



Home Office

Rt Hon Caroline Nokes MP  
Minister of State for Immigration

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Sir William Cash MP  
European Scrutiny Committee  
House of Commons  
London  
United Kingdom  
SW1A 0AA

22 JAN 2019

*Dear Bill*

**14329/18: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the Union.**

On 30 November 2018, an Explanatory Memorandum was sent to you on a "Proposal for a Regulation amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the EU". The Committee has raised some questions about this document, which are addressed below.

The Committee has asked if the UK's Immigration Rules will need to be amended to formalise the UK Government's commitment to grant EU nationals reciprocal visa-free access for short stays in the UK, once free movement ends. The Free Movement Directive is implemented in the UK via the EEA Regulations. These are frozen by the Withdrawal Act 2017 and will remain in force until repealed by the Immigration and Social Security Co-ordination (EU Withdrawal) Bill when it receives royal assent. They will remain in place until then.

Unlike Council Regulation (EC) No 539/2001, the UK's Immigration Rules do not list the countries whose citizens are not required to obtain a visa for short stays (visitors) in the UK (whom we refer to as non-visa nationals). Instead, the list of countries which is found at appendix 2 to appendix V of the UK Immigration Rules, sets out the countries whose citizens are required to obtain a visa. Therefore, there is no requirement to make any changes to the Immigration Rules to formalise our commitment to grant EU nationals visa-free access to the UK.

The Committee have also asked for a progress report on the negotiations with the EU in relation to securing "extremely robust safeguards" with regards to the personal data of UK nationals stored in the ETIAS Central System. Due to the complexities involved in this work, and in order to provide a comprehensive response I will write separately responding to that question.

**I am copying this letter to Lord Boswell of Aynho chair of the Lords EU Select Committee, Pippa Patterson, Clerk to the Lords Committee; Lynn Gardner, Clerk to your Committee; Les Saunders, the Department for Exiting the European Union; and Alex Bernal, Scrutiny Coordinator, Home Office.**

*Yours ever*  
*Caroline*

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