

**STATEMENT TO THE AFCCO COMMITTEE ON BEHALF OF BRITISH IN EUROPE  
COMMITTEE MEETING 21 NOVEMBER 2017**

**British in Europe** is a coalition of 10 groups of British citizens living in the EU27 with a membership of around 35,000. There are approximately 1.2 million British in Europe. 70-80% are of working age and economically active across the EU27. Around 20% are pensioners in Spain and elsewhere.

We are all Europeans, children of the European project.

Brexit is not something we ever wanted and the majority of British in Europe as well as the 3 million had no vote in the referendum. But, we put our faith in you and the EU to protect our rights and we welcomed the principled approach that the EU took in the negotiating directives and Essential Principles.

The negotiations began and inevitably this resulted in the worsening of the position on citizens' rights, given the counter proposal of the UK and compromises that ensued.

At this point, we have no great faith in the UK to defend our rights, as we believe that their aim now is to proceed to the second phase of the negotiations. Indeed, they have been pushing back into that territory for much of the first phase.

We now rely on the EU and you to realise that the UK approach to the negotiations is leading to a race to the bottom, to UK+ and EU-, in other words, a slightly improved UK proposal and a worsening of the EU proposal, and to recognise that if sufficient progress is confirmed based on the current direction of the negotiations, the stated objective that Brexit should not affect the daily lives of the 3 million and British in Europe will not be achieved.

The current position as we understand it to be (and we appreciate that things are changing on a weekly basis or faster at the moment) is that:

1. There will be no proper protection of the existing rights of EU citizens in the UK. Minor adjustments to administration procedures will not detract from the fundamental position that EU citizens will be applying for a new lesser status in an environment that is hostile to immigration. There is also now a threat, given reciprocity, that this race to the bottom will be joined by some EU 27 countries applying similar reasoning and immigration procedures to British in Europe.
2. Continuing free movement across the EU for both groups through a lifelong right of return for EU citizens to the UK and continuing free movement rights across the EU 27 for UK citizens across the EU will not be preserved.
3. The knock-on effect of this for professional qualifications and economic rights affecting both groups so that some professional qualifications won't even be recognised and those recognised plus economic rights will be limited to the country of residence.
4. There will be limitations on family reunification rights in the UK for both groups - for EU citizens in the UK and returning UK citizens to the UK.

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

And yet this can all be reversed - the negotiating directives and essential principles are wide enough to allow this as para 20 set out to protect.

*"the status and rights derived from Union law at the withdrawal date [our emphasis], including those the enjoyment of which will intervene at a later date (e.g. rights related to old age pensions) as well as rights which are in the process of being obtained..."*

The Essential Principles are even clearer, stating that the "Same level of protection as set out in Union law at the date of withdrawal of EU27 citizens in the UK and of UK nationals in EU27" should be ensured.

What is more, protection of free movement rights is also specifically referred to in the negotiating directives in para 21.

So what we ask is that there should only be a finding of sufficient progress on citizens' rights when all of these fundamental issues have been resolved - otherwise, the rights of people will be just one issue among many others in the second phase and the likelihood of a comprehensive agreement in line with the aspirations set out in the negotiating directives and Essential Principles will be significantly diminished.

And when that comprehensive agreement is reached, it should be ring-fenced from the rest of negotiations and should stand, whatever the outcome of the other negotiations.

But enough of the legal points - what of the social and human dimension to all this, recently renewed in Gothenburg?

As I said, we are the children of the European project, a project at its heart of peace, solidarity and cooperation, a social project. This is what my British father, who aged 20 was at Belsen a couple of days after its liberation, and my German father in law, who aged 16, survived the bombing of Dresden, hoped for, for their children and their grandchildren.

We are the citizens who have seized all the opportunities that EU citizenship and the fundamental freedoms have given us and taken them far beyond what the founding fathers dreamt of.

The solidarity and community of our two groups of citizens caught up in this unprecedented situation is the expression of the European project, a community of Europeans who have together set aside our differences of nationality and culture and see only our similarities and our joint fight to defend our citizenship rights.

If you disappoint us now, you quash our hopes and dreams and those of EU citizens in the future, by sending a clear message that embracing EU citizenship is a risk, it can be taken away from you, and you can be penalised for embracing it.

EU citizenship is our fundamental status and it should protect us now in this unprecedented situation - and if not now, then when?

21 November 2017

British in Europe