

What a future Prime Minister can do to protect citizens' rights

British in Europe and **the3million** represent over five million citizens who were unashamedly used as bargaining capital during the negotiations with the EU. We have several burning issues which are entirely within the gift of the UK Government to resolve, as distinct from reciprocal issues - such as continuing free movement and cross-border working, and EU-wide recognition of qualifications, for British citizens in the EU - which require negotiation. Any candidate running to be leader of the Conservative Party must ensure that citizens' rights are protected in a meaningful and fair way, no matter what the outcome of Brexit.

- The **EU Settlement Scheme** must be changed to a **declaratory system** issuing physical documents, to ensure that the UK is not responsible for another **Windrush scandal**. In turn this will strengthen the argument for EU 27 to put similar systems in place for British citizens in the EU, which the UK should make.
- **Promises made** during the referendum campaign that British citizens living in the EU would be unaffected by Brexit **must be honoured**:
 - They must be eligible for **home fees to study at British universities**, without a time limit.
 - Those receiving a UK state pension must continue to get their **pension uprated**, indefinitely.
 - They must be able to **return to the UK post-Brexit with their family members**, without facing harsh immigration hurdles that would not have existed had the UK not left the EU.
- **Voting rights** for both groups must be preserved and extended to prevent unprecedented mass disenfranchisement of millions, as well as **existing rights to stand in elections**.
- The UK Government must continue to press the EU on saving the citizens' rights parts of the Withdrawal Agreement to prevent 5 million citizens becoming **collateral damage in a no-deal Brexit**.
- For the above rights to be meaningfully protected, **no-deal on citizens' rights** has to be taken off the table.

Registration - not application - for a new status

The current "EU settlement scheme" imposes a requirement on EU citizens to apply for a new immigration status under UK law or become undocumented. This risks a repeat of the Windrush scandal: many thousands of people may become illegal immigrants if they fail to apply by the deadline, facing the full force of the hostile environment policy.

Instead we have consistently proposed a declaratory system for both EU citizens in the UK and UK citizens in the EU, which will see citizens automatically acquire a new status. Citizens would be able to register via a simple system and obtain a physical document in order to prove their rights and access services, but they would not lose rights or become illegal citizens if they do not register. If the UK does this, it will encourage the EU27 to put similar systems in place for British citizens in their countries.

In June 2016, the officially designated Vote Leave campaign stated that after Brexit "EU citizens will **automatically** be granted indefinite leave to remain in the UK and will be treated no less favourably than they are at present." All candidates should therefore be able to support registration, not application, for a new status.

Confirming home fees and access to student finance at English universities

The UK Government recently confirmed that British citizens living in the EEA would continue to benefit from home fees for seven years in England. Beyond that they will be liable to pay international fees. British citizens living in EEA countries should continue to be granted home fees without a time limit. For example, Canada extends home fees to its citizens living abroad and there is no reason to deny this to British students and their parents who had a legitimate expectation that this would continue. The Memo of Understanding dated 8 May 2019 between the UK and the Republic of Ireland on the Common Travel Area confirms the continuing rights of Irish citizens post Brexit to access education and student support in the UK on the same terms as British citizens in the UK. We appreciate that there are different processes on student fees in England, Scotland, Wales and Northern Ireland, but candidates should at least commit to this policy for England.

Continuing pension uprating

British and EU27 citizens in receipt of a UK state pension who moved to another EU country did so in the expectation that they would continue to benefit from old-age pension uprating. The Government's current position is for this to end in 2020, unless other EU countries make reciprocal arrangements for their pensioners. But what other EU countries pay their pensioners is irrelevant. These pensioners paid their contributions to the UK, which should honour its commitments in any event and continue to uprate the pensions of those who have moved to an EU27 country.

The right for British citizens to return to the UK

After Brexit, a British citizen living in the EU who wants to return to the UK with any non-British (whether non-EU or EU) family members will face the UK's stringent domestic immigration regulations for those family members. When this group exercised their rights to live, work and build families in another EU country, they had a legitimate expectation of rights for life to bring their family with them if they returned to their country of origin. Instead, they find themselves retrospectively subject to a different and harsher set of rules. EU citizens currently in the UK will not face this problem if they want to return to their country of origin with their family. It is entirely within the gift of the UK Government to end this injustice and ensure that British citizens are similarly able to return to the UK with their families.

Electoral rights

EU citizens in the UK potentially face losing all their electoral rights in the UK. They must keep their rights to vote and stand in local elections, as promised back in 2017 but never legislated for. British citizens abroad lose their British voting rights after 15 years, despite repeated Conservative manifesto promises of 'votes for life' for all British citizens, which must now be urgently enacted. See www.the3million.org.uk/let-us-vote-campaign for more information.

Preventing "no deal" for citizens' rights

Following the unanimous adoption of the "Costa Amendment" in the House of Commons it is vital for the UK Government not to lose momentum on securing a joint UK-EU commitment to adopt part two of the Withdrawal Agreement on Citizens' Rights and ensure its implementation prior to the UK exiting the EU, whatever the outcome on Brexit. This is essential to ensure that all five million citizens have their rights protected for their lifetime by an international treaty, and to deal with complex reciprocal areas such as social security coordination. We urge the UK Government to take this up as a priority. Only if this fails should the UK fall back on no-deal contingency arrangements, which should then include all rights agreed under the terms of the Withdrawal Agreement that can be guaranteed by UK law, and this includes full rights of appeal and family reunion. The UK can and should unilaterally guarantee these.