

BRITISH IN EUROPE

THE COALITION OF UK CITIZENS IN EUROPE

20 November 2017

I write on behalf of **British in Europe**, the coalition of 10 core groups supported by 35,000 British Citizens who work and live in the EU27 Countries. We work in close collaboration with **the3million**, the largest group representing EU citizens in the UK. We have followed the negotiations very closely, been consulted at a high level on both sides and made written submissions after every round¹.

Both sides' negotiators claim that their aim is to ensure that "*Brexit does not alter the nature of people's daily lives*". We urge you, as the representative in Parliament of many of our members, to hold the negotiators to that aspiration. Please read the annex to this letter, a short list of examples of how people's daily lives will be changed dramatically post exit if no further progress is made from the current public positions of the parties.

The EU's positions on behalf of the EU 27 are particularly difficult to understand as they prejudice their own citizens. Their stance on recognition of qualifications will stop EU citizens with UK qualifications from having them recognised if they return to their home country post-Brexit, and they have not accepted a UK offer that would ensure that EU citizens living in the UK have a life-long right to return if they have to leave for an extended period.

Now, as the vital December Council meeting approaches, it is crucial that the Council does not confirm 'sufficient progress' on citizens' rights simply to enable talks to move on to the next phase if there is in fact no agreement on all fundamental issues. If that were to happen we would be bargaining chips in the fullest sense, with some of our key rights being bartered against future trade access by either side. *None* of the issues I mention below should be deferred to Phase 2.

The biggest outstanding issues for UK citizens in the EU27 are:

- Continued **free movement** for UK citizens in the EU should be ensured, including **cross-border working** rights, **recognition of professional qualifications** and **economic rights**. It is not sufficient for UK citizens in the EU to maintain their rights of residence in the country they live in at Brexit without also retaining their free movement rights: these are a composite right conferred by Art.21 of the TFEU. These citizens moved to and within the EU, a territory without internal boundaries, and fences should not now be erected along these boundaries simply to confine them to one State. This is a critical issue for those of working age or under (nearly 80% of UK citizens in the EU), as many of them have built European careers based on their right of free movement.
- The **UK's offer of a lifelong right of return in exchange for free movement** should be

¹These are available at <https://britishineurope.org/category/bie-publications/>

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accepted. It would ensure a balanced reciprocity between the two groups of citizens covered by the negotiating mandate. EU citizens in the UK would keep free movement within the EU27 and have a lifelong right of return to the UK even if they left the country for more than 2 years. Continuing free movement rights for UK citizens in the EU, if lifelong so that they do not lose their rights by moving (e.g. back to the UK) for over 2 years, would ensure the same.

- All current **family reunification** rights should continue. These affect not only EU citizens in the UK by preventing them in the future from bringing a spouse or elderly parent needing care to the UK, but also UK citizens in the EU who might need to return to the UK at some date after Brexit, accompanied by their non-British family members.
- **Children** born to citizens covered by the Withdrawal Agreement after Brexit should have life-long rights, though we accept these rights cannot be passed onto future generations.
- Both sides to the negotiations should confirm that rights of **residence** and the procedures for obtaining them will continue to be governed by the existing Directive 38/2004 and that no less favourable provisions can be applied by either side.
- Citizens covered by the Withdrawal Agreement should continue to be able to **vote** in local and EU elections.
- **Ring-fencing** any agreement that is made, so that the progress which has been made on matters like securing health-care, pensions etc. is not lost in horse-trading in Phase 2.

The Parliament's Brexit Steering Group supports our claims to family reunification and freedom of movement (they have no public position on the other issues), and we urge you to give them your full support and to ensure that both sides in the negotiations honour the commitments they have made to more than five million EU Citizens across all 28 Countries.

For the nearly 5 million citizens directly affected by Brexit, most of whom did not have a vote in the 2016 referendum², we urge you to put **People before Politics**, and ensure our rights are indeed secured as soon as possible.

Yours sincerely



Jane Golding
Chair, British in Europe

²The UK statute authorising the referendum denied a right to vote to all UK citizens who had been out of the country for 15 years and all resident EU citizens.

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ANNEX

- Austrian woman living in UK 25 years returns to Austria to look after ageing mother who dies after 3 years. Unable to return to UK as absence of >2 years deprives her of right of residence. Result would be same if it were a UK citizen living in the EU. *Reason – current EU and UK positions.*
- Instead she tries to bring her mother to live with her in UK but is unable to do so because of restrictive UK rule on bringing in dependent relatives. *Current UK position.*
- Young Italian barista in UK marries Italian girl he met on return to visit family in Italy. She cannot go to live with him unless they meet high UK income requirement. *Current UK position.*
- UK therapist in France married to French person for 30 years returns to UK, cannot take spouse as cannot meet UK income requirement. *Current UK position.*
- UK solicitor who has lived and practised in several EU countries for 20 years relying on that qualification is no longer able to do so outside UK, because of EU proposal to limit recognition of qualifications. *Current EU position.*
- Spanish vet qualified in UK, returns to Spain 5 years after Brexit. Cannot practise because had not obtained Spanish recognition of qualification pre-Brexit. *Current EU position.*
- UK architect who has worked throughout EU for 15 years and has a contract in Belgium at Brexit cannot work in other EU countries in future. *Current EU position.*
- UK translator living in Austria. Whole working life spent working cross-border in different EU countries. Can only now work in Austria and the country in which working at Brexit. *Current EU position.*
- Polish citizen working in UK and sending child benefit to his family in Poland unable to do so in respect of child born post-Brexit despite paying UK taxes and social security contributions. *Current UK position.*

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