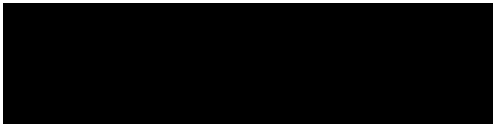


Stormont Castle
BELFAST
BT4 3TT



Marie Austin
Committee for TEO
Room 412
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3SR

24 June 2020

Dear Marie

BREXIT ISSUES INCLUDING THE WORK OF THE BREXIT SUB-COMMITTEE

Thank you for your letter of 28 February, following the briefing provided by Departmental officials on Brexit issues including the work of the Brexit sub-Committee. The Department apologises for the lateness in the response and has now provided a full and up-to-date response to the issues that were raised.

Assessment of the UK points-based immigration system.

The Department for the Economy has undertaken detailed analysis of migration and employment in NI to inform the development of the post EU Exit UK Immigration Policy.

Migration and the Labour Market analysis can be found here: <https://www.economy-ni.gov.uk/articles/eu-exit-analysis>.

In addition a research paper 'Northern Ireland evidence relevant to the UK Government's Immigration White Paper' brought together evidence submitted to date to the UK Government. This paper, which includes sectoral analysis of migration, was published on the Department's website on 24 October 2019, and can be found here: <https://www.economy-ni.gov.uk/publications/northern-ireland-evidence-relevant-uk-governments-immigration-white-paper>.

The Department has also commissioned independent research on the impact of changes to the UK immigration policy on the Northern Ireland economy. This research is expected to publish in the coming weeks.

Home Office commissioned the Migration Advisory Committee (MAC) to review the UK Shortage Occupation List (SOL) focussing on RQF Levels 3-5 primarily, with the report to the Home Office due September 2020. As part of Commission from the Home Office, the MAC will also look at whether there are occupational areas in Northern Ireland (NI) that would warrant a separate NI SOL.

On the 13 May 2020, the MAC launched the Call for Evidence for the review of the SOL, with the closing date for the Call for Evidence set as 24 June 2020. This can be accessed via the following hyperlink:

https://www.gov.uk/government/consultations/shortage-occupation-list-call-for-evidence?utm_source=6f658e2b-e123-485f-a70b-4789aa663354&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Powers repatriated from the EU

The approach to policies returning from the EU was set out in a UK Government White paper published in March 2017 that set out its proposals on legislating for exiting the EU and the conversion into UK law of the parts of the body of European legislation that need to be retained. It also indicated that the existence of common EU Frameworks in many policy areas, within the remit of devolved administrations, had provided stability and shouldn't be compromised by the repatriation of powers from Brussels. The White Paper anticipated that Common Frameworks could be required on EU exit to protect the freedom of business to operate across the four nations as a single market and to enable the UK to strike free trade deals with other countries. An initial list of all areas of returning powers, categorised by whether a formal "common framework" structure was required was published in March 2018 followed by a revised and updated version in April 2019.

In October 2017, the Joint Ministerial Committee (EN) considered a paper setting out the following principles for the development of common frameworks, drawn up by a working group of officials from the UKG, the Scottish and Welsh administrations and the NICS:

“Common Frameworks will be established where they are necessary to:

- Enable the functioning of the UK internal market, while acknowledging policy divergence;
- Ensure compliance with international obligations;
- Ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
- Enable the management of common resources;
- Administer and provide access to justice in cases with a cross-border element;
- Safeguard the security of the UK.

Frameworks will respect the devolution settlements and the democratic accountability of devolved legislatures, and will therefore:

- Be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- Maintain as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory, as is afforded by current EU rules;
- Lead to a significant increase in decision-making powers for the devolved administrations.

Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land border a land frontier with the EU. They will also adhere to the Belfast Agreement.”

NICS officials provided input on an analytical basis and without prejudice to the views of incoming Ministers on the development of these principles and in particular ensuring our unique circumstances were recognised. These principles were endorsed at the October 2017 JMC(EN) meeting by the Ministers present and subsequently endorsed by the NI Executive..

With respect to specific mention of Common Fisheries Policy, the framework for developing future UK sea fisheries policy is set out in the UK Fisheries Bill as introduced to the House of Lords 29 January 2020. The Bill describes eight high level fisheries objectives that the UK Government and the Devolved Administrations must achieve. Whilst some of the objectives originate in the EU Common Fisheries Policy, they have been added to and strengthened to suit the needs of the UK as an independent coastal state.

The objectives are:

- The sustainability objective,
- The precautionary objective,
- The ecosystem objective,
- The scientific evidence objective,
- The by-catch objective,
- The equal access objective,
- The national benefit objective, and
- The climate change objective.

The Secretary of State (SoS) and the Devolved Administrations (DAs) are required to publish a Joint Fisheries Statement (JFS) that will set out their policies for achieving these objectives. The JFS may omit SoS policies that involve the exercise of a fishing quota function or a reserved function. In these circumstances the SoS may choose to set out additional policies in a SoS Statement.

The Bill also requires the production of Fisheries Management Plans that can be developed on a stock by stock or fishery basis to ensure that stocks are maintained at, or are recovered to, levels consistent with Maximum Sustainable Yield.

Through the adoption of common high level objectives, and publication of policies and management plans to achieve these objectives, the Secretary of State and the Devolved Administrations will ensure a joint approach to sustainable sea fishing whilst allowing for divergence appropriate to regional circumstances.

Officials will be happy to provide further updates as and when required

Yours sincerely

A solid black rectangular box used to redact the signature of the official.

Departmental Assembly Liaison Officer



Northern Ireland
Assembly

Committee for the Executive Office

[REDACTED]
Stormont Castle
Ballymiscaw
Belfast
BT4 3TT

28 February 2020

Dear [REDACTED]

BREXIT ISSUES INCLUDING THE WORK OF THE BREXIT SUB-COMMITTEE

At its meeting on 26 February 2020, the Committee for the Executive Office received a briefing from departmental officials on Brexit issues including the work of the Brexit Sub-Committee.

During the briefing, officials agreed to provide:

- Details of any assessment that has been carried on the recently announced UK points-based immigration system and its likely impact on the Northern Ireland economy.
- Clarity on what happens to the policies that will transfer from the EU to Westminster; will they remain at Westminster to become UK-wide policies or will they be set by the devolved administrations. Specific mention was made of the out workings of Northern Ireland leaving the Common Fisheries Policy and the potential for differing fisheries policies in the UK.

I would appreciate a response by **13 March 2020**.

Yours sincerely

Marie Austin
Clerk to the Committee for the Executive Office

Marie Austin, Clerk
Committee for the Executive Office
Room 346, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX
Telephone: (028) 9052 0302
E-mail: marie.austin@niassembly.gov.uk