

BRITISH IN EUROPE: UPDATE ART 50 NEGOTIATIONS - ADVOCACY CAMPAIGN

6 October 2017

Overview

- British in Europe (BiE) is running a high level advocacy campaign to safeguard citizens' rights across the EU 27 and UK, much of which work is done jointly with the3million, the largest EU citizens' group in the UK.
- **Meetings EU level:** Since March, regular meetings at EU level with Michel Barnier's Article 50 task force, the lead negotiator for the EU Council, MEPs at the European Parliament including key members of the Brexit Steering Group such as its leader, Guy Verhofstadt. BiE is **de-briefed by the Art 50 task force by phone/in person directly after each round of negotiations.**
- **Meetings at UK level:** Since April, BiE has had regular meetings with DExEU, Home Office and FCO, in recent weeks on a two-weekly basis, and **receives a de-brief directly after each round has finished** (and a briefing prior to the start of the recent rounds). In addition, regular meetings with Embassies across the EU 27, including in Luxembourg, Italy, Germany, France, the Netherlands and Spain.
- **Papers/Responses:** In addition to preparing position papers, after each round, BiE together with the3million prepares a response which is sent out to all of its contacts mentioned above at EU and UK level. These can be found on the BiE website. In addition to specific responses, BiE prepared a paper on free movement rights in August and case studies to back this up.

Snapshot of Other Lobbying Action: examples of most recent action in September:

- Mass lobby of UK Parliament on 13 September with the3million and Westminster Hall debate on UK citizens' rights on 12 September (Labour Party organised)
- Letter to PM on 20 September 2017 calling on the UK government to show flexibility on lifelong rights of return for EU citizens in the UK to break deadlock on free movement for UK citizens
- Meetings in Brussels wc 25 September with key MEPs prior to European Parliament resolution (vote 3 October) on citizens' rights in the negotiations, including EP President Tajani, and lead representatives of the Socialist, Green and left wing groups for the Brexit Steering Group in the EP.

Current position

- Three rounds of substantive negotiations to date: round 2 (July), round 3 (August) and most recent round 4 (wc 25 September)
- European Parliament resolution on citizens' rights (3 October)
- Personal scope: EU citizens lawfully resident before exit (EU position) and frontier workers (wide definition we are currently analysing)
- Permanent residence: EU position is that this would be confirmed in the country of residence but UK has not changed its position on settled status – EU citizens

would have to apply for a new, lesser status rather than simply having their existing rights confirmed.

- Family members: Both sides now appear to agree (subject to final clarification) that family members would be covered for life by the WA even if become independent. In other words, would not lose cover of WA if change status e.g. child/young person no longer dependent because start to work.
- Family reunification: EU would confirm current rights under EU law but UK wants future family members (other than children) to fall under UK immigration law rules that apply to non-EU nationals or whatever system put in place for EU citizens in future. This also affects UK citizens returning from the EU to the UK with their family members.
- Free movement: EU position is that rights protected in country of residence but no “onward” rights of free movement.
- Loss of permanent residence: EU position is that would be lost after two years as per current EU law. UK has now made an offer of lifelong rights to return to EU citizens in an effort to break the deadlock on free movement following our letter to the PM on 20 September 2017.
- Withdrawal Agreement/Direct effect: EU position is that rights would be set out in detail in the WA, have force of international law and direct effect UK has made an offer on direct effect in response.
- CJEU/other supranational jurisdiction: Still under discussion.
- Continuation of current reciprocal healthcare/social security arrangements including the S1 scheme and aggregation, export and uprating of pensions. Only outstanding issue is export of other social security benefits.
- Professional qualifications. Still being discussed but current EU position is that those who have an individual recognition decision of their qualifications would continue to have those recognised in the issuing state but not across the EU 27. Those providing services under their home title would not be covered by the WA.
- Economic rights. Still under discussion. Agreed that individuals should keep all their rights e.g. self-employment, right to run a business. EU position is to guarantee this in the country of residence but not EU-wide.
- Voting rights. EU position not covered by WA – up to Member States whether they grant these to third country nationals.
- Ring-fencing. This argument continues to be pushed through advocacy at EU and UK level. There is gradually more support in the European Parliament and the left wing GUE/NGL group tried to table an amendment to the European Parliament petition on 3 October.