

Exiting the European Union Committee

Oral evidence: The UK's negotiating objectives for withdrawal from EU, HC 1072

Wednesday 18 Jan 2017

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Members present: Hilary Benn (Chair); Mr Alistair Carmichael; Maria Caulfield; Joanna Cherry; Mark Durkan; Jonathan Edwards; Peter Grant; Jeremy Lefroy; Mr Peter Lilley; Karl McCartney; Mr Pat McFadden; Stephen Timms; Mr John Whittingdale; Sammy Wilson.

Questions 599-703

Witnesses

[I](#): Anne-Laure Donskoy, Co-Chair, the3million, Barbara Drozdowicz, Chief Executive Officer, East European Resource Centre, Nicolas Hatton, Co-Chair, the3million, and Florina Tudose, Information and Outreach Co-ordinator, East European Resource Centre.

[II](#): Christopher Chantrey, resident of France, Gareth Horsfall, resident of Italy, Debbie Williams, resident of Belgium, and Sue Wilson, resident of Spain.

Examination of witnesses

Witnesses: Anne-Laure Donskoy, Barbara Drozdowicz, Nicolas Hatton and Florina Tudose.

Q599 Chair: Good morning. First of all, I welcome our witnesses, from left to right: Anne-Laure Donskoy, who is the co-chair of the3million; Nicolas Hatton, the founding co-chair of the3million; Barbara Drozdowicz, who is chief executive officer of the East European Resource Centre; and Florina Tudose, who is information and outreach co-ordinator from the East European Resource Centre. You are all very welcome, and thank you very much indeed for giving up your time to give evidence to us today.

Can I begin by asking one of the two of you from the organisations briefly to tell us a little bit about the3million and the resource centre, just for the record?

Nicolas Hatton: Good morning, Chair; good morning, Committee. So, the3million was created after the referendum as an organisation to gather EU citizens who live in the country really to offer a support network to EU citizens who felt stressed and distressed by the result of the referendum and to look at practical solutions to how we can secure our rights and status after Brexit.

Barbara Drozdowicz: Thank you very much for inviting us to give evidence today. The East European Resource Centre is a charity that was set up in 1984. We have been providing resources and a voice to our eastern European minorities living in London and beyond. We provide frontline services, advice, information, advocacy, skills training and so on, and we also consult beneficiaries and members on various crucial aspects of their life in Britain. Among the services we provide are immigration services, hate-crime advocacy and welfare advocacy. The views that we will present are the collection of views we have been receiving from people: from users, volunteers and other members of the eastern European community who are in touch with us. It should be noted that some of them are our own views, as both myself and Florina are EU nationals living in London.

Q600 Chair: Thank you very much indeed. You referred to the response and reaction to the referendum result among your members and yours as individuals. Could you say a little bit about that and, in particular, about your perception of the atmosphere? There have been reports of people facing some hostility in the wake of the referendum—I hope it is only a relatively small number. Has that been your experience? Has it changed in the last six months? That would help the Committee to get a sense of how the EU community here in the UK was feeling immediately afterwards and is feeling today.



Anne-Laure Donskoy: Going by what we read on our forum on a daily basis, people are feeling extremely stressed. Some people are feeling very depressed, and some are reporting feeling clinically depressed, to the point where they have not been able to work and continue with day-to-day tasks. The uncertainty and the ambiguity of messages coming out of Westminster and the sometimes barely veiled threats of deportation in the past few months have not helped. Those feelings have increased. People are worried for their future and for their families. They don't know what is going to happen. They don't know what tomorrow is made of.

I will give you a few citations that we have collected. Somebody says: "We are British immigrants in whatever EU country we have moved to. We are in limbo. If you are a pensioner, you have no idea what will happen to your pensions and healthcare. If you are working, will you be allowed to carry on living and working without applying for a visa?" People are certainly worried about the impact of Brexit on their rights, especially if, for instance, one spouse does not meet the criteria for the paperwork test and is asked to leave. What happens to those families? We have also had several examples in the past few weeks and months—some of them have hit the headlines—showing the extent of the issue.

The outcome of this process cannot be—we cannot tolerate it—that families are split in this way, so positive solutions must be sought. It has affected not only many individuals but also families, in the sense that rifts have been reported between spouses, in-laws and parents and children. There have also been some reports from members about children abusing other children in the playground. That is a reflection of children imitating their parents, but in a way those children are the future, and they are taking on board and constructing a very skewed perspective of "the other"—the foreigner. That is really very sad.

Until the referendum, an EU citizen was just like anybody else. It was someone you knew on your street or next door. It was a colleague—no longer. There is a sense of being ostracised for no good reason whatsoever and of isolation. Somebody says: "It does open the gates wide for xenophobic reactions. Before the referendum, we were asked where we came from, and people would say something like, 'I've been there,' but nowadays, you don't get this any more. It has changed the atmosphere drastically. It's a shame that the world has turned colder and most British people haven't got a clue what this result means for EU citizens."

I have to say that we have a lot of British citizens on our forum, and they are extremely supportive in our plight and what is happening. That is very comforting.

Q601 Chair: Can I ask whether any of our other witnesses would disagree with what has just been said? The reason is that we have about an hour and a quarter and lots of questions we want to ask. That was an extremely helpful answer, but if answers could be as succinct as possible, we can cover all the ground. Would that reflect your views?



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Barbara Drozdowicz: We broadly agree with what Anne-Laure said. I want to add, through the nature of our work, that uncertainties experienced by EU nationals living in Britain extend into administrative practicalities of them living and staying here. I need to highlight that. For example, there are pensions, residency and naturalisation issues, and issues of potential work permits and finding property. There are very practical questions relating to what will be expected of me if I choose to stay post-Brexit.

Q602 **Stephen Timms:** Can I pursue the point that Barbara was just making? I am very interested to know what reports you have had of citizens of other EU countries running into practical problems—getting a mortgage, renting a home, getting work and so on. Have you had reports of difficulties in those areas? Is it your impression that things have got worse since the referendum, or have there always been issues of that kind?

Barbara Drozdowicz: We haven't had reports of any other practical difficulties yet, except for certain aspects of application of immigration laws: more difficulties in obtaining permanent residence documentation for EU nationals. But that is more guidance, possibly, in terms of Home Office policies or practice rather than Brexit on its own.

It is rather the level of uncertainty around these things. People feel that they are unable to plan long term if they do not know what their situation would be post-Brexit. They will not be willing to make investment in businesses, for example. Many EU nationals are avid business entrepreneurs with small businesses and so on.

That reflects on other areas of life, such as whether it is a wise choice to take a mortgage in this situation of uncertainty or to make educational plans for children. I would say that, currently, it is the level of uncertainty rather than the reality, based on the enquiries that we receive and the casework we provide.

Q603 **Stephen Timms:** You said you felt that things had changed in some respect about what the Home Office is doing on applications for permanent residency. In what respect has that changed since the referendum?

Barbara Drozdowicz: I'm not sure whether I want to involve the referendum in this context because I cannot definitely prove either way that that is how it works. It is a strict application of regulations on, for example, having to have health insurance for those who are self-sustaining—for example, spouses or partners of someone having a different type of EU status.

Possibly coincidentally I imagine, there was the issue of registration of children of EU nationals. We know the Home Office was making the decision. There was some procedural error in the past. Children were registered as British citizens without parents needing to prove that they had worker registration scheme documents or certificates. At the point of registering, they were not asked to show it.



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The Home Office decided on the day after the referendum—that's my impression—that children will not have their passports extended; therefore, naturalisation will be revoked. That created an awful lot of stress in the community. It was probably very coincidental with the referendum. However, it makes people feel troubled in terms of their status.

Q604 **Stephen Timms:** So the rules have got tighter since the referendum. That may not have been a result of the referendum, but it happened in that period.

Barbara Drozdowicz: It seemed so, yes.

Q605 **Stephen Timms:** Thank you. May I ask whether you have comments?

Anne-Laure Donskoy: We have heard some reports of landlords being difficult when people are looking at possibly renting somewhere. Landlords are being difficult around their status as EU citizens, wanting potential tenants to prove that they do have a right to be in the UK, which they should not be doing. Yes, they have the right to check nationalities and so on, but checking the right to stay in the UK is not currently a requirement in law. That is a difficulty.

I do not know if you want to start talking about the huge issue, which Barbara has already touched on, of the PR process and the comprehensive sickness insurance. I would be happy to comment on that.

Q606 **Stephen Timms:** I would certainly be interested.

Anne-Laure Donskoy: I would definitely concur with what Barbara has said. There are a lot of issues around the application for the permanent residency. A lot of it has already been advertised here, there and everywhere. We are in the frontline of people having potentially to do this. Everybody is urging us to apply for PR, despite the fact that the UK has not left the EU yet.

There is a sense of urgency and that we are having to justify a right to stay already at the moment. That in itself is causing a lot of anxiety because the process is a bureaucratic nightmare of Kafkaesque proportions. We all know about the form. There is an unreasonably burden of evidence put on the applicant.

I am just going to show you—it's one of those "I made one of these earlier" moments—part of my own application. It is about three to four kilograms at the moment and represents, I would say, just over half of what it will be like at the end of the day. This is just five years' worth of documentation—some of it I haven't gathered yet. There is the issue of not only having to provide a chunk of five years' worth of documentation, but on top of it all, the Home Office also insists on asking for certain documents from day dot.

In my case, I have been in the UK for 30 years. The Home Office is asking me to provide 30 years' worth of documentation covering every time I have left the country; I think it is for more than 12 or 24 hours. That is



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unreasonable. Joe Bloggs, who goes on holiday in Ibiza or wherever, doesn't normally keep the travel tickets. Maybe you do that for romantic reasons, once, but you don't normally do it, as a rule. Your employer, if you have been abroad on their behalf, might have some trace of it, but even employers after a number of years will not keep those sorts of documents, so that is a huge problem.

Having to gather the evidence is time-consuming. It is also anxiety-provoking. People change jobs, and it is difficult to gather all the information that is requested from employers. There has to be a very different way of doing this.

Then there is the really thorny—to say the least—issue of comprehensive sickness insurance. The European Commission issued a recommendation in 2012 saying very clearly that access to the NHS should be considered as fulfilling the requirements of comprehensive sickness insurance, which it isn't. Comprehensive sickness insurance is a very little known conditionality of the process. It is not something that is advertised. It is not something that is required or asked for. If I go and see my GP or if I have to go into hospital, nobody asks me about it. People like me, who have been here forever as it were—I never knew about it. Other people don't know, so they get caught out and get rejected on that point.

CSI, as it is known, doesn't actually exist in the insurance world. It is something that belongs to the immigration context, because any insurance company cannot advertise something as being comprehensive, otherwise it opens itself to potential court cases in the case that it doesn't actually cover everything under the sun.

Some companies sell a sort of comprehensive package, for argument's sake. They are not usually cheap. Some insurance brokers that we have spoken to say that for a family of four—mum and dad, two children—it is about £400 a month, minimum. If you are an EU citizen who has come here for a couple of years on behalf of your employer, usually you belong to a large company and the company will cover the expense. For most EU citizens living in this country, CSI is not affordable. So if the Home Office and the Government were willing, we feel that they should very much consider accessing the NHS as fulfilling the requirement.

Nicolas Hatton: Briefly, what we see is a 30% rejection rate of all the applications. That is at the heart of the issue. Primary residence is the only way for EU citizens right now to secure their future, so there is a very, very strong focus on the process. Because the process wasn't designed to register 3 million people, we are seeing a very large number of people being refused. There is an increasing number of applications as well—it went up by a factor of 2.5 since the beginning of the year. That is why we think that we need a reform of that system, so that we can find a way in which we can register the 3 million people here and give them a future.

Q607 **Chair:** Briefly, what do you understand are the reasons given for that high refusal rate? I think you said in your evidence that applications were either refused or declared invalid. How much of that is to do with the



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paperwork, which Ms Donskoy was just referring to, being insufficient? Could you give us a sense of the grounds, as far as you are aware, for that high refusal rate?

Nicolas Hatton: The only statistics that we get from the Home Office are the difference between refusal and invalid applications. They will not issue statistics on the number of applications rejected because of the lack of comprehensive sickness insurance or whether people have not sent the right paperwork, so we do not really know. One of the issues is that we cannot understand why the rejection rate is so high.

Barbara Drozdowicz: We provide immigration services and this is part of the reason why we do it. I cannot represent the whole immigration services sector as such, but the reason mainly from our perspective is incomplete evidence—so this pile of documents needs to be bigger—or seeking gaps in the past. So, my life in Britain might be evidenced beyond reason over the last five years, but 17 years ago I might not have kept something. This is questionable practice and that is appealable practice, because, as far as guidance goes, permanent residence relates to the last five years. Therefore, whatever happened earlier should not be part of it.

The comprehensive health insurance does not exist, and it is very difficult to prove that being covered by health insurance mandatory in other EU states should be recognised. Case law suggests that it might be. For example, Portugal nationals might be recognised as having such comprehensive health insurance based on the constitutional right to have health insurance written in the Portuguese constitution. That requires, however, an appeal process in the immigration tribunal, which is terrifying for many, many people. It is not only stressful as a process but also putting you squarely in the pigeon hole of being an immigrant wanting something.

Q608 **Stephen Timms:** This question is for Barbara and Florina. My constituency is in the east end of London and most of my constituents have got roots in a different country from the UK. I get frequent invitations, and always have done, from organisations of people from the Indian subcontinent, Africa and sometimes from south America, but hardly ever from organisations representing people from eastern Europe. There are a lot of Romanians, Latvians and Lithuanians in my constituency, and I have never had an invitation from an organisation representing those communities. My impression is that east Europeans are less involved in the community than migrants from other parts of the world. I wonder if you think I am right about that. If so, why is that?

Barbara Drozdowicz: I can answer that question very quickly with yes and no. Yes, eastern European nationals living in London might be less organised, but we should be looking at the length of their stay and take into account that the majority of current eastern European residents of London came over after 2004. The momentum right now is that people are organising, because this is the community dynamics and how it essentially works. Other communities might be more settled; they might have been “created”, let’s say. They might have arrived in the ‘60s and ‘70s, which



has given them much more time to develop organisations that represent them.

The “no” answer relates to the fact that there are, for example, numerous old Polish diaspora communities: the Federation of Poles and the Polish Centre. There are numerous organisations associating RAF flyers post-war and so on that are strewn across the country. They might be differently structured in how they operate and the voice they give to the community might work slightly differently, and therefore it seems that there is no one there. In terms of the Romanian community, Florina might like to speak.

Florina Tudose: I would like to add that the Romanian community is quite recent in the UK. Most of the Romanians who live here came in the last four to six years, so they have not really had time to develop a proper sense of community and involvement in UK life.

Q609 **Mr McFadden:** I would like to begin by thanking European Union citizens for the contribution that they have made to the UK, whether that is through work or study or other fields. I want to ask first a question that is really at the heart of our debate about this, which is: why do people come to the UK? The UK has been an attractive destination for many European Union citizens in recent years. I will begin with you, Barbara. Do people come to work, or do people come because of the UK’s welfare and benefits system?

Barbara Drozdowicz: People come because Britain has incredibly good press about its opportunities in terms of work. One thing is that they come to work here—they seek employment—but really, the truth is that the British system allows people to develop businesses. That is something that is highly regarded and sought after by many EU nationals. It is not necessarily as easy to set up a business in Poland, Romania, Germany and so on as it is in Britain. Therefore, for many of us, this is an opportunity to spread our entrepreneurial wings. Britain has always been very inviting to the entrepreneurial spirit, and it is a stronghold of liberal values when it comes to this. That would be my answer to that.

From our experience as an organisation, the only aspect of welfare that is worth mentioning is that welfare is expected to be there for people if they get cancer or something awful happens, and that is exactly how it happens; it is virtually impossible for EU nationals to claim an abundance of welfare payments, due to eligibility criteria. Even if you are in the terminal stage of cancer, it is still very difficult. And this is not something that people talk about; they talk about the fact that they want to have their small plumbing company or consultancy. I want to add quickly that in this context, Brexit comes as a shock, simply because people have to ask themselves the question, “What will happen with my business?” If they operate as consultants across the EU, as many of them would have expected would happen for ever and ever, there are questions about the red tape, the tariffs and all the issues that will surely be negotiated. Exactly what we should do with it is a source of uncertainty for many of us.



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Nicolas Hatton: It is a very interesting question. Why do people come to the UK? I think it is because the UK is actually a very attractive country. It is the country of freedom. In France, I have to carry my ID card everywhere I go, and you do not have to do that in England, because you have this tradition of freedom. There is freedom of spirit as well, which has brought a lot of people in. I have quite a lot of gay friends who have come here because they feel they have a lot more sexual freedom in the UK, for example.

When it comes to employment and welfare, a lot of employers have a proactive policy of seeking new applicants from the EU and abroad. Universities, for example, will try to recruit the best, and they do not limit themselves to national borders. I will finish on this point, because I know you want us to be concise. If we look at welfare, you could argue that in France you have better welfare. Indeed, if people are looking for a country in Europe to move to because they want to benefit from the system, they should move to France.

Q610 **Mr McFadden:** The reason I ask about welfare and work is that at the heart of former Prime Minister Cameron's ultimately failed renegotiation with Europe was the idea of welfare. He put at the heart of his negotiation a four-year period before people could claim tax credits and certain benefits. Given what you have said—that the principal attractions of the UK are its enterprising business culture and its sense of freedom—was he missing the point?

Nicolas Hatton: We'll let you comment on this.

Q611 **Mr McFadden:** Can I move to a different area of this, which is what kind of work people do? Again, I will begin with you, Barbara. The accusation is made that immigrants from eastern Europe in particular are an easy source of cheap labour that drives down wages. What is your response to that?

Barbara Drozdowicz: We cannot speak about eastern Europeans and all EU nationals, obviously—that's Nicolas's job on the panel. From our perspective, the statistics published in *The Guardian*, I think, show that 28% of them do manual labour. That is the group that is being targeted with the rhetoric of bringing wages down. Within that area, we are looking mainly at construction, hospitality, retail, agriculture, food processing, logistics—drivers and so on—and care workers.

Our experience from running the employment rights advice campaign for the last three years is that people do not choose to be underpaid and do not come here to undercut wages. If they come here, they expect to be treated fairly. One of the reasons why many eastern Europeans choose to migrate within the European Union is that they think, for example, that the British system is less corrupt or that it is easier to defend your rights.

The truth, we think, is that the flexibility of the British labour market, as beneficial as it is to the general entrepreneurial spirit and the ability to do business, affects workers who come over to Britain. They are put in the position where their weakness—for example, their lack of savings—is



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exploited against them. They are underpaid, and there is very little they can do. There is no concept of a labour inspectorate, as it exists in other European countries, so you pursue justice as a civil matter—through an employment tribunal, for example, or through litigation if you are self-employed. That is our experience.

That is the business model that exists in certain industries that allow that to happen. It is not a choice of eastern European workers to be underpaid; quite the contrary, frankly.

Q612 Mr McFadden: Can I ask one final question about the pattern and nature of migration? When we get figures—they are produced every few months—that show that net migration over the past year has been such and such a number, they are usually divided between EU migration and non-EU migration. The official figures show us that it is roughly 50:50 between those two sources into the UK—slightly more from outside the EU, but roughly 50:50. Is it sensible to think that when someone comes, they come permanently, or is it a more fluid situation, where quite a lot of people will come, work for a few months, go back to their country of origin for a few months and come back again? What I am asking is: in your view, are the figures giving us an accurate picture of migration patterns, or is the situation in reality more fluid, with people coming and going on a more regular basis?

Barbara Drozdowicz: The very quick answer to that is that those figures are not at all accurate. They do not represent the dynamics of European migration, or the mobility of citizens rather than migration. Broadly speaking, in our experience—this is also my personal view drawn from my peer group, rather than work—people, and eastern Europeans in particular, use the European Union as one country. No borders literally means no borders. Therefore, you might have interests in Britain and also in Poland if you have family there. People do business that way: they provide services across a number of countries. That is why the standard measurement of migration flows between Britain and the European Union is not, I believe, representative of anything, because the situation is very fluid. What might happen with Brexit, with freedom of movement being closed down completely, is that people will have to declare themselves to a certain extent, and that might have an impact on the number of EU nationals settling properly. Right now, there is freedom of movement in practice for eastern Europeans. I am quite sure that the 3million campaign shares that view with me.

Nicolas Hatton: Our focus is quite different, I think, because we focus on the rights of people who live here and have settled here to be able to secure their future. The question of freedom of movement is separate and I am sure it is something that you will discuss at length in the next two years. We have got to separate the two because otherwise we might need to compromise the rights of residents, in order to secure something else about freedom of movement. For us, it is important that we secure these rights. The way that freedom of movement will be limited in the future needs to come afterwards.



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Q613 Mr Lilley: I want to see the position of EU people settled in this country settled and given certainty as soon as possible, unilaterally if need be. Our Prime Minister has said that she wants to achieve this soon, in agreement with the rest of Europe. She tried to get agreement to discuss this at the last Council meeting. A lot of European countries wanted to, but Germany and others refused. Are you putting any pressure on—or could you tell me what pressure you are putting on—your home Governments, to ensure that they put pressure on the rest of the EU to settle this issue quickly?

Nicolas Hatton: Our position in the 3 million is that we want the British Government to make the first move, because the UK is leaving the EU, not the other way around. That decision can only come from the British Government, because in the EU the national Governments have been told by the Commission that they cannot open any sort of talks and negotiations before article 50 is triggered. It is a bit of a Kafkaesque situation as a result, because no one wants to make the first move, but no one in the EU can make any move, because article 50 hasn't been triggered. It has got to come from Britain as a result.

Q614 Mr Lilley: There's nothing saying that Governments cannot get together and settle this. It is purely arbitrary that the Commission has said that no discussions can take place before 31 March. Am I to understand that you haven't put any pressure on your own Governments to get this settled soon, like on 1 April?

Nicolas Hatton: We live in the UK. Our Government are the British Government. I pay taxes here.

Q615 Mr Lilley: Are you not still citizens of your own countries?

Nicolas Hatton: Of course.

Q616 Mr Lilley: We are subsequently going to see citizens of Britain who live on the continent. They look to the British Government. You don't look to the Polish or Romanian Governments at all as having any role in this?

Nicolas Hatton: We are focused on the British Government because we really believe that they are the party that can make the first move.

Q617 Mr Lilley: They have.

Nicolas Hatton: They will make the first move on article 50, obviously. Before article 50 is triggered, they can also make the first move on securing our rights. I don't think any of the Governments in Europe can do that.

Q618 Mr Lilley: They could.

Nicolas Hatton: They can make a declaration. We want a firm guarantee of our rights.

Mr Lilley: Extraordinary. Absolutely extraordinary.

Q619 Mr Carmichael: Mr McFadden has already thanked you for the



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contribution that you make. In normal circumstances, I would hesitate to follow, because I have rather always thought that I lived in a country where that sort of thing wasn't really necessary, but I think I am increasingly coming to the view that maybe it is. So, on the record, I would like to echo Mr McFadden's thanks to you and your families for the contribution that you make to our communities and to say that, certainly as far as most of us are concerned, you remain very welcome here.

Can I take you back to the question of permanent residence applications? I have just a few points to pick up on your previous evidence before we move on. Anne-Laure, you have a somewhat impressive bundle with you today. What professional assistance have you had in gathering that together and processing your application?

Anne-Laure Donskoy: So far, none. The Home Office has published official guidance, which is not very clear or complete. It can be misleading in parts and a lot of people have criticised it.

A lot of organisations such as ours are trying to do their own homework and bring out their own more user-friendly and up-to-date guidance. For instance, there is a document on our website, under "Resources". I went round all the high street banks and tried to find out how you gather your bank statements. Every bank does it in a different way, and some banks charge and some do not.

There is the practical element of trying to find out how to do this and where to find this information. Because the Home Office also wants to know if you have ever received any welfare benefits, how much you received and the details from day dot, not just those five years.

That information is not readily available. It is about finding where the resources are to find out how to do this. That is just the paperwork. A lot of people do not have straightforward cases because life is not straightforward. They will most probably need the assistance of an immigration lawyer.

There is no legal aid for this, except in extremely exceptional circumstances. That is an extremely expensive business. A lot of people are waiting to see what is going to happen before they even start. That is also my case: I am having to wait to see because I cannot afford an immigration lawyer.

Q620 **Mr Carmichael:** I'm mindful of Barbara's words earlier about the entrepreneurial spirit of incoming communities. It looks like there is a growth industry about to burgeon here. It may be a business opportunity for somebody. Barbara, can you tell me, because you are already engaged in this area, about the 30% rejection rate at first instance followed by an appeal? How many of these cases, as far as you are aware, go to appeal and what is the success rate at appeal? Do you know?

Barbara Drozdowicz: I do not know the statistics for the success rate of appeals.



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Q621 **Mr Carmichael:** We can probably get them from the Home Office ourselves.

Barbara Drozdowicz: Probably, yes. We can probably put in a request for information. Unfortunately, as Anne-Laure mentioned, the fact is that some cases are not straightforward and require immigration advice. Coming back to what you kindly mentioned in this context, entrepreneurial spirit unfortunately means that people are being given wrong advice by unregulated advisers. That is a very serious concern.

What seems to be happening is that when you put in an application to the Home Office in the immigration context, it kind of stays there forever. Mistakes are being made in how you evidence your stay and so forth, and that might have a severe impact on your future path to citizenship or your future movements around immigration status.

For us as regulated immigration advisers, the context of the Brexit negotiations raises serious concerns that too much is being done, for completely extortionate fees, by people who have no idea what they are doing. The only qualification that some of them have to provide immigration advice, in an area that is highly regulated—the only other one is finance—is the fact that they can read the application, because they have a certain level of English. That is a very serious concern.

The Office of the Immigration Services Commissioner licenses immigration advisers, but only some of them. Solicitors and barristers by definition are automatically immigration advisers. However, some solicitor advice seems not to be up to scratch when it comes to EEA regulations, which is a whole specific area of immigration law. That is something that we are very concerned about.

Q622 **Mr Carmichael:** I don't want to depress you, but you are dealing with the relatively straightforward end of the immigration process, compared with what those seeking to come from outside the EU face. A former professional colleague of mine as a solicitor recently forwarded me an email she had got from a client. I will share with you just the last sentence. These clients—a Japanese national married to another extra-EU national—were actually moving to Japan. She was told: "There will be challenges—not least the language, risk of significant earthquakes, tsunami and volcano eruption—but these pale into insignificance compared to the mental anguish of dealing with the Home Office." Presumably we are now looking at the design of a new system for EU nationals who were living in the UK before the referendum. Can you give me the thumbnail of what the bare bones of that system should be and the information that it should require people to provide? How would you like to see that system—the UK system—work?

Barbara Drozdowicz: I will mention one thing, because I am sure the 3 million has better expertise: simplified evidencing of stay. This is the absolute minimum we would like to see.

Anne-Laure Donskoy: Absolutely. In the short term, there is an urgent need to reform the process in order that the Home Office can register, for



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want of a better word, all these EU citizens and actually find out how many of us there are in this country. We would like to suggest that the Home Office goes back to an earlier version of the application process. I applied for it in 1988 and got it in 1988, and then, because of Maastricht and freedom of movement, was told, "You don't need to renew it now." Now I am finding myself having to go back to square one. In those days, the process was very short; the form was short, you didn't have to produce this amount of evidence—a covering letter, your passport—and there was no fee. We would like to suggest that the application should be made free. The UK is permitted to charge for applications, but if you make it free, many more people will apply.

We would suggest introducing a fully online application process, with the possibility for applicants—such as happens in other countries—to scan and upload their documents very quickly and easily. In a lot of countries, there is a two, three or four-page form and that's it; it's done and dusted. For those who do not have access to the internet, there could be something like a user-friendly local service where they could check documentation and do the processing. The length and complexity of the form could definitely be drastically reduced. A lot of people are form-phobic, and this one—85 pages—is a nightmare. Some people also have difficulties. If you have dyslexia, for instance, or if English is not your first language, it is a problem, so we would suggest that any document passes the plain English test. Stop asking applicants for all their absences abroad, and also get rid of all those questions such as, "Have you ever been a terrorist?"—it is worded more or less in that way. If I was a terrorist, I think I would be highly unlikely to say yes. And the same thing for travel documentation.

One of the arguments for asking the Home Office to reduce the amount of documentation is that under EU law, a worker can only be asked for certification of employment. They don't have to, but the Home Office asks for not only that but a lot more, as you can see. For the five-year period, I was employed for four years and in the fifth year became self-employed. When you become self-employed, you have to provide every single invoice as proof of your activity, basically, and all the HMRC forms and bits of paperwork. It is never-ending. We would therefore also ask for the comprehensive sickness insurance to be transformed into an acknowledgment that NHS access meets the same requirements.

There is one issue that is never—or rarely—spoken about, which is that under the PR process, there is no need for a minimum income, but since 2014, EEA nationals have been required to have a minimum income that meets NI class 1 contributions, which is now over £155 a week. There is a contradiction between the process and what the Home Office requires.

One final point is the capacity for the Home Office to deal with the vast amount of applications. The sums have been done; they are not just a figure plucked out of the air. If you follow the British Future report, in 2015 the Home Office was able to process 18,000-and-something applications. If you divide 2.8 million potential applications by 18,000, you end up with a figure of 149 years. In political calendar terms, that is 29



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general elections, taking us to the year 2166. I don't think we will be around then.

Nicolas Hatton: May I make a short point? There is a lot of data with DWP and HMRC of people paying national insurance contributions and that is not being used by the Home Office. That is something we want to question. Why can't we employ a process based on the data we have already got? It has to be fair.

Q623 **Mr Carmichael:** Then there is the use of the PR itself. People who are non-EU nationals have to prove their right to be here in order to take employment, get accommodation, mortgages and the like. Do you see that thinking yet entering into the life experience of EU nationals or do you think that is something still to come?

Nicolas Hatton: I would like that not to happen, to be fair, because that is a very difficult situation. What rights you grant to EU citizens who come after Brexit will have to be decided. We can't do that really.

Q624 **Mark Durkan:** May I join Pat and Alistair in showing appreciation for the presence of EU nationals in our society and the contribution they make to the community and the economy? I understand the stresses that you have reported are felt by people because of the uncertainty at this time.

In terms of addressing some of the difficulties, you have identified ways to offer assurance to those EU nationals who have been in the UK for some time. Where do you detect the biggest difficulty would be in making some of those assurances work? Is it in terms of sharing the relevant official information or is it around the fact that there is a withholding position because of possible negotiations?

Nicolas Hatton: I think the first difficulty is political. If on the day after the referendum—24 June—we had had a declaration saying that all EU citizens who live here can stay, I don't think we would be here discussing these issues. That would have created a climate of certainty and people would not have felt distressed about their future in this country. That is the first problem.

We keep campaigning for rights to be granted now before negotiations start. Otherwise we are going into the mix and God knows what is going to happen to it. That is what we are uncertain about.

We do not want to be bargaining chips in the renegotiations. We feel we have been taken hostage as a population. There is a very strong feeling in the communities that we are negotiating capital, the main card in the negotiation. This is a political issue about not granting our rights.

We are all human beings and we have got to be treated as human beings. Negotiating people's lives is not moral behaviour. That is the main political point that we make and the barrier that we have got. We can discuss everything else, but if we can't secure our rights, why are we designing a system that might not be used?



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Q625 Mark Durkan: In terms of the assurances you are seeking and what you have suggested, you are not saying that the UK Government should declare that every EU national who happens to be in the UK by a given date has right of residence. You are obviously saying that there has to be substantive information regarding their residence, work records and so on. You are saying those can be more easily achieved than in the way the Home Office seems to operate at the moment.

Nicolas Hatton: The assumption is that everyone who lives here now has come in good faith and lives according to the law of the country. As long as they live here, their legal position is no problem. We feel that they should all be able to stay. I don't think that should be a problem. I think that is truly the intention of the Government, to be fair. We are saying that the system should be easier and fairer, but first we want these rights to be granted.

Anne-Laure Donskoy: At the moment, anybody who has been in the country for five years has the right. It is not about asking for those rights; it is about confirmation that we can still have our rights in a post-Brexit context. The PR process is only about proving that we have this right. That is all this little blue card is about but it is a long, difficult journey to get to that point. It is an unnecessarily long and complex journey.

Q626 Mark Durkan: In your work and connection with members who use your services, are you aware of any particular problems in the context of Northern Ireland for EU nationals who may be living and working on a cross-border basis?

Representing a border constituency, I am aware that there are EU nationals working there but live, naturally enough, across the border in County Donegal. In those circumstances, if the answer to the problem is to focus on permanent residence, they would not be able to prove literal permanent residence in the UK for the past five years, yet what they have been doing is entirely natural and appropriate.

Similarly, there are EU nationals who live in the UK but work across the border in the Irish Republic. There is a risk for some of them. I am hearing from some of them and wonder whether they have been in touch with you.

On the one hand, when they hear the British Government say that they are committed to maintaining the common travel area, they know the common travel area does not apply to them because they are not citizens of Britain or Ireland. Therefore, the common travel area provisions and guarantees do not attach to them. There are other questions; they are equally excluded from the guarantees that come with using the permanent residence system. They are fearful that in all the arrangements that are made they fall between all the stools. Have you any way of addressing those issues?

Barbara Drozdowicz: If I could address that quickly, the issue of EU nationals living around borders, broadly speaking between Northern Ireland and the Republic, is not dissimilar to EU nationals who have challenged immigration status.



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For example, in the case of non-married couples—when very often the woman is the homemaker, stays with the children and lives, sustained by the partner—if there is a breakdown in the relationship, she does not retain the rights that a married woman or man would in that situation.

That is similar to the border situation in a way, because the immigration status of EU nationals in our experience can dramatically change through life-changing events—one of them might be making the mistake of buying a house on the other side of the border in Ireland a few years ago. From our perspective, and what we hear from people, an important part of leaving the EU is how the British Government's negotiations will pan out for people in these situations. Another thing we are looking at is pensioners or the parents of EU nationals who are coming to join their families due to infirmity, old age, and so on. What will happen with them? They might have been living here for years, being sustained by their children and grandchildren and so on, but the question is whether they will have to leave after Brexit, because they will not have rights as such. They might not have comprehensive health insurance, because who knew? And so on.

Obviously, freedom of movement is our concern because it is a concern of our users and our members. Residency matters are a part of this whole global issue of freedom of movement, but immigration status changes within the country, like you are having, are a problem that is also fundamentally important for a large proportion of our users and EU nationals full stop, because things might change.

People have various types of employment and, interestingly, residence is not necessarily based on residents actually residing in Britain. The process is strongly anchored to how you lead your life here; so, if you are employed, self-employed, lived on derivative status, were sponsored, and so on. A possible solution would be proving that people did somehow contribute to the country, even physically by living here permanently. In theory, this is what permanent residence says, legally—that they permanently reside in Britain full stop. That might possibly be another thing to add to the discussions on our concerns.

Nicolas Hatton: I will reply at a later date on these specific questions.

Chair: That would be extremely helpful.

Q627 **Peter Grant:** Good morning and welcome, everybody. I obviously cannot comment on what happens in London, but may I put it on the record that the Polish nationals who moved to my constituency 10 years ago or so are fully involved in everything that happens in the community? I have no doubt at all that the Romanians, Slovaks and other nationalities that have come more recently will do the same if they are allowed to.

I want to ask first about the application process for permanent residency confirmation. I think you made a very important point, Anne-Laure, by saying that this is an application for a document that proves you have the right, not an application to establish your right. We need to remember



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that. I always think that when an official body designs an application process, the way it designs it says a lot about what it thinks about the process and the people who are going to apply. I am convinced that welfare benefits forms are so complicated as a way of discouraging people from successfully applying. From your experience of the process of applying for confirmation of permanent residency rights, does it feel to you like a process that is designed to encourage people to take part or one that is designed to encourage people to stay away?

Barbara Drozdowicz: Just a very quick comment: to stay away, simply because you have to submit original documents, including your passport and other ID documents. In the six-month deadline that the Home Office gives itself for the initial period of recognising our rights, my rights, to be a recognised resident, you have to add your travel documents, and that adds a big question mark over whether you want to do it at all, full stop. We know from our users that it is incredibly detrimental to them; they are constrained, literally arrested in Britain. They can't swim across the channel. Britain is not within Schengen; they just cannot leave. There is the possibility of asking the Home Office to return the passport after some time, when the application is initially processed. We do not have any experiences of that. It is possible in theory, but the passport is still effectively arrested by the Home Office for at least two months. That is the problem, and it is very discouraging and probably not really an appropriate or proportionate measure. Perhaps passports should not be submitted at all; they might just be looked at and confirmed, for example, by a local council or authority. I do not see a reason why that should not be the case.

Another thing, as a last point, is that the Home Office does not always return all the documents. So, documents are being lost or withheld there, and that has an impact on the pathway to citizenship if people choose to do that.

Q628 **Peter Grant:** I am aware that other colleagues want to come in, so in the interests of brevity, does any other member of the panel want to give a different view, or is that your common experience?

Anne-Laure Donskoy: Certainly it very much feels like the process is there to put people off from applying. Recent proof of that is the fact that from February, people will have to use the form, whereas now that is not compulsory; you could gather your evidence, and attach a covering letter. From 1 February, the application of anyone who does not use the form, whether online or the paper version, will be rejected outright. That is another level of complication. Also, you have to print the form, which is 85 pages, so there is the cost of having to do it, and you need copies.

There is a passport-checking service that councils are meant to offer, but we know that some people encounter extreme difficulties and that some councils are not aware that they can offer that service, while others are very difficult about that. You do not have to go to your local council, because any council can offer this service, but I heard of an example in Cambridge last week where someone had been around the whole of East



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Anglia trying to find a council that would agree to offer that passport-checking service. Practical barriers could be so easily be removed to ease the process a little bit more.

Q629 Peter Grant: Thank you. Just one final question, Chair, because I know that we are bit pushed for time.

Anne-Laure, you spoke about the very definite change in atmosphere since the referendum, and you said that the door seems to have been opened for xenophobia and racism. What part has the media played either in discouraging such behaviour or making it appear to be normal and acceptable?

Anne-Laure Donskoy: My gut feeling is that the media has a big part to play—certain parts of it, certainly. It is not just the media; my personal feeling is that it is as if the result of the referendum has given a white card to certain individuals, because it is more the behaviour of individuals than large groups of people, to let their racist or xenophobic feelings out in the open, thinking that nothing will happen to them.

I have a couple of anecdotes of my own. Back in the summer, I was on the tube in London and a couple who were speaking in French were clearly lost. I chipped in my penny's worth of advice on how to get to places, and somebody became very abusive to all three of us. They could not understand a word of what was said and the couple were tourists who were completely lost, but this individual felt it was okay to abuse us for speaking in a different language. That is not acceptable. This is not the country that I came to live in 30 years ago, and it is not the country that I recognise.

Q630 Chair: I know that Joanna and Jeremy want to ask quick questions in the time that we have left, but can I ask Miss Tudose about applications for permanent residency from members of the Romanian community, who have obviously come here more recently? Do you have any experience of people applying the same kind of difficulties that we have heard from other witnesses this morning?

Florina Tudose: Yes. My friends have tried to apply and the process is very, very stressful. Sometimes it is not very clear, and sometimes, as has been already said, people have gone back to Romania or to other European countries, so they do not have five years' proof of residence and people cannot apply.

Q631 Chair: So they feel that they can't even make the application, because they lack the documentation, as they see it.

Florina Tudose: Yes.

Barbara Drozdowicz: A quick note that the 2007 accession countries—there were slight differences in the documentation they had to obtain. There were immigration cards that they had to obtain, so that complicates it because it is different than what other EU nationals had.



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Q632 Joanna Cherry: Can I echo what Pat McFadden said earlier and thank you all, and the communities you represent, for the contribution that you have made to British life? I want to pick up what you said about the Home Office's application form for the document that certifies your right to permanent residency. You have told us that it is 85 pages long. Are you able to help us with how that compares with similar application forms in other EU nations? For example, how long is the form in the Republic of Ireland?

Anne-Laure Donskoy: I am afraid that I am not that au fait with the figures, but from what we hear on the forum, we know that many other EU countries have a much faster and much simpler process. As I said, I think that Poland has only a three or four-page-long form—it is all done online. The French system also has an online process, which is absolutely remarkable for France, because France is the grandfather of bureaucracy. Knowing that the UK has overdone it compared to France is remarkable. There is no need for such complexity. As I said, it didn't used to be like this. I have been through this before, and it certainly didn't used to be so complex. It is totally unnecessary, and most lawyers that we talk to say that it is unnecessary.

Q633 Joanna Cherry: Mr Hatton, are you able to answer my question about the length of the Irish form?

Nicolas Hatton: No, but I will do the research and send the Committee a table that will show the length of the application form for each EU country.

Chair: That would be extremely helpful, thank you.

Q634 Joanna Cherry: The Committee has been advised that the Irish form is five pages, the Belgian form is one page and the form for the Netherlands is eight pages. Can you verify that for us when you come back to us?

Nicolas Hatton: Yes, I will.

Chair: Okay; thank you very much indeed.

Q635 Jeremy Lefroy: Again, I would like to pay tribute to EU nationals who work in my constituency and across the country in many different industries. I have two questions—one is on wages. Not particularly from my constituency, but in my area, I had somebody approach me indicating that certain workers, particularly from eastern European countries, and particularly Poland, were not receiving anything like the UK minimum wage, but were afraid to talk about it because they might lose their job. Clearly, that has implications both for the workers themselves and for British workers who were being undercut. I wonder whether you are aware of this. Clearly, it is illegal—I am trying to find out the details, but it is difficult.

Barbara Drozdowicz: Well, I think that as an organisation we could—I will do my best to provide additional written evidence on that, because we have big casework suggesting that this is exactly the case in London. You can imagine how it might be beyond that, particularly, I imagine, in rural areas where it might be difficult to get a proper job. The problem is that it



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is very difficult to execute rights to the national minimum wage. There is a service: Revenue and Customs national minimum wage line. It takes two years to get somewhere, anywhere, with it and it is not definite—Revenue and Customs has a right not to pursue the case. It has the decision whether it investigates or not. We do not have any good experiences from our users in using that particular service to make sure that they are being paid wages.

It is also true in our experience that many workers have been exploited for so long that they are absolutely lacking confidence and fear approaching their employers, or contractors, about the problem of not being paid. We have also seen cases where people who asked about being paid proper money were told not to come back ever, ever again to that employment. After Brexit, unfortunately, sometimes racist motivations are also used. That makes the situation complicated—for example, when we speak about hate crime in this context. We will go through our files and I will hope to provide examples.

Q636 **Jeremy Lefroy:** Mr Hatton?

Nicolas Hatton: The issue of British employment law not being enforced is a difficult one for us to answer. The effects on British workers are very worrying, so I would urge you to look at ways to enforce British legislation better when employers breach the law by employing people for less than the minimum wage.

Q637 **Jeremy Lefroy:** My second question goes back to what was mentioned at the beginning about the relative ease with which people can come to the UK to set up a business compared with other countries in the European Union. This is something that we remarked on in our report last week, so perhaps you could elaborate on that? The UK has seemed to be at the freer end of freedom of movement for employment, self-employment and other things across the European Union, whereas the European Union would have us believe that it is almost the same everywhere. I wonder whether you could comment on that and on whether until now the UK has been a relatively free place to come to live and work, either in employment or self-employment, compared with other countries in the EU.

Barbara Drozdowicz: There seems to be this view among the communities that it is easier, in that you have different ways of pursuing your business goals. You can do things as a self-employed person—for example, as sole trader—as a bare minimum. The differences between countries are more about the bureaucracy involved in setting up enterprises or self-employment. I am not an expert in the models used in all the EU countries, but countries such as Poland—I am Polish, so I know the conditions there best—require, for example, minimum national insurance contributions from sole traders. These can be relatively high, which can sometimes jeopardise the business's cash flow, full-stop. The British model, which uses a proportion of earnings and so on, seems to be more friendly towards people setting up businesses and pursuing their business goals.



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This is my view, but it is also the general view. We have not run any specific research on this; it is just what users tell us about the development of their own initiatives. Part of the success of their businesses seems to rely on the fact that business can be done with relatively less bureaucracy compared with other places.

Chair: We are running out of time, but Sammy Wilson has a very brief, final question.

Q638 **Sammy Wilson:** First, I have one question for information, and then I would like to pick up on something that Mr Hatton said. Ms Donskoy, you indicated initially that there had been veiled threats of possible deportations—I think you said they were from Whitehall. I am not aware of any, so could you give us some examples? Secondly, you said in your submission that some members had already indicated to your organisation that they were determined to leave the UK. Do you have any figures for the number of people who have expressed that view?

Anne-Laure Donskoy: We do not yet have those figures. I am putting together a research project that will look specifically at the PR process, and that is one of the questions we will be asking, so we will have some figures. At the moment we have a lot of anecdotes from the forum, but no hard figures, so hopefully we will get them at some stage reasonably soon.

The veiled threat is about the general atmosphere from what we hear and what we read in the news. The message is kind of, “Yes, we will protect your rights, but really we don’t know what’s going to happen.” It’s about this uncertainty, and it’s also in the report that I think came out of this Committee: that because there is so much uncertainty—there is no guarantee of guaranteeing our rights—this means looking for ways of asking people to leave if they don’t meet the criteria. That is kind of saying, “You will be deported if you don’t.”

Q639 **Sammy Wilson:** But they haven’t been emanating from the Government.

Anne-Laure Donskoy: No.

Barbara Drozdowicz: Sometimes, in communications from the Home Office, there are mentions that you might not be able to stay or you might be removed but they are not complicated. In cases when we are looking at a relationship between an EU national and a third-country national, there seems to be a link created that the immigration status of your third-country spouse might impact on you. But it is more rhetorical; I don’t think there is any actual legislation or regulation behind it.

Q640 **Sammy Wilson:** It might be useful when a claim is made if we had evidence.

One last question to Mr Hatton: I take the point you made that you live under the Government of the UK and that they should unilaterally make a declaration that all EU nationals currently living here should be allowed to stay. Leaving that aside, do you believe that it would actually help your case if the countries from which you come were to make clear representation to the EU Commission and others who are resisting the



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offer from the UK Government to get a quick decision on your status and that of UK people living in European countries? Do you believe that would help your case and are you prepared to do that?

Nicolas Hatton: The quick answer is yes, I take your point. We will work to contact the national Governments to seek assurance that the British citizens can stay.

At the same time, we reject the reciprocity argument that is put forward by the Government. We see two different populations. The EU citizens here and the representatives of British citizens living in Europe are facing a different problem and a different set of legislation. When the UK leaves the EU, we will not have any protection unless specific legislation is put in place, whereas the British citizens in Europe will still be living under EU law because they live in EU countries. They would be living under the protection of European human rights and other protective legislation. The situation is slightly different and not a threat in the same way.

We also believe that the reciprocity argument means that the UK and the EU should have the same rules for both sets of citizens. The Brexit vote was about freedom, about people getting to set their own rules, so I don't understand this argument in the context of Brexit.

Q641 **Sammy Wilson:** You accept that UK nationals living in the EU face the same uncertainty as you do.

Nicolas Hatton: We support their campaign.

Q642 **Sammy Wilson:** Therefore, it is in your interests as much as theirs for you to act collectively to try to get this resolved, especially when our Government have indicated a willingness to do that ahead of any negotiations.

Nicolas Hatton: I think the Government have indicated that they will, as early as possible, as Theresa May said yesterday. For us, as early as possible would be before article 50 is invoked. If you wait for all the national Governments to say that they will guarantee the rights of the British citizens to stay, we cannot delay the decision much longer. I don't think there is a real threat for British citizens in Europe not to remain, because they are protected under EU law; we are not.

Sammy Wilson: I think they might take a different view.

Chair: Right. Thank you very much indeed. Your evidence has been extremely helpful. I am sure I speak for every member of the Committee and all Members of Parliament in echoing the thanks that have been expressed to you and all the other EU citizens for the contribution you have made—and will continue to make—to our country. You are most welcome, and thank you for coming this morning.

Examination of witnesses

Witnesses: Christopher Chantrey, Gareth Horsfall, Debbie Williams and Sue Wilson.

Q643 Chair: We now move on to our second panel of witnesses and look at the position of British citizens resident in other European countries. I welcome Gareth Horsfall, Christopher Chantrey, Sue Wilson and Debbie Williams, who I understand are respectively residents of Italy, France, Spain and Belgium. Thank you for giving up your time to come here today; we really appreciate it, particularly given the distance you have travelled.

On the question of your future status in the countries in which you live, and applications for the equivalent of permanent residence, or indeed for citizenship, depending on the length of time you have been living there, could you each give us a sense, very briefly, of what you know about the extent to which, in response to the referendum result, people are now applying to regularise their position, given the concerns that have been expressed about what may or may not happen?

Christopher Chantrey: Before answering that question, may I just say that I was quite taken by the similarities between our situation and those that we heard about in the previous panel? Our main concern is the loss of EU citizenship and the rights devolving from it: the right to remain, healthcare arrangements under the EU social security agreements, and pension entitlements and payments. On all of that we are on common ground, but we are not on common ground in terms of abuse suffered by Brits living abroad, to my knowledge. We have had very few reports indeed—negligible quantities.

I think that we are also going to disagree with our colleagues who gave evidence this morning on reciprocity, which was raised in the last intervention from Nicolas Hatton. We are also going to disagree, I suspect, on the question of naturalisation. Is naturalisation a solution? We have lots of Brits in France who are currently applying for French nationality, which is an extremely cumbersome process: you have to fill in a form of about 60 pages, you have to give every address you have ever lived at since birth, and you have to give the details of every employer you have ever worked for since starting work. It is an extremely complex procedure. And we shouldn't have to do it. We are British. We are proud of being British. We want to continue to be British until the end of our lives. I am not going to apply for French nationality.

Q644 Chair: Okay, but other Brits in France are doing so?

Christopher Chantrey: Many Brits in France have panicked since the referendum result was announced, and this is what they are doing.

Q645 Chair: Can we just get a quick indication of whether, as far as you know, the same is true of Brits in the other countries in which you live?

Sue Wilson: It is a different situation in Spain, because in Spain you cannot have dual nationality. For many that would be a step too far, because they do not want to give up their British citizenship. Obviously that is something we are petitioning the Spanish Government on, because



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that would resolve some issues. People do not want to give up their British citizenship, and not only because they are proud of being British, but because of the implications for their pensions, if they have a pension from the UK.

Also, many Brits choose to return to Britain when they are elderly, for example to be with their family in their final years. If they had to do that as a Spanish citizen, they would face the same issues as any other immigrant from the EU; they would no longer be British citizens and so they would not have any priority. They would presumably be treated like any other EU citizen, and presumably at that point there will be a lower target number for immigrants coming into the UK.

Q646 **Chair:** Is there the equivalent in Spain of the permanent residency that we have been discussing?

Sue Wilson: There is. It is a two-page form, so it is a very simple process, by comparison.

Q647 **Chair:** Given what you have just said about people understandably not wanting to give up their British citizenship, are people thinking about doing that, or are they doing that now?

Sue Wilson: About 300,000 are registered already, but the common view is that two or three times that number of Brits actually live in Spain, so it is a lot of people having to do a lot of paperwork if they are to make themselves official. Obviously, you have to have been there for five years in order to apply.

Q648 **Mr Lilley:** Have the 300,000 already acquired permanent residence status?

Sue Wilson: 300,000 are registered as living in Spain, but there are expected to be something like 800,000 there altogether. On top of that, you have also got many more who have property in Spain and perhaps spend less than half the year there. They are affected by this as well.

Q649 **Mr Lilley:** Do we know how many have acquired permanent residency status?

Sue Wilson: No. I couldn't give you that number exactly.

Q650 **Chair:** It's a very interesting question. Debbie Williams.

Debbie Williams: I live in Belgium. I am not quite sure of the number of people in my group that have applied for citizenship. I know there are some—the same for the Netherlands and Germany—but I could not give you the figures on that because our group is spread Europe-wide. I know there are some.

Q651 **Chair:** Okay. Mr Horsfall?

Gareth Horsfall: I can speak from my own experience as a working professional in Italy. Citizenship is something that I will be looking to get in Italy. It does not solve all my problems, which we will come on to later



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in terms of work, but it solves my right to stay. I can tell you from my experience with the people that I work with, the people that I know and the network around Italy that a lot of people are going to seek citizenship in Italy to give them some surety and a right to stay in the country for the long term. The residency is insufficient for a lot of them. I would add that the citizenship process is, as was said before, quite easy. It is an online process. It is a relatively easy document to do. The hardest part is having to get a criminal record from every country that you have lived in since the age of 14 and having that translated into Italian. That is the biggest bureaucratic hurdle for people who have lived in a lot of countries. I have lived in only Italy and the UK, so it is relatively easy for me, but it can be more difficult for others.

Christopher Chantrey: Could I just make a point clear? On Mr Lilley's question, on the numbers of people who have got residence permits, if there is no agreement for new legislation at a European level for the other member states and in the UK for the EU nationals that you heard from this morning, then at the time of Brexit, all those residence permits become waste paper. The right expires. The right is extinguished. Nobody has the right to stay where they are.

Q652 **Mr Lilley:** So Mr Hatton was wrong when he said there was no problem for British residents in Europe because they are protected by European human rights legislation.

Christopher Chantrey: Yes. I disagreed with Mr Hatton at that point. We do have the problem. We will not have that right unless something is done. If we want something to be done immediately, in line with the Prime Minister's speech yesterday, there should be a resolution on the day that Brexit is triggered. There should be a resolution in place by both Houses of Parliament calling on the other member states to make similar arrangements. This can be prepared by diplomatic channels before that date. There is time between now and the end of March to do that.

Q653 **Maria Caulfield:** You have made it very clear that UK citizens who are living abroad have concerns about the changes that could happen with Brexit. The Prime Minister has set out, and made it even clearer yesterday, that she would want to respect the rights of EU citizens here, but that idea has not been agreed to by other leaders of EU countries. Do you agree with the Prime Minister that she should wait for agreement from the other EU countries to protect British citizens living abroad before giving the rights to EU citizens here? Would that reassure you and give you some certainty?

Christopher Chantrey: That is a question of negotiation tactics. It is the UK that is triggering this process, not the other 27 member states. It would therefore be a magnanimous gesture on the part of the Prime Minister and a good way of opening negotiations. Let us remember that when you negotiate, you should try and offer benefits to the other side. It would be an extremely magnanimous gesture to begin by saying, "We are doing this for the EU nationals in the UK. We call upon you to do the same."



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Q654 **Maria Caulfield:** But if she did that and the other EU countries turned round and said, "We are not going to guarantee British citizens' rights," would you be worried at that point?

Christopher Chantrey: Yes, I would be worried, but this is a negotiation and many thousands of points have to be negotiated. That is just going to be at the top of the list.

Q655 **Maria Caulfield:** What are the views of the other witnesses?

Sue Wilson: I would say that something needs to be done with some urgency, because people are suffering now. People have been suffering since 23 June because of the fear and anxiety about what is going to happen in the future. There are 108,000 pensioners living in Spain, and they are already suffering financially as a result of the exchange rate. They are concerned about what will happen about pensions in the future. They are concerned about whether they will be able to afford healthcare if they have to pay for it—they may not be able to.

We also want to get away from the perception that the people who live in Spain are all on holiday having a wonderful time, and that they all have a good income and a good standard of living. That is simply not the case. Many moved to Spain originally because it was cheaper to live there and because they could afford to buy property there. Many people are really struggling financially. On top of that, they have fear and concerns about whether they will be able to stay, whether they will be able to afford to stay, and whether they will be forced to come back to England. Whatever is decided, it needs to be decided soon, because those people cannot wait for two and a half years to get a resolution.

Q656 **Maria Caulfield:** Would you prefer the Prime Minister to guarantee the rights of EU citizens in the UK now and then wait for the negotiations to see what happens to British citizens abroad, or would you prefer her to wait and have an agreement on both?

Sue Wilson: No, I would prefer that she acted unilaterally now. I think that would encourage other countries to reciprocate. It will improve relationships at the start of negotiations. I cannot see any reason why the 27 countries would not reciprocate.

Debbie Williams: I agree.

Q657 **Maria Caulfield:** Gareth, do you agree?

Gareth Horsfall: Yes. There is the image of the retired UK national who goes overseas to live their life in the sun, promoted by the TV and all these programmes on it, but if you look at the actual statistics about UK nationals living in the EU, the figures are between 1.2 and 2 million, and since the 1990s, 90% of them have been of working age. In that working age group, the biggest majority is 26 to 45. If you just look at that particular statistic and say that 90% of the bottom-end figure of 1.2 million is roughly 1 million people, you have got a huge displacement crisis—1 million is the population of Birmingham. We can assume that they are working in some shape or form, and they may have to look at



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returning to the UK or making some other arrangements. That does not include the fact that, like me, they might be married to foreign spouses. If that happened to me, how would my Italian wife and my son get the right to stay in the UK? So we are talking about splitting families as well.

Q658 Maria Caulfield: In the previous evidence session, we heard from the witnesses that they are putting pressure on the UK Government to take action on this, but they are not necessarily putting pressure on their countries of origin. I am obviously getting lots of emails and pressure from UK citizens abroad, so I know that UK citizens abroad are pressing the UK Government to take action. What pressure are you putting on the Governments in the countries where you are currently residing to get an arrangement as soon as possible?

Christopher Chantrey: Well, I spoke to the equivalent Committee to this at the Assemblée Nationale on 20 October, so that is a move that I was already able to make. At the moment, we are in the throes of a presidential election, and I am afraid that if I try again now I risk not being heard as the politicians battle it out. As soon as there is a new President, we will take it up again. It will help if Mrs May has made the kind of declaration we talked about before, because that would be a magnanimous gesture that the other member states really must heed. That is my hope.

I need just to say that we must look at the consequences not only on us UK citizens living in other EU member states, but on the UK of people who are forced to return if the healthcare arrangements cease and they can no longer be reimbursed for their healthcare by the NHS, to which they have contributed—that is where their rights reside—and if pensions were frozen, as in the case of British pensioners in Canada and Australia, to mention just two examples. You don't have to do that; the UK says, "Oh, we can't pay you increases to pensions in Australia and Canada because the Australian and Canadian Governments haven't said we can." They say that there is a social security agreement in place—that is true—but that the social security agreement in place does not enable them to pay the increases, therefore the UK does not pay the increases. That sounds like shoddy negotiating.

I can't see the UK negotiating successful trade deals if they just say, "Oh, Mr Foreign Government, are we allowed to do this? Are we allowed to do that?" and they take no for an answer. That is what is going to cause poverty in continental Europe, and then you have got to have a handle on how many people are going to return, homeless—they won't be able to sell their properties in continental Europe—without healthcare and with diminishing pensions. How many will come back—100,000?

Q659 Maria Caulfield: But what I want to get a handle on is what pressure is being put on EU Governments from British citizens living abroad. You have said that you are going to wait in France until after the elections.

Christopher Chantrey: That's right.

Q660 Maria Caulfield: Can I check what is happening in Italy and the other



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countries?

Gareth Horsfall: I have to say that, as UK nationals living in Italy, we haven't been particularly organised to date. There has obviously been an Italian referendum, which has taken a lot of the focus over the last six months or so. We are getting mobilised. We do have contacts in the Italian Parliament and when I return, we will be trying to make appointments to go and see these people, so that we are actively in a position to go and speak to them.

Q661 **Maria Caulfield:** And compared with the first panel, who very much felt that it was the UK Government's responsibility, can I check what sort of action has been taken in Spain and in Belgium with those Governments, and what response you've had, if any action has been taken?

Sue Wilson: It's been difficult in Spain because of the problems we have had with not knowing whether we had a Government or not for quite some time. In any conversations that have been had, whether at national or local level, we always get the same answer, which is, "Nothing will change as long as you are in the EU. After that, nobody knows." That is about as long an answer as we have ever managed to get at the other end.

Having said that, we have also concentrated our efforts in the UK, because we are British citizens. We vote for your Government—well, some of us do; many of us, unfortunately, are unable to do that, but we still regard the British Government as our Government, and it was the British Government's decision, so that is where we have been focusing our efforts.

Debbie Williams: Yes, we've been putting pressure on the European Parliament, and also the Commission, by writing letters from my group. Bearing in mind that the group is European-wide, it is hard to focus on one specific country, but, yes, we have written, so everybody seems to know that we are there, and we have had some positive replies.

May I please ask a question? We only found out yesterday that a couple of the countries in the Prime Minister's speech "aren't playing ball"; that is what we have written down here. Could we ask which countries they are?

Q662 **Chair:** Normally, it is us who ask the questions, but you are perfectly entitled to. I think the honest answer, looking around the room, is that we don't know, and I am sure it will be a question that we want to ask of subsequent witnesses.

Mr Lilley: Germany.

Debbie Williams: Germany was one. Thank you, Mr Lilley.

Q663 **Joanna Cherry:** Thank you very much to all of you for coming here today, and particularly to those of you who have submitted written evidence. I wanted to pick up on something that you said, Mrs Wilson. You said that you are already suffering as a result of the exchange rate and you went on to express concerns about pensions and healthcare. Can you elaborate on what you meant by saying you are already suffering as



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a result of the exchange rate, and then perhaps we can go on to talk about your concerns about pensions and healthcare?

Sue Wilson: Certainly. There are quite a few working Brits, not just in Spain but in Europe, who work in the English economy and are paid in pounds. My husband actually works part-time in the UK, so his salary is in pounds. I have some personal experience, but obviously pensioners get their pensions paid in pounds. Anyone who is earning their living in sterling is obviously suffering as a result of the exchange rate. There has been a considerable drop in the value of some pensions already, but obviously there are concerns about what might happen to the exchange rate in the future. Obviously, a lot of the predictions that people have read in the press are not very rosy, so people are concerned about the value of their income, whether a salary or a pension, going down. Some of those people are struggling to make ends meet, so it is a significant factor.

Q664 **Joanna Cherry:** Thank you. You have indicated in your written evidence to the Committee other concerns for pensioners living in other European Union countries, with particular reference to Spain. Can you elaborate on those other concerns?

Sue Wilson: The main concern is the worry about whether we will keep the triple lock. As Christopher mentioned, it is not standard procedure for British migrants to receive it in any country, but we know that it applies in the EU and we know that it applies in America as well, but in other countries, no. It is imagined that that triple lock would be at risk. If that were the case, it would have a significant effect on the rest of someone's retirement.

The British pension is already very low in comparison with pensions paid in other European countries; the pension in Spain, for example, is three times that of the British pension. It is a low starting point, and the pension is at risk of losing that inflationary benefit every year and of losing in the exchange rate as well. People are very concerned about their incomes.

I have actually got a comparative figure to quote. The difference between the figure had the pension been frozen 10 years ago and the value of the pension now is over £35 a week. That may not sound like much, but it is a significant figure for someone on a low income. That difference is just over 10 years. Hopefully, those people will live for 30 years, which means that that is a lot of money over that period. It makes a big difference to someone's income and their standard of living.

Q665 **Joanna Cherry:** What about British people living in Spain who have made Spanish pension contributions. Do they have any particular concerns arising from the vote to leave the EU?

Sue Wilson: They do. There are concerns about how the current system will work and what will be recognised. There are also pension contributions that people have accrued across different European countries, which can be added together. I know that Gareth can say something about that in particular.



Q666 **Joanna Cherry:** Perhaps you could elaborate on that, Mr Horsfall?

Gareth Horsfall: Yes. The EU pension system as it currently stands in all EU member states is such that it is an aggregate facility, which includes the UK. If I were to work for 40 years between three member states of the EU, each of the contributions into each respective scheme would be taken into account as contribution towards my pension entitlement. That does not mean that the burden would fall on the final state; the burden would always fall on the state in which the contributions have been made, but that would be done on an aggregate basis to take into account all the contributions that had been made during that period.

To give you an example, in Italy, if I were a non-EU member, I would have to contribute at least 10 years' contributions to the national insurance equivalent in Italy, otherwise I would not be entitled to anything. Under the EU system, I only need to be in one EU member state for one year, and then I qualify under the aggregate system. If I moved to Italy for eight or nine years and then left having made social security contributions, as a non-EU citizen, I would be entitled nothing at the end of the day.

Q667 **Joanna Cherry:** Mrs Wilson, you also mentioned healthcare concerns. Could you elaborate on that?

Sue Wilson: Obviously, the big concern is for people wondering whether they are going to have free healthcare in future. It is very expensive to buy private healthcare in Spain, particularly if you are elderly and have any pre-existing medical conditions. If the only alternative for people was to buy private healthcare, rather than have their healthcare funded, for most that would be the difference between whether they stay in Spain or have to come back to the UK.

Q668 **Joanna Cherry:** Just to be clear, how does it work at present for you as a British citizen living in Spain as an EU national? How does your healthcare provision work at present?

Sue Wilson: We have free healthcare funded by the UK Government. It is a very good system. People are very happy with the healthcare they receive in Spain. The system has changed since I moved to Spain 10 years ago. It is not free for everybody now, but you can make a small contribution to the public health service, but that would not be an option for people who were older who are currently covered by the health service free of charge. It would not be an option if that service—that funding—was taken away and they had to go private.

Q669 **Joanna Cherry:** Am I right in understanding that at the moment you have a European health card available to you? How does that work?

Sue Wilson: That is not something that I would use in Spain. I have a medical card for Spain. But obviously that is something that I can use if I travel to other European countries.

Q670 **Joanna Cherry:** If that were no longer to be available, what sort of costs would you incur?



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Sue Wilson: Then you are talking about medical insurance if you want to travel, the same as you would have to have if you went to America or any non-EU country, so that would be a factor.

On health, could I just make the point that many people have actually moved to Spain for their health? There are considerable benefits to health from living in a warm climate. People with arthritis or rheumatism, many of those people if they were forced to return, not only would they be worse off financially and a drain on the already struggling NHS in the UK and perhaps the housing market, and certainly social care, they are also going to suffer with their health. It is not just a financial impact; it is an impact perhaps on their life expectancy.

Gareth Horsfall: I want to make the point that in the EU, for UK pensioners under the reciprocal agreement, healthcare is free in other EU member states. I also want to mention that, given pre-existing medical conditions of a lot of people I know, they would never get private healthcare. To take an example of a couple where the husband has been diagnosed with Parkinson's and the wife has had breast cancer twice, there is no way on earth that they would be able to get private medical insurance.

Q671 **Jeremy Lefroy:** Thank you very much for coming over and for the work you do where you live. I would like to hear more about healthcare but perhaps from the other members. Mrs Wilson has already explained extremely clearly the situation in Spain, for which I am grateful. Ms Williams, Mr Horsfall and Mr Chantrey, I think it is a very important issue and it would be good to get different perspectives of the three other countries, for instance, Belgium.

Debbie Williams: With regard to my personal situation, I am allowed free healthcare from the UK using the S1 form, which I think is quite a common situation for working families. We get the same if not better service, I'm sorry to say, at times in different parts of the EU member states. We are very lucky.

If I may, I am going to hijack your question. At this point I would like to bring in the fact that many of my members are really worried about this issue. It is not just the financial factors and the fact that existing illnesses will not be covered if you have to take out private medical care. It is almost a deal breaker for some people who will have to come home. I don't know what is going to happen to them. What is going to happen to the UK? What is going to happen to the NHS when there could be, in all probability, hundreds of thousands of people having to return home? I believe that the S1 form is available to British citizens who live in EU member states and that is the main source of health coverage for retirees and some working families.

Christopher Chantrey: It is a question of where you have made your contributions. The S1 form is used because people who have lived relatively less time in another EU member state and have over years made



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national insurance contributions in the UK, and therefore they have this entitlement. In my case, I have worked for much longer in France than in the UK and I have made my contributions to the French system, therefore I do not use the S1 card. I am part of a national health insurance scheme run by the Government, so I am on a similar footing to that of a French citizen living in France. It really depends where you have made your contributions.

I want to give you an example, because you were asking about other countries. Expat Citizens' Rights in the EU, one of our member organisations, says that one of their members has told them about their 87-year-old mother, English, who has dementia following a stroke and needs 24-hour care. She is in a care home in Portugal. The care is excellent and it is a quarter of the cost of a UK care home, but if they were forced to go back to live in the UK, how would they manage? Her permanent residency runs out if she loses European citizenship. There are lots of cases like that involving really disabled or sick people who, if they are forced to return to the home country, become an enormous drain on resources. It should be said also that, as long as the S1 system continues, if you imagine UK citizens living in a country such as Portugal, where the unit costs of healthcare are lower, the NHS is getting a much cheaper deal and it would if they were in a hospital or care home in the UK.

Q672 **Mr Lilley:** For clarity, because I am not familiar with the S1 form, is that a form under which a British citizen accesses local healthcare which is paid for by the British taxpayer?

Debbie Williams: Yes.

Christopher Chantrey: You have to have paid in to the British system—

Q673 **Mr Lilley:** But you do not have to be continuing to pay.

Christopher Chantrey: I would be refused immediately.

Q674 **Mr Lilley:** So do you have to be continuing to pay national insurance contributions, or just have paid them in the past?

Christopher Chantrey: I do not know the exact period of contribution that is required. We would have to come back to you on that. I guess you could get that information from the Department of Health, but if you want us to answer that one, we will have to come back with the precise regulations that are to be followed.

Chair: That would be very helpful.

Q675 **Mr Lilley:** Would it, from your experience, have been the case that reciprocal arrangements such as this existed before the EU took them over?

Christopher Chantrey: No, they didn't. Go back before 1973. I went to live in France in 1973 because I was inspired by this new adventure that Britain had embarked upon—membership of the EEC. I went there to further British exports to France. At that time, I became—because I had



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to—a French salaried worker, so I was enrolled in the French scheme and paid contributions. There was not an S form then.

Q676 **Jeremy Lefroy:** May I ask Mr Horsfall about the situation in Italy?

Gareth Horsfall: I can talk from the position of someone who has worked there. This does not apply in all EU countries; it is very different. In Italy, specifically in terms of how I access healthcare, when you pay social security contributions in Italy, you get an automatic right to healthcare. Because I paid contributions and taxation there, I am automatically enrolled and get full free healthcare there. That is not the situation in Germany, for example, where people are required to take out insurance. That is part of the requirements in Germany: people must have personal insurance to cover their healthcare. For retirees, the situation on accessing healthcare is much the same in terms of reciprocal agreement through the UK.

Q677 **Jeremy Lefroy:** So we have a situation where there are, in effect, two different types of entitlement: one, through the S1 form reciprocal agreement, is where people have paid into the UK system for a certain period of time, and the other is where they have paid directly into the national system. So there is a very different situation for workers and people who worked there for a long time and then retired than for people who retired in, say, Spain and who are entirely dependent on the S1 form. Do we have any idea of the numbers in Spain of retirees who rely entirely on that? It seems to me that they are the ones who are most at risk.

Sue Wilson: There are 108,000 pensioners—paid a pension by Britain. That is not necessarily the same number as those who are claiming health cover. I am not a pensioner but I get free healthcare, as do many who have been there more than 10 years—the rules changed a few years ago. I could not give you the exact numbers—sorry.

Christopher Chantrey: Could I make a suggestion? It is that you invite the Department for Work and Pensions to this Committee or invite them to give you the information. They know exactly how much is paid to every single UK pensioner living abroad. You don't need the names, just the amounts. You need to do a Pareto diagram showing the percentile and the amounts; then you can identify the likely number of early returners if nothing is done. We think it could be up to, or even over 100,000. In view of point 5 in Mrs May's speech yesterday, we do not want too many people to be coming to the UK from Europe. Well, if they are Brits, you can't stop them.

Gareth Horsfall: I quote a BBC article which says, "While 70,000 retired Brits use Spain's health system...Across the European Economic Area (EEA) there are 145,000 UK expat pensioners registered, compared with 4,000 EEA pensioners registered to use the NHS."

Q678 **Sammy Wilson:** Health seems to be a big issue and it is dealt with in a number of ways. One way is through the S1 form, if you have made most of your contributions while in the UK. The second is if you have been



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working in EU countries and made contributions there, as you described Mr Chantrey; then, you automatically become entitled to the health service in that country. Then you said, Mr Horsfall, that Germany has a different system, where regardless of whether you have paid in, you have to take out private cover. In your case, in Italy, once you start making contributions to the Italian system, do you automatically become entitled, or is the same as in France, where there is a specified period of time?

Gareth Horsfall: No, as a worker it is as soon as you start—

Q679 **Sammy Wilson:** Automatically?

Gareth Horsfall: Automatically—straightaway—but for retirees, for example, there is normally a waiting period of five years in which they have to contribute taxation. As retirees they will not be paying social security contributions, but they have to pay their taxes for five years. Obviously they have the UK emergency cover at that time, and they may have to take out very small top-up insurance to cover the five years; then, after five years, when they gain permanent residency as citizens of an EU member state, they can access the whole health system. As a worker, you get an automatic right to full coverage, though.

Q680 **Sammy Wilson:** This is a hugely complicated issue; there is at least four different systems or four different ways in which it is dealt with.

Gareth Horsfall: Yes.

Q681 **Chair:** You talked about those who might have to return. Can I ask about the habitual residency test? Have any of you had experience of others with whom you are in contact who have had to come back for whatever reason and found that they are asked whether they are habitually resident?

We know as MPs, from our constituency casework, that people come to us who are British citizens and are astonished because they have never experienced it before. They return to the UK thinking, "That's fine; I can get my entitlements", only to discover that they are in some debate with the Department for Work and Pensions about whether they have the right to do that, based on whether they are coming back for a bit or coming back to reside permanently. Have you had any experience of that at all?

Sue Wilson: No.

Debbie Williams: No.

Gareth Horsfall: No.

Christopher Chantrey: I haven't had any experience of that, but I know that when you cease to be a resident of a country where you are a taxpayer—you are supposed to pay taxes in the country of your residence—you have to sign off on some sort of form. I think it is a P86 or a P84 for when you leave Britain to go and leave in another EU member state, or possibly anywhere in the world.



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There is a similar form in France; if I were to leave France, I would sign off from the French tax system, and would therefore officially be no longer resident for tax purposes. That would be what I would produce for the habitual residency test, I suppose.

Chair: Peter, I think you want to pursue this point?

Q682 **Mr Lilley:** As the Minister who introduced the habitual residence test, perhaps I could explain that we were forbidden under European law from discriminating in favour of British citizens. Once we leave, we will be in a position to discriminate in favour of British citizens and offer them different terms from those European citizens.

Christopher Chantrey: Yes, it is a principle of the EU in general that no member state discriminates against the nationals of any other member state, including its own.

Mr Lilley: Correct.

Q683 **Jeremy Lefroy:** Given the situation now, what would you like to see to make it as easy as possible for you, your members and your colleagues to continue, if you wish, to stay in the countries in which you are resident? I think it is very important to know what would be the simplest solution—not that that will necessarily happen, but hopefully it is something we can aim for.

Debbie Williams: Apart from the status quo, a simple stamp in the passport. I don't want any of our citizens to lose any of the rights that they already have. I can't come up with anything else other than a simple stamp in the passport to enable us to continue to live the way that we do.

Q684 **Jeremy Lefroy:** And presumably a continuation of the S1 arrangements for health?

Debbie Williams: Everything staying the same would be preferable.

Jeremy Lefroy: Mrs Wilson?

Sue Wilson: Certainly, the two biggest issues are pensions and healthcare. Both of those are paid for by the UK Government, so why is there a need to wait two and a half years to find out whether or not we can keep those? It is not something that has to be negotiated with the Spanish or Italian Governments or with the EU, it is a decision that the UK can make for its own citizens. We are as British as any British citizen who lives in the UK. Decisions are made for those citizens all the time.

Jeremy Lefroy: Thank you. Mr Chantrey?

Christopher Chantrey: I agree with my colleagues. When it is possible to take the measure under UK law, it should be done as soon as possible. I repeat what I said earlier about a resolution of both Houses of Parliament, at the moment of the triggering of article 50, calling on the other member states to reciprocate, so that these issues are solved and put to bed right from the beginning of the negotiation process. We can then get on with the



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enormous task of doing all of the other negotiation on all of the other subjects. It has to be through a resolution and appropriate Acts of Parliament at the time of triggering article 50. We will then talk to the other Governments as far as we can.

Gareth Horsfall: Obviously, the right to stay is one of the biggest issues, along with the right to healthcare and so on. As a worker, I have another big issue, and that is the right to continue to do my work. Basically, under the EU system, we have a right to establish businesses in another country. I operate through a limited company in Italy, and the right to continue that business is obviously paramount to me.

In addition, I work in financial services. I use the EU passport of qualifications, as do legal professionals and accounting professionals, into another EU state. If that were taken away from me, the reality is that I may have to sit examinations—in my case, in Italian—and there would be an additional cost to me of that. My understanding of the Italian language is very good, but to actually sit examinations, it would have to be at a very advanced level. There would be a massive cost to me as a business, and it might even put me out of business for a period. Mutual recognition of qualifications is of paramount importance here, as is the right to continue to run my business.

Q685 **Mark Durkan:** In relation to some of these difficulties, and particularly those around health and all the variability there, some have suggested that people from the part of the United Kingdom I am from will be freer of those problems if they have Irish passports. Many of them already do. Others could be entitled to them. I do not know if you are aware that particular concern has been expressed in Dáil committees that have been looking at this issue. They believe that EU member states will not accept Irish passports in the future without checking residency and whether or not people were originally UK residents. They have already picked up those sorts of issues. A residency test could, in effect, be applied—even for tourists getting the sort of health cover that Ms Wilson was talking about—to people carrying Irish passports, with the precedent being what happened in Scotland in terms of student fees. The Irish passport alone ended up not being sufficient to guarantee someone the right to EU-level fees because they were actually resident in the UK.

Christopher Chantrey: It's extraordinary.

Q686 **Mark Durkan:** Are you aware of those potential complications around the status of the Irish passport? The uniform status that people thought would apply to Irish passports under the Good Friday agreement may not be so, post-Brexit.

Christopher Chantrey: The format of a passport in EU member states is agreed across the EU. I cannot see that a member state or some member states could start impugning the passports or the nationality laws of another member state. It is just out of order. It is the Irish Republic that determines its own nationality.

Q687 **Mark Durkan:** And this is a concern that is coming from the Irish



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Parliament.

Christopher Chantrey: Yes, I got that, because you said it was a Dáil committee. It is the Irish Republic that is responsible for its own nationality laws. That is the case across the EU. You can't have another EU member state saying, "You've got it wrong, Ireland." That is completely out of order, so I am amazed at what you're saying.

Q688 **Mark Durkan:** It's in respect of access to things like health services in other member states.

Christopher Chantrey: Yes. The passport is a travel document. It does not contain residency details.

Q689 **Mark Durkan:** Particularly in circumstances where there clearly has been a surge in Irish passport applications in the past year.

Christopher Chantrey: Sure, but those people who have applied for Irish Republic nationality are entitled to that under Irish law, therefore no other member state can say anything against it. Also, a passport is a travel document. It is not proof of residency. That is why we have to carry gas bills with us these days. I am just amazed at what you are saying. It seems to me that it cannot go anywhere.

Q690 **Mark Durkan:** That isn't the ruling that ended up reigning in Scotland in respect of higher education.

Christopher Chantrey: Yes, but that is a slightly different matter in terms of proving residence to get a benefit in Scotland—and in fact, a cost reduction. That is a different matter, I submit.

Mr Whittingdale: I wonder if I might very quickly take you back to pensions. I entirely understand why British citizens living in other EU countries wish to preserve their pension entitlements. However, I am sure you are aware that it is the cause of some considerable resentment among all the British citizens who are living in countries outside the European Union, particularly in the Commonwealth. I wonder whether you would recognise that there is a case, which will be argued, that once we are no longer members of the European Union, all British citizens who have chosen to live abroad, whether in South Africa or Spain, should be treated on the same basis.

Sue Wilson: I can understand people putting that argument across, but I would say that we moved to the EU in good faith, with the full expectation that we would have that increase on an annual basis. Possibly, I would not have decided to move to Spain for my retirement had that not been a condition I knew about, or an expectation. If I had chosen to move to Australia, I would have had to accept that that was the pension I could expect in future, but I moved to Spain in the expectation of having that annual increase.

Q691 **Mr Whittingdale:** Do you all share that view?

Debbie Williams: Yes.



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Gareth Horsfall: Yes.

Christopher Chantrey: What is wrong is the deprivation on specious grounds of the annual increases. That is, we know why it is done, but I get a paper every year from those at the DWP and it implies that they are forbidden by the international agreements from doing this. Well, let us look at the international agreements, then we will find out, won't we?

The thing is that we should be treated in the same way but not in a shabby way—no clawing back of the annual increases and no discrimination among UK citizens on the basis of whether we live in the UK or elsewhere. Of course there will in future be more old-age pensioners living in the UK because fewer will emigrate to countries like France and Spain. That, obviously, is part of the demographic projection that the Government are presumably making in terms of the future size of the UK population.

One result of restrictions on the freedom of movement is that the outflow will be reduced—bound to be—and it is the pensioners who first and foremost will stay put. They will then contribute what they can to the pressure on the health service. Working people will leave if they get jobs elsewhere—for example, if financial services have to leave the City—or many of the employers in the City of London find it impossible to continue working from that base and have to go elsewhere. Other cities in Europe are trying to seduce those employers. That would change the numbers.

Q692 **Mr Whittingdale:** Do you share the view that we should continue to give more favourable treatment to some pensioners living overseas than others?

Christopher Chantrey: No, the same—not more favourable, but similar or equal.

Q693 **Mr Whittingdale:** So you are arguing for all British citizens who are living in South Africa, Australia or Canada to have the same—

Christopher Chantrey: I am saying that if British pensioners are entitled, because of the contributions that they have made, to a pension at a certain level and to cost-of-living increases at a certain level, you should not discriminate among them on the grounds of where they live.

Q694 **Mr Lilley:** I wonder where you have got your information about this supposed contract in international law that we wrongly negotiated. My understanding, speaking as a former Secretary of State for Social Security, is that Britain entered into an arrangement—reciprocally, with a whole range of countries where there were roughly equal numbers of people retired in each other's country—that we would honour pensions and uprate them. The countries we do not uprate are, paradoxically, the Commonwealth countries where there was a net outflow from this country to Australia, Canada and so on, and because there was a net outflow we do not uprate them—we did not enter into an agreement. As I understand it, the agreements antedate the EU and would postdate our retiring. Have you another source of—



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Christopher Chantrey: I believe they do antedate the EU. I would very much like to see the text of those agreements, because the claim is made that the other party, the other country, is the problem—it is they that do not authorise the UK to pay the increments. The agreements—

Q695 **Mr Lilley:** That's wrong. Canada and Australia do not refuse. You are absolutely wrong.

Christopher Chantrey: I am very glad that it is wrong. So it is the UK that is refusing to pay these increments.

Mr Lilley: Exactly.

Christopher Chantrey: Can we make that perfectly clear? It is the UK that is discriminating against its own people in those countries. That is not being dictated by those countries.

Mr Lilley: Correct.

Christopher Chantrey: Those agreements are supposed to be on the basis of accrual of pension rights, are they not? They are not a question of whether you pay pensions, how you pay pensions or how much you pay, but depend on the contributions that people have made when they were working in the UK.

Mr Lilley: Correct.

Christopher Chantrey: Thank you.

Q696 **Mr Lilley:** Maybe I have just heard lots of complaints about it, but it actually works to the advantage of British citizens in Europe, as against British citizens—

Christopher Chantrey: Yes. What we are fearing—people fear this because they know what happens in Australia and Canada, and we understand the fear—

Mr Lilley: I can understand the fear, but it is misplaced.

Christopher Chantrey: I am glad to hear.

Mr Lilley: It is the duty of the British Government to make that clear.

Christopher Chantrey: It is indeed. I agree with you entirely.

Q697 **Mr Lilley:** The argument that I use with British Ministers for giving unilateral assurance to European citizens in the UK of their right to remain is twofold. First, you couldn't persuade a single Member from any party around this table to vote for the deportation of European citizens who were here before. Is it not true likewise, I also argue, that there is no Government and no party in any continental country of which I am aware that is threatening to or would deport 300,000 British citizens from Spain and 100,000 from France? Are there such parties? Are there politicians calling for that?



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Christopher Chantrey: I don't think we can be 100% sure of that. There are some member states—

Q698 **Mr Lilley:** Sorry, I'm asking you as a matter of fact. Are you aware of any parties that are calling for that?

Christopher Chantrey: No, I'm not aware of countries that are saying, "We will kick out the Brits," but there may be some countries that are tempted to do that.

Gareth Horsfall: I'm aware of people who are being refused permanent residence and the right to say when they go in for renewal after living for long periods of time in Italy. That is already happening.

Q699 **Mr Lilley:** Since June 23?

Gareth Horsfall: Yes. They are not saying, "We will deport you," but those people are already experiencing troubles. We have contacted the various municipal offices about those concerns, and it has been overturned because it has been one individual person who has made an incorrect judgment that the UK is now outside the EU, but the point is that the perception of some people is that we are no longer in the EU, and therefore they are refusing residency.

Q700 **Mr Lilley:** But do you think it is a realistic possibility, once we have left, that the Governments of the countries in which you and your members reside would undertake mass deportations of British citizens?

Christopher Chantrey: Probably not, but we cannot be absolutely sure. Look at Hungary.

Gareth Horsfall: What would be the consequences of living in another country but not actually being allowed to stay there? What would be the financial consequences of that?

Mr Lilley: That is being deported.

Christopher Chantrey: The right is extinguished the moment the two-year period from the triggering of article 50 comes. The right is extinguished unless something is done about it. We are saying that this has to be done absolutely up front—point 1 on the agenda.

Mr Lilley: Well, we probably all agree with you there.

Q701 **Chair:** Which brings me to my final question, which is about the right to work, to establish a business and to run a business. We have not really focused on that, although you have told us about your experiences, Mr Horsfall. Thinking about that agreement, which I think we all recognise we want to achieve as quickly as possible, what is needed to give those who are working, running businesses and seeking to establish new ones assurances in the countries of which you have knowledge and in which you work that that can carry on? Is that a question of persuading politicians in the countries in which you are in to make that clear, or do you think that has to be part of the agreement negotiated between the



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UK and the other 27 member states?

Gareth Horsfall: The very simple answer to that is to guarantee a right to stay. The EU state, on the right to establish and run a business, or be a director of a business, that you can do that as long as you have a right to residence in that EU member state. Giving a right to residence almost resolves the majority of that problem.

Q702 **Chair:** Right, the majority. You are nodding, Mr Chantrey. Just for clarity, does it resolve the whole of it?

Christopher Chantrey: I am just thinking of the great repeal Bill, which is promised. If we could persuade other member states or the EU 27 as a whole to do something similar in a way that would maintain in national law in those countries the provisions that give us those rights, that sounds as if it could be a remedy.

Gareth Horsfall: I should mention again the passporting of qualifications. I looked at the EU website before coming here, to see the UK qualifications that are passported into Italy. There are 383 professions there, for which there will be varying numbers of professionals. The point is that there are 383 just in Italy, for professionals working there and using their UK-based qualifications. So if Italy suddenly did not recognise UK qualifications, because the UK was no longer a member state, varying numbers of people for each of those 383 professions would no longer be able to work there. So it is not just about the right to stay; it is also about the recognition of qualifications.

Chair: Indeed.

Q703 **Sammy Wilson:** Is that likely? Given that the qualification was recognised before the UK left the EU, and given that it hadn't changed and it still indicated certain skills, what would be the basis for saying that it was no longer acceptable?

Gareth Horsfall: That is a really good point. I can't really answer that question, other than to say that the UK would no longer be an EU member state. Before coming here, I spoke to a person from New Zealand who works in financial services in Italy. He got a law degree in New Zealand and a financial services qualification. I asked him what happened when he came to Italy, and he said, "I could have come from Tunisia, Chile, China or Peru." On what basis do the Italians recognise qualifications from across the rest of the world? The only basis is the fact that the UK is another EU member state and it is written in as a sort of mutual with the right to establish, in that there is a recognition of qualifications. I don't know whether they would remove that; it is impossible to say at this point in time. Will they continue to recognise them, or will they wipe the slate clean and say, "No, those are not EU national qualifications."? We do not know that yet.

Christopher Chantrey: I probably shouldn't mention a particular member state, but I did mention one a moment ago that is known at the moment for being politically rather xenophobic. One can imagine that Government



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sentiments can be swayed by this kind of thinking, and Parliaments can find reasons for not playing ball, not being co-operative and not helping foreign populations in their country. We do not know. We are talking about the future and how 27 other national Governments and Parliaments will behave. We can't really predict that, but we have to be very careful.

Chair: That brings us neatly to the end of the session and back to where we started, which is the point about uncertainty. We are very grateful to you all for giving up your valuable time and travelling to come and give us such useful evidence today.