



The **UK** in a **Changing Europe**

EU citizens in the UK after Brexit
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The issue...

- Approximately 3 million EEA nationals resident in UK
- Perhaps 2 million arrived > 5yrs ago; but doesn't mean automatic qualification for permanent residence
- No population register, no comprehensive entry and exit database, no requirement for EEA nationals to register
- Current permanent residence application process
 - Complex & bureaucratic
 - Requires evidence of “continuous” residence
 - Legally questionable CSI requirement
- Not just about residence: family/marriage rights, access to public services, pension rights, etc
- What about those who clearly do not qualify for PR?

Who are the 3 million?

Table 2: Number and percentage of UK 16 to 64 aged population by nationality and economic activity, UK, 2016

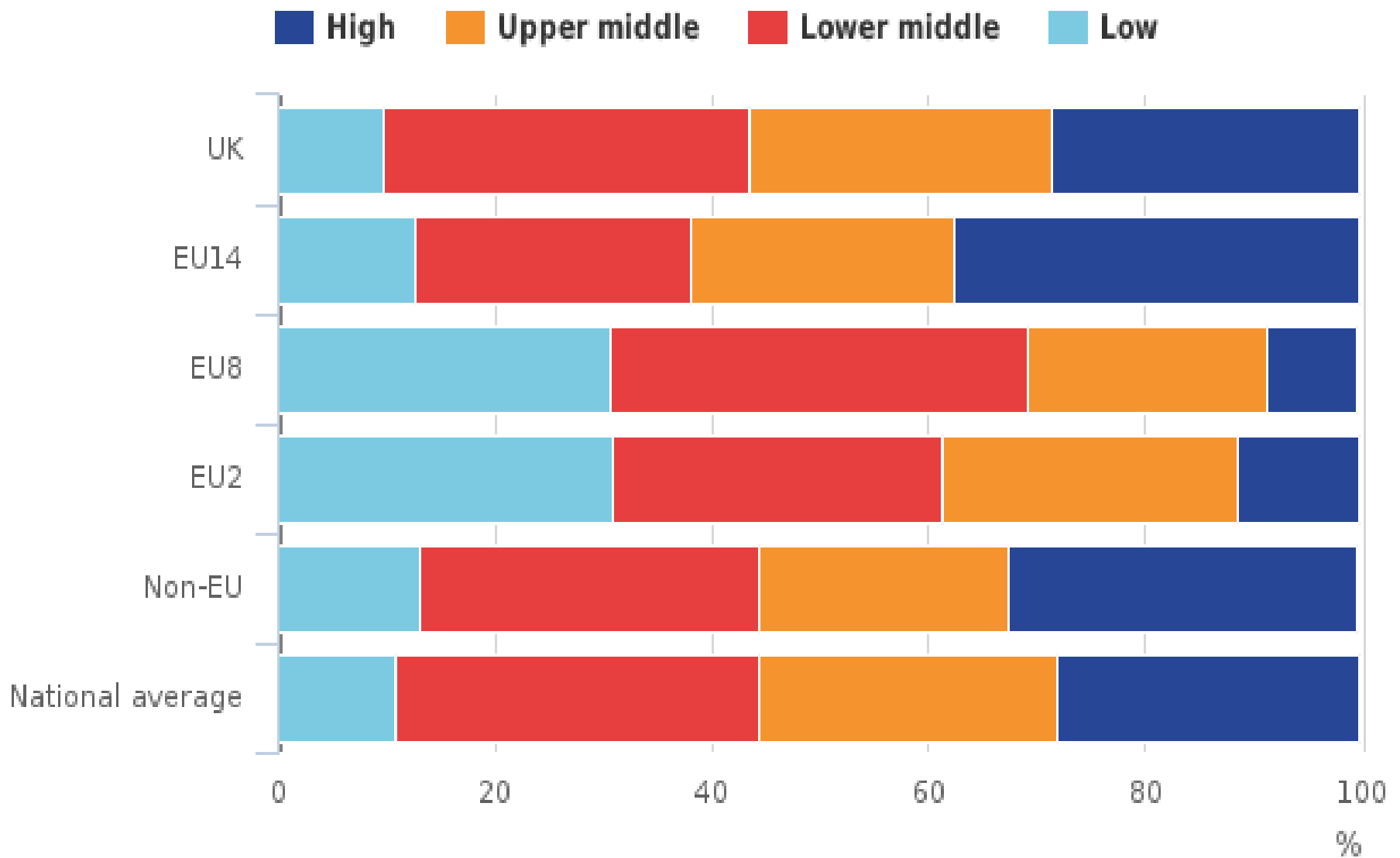
(thousands)										
	In employment		Unemployed		Inactive: student		Inactive: other		Total	
	Estimate (+/-)	%	Estimate (+/-)	%	Estimate (+/-)	%	Estimate (+/-)	%	Estimate (+/-)	%
UK	26,915 (+/- 253)	74	1,385 (+/- 58)	4	2,024 (+/-72)	6	5,998 (+/-112)	17	36,322 (+/- 291)	100
EU14	863 (+/- 50)	76	47 (+/- 12)	4	100 (+/-18)	3	132 (+/-18)	12	1,142 (+/- 57)	100
EU8	1,015 (+/-52)	83	42 (+/-10)	3	51 (+/-11)	4	121 (+/-17)	10	1,229 (+/- 56)	100
EU2	281 (+/-30)	83	13 (+/- 6)	4	10 (+/- 6)	3	35 (+/- 10)	10	340 (+/- 33)	100
EU Other	18 (+/- 7)	74	c	c	c	c	c	c	22 (+/- 8)	100
Non-EU	1,206 (+/- 59)	62	101 (+/- 17)	5	211 (+/- 26)	11	437 (+/- 33)	22	1,955 (+/- 74)	100
Total	30,299 (+/- 271)	74	1,588 (+/- 63)	4	2398 (+/-79)	6	6734 (+/-120)	16	41,020 (+/- 312)	100

Source: Office for National Statistics

Notes:

1. Estimates are rounded to the nearest thousand. Totals may not sum due to rounding.
2. The percentages contained in this table are not employment and unemployment rates.
3. 'c' indicates that data is not available due to disclosure control.
4. 'Inactive: other' includes inactivity for reasons such as retirement, illness, disability and looking after family.

Majority in “middle skill” jobs



Current position

- EU negotiating position: all those resident before Brexit Day to have rights guaranteed indefinitely. Would cover:
 - Right to residence after 5 years
 - Rights to benefits as now
 - Family rights
 - Improved administrative process
 - ECJ/independent appeal/enforcement
- UK position:
 - wants to guarantee residence rights “on reciprocal basis”
 - vague on other issues (cut-off dates, ongoing rights)
 - Appears to want political commitment to residence rights & reciprocity, but little/no detail, legal commitment, enforcement mechanism

Immediate steps (confidence building)

- Joint political declaration:
 - New system will enable all EU citizens resident in UK on Article 50 Day and all UK citizens in EU to eventually acquire permanent residence
 - Neither EU nor UK countries will impose complex, bureaucratic restrictions
 - All existing rights to be guaranteed for at least 3-5 years post Brexit
 - Represents compromise on both side
- UK should (unilaterally)
 - Suspend current process for permanent residence
 - Announce new criteria will not include CSI, will not require verification of physical presence, etc
 - Set target date for new system, using pre-populated admin data as far as possible, allocate necessary resources

Possible deal?

Qualifying criteria:

- All those resident on Brexit day who have at least 2 years of permanent residence (ie since Article 50 day)
- Clear statement of principle: reciprocal, binding guarantees

Rights

- All rights preserved for 3-5 years after Brexit Day
- Independent enforcement mechanism (following existing EU law/ECJ jurisprudence)

After 3-5 years, resident EU citizens to have choice:

- UK citizenship under UK law
- Permanent residence with ongoing work-related rights but not family rights etc
- Both UK & EU states to commit to full recognition of dual citizenship



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