

BRITISH IN EUROPE

THE COALITION OF UK CITIZENS IN EUROPE

The Rt Hon Theresa May MP
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

22 September, 2017

Dear Prime Minister,

We write on behalf of British in Europe, the coalition of 10 groups of British citizens living in the EU27. There are approximately 1.2 million British in Europe. Some 20% of UK nationals in the EU27 are the famous pensioners in Spain and elsewhere. Seventy per cent of British nationals in Europe are of working age and economically active across the EU27.

Our goal is to protect and maintain post-Brexit all the EU citizenship rights that we currently have. We want this complex bundle of interlinked rights to be acknowledged for what they are – a binding promise made by the EU28 - and we want them to continue in their entirety for our lifetimes, protected in a Withdrawal Agreement recognised in international law, properly implemented and effectively enforced, and ring-fenced. We have been advocating for these rights and this solution hand in hand with the largest EU citizens' group in the UK, the 3million, since January 2017.

Since June 24 2016, you, your EU27 counterparts, Members of the European Parliament, Commission President Juncker, Council President Tusk and EU chief negotiator Michel Barnier have all been at pains to stress that the protection of citizens' rights is of fundamental importance. In your landmark Lancaster House speech you said:

'We want to guarantee the rights of EU citizens who are already living in Britain, and the rights of British nationals in other member states', and: 'The same rules and laws will apply on the day after Brexit as they did before.'

That speech has often been quoted back at us, whenever we have questioned or queried where the Government is heading.

Accordingly, we were very much looking forward to your Florence speech on 22 September 2017. We hoped that you would take that key opportunity to set out concrete steps on how the UK will guarantee the current rights of EU27 citizens in the UK and UK nationals living in the EU27. We hoped that you would take on board the positions reached in the negotiations so far on this crucial topic. And we hoped that you would signal that the UK is prepared to make the changes necessary to its offer of 26 June 2017 that need to be made to protect all of our rights and unlock the Brexit logjam.

So what did you say? You said that:

'It has been, and remains, one of my first goals in this negotiation to ensure that you can carry on living your lives as before.'

You went on to say later in your speech that the citizenship provisions in the Withdrawal Agreement would be given direct effect in British law.

So, what does that mean in the context of where we are in the negotiations and what changes we need to see in round four?

As Michel Barnier pointed out in his speech to the Italian Parliament on 21 September, there is only one year left to agree our withdrawal from the EU. The hard truth is that there will be no agreement while the UK continues to consistently undermine its own message of support for EU nationals in the UK and its own citizens. The perception we now have after three rounds of negotiations and Florence, which appears to be shared in Brussels and elsewhere, and by our EU27 friends and counterparts in the 3million, is that the UK government has a different agenda for them to the one laid out in the Lancaster House and now Florence speeches. This is based on:

- a) The UK offer of settled status, which is not the same as the current rights EU27 in the UK currently enjoy.
- b) The Home Office decision to send out 100 deportation letters to EU nationals in recent months
- c) The contents of the leaked immigration white paper three weeks ago
- d) The refusal so far of the UK to agree the cut-off date
- e) New banking rules for EU27 nationals and;
- f) The refusal of the UK to remove the two-year rule for EU citizens in the UK

All of these issues have led to reduced trust on the EU side when it comes to citizens' rights. We regret that you made no reference to these facts in your speech and did not offer an apology as this would have gone a long way to reassuring the EU negotiators and, more importantly, the 3million.

So, we find ourselves at an impasse. There has not, in fact, been significant or even sufficient progress on citizens' rights and this must change in Round 4 of the negotiations. The first step should be to scrap "settled status" and simply confirm current rights of permanent residence, combined with a lifetime right of return, for EU27 nationals. At the same time, the UK should agree to continue to apply the current EU rules on family reunification for the 3million (**and** for British in Europe returning to the UK) after Brexit.

If you agree to these steps, the very welcome compromise you made in Florence on the principle of direct effect will be meaningful. But if not, direct effect for lesser rights than we enjoy now will be a largely empty gesture and will be recognized as such by the EU, the 3million and British in Europe.

Finally, we would ask that whilst you are doing all of this please send a memo to your Home Secretary and her staff to remind them that the UK negotiators would be immeasurably helped if she and her staff could comply with High Court orders and EU legislation at all times because that is what should happen in mature and stable democracies with a proper respect for the rule of law.

Without these steps, our rights will continue to be undermined because reciprocity means reciprocity. The 1.2 million British in Europe are the canaries in the coalmine for any future relationship between the UK and the EU. If Michel Barnier, the European Parliament and the EU27 Member States see that the UK government is willing to throw us, our rights, our livelihoods and our children under the Brexit bus, they will have no confidence that it will recognize and protect the rights of the 3million or any other post-Brexit obligations in the future. Britain's reputation, credibility and any prospect of a FTA and cross-border access for our group, let alone UK citizens in future, will disappear down

the Brexit rabbit hole.

So please, stop treating citizens' rights as a minor issue that can be pushed aside in the headlong dash for a trade or indeed a security agreement: They are not minor and you cannot ignore them. And please stop treating citizens' rights as an immigration issue – this about people already living in other countries with rights, who have relied on them in good faith, and built lives on them. Recognize with more than just platitudes the contribution that the 3 million British in Europe have made to the UK for years and protect our rights. Then we can all move on with our lives and the UK can move on with Brexit should it ultimately choose to do so.

Yours sincerely,

British in Europe Steering Committee

cc The Rt Hon Amber Rudd MP
The Rt Hon David Davis MP

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