## Agenda – Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:	
Fideo Gynadledda via Zoom	Alun Davidson	
Dyddiad: Dydd Llun, 1 Chwefror 2021	Clerc y Pwyllgor	
Amser: 14.00	0300 200 6565	
	<u>SeneddMADY@senedd.cymru</u>	

Yn unol â Rheol Sefydlog 34.19, dywedodd y Cadeirydd ei fod wedi penderfynu gwahardd y cyhoedd o gyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd.

Bydd y cyfarfod hwn yn cael ei ddarlledu'n fyw ar <u>www.senedd.tv</u>

**Cyfnod cofrestru** (13.30–14.00)

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau (14.00)
- 2 Cynnig o dan Reol Sefydlog 17.42(vi) i benderfynu gwahardd y cyhoedd o eitem 3 ac eitemau 6 i 9 (14.00)
- Fframwaith cyffredin dros dro ar hylendid a diogelwch bwyd a
   bwyd anifeiliaid briffio technegol

   (14.00-14.30)
   (Tudalennau 1 35)
   Emily Miles Yr Asiantaeth Safonau Bwyd
   Nathan Barnhouse Yr Asiantaeth Safonau Bwyd

Egwyl

(14.30–14.40)



### 4 Cymru yn y Deyrnas Unedig - trafodaeth bord gron gydag academyddion

(14.40-16-10) Yr Athro Nicola McEwen - Prifysgol Caeredin Akash Paun - Institute for Government Yr Athro Daniel Wincott - Prifysgol Caerdydd

5 Papurau i'w nodi

(16.10-16.15)

5.1 Papur i'w nodi 1: Papur briffio Cyngor ar Bopeth Cymru: newidiadau i ryddid i symud ar ôl Brexit

(Tudalennau 51 - 68)

5.2 Papur i'w nodi 2: Gohebiaeth gan Lywydd Pwyllgor y Rhanbarthau Ewropeaidd a Llywydd Grŵp Cyswllt Pwyllgor y Rhanbarthau y DU â Llywydd y Comisiwn Ewropeaidd ynghylch y Cytundeb Masnach a Chydweithrediad.

(Tudalennau 69 - 71)

6 Cymru yn y Deyrnas Unedig - trafod y dystiolaeth (16.15-16.30)

7	Cytundebau rhyngwladol		
	(16.30–16.40)	(Tudalennau 72 - 78)	
8	Trafod y dogfennau cryno ar y Fframweithiau Cyffredin a ddaeth		
	law		
	(16.40–16.50)	(Tudalennau 79 - 80)	
9	Y berthynas â'r UE yn y dyfodol		

(16.50-17.00)

(Tudalennau 81 - 85)

(Tudalennau 36 - 50)

# Eitem 3

### citizens cyngor ar advice

bopeth

# EALC Changes to freedom of movement after Brexit

January 2021

Citizens Advice Cymru are pleased to provide an update briefing for the External Affairs and Additional Legislation Committee's review of the Inquiry Freedom of Movement after Brexit.

We would like to provide evidence to members of the Committee from the perspective of our Welsh Government funded EU Citizens Rights project which is geared towards providing information, guidance, advice to EU/EEA/Swiss nationals and their families with EU Settlement Scheme applications (OISC Level 1 casework) and also specialist advice to ensure they understand their workplace rights and are able to challenge exploitation. Please see the service homepage for further details.

We have participated in both rounds of focus groups, the initial round in 2019 and the most recent on the 13 January 2021 to support the committees final deliberations on the inquiry. We hope this briefing will provide an useful addition to the input to these sessions on the basis of our client's experiences.

#### The EU Citizens Rights Service is available on 0300 3309 059 between 9am to 5pm, Monday to Friday

If you have questions or would like more *If you have questions of the briefing,* process and the required at the requi policy.cymru@citizensadvice.org.uk

# **Project Statistics**

Since the project's inception:



asylum cases

(which also involves **EUSS** applications)

## And, 3,300 employment issues



The majority of these cases are to deal with issues around settled and pre-settled status and linked issues, including the immediate challenges of completing applications through a digital along with fair employment practices.

# Common Issues

We have appended a **selection of case studies** that bring to life these common issues and can be listed below, most of which are related to UK government policy and procedures but have a significant effect on our clients.

- **I.T:** Many clients don't have access to the right smartphone, are not confident in sending of documentation (especially national ID cards, passports or birth certificates) to the Home Office
- **Facial recognition technology:** On these aps have been discriminatory for BAME in the fact it can take several takes/photos to be accepted.
- Accessing benefits: EEA nationals living in the UK have to prove that they are eligible to receive benefits. If an EEA national has been living in the UK for 5 years or more, they can apply for settled status. This automatically means they have a right to reside and should be able to access benefits. However, our evidence forms show that clients with settled status are still regularly being rejected for benefits in error by the DWP. We are also seeing an increasing number of people who are refused Universal Credit who can demonstrate their pre-settled status but are struggling to to evidence their "right to reside" and often find themselves in a situation without recourse to public funds if they cannot access our support. Our recent report Nowhere to Turn (Section 2) provides further detail of this evidence on the issue of "Right to reside and the HRT for EEA migrants" and makes the recommendation that the Habitual Residence Test should be temporarily suspended from the application process for benefits such as Universal Credit.

# Recommendations

- **Problems with accessing an NI number:** and therefore gaining employment. Employers should be accepting an EU passport as evidence of right to work, but some employers are refusing jobs for clients without NI numbers, causing more problems around integration, especially around benefit eligibility and the need to obtain worker status on pre-settled status to be eligible for the means tested benefits.
- **Further Information:** They have also seen an increase in EU citizens being asked to provide further identification at job interviews when passports have been provided, which has continued to pose a problem and causes concern for future employment practice being directly or indirectly discriminatory.
- Long Waiting Times: Clients have experienced long waiting times to try and get an appointment with embassies to renew national ID cards or passports that have expired in order to be able to apply to the EU Settlement Scheme online. Multiple embassies are not answering calls, or responding to our clients' emails when individuals try to make direct contact with their Embassy.
- **Evidence:** The fact that Settled or Pre-Settled status can only be evidenced by a Home Office email/correspondence without a physical "status" or "identity" card is likely to cause problems for many citizens (particularly those who are digitally excluded or illiterate) wanting to upgrade their status from pre-settled to settled in the future, and/or to access public services and jobs.

The Welsh Government should seek to fund a sustainable and accessible immigration advice services to enable that non UK citizens (including those who would have qualified for the EUSS) to have continued support around their immigration status, accessing public services and general citizenship support post the grace period, especially in light of the approach taken with the Nation of Sanctuary Plan, the investment made to support EU citizens with their EUSS applications under the banner "We want you to stay in Wales" and the right to vote in local and Senedd elections for Qualifying Foreign Citizens.

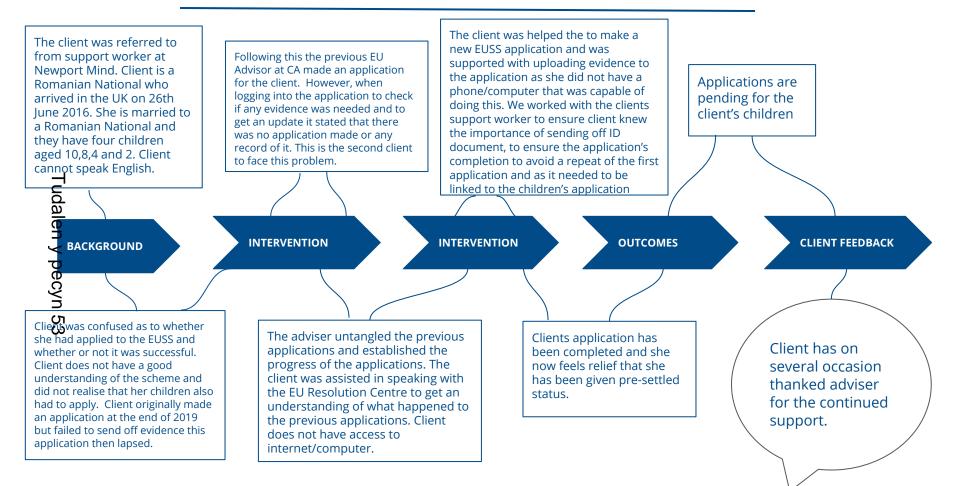
2

We would suggest that all Government departments review their facial recognition technology for the public so that it is non-discriminatory and look to introduce UK identity Cards for those with settled and pre-settled status.

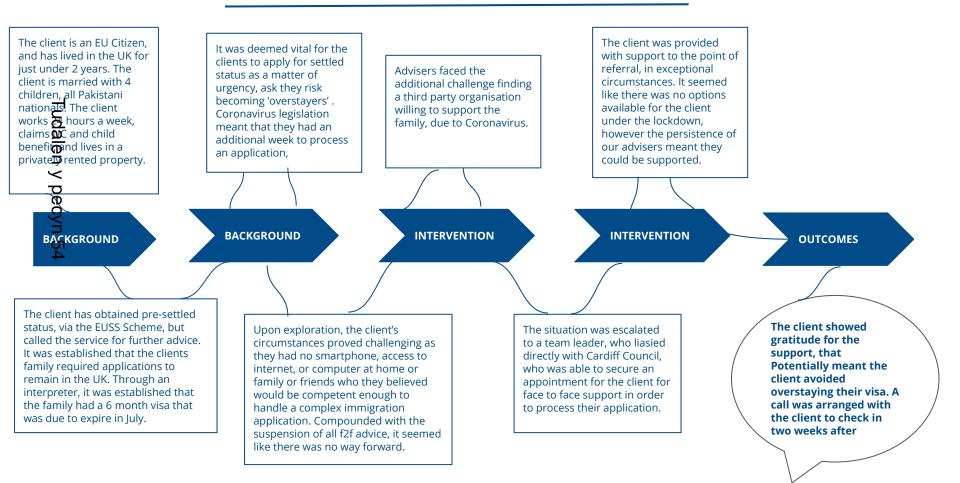
Habitual Residence Test should be temporarily suspended from the application process for benefits such used synpecty 52



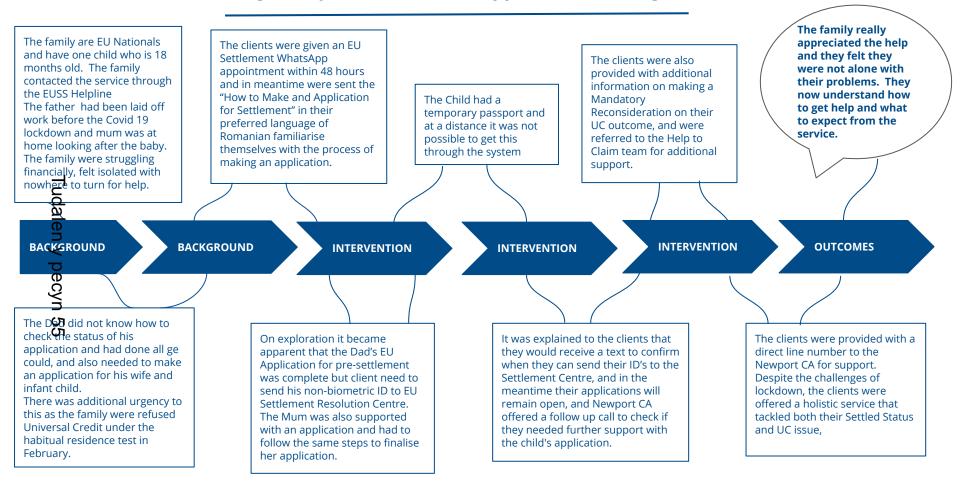
### **Digital Exclusion and issues with EUSS updates/outcomes**



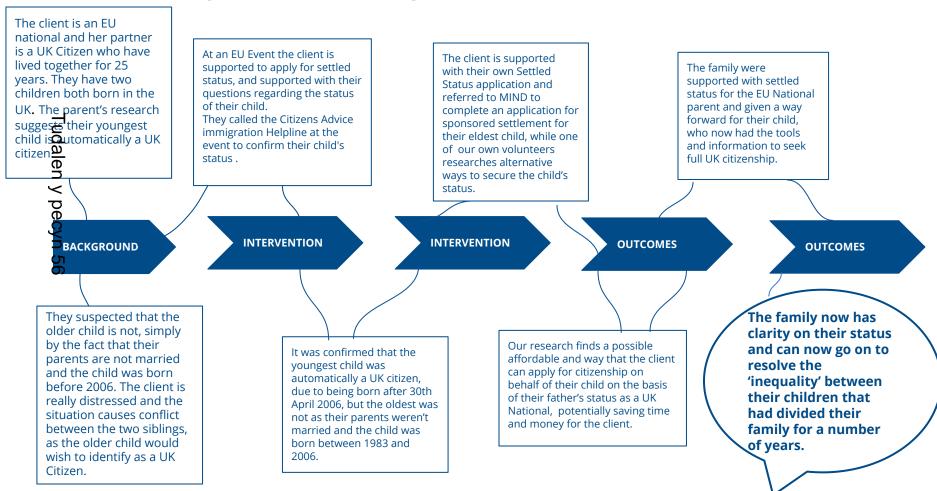
### Family of 5 supported with third country applications despite lockdown challenges



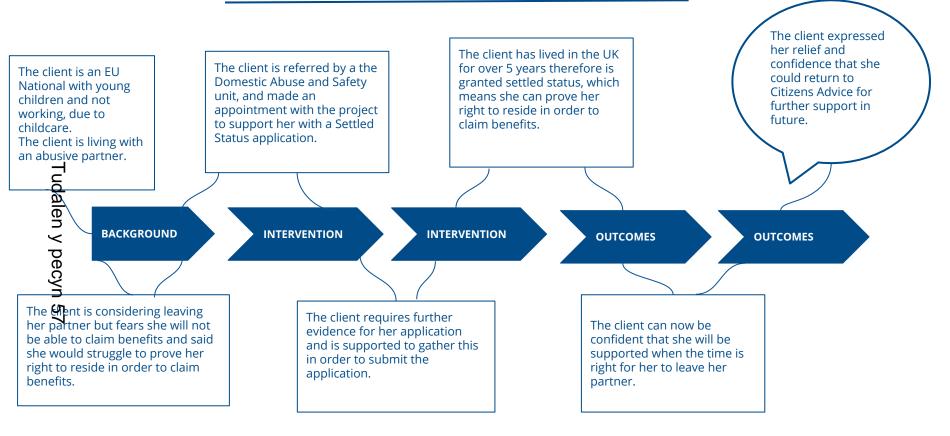
### Assisting family with EUSS & UC applications during Covid 19



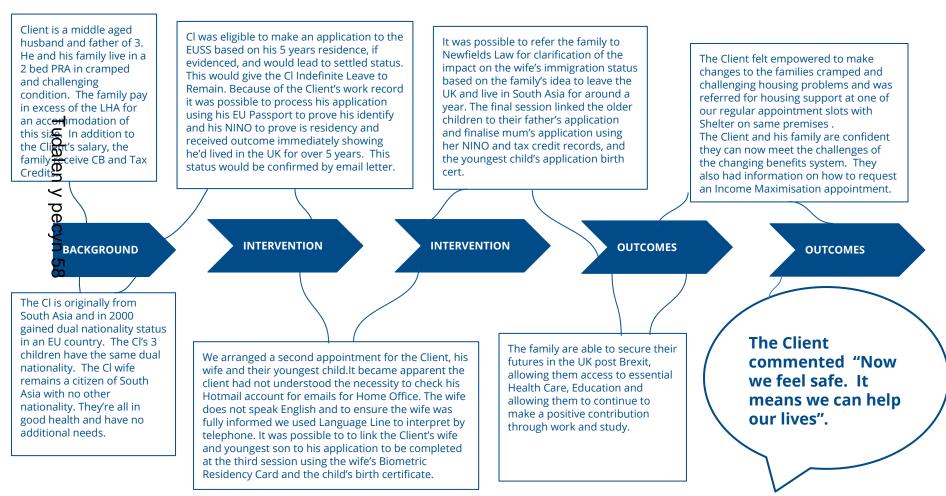
### Immigration rules creating conflict within EU Nationals' families.

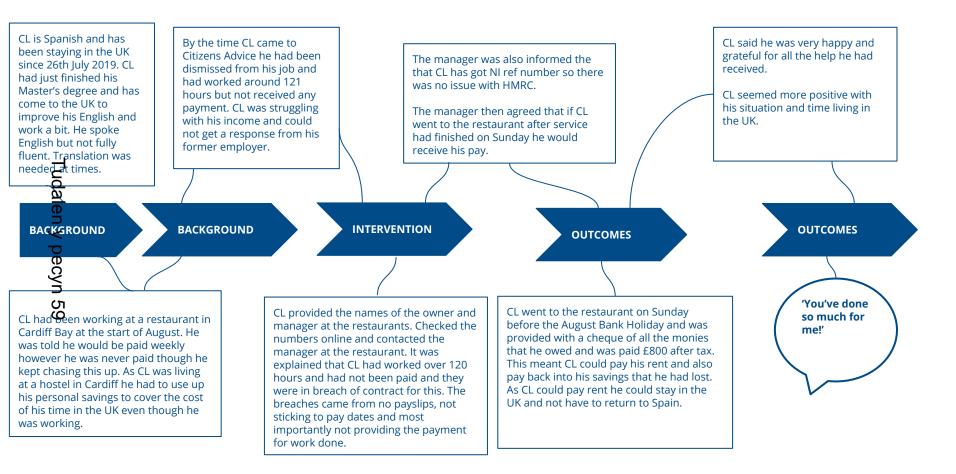


### Victim of domestic abuse supported with Settled Status application

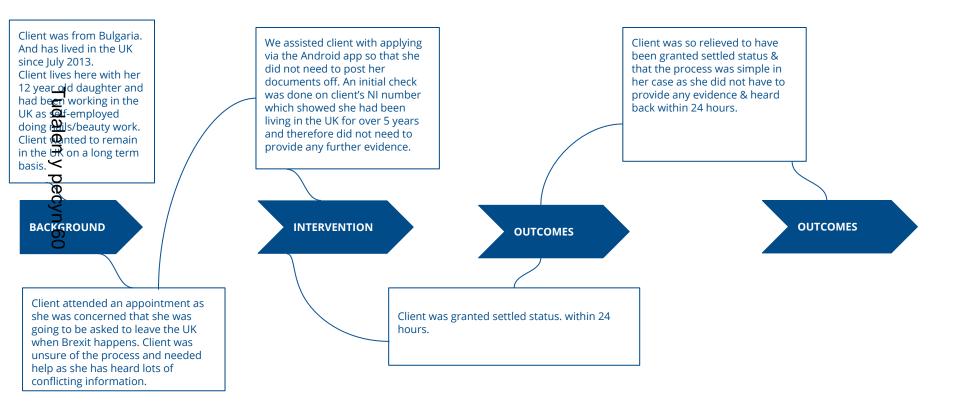


### Securing the future of a South Asian man with EU passport and his family

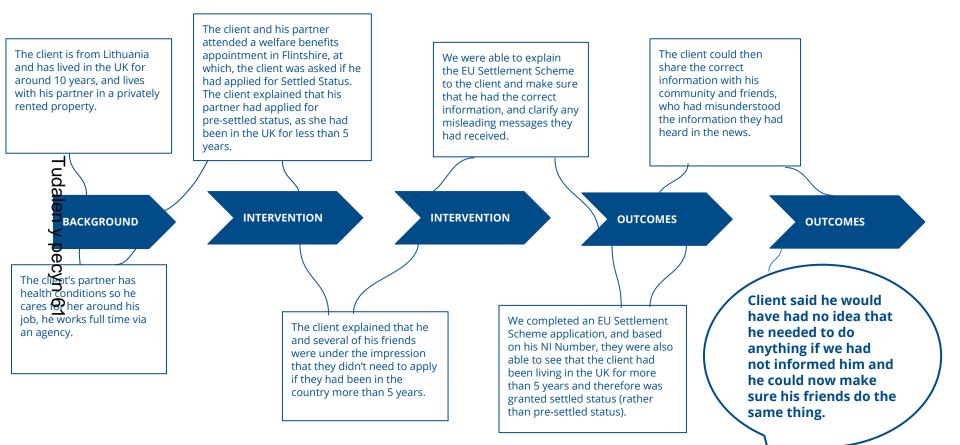




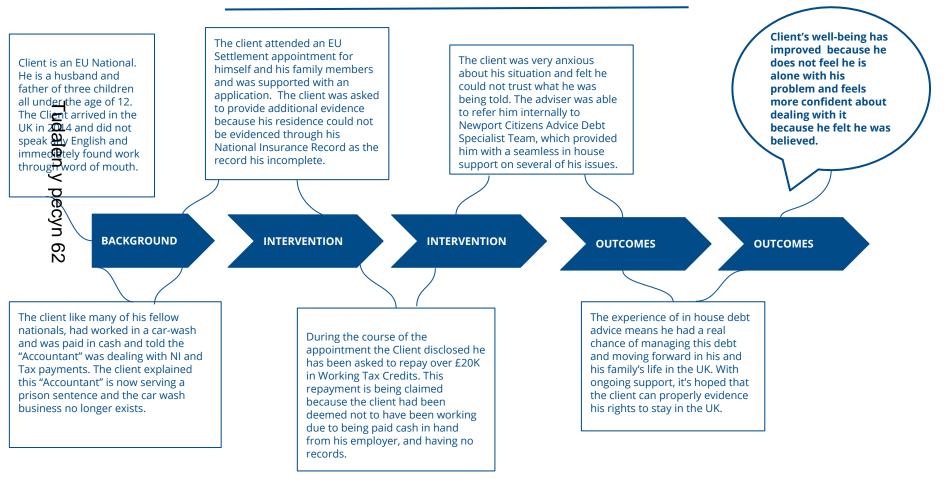
### Bulgarian national granted settled status within 24 hours with LCA help



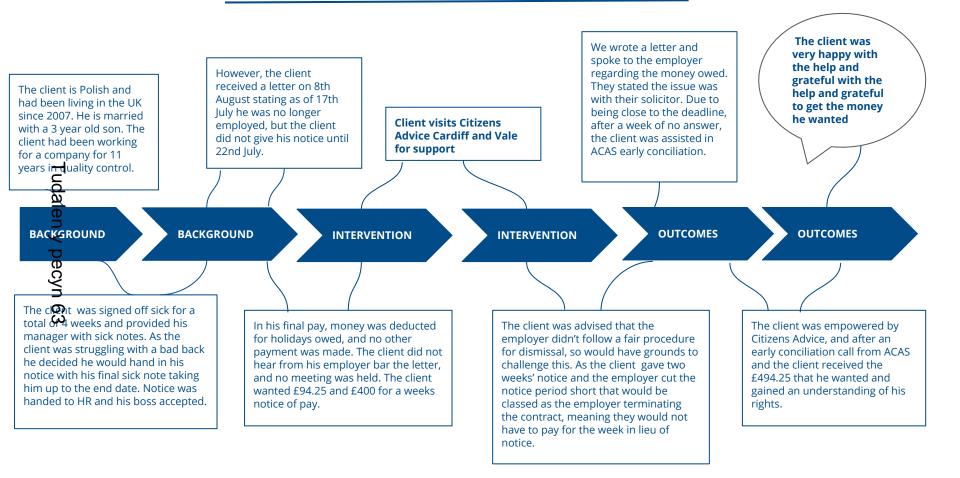
### Misinformation leads to client (and his friends) being unaware of the need to apply for EUSS



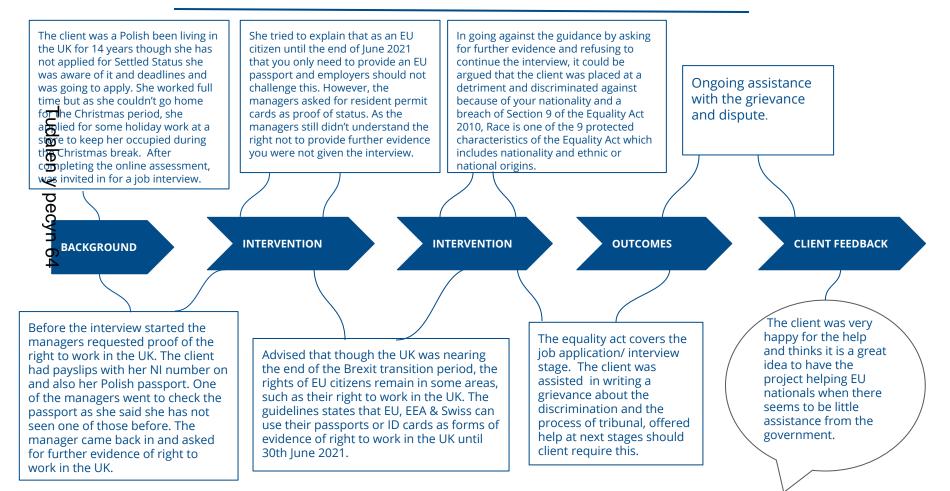
#### EU Citizen supported with numerous issues raised by his application



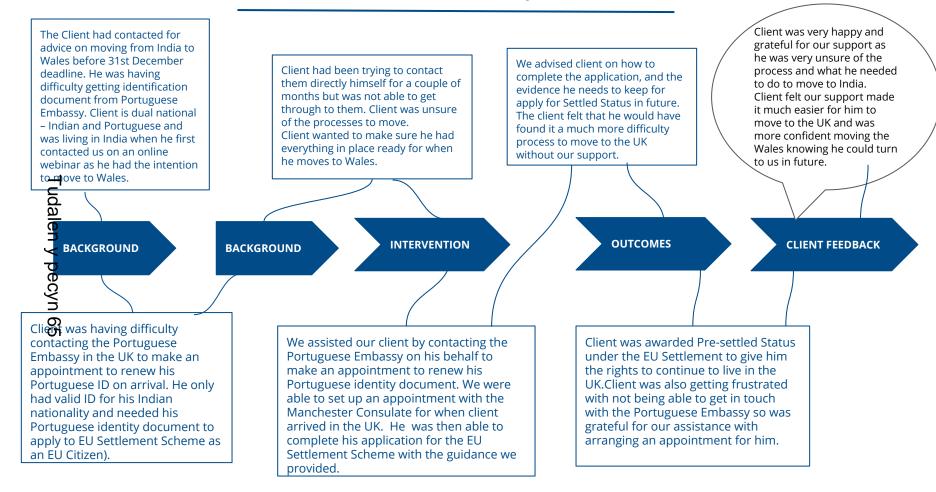
### Dismissal during notice period leaves Polish client underpaid



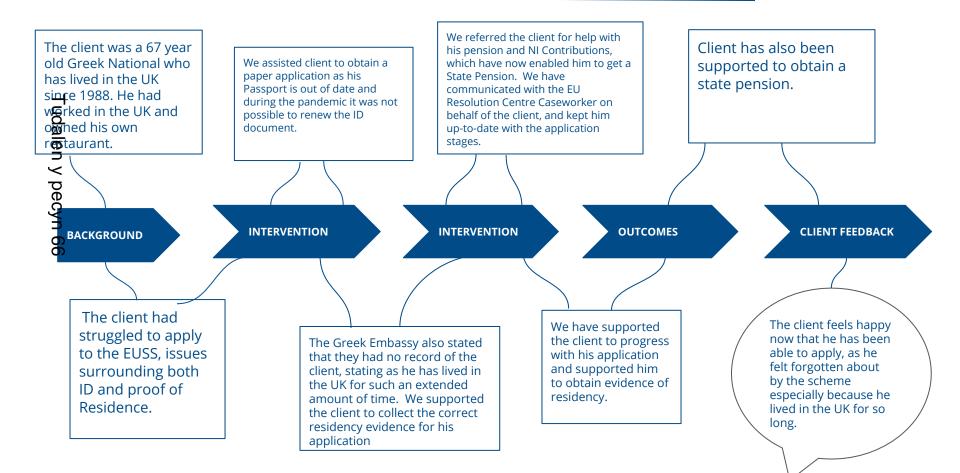
### Polish national wrongly requested proof of right to work in the UK



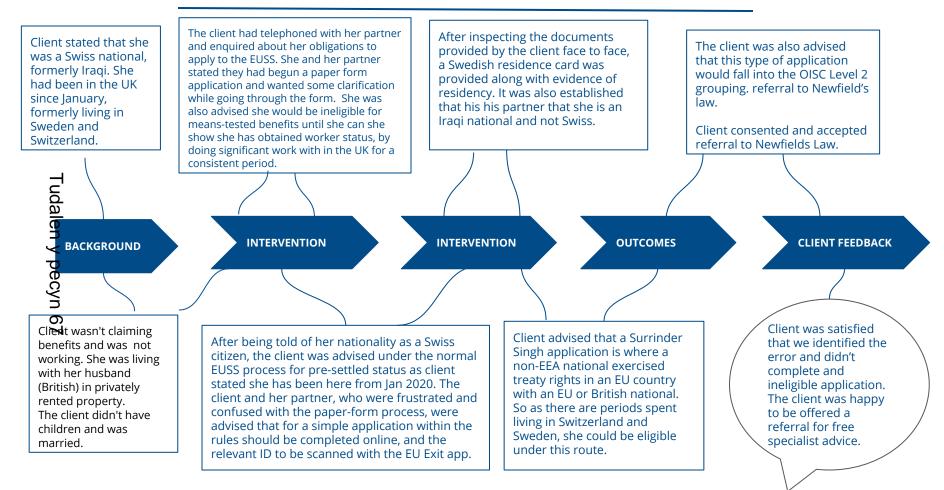
### **Dual Nationality**



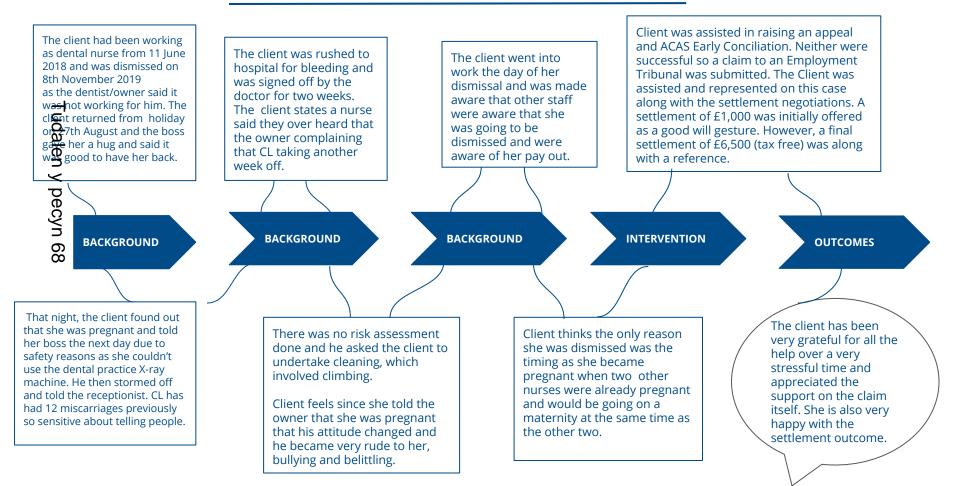
### Greek national who has lived in the UK since 1988



### Surrinder Singh case law EUSS application



### **Pregnancy Discrimintation**



# Eitem 5.2

Dear Colleagues, Dear Friends,

As you know, the European Committee of the Regions intends to play an active role in fostering relations with the UK through the political work of the CoR-UK Contact Group which I have the honor of chairing. We aim to ensure the continuation of dialogue between EU and UK local and regional authorities, devolved parliaments and assemblies, representing their interests and contributing to the development of the new relationship with the UK.

At our recent CoR-UK Contact group meeting on 11 January, we assessed the Trade and Cooperation Agreement concluded between the EU and the UK from the local and regional perspective. Members regretted in particular the lack of recognition of the important role of local and regional authorities in the implementation of the agreement and in the future EU-UK relations. They called for the participation of local and regional authorities (LRAs) in the structural bodies created under the agreement, or within a new specific body that would enable LRAs to be heard on a structural basis on issues of regional and local relevance.

In this regard, I would like to inform you about a letter we have recently sent to the President of the European Commission, Ms Ursula Von der Leyen, which I co-signed together with the President of the Committee of the Regions Mr Apostolos TZITZIKOSTAS. In this letter, a copy of which I attach for your information, we propose the structured involvement of local and regional authorities and our institution within the EU delegation to the Joint Partnership Council as a possible pragmatic approach. We have also sent similar letters to Mr McAllister, Chair of the European Parliament-UK Coordination Group and to Mr Michel, President of the European Council.

This letter may be of interest to you in your internal discussions on the role and participation of UK local government, devolved parliaments and assemblies in the future implementation of the Trade and Cooperation Agreement.

I look forward to meeting you at our next Contact Group meeting in July.

Kind regards,

Loïg CHESNAIS-GIRARD Chair of the CoR-UK Contact Group (President of the Regional Council of Brittany, France)



Brussels, 21 January 2021 PCAB/FT (2021) D123

Ursula von der Leyen President of the European Commission Rue de la Loi, 200 1040 Brussels

Dear President,

The Trade and Cooperation Agreement agreed on 24 December 2020 between the EU and the UK marks the end of a period of uncertainty. We would therefore like to thank you and Mr Barnier for reaching an agreement that is in the interests of the European Union and its citizens. It sets the basis for future relations between the UK and the EU, provides guarantees on fair competition and to some extent appeases the concerns of those regions most exposed to the negative consequences of the UK's withdrawal from the EU.

However, the agreement does not solve all the problems resulting from the UK's withdrawal. The EU has lost an important Member in these trying times, when we instead need closer European solidarity and cooperation. It is our duty to rebuild trust in creating a new partnership with the UK, needed to tackle the major societal challenges of the 21<sup>st</sup> century, most notably the post-Covid economic recovery. Local and regional authorities can help to foster this vital cooperation and mutual trust, building on the strong foundations of our long-existing cooperation with our counterparts in UK local government, devolved parliaments and assemblies.

It is therefore most regrettable that the Agreement does not foresee any specific or structured perspective for local and regional authorities, despite their important role in developing the new partnership, not only in economic and political terms, but also having regard to their competences. Indeed, local and regional authorities are only mentioned when it comes to adapting some points of the Agreement to regional conditions, or on very specific issues, such as fiscal provisions. In particular, the Agreement omits the participation of local and regional authorities in any of the codified governance structures. As the EU's political assembly of local and regional governments, we therefore ask that the European Committee of the Regions (CoR) be given the facility to formally represent local and regional authorities in the new partnership in a structured manner under the Agreement.

In this regard, we would like to propose the involvement of our institution within the EU delegation to the Joint Partnership Council as a possible pragmatic solution.

Our institutions will continue to play an active role in relations with the UK through the political work of our CoR-UK Contact Group (chaired by Loïg Chesnais-Girard) and through the consultative work of the Commission for Citizenship, Governance, Institutional and External Affairs (chaired by Mark Speich) and Commission for Economic Policy (chaired by Michael Murphy). These political bodies will ensure the continuation of dialogue between EU and UK local and regional authorities, representing their interests and contributing to the development of the new relationship with the UK. We will monitor and analyse the territorial impact of Brexit, as well as the impact of the financial instruments designed to mitigate the consequences of the withdrawal, seeking to ensure the Brexit Adjustment Reserve matches the needs of local and regional authorities and that they are properly involved in the shaping of its implementing measures.

We believe that a strong cohesion policy, reinforced European territorial cooperation programmes such as Interreg, the PEACE programme and other instruments such as the European Grouping of Territorial Cooperation, should be further developed and promoted within the new relationship. In this context, our CoR-UK Contact Group will reflect on ways to ensure the continuity of our cooperation with UK's devolved administrations and local governance, including through the implementation of new tools of partnership, such as a possible future macro-regional strategy including the UK.

We look forward to our continued cooperation in this most important area.

Yours sincerely,

Apostolos TZITZIKOSTAS President of the European Committee of the Regions (Governor of Central Macedonia Region, Greece)

Loïg CHESNAIS-GIRARD President of the CoR-UK Contact Group (President of the Regional Council of Brittany, France)

Copy to: Mr Maroš Šefčovič, Vice-President of the European Commission

# Eitem 8

# Eitem 9