Bulgaria	2,890
Croatia	40
Cyprus	140
Czech Republic	350
Denmark	90
Estonia	40
Finland	40
France	600
Germany	370
Greece	460
Hungary	600

Ireland	50
Italy	1,730
Latvia	700
Lithuania	1,230
Luxembourg	10
Malta	20
Netherlands	510
Poland	2,790
Portugal	2,330
Romania	13,540
Slovakia	1,030
Slovenia	10
Spain	1,520
Sweden	500
Total EEA EFTA and Swiss	230
Iceland	10
Liechtenstein	0
Norway	160
Switzerland	70
Total Non-EEA	3,950

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 2023 - 31 December 2023
Total	39,827
Afghanistan	257
Albania	1,026
Algeria	101

Annex 4 United Kingdom

Angola	113
Antigua and Barbuda	1
Argentina	16
Armenia	9
Australia	11
Austria	13
Azerbaijan	6
Bangladesh	2,023
Barbados	4
Belarus	36
Belgium	26
Belize	1
Benin	315
Bolivia	108
Bosnia and Herzegovina	5
Botswana	3
Brazil	325
British overseas citizens	1
Bulgaria	109
Burkina Faso	85
Burundi	6
Cambodia	115
Cameroon	400
Canada	20
Cape Verde	28
Chad	1
Chile	6
China	87
Colombia	5
Congo	10

Congo (Democratic Republic)	46
Costa Rica	2
Croatia	9
Cuba	23
Cyprus	12
Cyprus (Northern part of)	28
Czechia	23
Denmark	11
Djibouti	27
Dominica	1
Dominican Republic	1,260
East Timor	173
Ecuador	370
Egypt	166
El Salvador	4
Eswatini	2
Equatorial Guinea	21
Eritrea	23
Estonia	14
Ethiopia	140
Fiji	1
Finland	7
France	86
Gabon	4
Gambia, The	857
Georgia	28
Germany	63
Ghana	3302
Greece	54
Guatemala	3

Annex 4 United Kingdom

Guinea	380
Guinea-Bissau	278
Guyana	1
Haiti	6
Honduras	6
Hong Kong	3
Hungary	86
India	5615
Indonesia	47
Iran	40
Iraq	319
Israel	13
Italy	179
Ivory Coast	565
Jamaica	33
Japan	12
Jordan	29
Kazakhstan	24
Kenya	289
Kosovo	18
Kuwait	1
Kyrgyzstan	8
Laos	1
Latvia	38
Lebanon	38
Lesotho	1
Liberia	18
Libya	8
Lithuania	51
Macau	1

Madagascar	3
Malawi	7
Malaysia	5
Maldives	4
Mali	28
Malta	3
Mauritania	5
Mauritius	12
Mexico	9
Moldova	1279
Mongolia	7
Montenegro	2
Morocco	308
Mozambique	12
Myanmar (Burma)	2
Namibia	11
Nepal	194
Netherlands	46
New Zealand	15
Nicaragua	3
Niger	2
Nigeria	2850
North Macedonia	82
Norway	16
Occupied Palestinian Territories	32
Other and unknown	59
Pakistan	6195
Papua New Guinea	1
Paraguay	2
Peru	24

Annex 4 United Kingdom

Philippines	292
Poland	256
Portugal	189
Refugee	67
Romania	370
Russia	162
Rwanda	5
Sao Tome and Principe	69
Saudi Arabia	1
Senegal	844
Serbia	30
Sierra Leone	232
Singapore	3
Slovakia	12
Slovenia	4
Somalia	3233
South Africa	140
South Korea	6
South Sudan	6
Spain	203
Sri Lanka	224
St Lucia	1
Stateless	5
Sudan	122
Sweden	106
Switzerland	3
Syria	384
Taiwan	2
Tanzania	15
Thailand	60

Togo	10
Trinidad and Tobago	2
Tunisia	41
Turkey	194
Turkmenistan	2
Uganda	142
Ukraine	70
United States	58
Uruguay	1
Uzbekistan	11
Vanuatu	1
Venezuela	201
Vietnam	32
Yemen	614
Zambia	9
Zimbabwe	36

C1: Number of entry visas granted Data provided includes EUSS Family Permits and EUSS Travel Permits

Country of nationality	1 January 2023 - 31 December 2023
Total	?
Afghanistan	75
Albania	545
Algeria	54
Angola	30
Argentina	18
Armenia	8
Australia	8
Austria	3
Azerbaijan	2
Bahamas, The	1
Bangladesh	748
Barbados	2
Belarus	25
Belgium	7
Benin	35
Bolivia	71
Bosnia and Herzegovina	10
Brazil	166
Bulgaria	6
Burkina Faso	35
Burundi	14
Cambodia	4
Cameroon	181
Canada	37
Cape Verde	10

Chad	2
Chile	10
China	28
Colombia	51
Congo	29
Congo (Democratic Republic)	28
Costa Rica	0
Croatia	1
Cuba	15
Cyprus	3
Cyprus (Northern part of)	7
Czechia	18
Denmark	10
Djibouti	9
Dominican Republic	410
East Timor	8
Ecuador	86
Egypt	110
El Salvador	0
Equatorial Guinea	64
Eritrea	10
Estonia	11
Eswatini	2
Ethiopia	41
Finland	37
France	7
Gabon	22
Gambia, The	67
Georgia	199
Germany	9

Annex 4 United Kingdom

Ghana	1724
Greece	29
Guatemala	3
Guinea	48
Guinea-Bissau	134
Guyana	16
Haiti	4
Honduras	15
Hong Kong	1
Hungary	7
India	2917
Indonesia	81
Iran	29
Iraq	65
Israel	39
Italy	55
Ivory Coast	87
Jamaica	113
Japan	6
Jordan	7
Kazakhstan	26
Kenya	62
Kosovo	2
Kuwait	25
Kyrgyzstan	4
Latvia	35
Lebanon	12
Liberia	17
Libya	6
Lithuania	8

Macau	7
Malawi	1
Malaysia	6
Maldives	0
Mali	4
Malta	5
Mauritania	2
Mauritius	17
Mexico	2
Moldova	704
Mongolia	9
Montenegro	3
Morocco	108
Mozambique	7
Myanmar (Burma)	2
Namibia	3
Nepal	69
Netherlands	32
New Zealand	20
Nicaragua	16
Nigeria	1088
Niger	2
North Macedonia	44
Norway	27
Occupied Palestinian Territories	16
Other and unknown	14
Pakistan	2961
Peru	119
Philippines	140
Poland	12

Annex 4 United Kingdom

Portugal	98
Refugee	44
Romania	17
Russia	161
Rwanda	8
Sao Tome and Principe	7
Senegal	188
Serbia	90
Sierra Leone	66
Slovakia	7
Slovenia	?
Somalia	1088
South Africa	487
South Korea	10
Spain	8
Sri Lanka	153
St Lucia	0
Stateless	35
South Sudan	2
Sudan	35
Suriname	21
Sweden	31
Switzerland	15
Syria	170
Taiwan	45
Tanzania	9
Thailand	32
Togo	2
Trinidad and Tobago	1
Tunisia	10

Turkey	75
Turkmenistan	12
Uganda	39
Ukraine	55
United States	20
Uruguay	23
Uzbekistan	8
Venezuela	57
Vietnam	11
Yemen	15
Zambia	54
Zimbabwe	71

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

Country of nationality	1 January 2023 - 31 December 2023
Total	25856
Afghanistan	199
Albania	889
Algeria	74
Angola	79
Argentina	13
Armenia	8
Australia	8
Austria	7
Azerbaijan	4
Bangladesh	1840
Barbados	2
Belarus	24
Belgium	12

Annex 4 United Kingdom

Benin	149
Bolivia	64
Bosnia and Herzegovina	4
Botswana	1
Brazil	239
Bulgaria	83
Burkina Faso	35
Burundi	3
Cambodia	2
Cameroon	206
Canada	8
Cape Verde	26
Chad	1
Chile	1
China	46
Colombia	124
Congo	6
Congo (Democratic Republic)	41
Costa Rica	2
Croatia	2
Cuba	16
Cyprus	13
Cyprus (Northern part of)	12
Czechia	14
Denmark	10
Djibouti	14
Dominica	1
Dominican Republic	737
East Timor	91
Ecuador	269

Egypt	93
El Salvador	6
Equatorial Guinea	14
Eritrea	16
Estonia	7
Eswatini	1
Ethiopia	88
Finland	2
France	58
Gabon	3
Gambia, The	684
Georgia	23
Germany	42
Ghana	1781
Greece	31
Grenada	4
Guatemala	2
Guinea	194
Guinea-Bissau	238
Haiti	3
Honduras	4
Hong Kong	2
Hungary	54
India	3103
Indonesia	26
Iran	22
Iraq	159
Israel	6
Italy	112
Ivory Coast	313

Annex 4 United Kingdom

Jamaica	23
Japan	8
Jordan	22
Kazakhstan	5
Kenya	195
Kosovo	18
Kyrgyzstan	5
Laos	1
Latvia	25
Lebanon	26
Lesotho	1
Liberia	19
Libya	3
Lithuania	34
Madagascar	4
Malawi	6
Malaysia	3
Maldives	3
Mali	12
Malta	3
Mauritius	7
Mexico	5
Moldova	712
Mongolia	3
Morocco	232
Mozambique	10
Myanmar (Burma)	1
Namibia	5
Nepal	150
Netherlands	26

New Zealand	4
Nicaragua	2
Niger	1
Nigeria	1623
North Macedonia	41
Norway	8
Occupied Palestinian Territories	21
Other and unknown	27
Pakistan	4834
Paraguay	2
Peru	20
Philippines	183
Poland	164
Portugal	134
Refugee	49
Romania	254
Russia	87
Rwanda	6
Sao Tome and Principe	61
Senegal	560
Serbia	9
Sierra Leone	140
Singapore	2
Slovakia	10
Slovenia	4
Somalia	2007
South Africa	88
South Korea	2
Spain	108
Sri Lanka	197

Annex 4 United Kingdom

St Lucia	1
Stateless	2
Sudan	77
Sweden	50
Switzerland	3
Syria	249
Taiwan	1
Tanzania	16
Thailand	31
Togo	9
Trinidad and Tobago	2
Tunisia	26
Turkey	140
Uganda	83
Ukraine	41
United States	39
Uzbekistan	7
Venezuela	152
Vietnam	15
Yemen	190
Zambia	6
Zimbabwe	31

Applications for FW Permits. Frontier Worker

Country of nationality	1 January 2023 - 31 December 2023
Total	2837
Austria	3
Belgium	18
Bulgaria	104

Croatia	83
Cyprus	3
Czechia	26
Denmark	23
Estonia	24
Finland	3
France	42
Germany	51
Greece	78
Hungary	25
Ireland	1
Italy	60
Latvia	310
Lithuania	182
Luxembourg	1
Malta	2
Netherlands	106
Norway	40
Other and unknown	9
Poland	805
Portugal	69
Romania	682
Slovakia	12
Slovenia	2
Spain	61
Sweden	7
Switzerland	5

Outcomes of applications. Frontier Worker - Permits Issued

Country of nationality	1 January 2023 - 31 December 2023
Total	653
Austria	2
Belgium	9
Bulgaria	24
Croatia	14
Czechia	12
Denmark	8
Estonia	3
Finland	1
France	19
Germany	26
Greece	28
Hungary	3
Ireland	1
Italy	15
Latvia	72
Lithuania	26
Netherlands	46
Norway	5
Poland	226
Portugal	16
Romania	71
Slovakia	5
Slovenia	1
Spain	17
Sweden	1
Switzerland	2

Outcomes of applications. Frontier Worker - Permits Refused

Country of nationality	1 January 2023 - 31 December 2023
Total	1987
Belgium	12
Brazil	1
Bulgaria	69
Croatia	59
Cyprus	1
Czechia	16
Denmark	17
Estonia	19
Finland	2
France	20
Germany	27
Greece	43
Hungary	22
Italy	45
Latvia	218
Lithuania	152
Luxembourg	1
Netherlands	53
Norway	32
Other and unknown	1
Poland	579
Portugal	61
Romania	472
Slovakia	11
Slovenia	1
Spain	42
Sweden	6

Annex 4 United Kingdom

Malta	2
Switzerland	3

Outcomes of applications. Frontier worker - Permits Withdrawn

Country of nationality	1 January 2023 - 31 December 2023
Total	122
Austria	1
Bulgaria	6
Croatia	4
Cyprus	1
Denmark	2
Estonia	1
France	3
Germany	3
Greece	7
Hungary	2
Ireland	1
Italy	6
Latvia	8
Lithuania	1
Malta	1
Netherlands	7
Norway	1
Other and unknown	3
Poland	15
Portugal	2
Romania	34
Slovakia	4
Spain	6
Sweden	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 2022 the IMA concluded their review 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. Following discussions the Welsh Government agreed to update the guidance and published an addendum in February 2023. The addendum can be accessed here: [Allocation of Accommodation and Homelessness: addendum](#)
- The Welsh Government continues 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 need, including:
 - Free advice and support from third sector organisations Citizens Advice Cymru and Settled
 - Advice on social welfare issues and workplace rights
 - Outreach support for hard-to-reach and vulnerable groups
- The funding for EUSS Advice Services provided by Newfields Law was extended until March 2023 to enable the continuation to provide support to those with more complex applications which has become commonplace since the deadline for applications in June 2021.

- The funding for EUSS Advice Services provided by third sector organisations Citizens Advice Cymru and Settled was extended to ensure advice services continued throughout 2023. This has ensured EU Citizens with more complex applications have been able to access the necessary support for their EU Settlement applications.
- The Welsh Government continued to promote Wales as a 'Nation of Sanctuary' ensuring the Welsh Government's website and its independent website Sanctuary remained up to date on information for migrant and EU citizens. [Sanctuary | EU Citizens \(gov.wales\)](#)
- The Welsh Government has 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. The last meeting of the EUSS Co-ordination Group was held on the 5th December 2023.
- As part of a wider migration issues governance structure review, the Welsh Government has commenced a new EU Citizens Forum to replace the EUSS Co-ordination Group. The new group will cover issues around the EU Settlement Scheme, along with wider considerations of EU citizens' access to rights. The first meeting will take place early in 2024.
- 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
 - Rights to work

These factsheets are 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](#).
- The Welsh Government continues to communicate and share information to key stakeholder on various topics which could impact EU Citizens.

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 has produced factsheets on EU Citizens' Rights, including 'Rights to work'. These factsheets are 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

Following a review of aspects of its policy regarding the charging of late EUSS Applicants and family members in January 2023, the Welsh Government made the NHS (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2023, which amend the National Health Service (Charges to Overseas Visitors) Regulations 1989. This removes the requirement to charge unsuccessful late applicants to the EUSS for NHS treatment received during the period that their application was under consideration and require that any charges for such services, if made, must not be recovered; or if paid, must be repaid.

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

- Following a review of aspects of its policy regarding the charging of late EUSS Applicants and family members and to reflect the amendments of the NHS (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2023, the Welsh Government amended its guidance [“Guidance on implementing EU Exit amendments to the Overseas Visitors Charging Regulations”](#) in February 2023. The guidance provides help and advice to Local health Boards on the implementation of changes to the charging of overseas visitors to Wales, with particular regard to the UK’s exit from the European Union (EU).
- The Welsh Government has produced factsheets on EU Citizens’ Rights, including rights to access benefits. These factsheets are 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.](#)
- In July 2022, the Independent Monitoring Authority (IMA) for the Citizens’ Rights Agreements wrote to all 22 local authorities in Wales seeking assurance that they are discharging their responsibilities with regards to making and supporting EU Settlement Scheme (EUSS) applications on behalf all eligible looked after children, children in receipt of local authority care and support, and care leavers.

Following this, Welsh local authorities worked collaboratively with the IMA during a compliance period to implement robust processes to identify and support eligible cohorts in line with the Home Office Guidance.

In November 2023, the IMA confirmed it is assured that all 22 local authorities in Wales have taken proactive measures to improve their processes, procedures, and management information to ensure they are protecting the rights of EU looked after children and care leavers.

Welsh Government is pleased that working in collaboration, all local authorities in Wales have been able to make the necessary changes to protect looked after children and care leavers. This work has also enabled local authorities to identify additional numbers of children being eligible for the EU Settlement Scheme, and upon successful application, will guarantee their rights to continue to live, study and work in the UK.

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

Not applicable

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

5. Access to Education

A. Key legislative instruments implementing the Withdrawal Agreement

Not applicable

B. Key legislative instruments adopted or amended in the reporting year

In terms of amended legislation that is of a devolved nature and has some form of benefit / promotes or upholds EU citizens' rights under part 2 of the WAA, the Education (Student Finance) (Wales) Regulations 2023 amended student support and associated regulations and made the following provisions:

- to provide for family members of other persons settled in the UK to be eligible for home fee status, the tuition fee cap, tuition fee loans, and postgraduate support to ensure comparability between family members of UK nationals and of other persons settled in the UK; and
- to provide for persons who have settled status in the UK, and those covered by the various Withdrawal Agreements, who come from specified British Overseas Territories (including persons with protected rights who come from specified European Overseas Territories) to study in Wales to be eligible for undergraduate tuition fee support and postgraduate support.

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

In September 2023, the Independent Monitoring Authority (IMA) raised a compliance concern with Welsh Government regarding Student Finance Wales' online guidance relating to student finance for applicants to the EUSS. Specifically, the guidance did not clarify that citizens in Wales who were in possession of a Certificate of Application only (i.e. do not yet have pre-settled or settled status under the EUSS) were eligible to apply for student finance.

In response, the Welsh Government confirmed that:

- Welsh Government and Student Loans Company (who operate the Student Finance Wales website) are conscious of protecting the rights of EU and EEA EFTA citizens, including those possessing only a Certificate of Application to the EUSS, in respect of applying for student finance.
- Student Loans Company has updated its Student Finance Wales website [guidance](#) (and further webpage [here](#)) to make it clearer for citizens with only a Certificate of Application to understand their right to be able to apply for student finance.

Based on these actions, the IMA concluded the compliance concern was resolved.

- The Welsh Government has produced factsheets on EU Citizens' Rights, including 'Rights to Study'. 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

Not applicable



IMA

**For the Citizens'
Rights Agreements**

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