



Home Office

Rt Hon Caroline Nokes MP
Minister of State for Immigration

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Sir William Cash MP
Chair of the European Scrutiny Committee
House of Commons
Telford House
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15 JUN 2018

Dean Bill

Proposal for a Regulation on strengthening the security of identity cards of EU citizens and of residence documents issued to EU citizens and their family members exercising their right of free movement (8175/18)

I am writing in answer to the further information you requested on the above proposal in your document dated 23 May.

You asked for further information on the impact on the UK and on Gibraltar during and after the transition/implementation period.

As set out in the Withdrawal Agreement (WA) at Article 13, it was agreed at negotiators' level in March that there will be no change to current entry and exit requirements in terms of travel documents for Union citizens, United Kingdom nationals and their respective family members during the implementation period (29 March 2019-31 December 2020) and for five years afterwards for those covered by the WA, following which, in respect of identity cards, a decision can be taken to only accept those with a chip compliant with the applicable ICAO standards related to biometric identification. In terms of travel documents used for entry and exit, there will therefore be no impact on the UK and Gibraltar during the implementation period and for those covered by the WA for at least five years afterwards. No decision has yet been taken on identity cards in relation to those not covered by the WA.

You also asked whether the changes proposed to national identity cards would make them as secure as passports.

Modern biometric national identity cards which meet, or exceed, minimum ICAO recommendations can be as secure as a biometric passport. Not all identity cards meet this standard. Although there is an argument that the counterfeiting of a passport involves a higher volume of work than that of an identity card, a modern secure identity card can contain numerous security features within a small area making them difficult to counterfeit effectively.

You also asked me to explain how border control authorities will be able to differentiate between EU citizens who are entitled, under the Withdrawal Agreement, to use their national identity cards to travel to and from the UK and those who are not and will need to travel with a passport.

There will be no need to differentiate between EU citizens in terms of national identity cards until at least 31 December 2020. As already mentioned, a decision on identity cards in relation to those not covered by the WA is yet to be made.

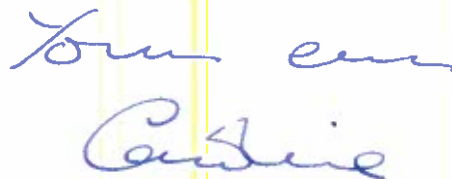
You also asked for clarification on whether the proposed Regulation would necessitate changes to the UK's Biometric Residence Permit when issued to third country family members of EU citizens, as well as for further information on the Government of Gibraltar's position on the proposed Regulation, including its assessment of the impact that issuing non-compliant identity cards after 2025 would have on movement across the Spain/Gibraltar border.

Whether the UK will be bound by the part of proposal relating to residence cards will be dependent on discussions with the EU on the UK's continued participation with the uniform format for residence permits, which we currently use to produce biometric residence permits and biometric residence cards. Any replacement will have comparative levels of security to prevent fraudulent abuse. The impact on Gibraltar is still under consideration and we will provide this information when available.

Lastly, you asked whether the proposed Regulation would apply during the "grace period", unlike other EU laws which would cease to apply at the end of the transition/implementation period.

I can confirm that as EU law will cease to apply at the end of the implementation period (31 December 2020) the proposed Regulation will cease to apply from the beginning of the grace period, the purpose of which is to allow sufficient time for applications to the settlement scheme.

I am copying this letter to Lord Boswell, Chair of the Lords European Union Committee; and to Lynn Gardner, Clerk to the Commons Committee; Chris Johnson, Clerk to the Lords Committee; Arnold Ridout, Legal Adviser to the Commons Committee; Les Saunders, Department for Exiting the EU; and to Alex Bernal, Departmental Scrutiny Co-ordinator for the Home Office.

A handwritten signature in blue ink, appearing to read 'Caroline Nokes', is centered on the page.

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