

Guaranteeing the rights of EU citizens in the UK and British citizens in the EU

- We **reject "settled status"** for EU citizens in the UK
- Instead we need a **simpler, fairer, Europe-wide solution** which means that citizens on both sides of the channel keep all their existing rights
- We need a **ring-fenced** and immediate agreement on our rights, guaranteed for life by **supranational jurisdiction** so that our rights cannot be reduced by future governments

Why do we reject "settled status"?

"Settled status" and the accompanying administrative processes, means EU citizens have to **apply for** a status based in UK immigration law, rather than simply **confirming** a status already acquired under EU law.

Under the "settled status" proposed by the UK government, EU citizens in the UK would no longer benefit from the same family reunification rights, the right to leave the UK and return after two years, or the overarching principle of equal treatment. Moreover, "settled status" does not resolve health care and pension entitlements if these have been built up in several countries, which requires a UK-EU solution.

EU citizens in the UK would also be subject to harsh systematic criminal checks, possible refusals of application for settled status, deportations and greatly reduced rights of appeal supervised by an overburdened Home Office prone to maladministration. The recent BBC Panorama undercover investigation into one of the UK's immigration detention centres, and the leaked Home Office document seeking to impose strict limits on immigration reinforce the importance of protecting current rights for people already in the UK.

How would a simpler, fairer, Europe-wide solution work?

Instead, we suggest all EU citizens currently living in the UK and all British citizens living in the EU should retain their existing treaty rights after Brexit and this be confirmed in detail in the Withdrawal Agreement between the UK and the EU. This would be implemented in national law and would in any event have direct effect. In the UK, this could be referred to as Withdrawal Agreement Acquired Rights Status for EU citizens.

The UK must implement a free and simple registration process locally for all 3 million EU citizens in the UK to certify their rights. The UK must recognise that access to the NHS fulfils the CSI (Comprehensive Sickness Insurance) requirement according to EU law, and that the Primary Earnings Threshold requirement is not valid. Vulnerable groups who cannot demonstrate that they are exercising treaty rights, but have been treated as living legally in the UK, also need to have their de facto rights recognised and preserved.

Key rights under threat

Specifically, British citizens in the EU must retain **free movement**, and the right to **study in the UK** on the same terms as British residents. EU citizens in the UK must retain current rights to **family reunification and a life-long right to return** to the UK.

- **Free movement for British Citizens**

British citizens in the EU27 countries should continue to have the option of moving from one member state to another after Brexit to live and work, so as to avoid being “locked into one country” at the date of withdrawal. The initial EU offer appeared to protect the primary right to move and reside freely across the territory of the EU, but it has since moved away from this position. Tens of thousands of UK nationals will find their livelihoods and family lives threatened unless this right is included in the withdrawal agreement. This also impacts linked cross-border rights for both groups on a range of issues such as recognition of qualifications and economic rights.

- **Studying in the UK**

Thousands of pupils have to make decisions on future study by the end of 2017, and clarity on their rights is urgently required. Student fees are currently determined by country of residence, not by nationality - as a minimum, British citizens in Europe should retain the right to study in the UK paying the same fees and with access to the same loans as someone living in Britain.

- **Family reunification and right to return after two years**

"Settled status" involves the loss of rights to **family reunification** or **return after two years**. Both EU citizens in the UK and British citizens in Europe have moved within the EU using the right of free movement, often leaving behind parents, in the same way as others do within one country. We now face losing both the right to bring a parent over to live with us in the future, and the right to return if instead we choose to look after our parent in their country of residence for several years.

Ring-fencing

Any agreement on citizens' rights needs to be ring-fenced from the rest of the Article 50 negotiations if our current uncertainty is to end. We need a withdrawal agreement protecting our current rights that will come into force regardless of the outcome of the negotiations.

Supranational Jurisdiction

There will have to be an international body to resolve disputes about the enforcement of citizens' rights, just as there will be a body to resolve trade disputes. The Court of Justice of the European Union (CJEU) has many years of experience and case law in this area, and CJEU jurisdiction would present the easiest and most practical solution. This means that UK courts would continue to make decisions regarding EU citizens' rights in the UK, but would have the option to refer to the CJEU as they do now.

About us

British in Europe is a coalition of 10 core groups and the largest group of British citizens in the EU campaigning for the protection of their rights post Brexit. **the3million** is the largest grassroots organisation of EU citizens living in the UK. UNISON - one of the UK's largest trade unions with 1.3 million members, representing staff who provide public services in the public and private sector, is affiliated with **the3million**. For more information on UNISON's EU Citizens Rights Campaign contact a.roche@unison.co.uk. We are also liaising closely with these organisations: Another Europe is Possible, Global Justice, European Alternatives and Migrants' Rights Network.

To support our campaign, please sign our pledges on www.homeishere.org.uk and <https://britishineurope.org/pledge/> or follow us on social media via @CitizensLobby17 and #CitizensLobby17. For more information see britishineurope.org/ and www.the3million.org.uk.

Supported by

