Dear Ken,

IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL

I am writing to let you know that the Scottish Government intends to lodge a Legislative Consent Memorandum (LCM) in respect of the UK Government Immigration and Social Security Co-ordination (EU Withdrawal) Bill.

Scottish Parliament Standing Orders provide that an LCM should normally be lodged with the Scottish Parliament two working weeks after the introduction of a relevant Bill in Westminster. In the case of this Bill the deadline would have been 3 January 2019.

The purpose of the Bill is to end free movement of persons into the UK and make European Union (EU), European Economic Area (EEA) and Swiss nationals and their family members subject to UK immigration controls. These persons will require permission to enter and remain in the UK under the Immigration Act 1971. The Bill makes special provision to protect the status of Irish citizens in UK immigration law.

The Bill also contains provision for the Government and/or, where appropriate, a devolved authority to amend by regulations retained EU legislation relating to social security co-ordination, enabling policy changes to be delivered post EU Exit.

The Scottish Government only received indication on the evening of Wednesday 19 December that the Bill would be introduced the following day. We are analysing the Bill and its implications and will lodge a LCM as soon as possible. My officials will keep in contact with yours regarding anticipated timescales for lodging the memorandum.
I am copying this letter to Fiona Hyslop, Cabinet Secretary for Culture, Tourism and External Affairs, Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People, Michael Russell, Cabinet Secretary for Government Business and Constitutional Relations, Joan McAlpine MSP, Convenor of the Culture, Tourism, Europe and External Affairs Committee and Bob Doris MSP, Convenor of the Social Security Committee.

GRAEME DEY