

Exiting the European Union Committee

Oral evidence: The progress of the UK's negotiations on EU withdrawal, HC 372

Wednesday 6 June 2018

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Members present: Hilary Benn (Chair); Joanna Cherry; Mr Jonathan Djanogly; Richard Graham; Peter Grant; Wera Hobhouse; Andrea Jenkyns; Stephen Kinnock; Mr Pat McFadden; Mr Jacob Rees-Mogg; Emma Reynolds; Stephen Timms; Mr John Whittingdale; Hywel Williams; Sammy Wilson.

Questions 1909 - 1996

Witnesses

[I:](#) Nicholas Hatton, Co-Chair, the3million; Anne-Laure Donskoy, Co-Chair, the3million; Barbara Drozdowicz, Chief Executive Officer, East European Resource Centre; Dr Mary Tilki, Member and former Chair, Irish in Britain; Catherine Hennessy, Trustee, Irish in Britain.

[II:](#) Fiona Godfrey, Chair, British Immigrants Living in Luxembourg, and Deputy Chair, British in Europe; Jane Golding, Co-Chair, British in Germany, and Chair, British in Europe; Michael Harris, Chair, EuroCitizens, Spain; Kalba Meadows, Founder, Remain in France Together.

Examination of Witnesses

Witnesses: Nicholas Hatton, Anne-Laure Donskoy, Barbara Drozdowicz, Dr Mary Tilki, and Catherine Hennessy.

Q1909 **Chair:** Can I begin by welcoming our witnesses this morning? As a Committee, we are very grateful that you have given up your time, some of you on the second occasion, to come and give evidence to our Committee this morning. We have a lot of ground to cover and it will not be necessary for all of you to answer every question, because we also have a second panel representing British citizens living in other EU countries, from whom we will be hearing today. Welcome specifically to Nicholas Hatton, co-chair of the3million; Anne-Laure Donskoy, co-chair of the3million; Barbara Drozdowicz, chief executive officer of the East European Resource Centre; Dr Mary Tilki, member and former chair of



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Irish in Britain; and Catherine Hennessey, trustee of Irish in Britain. You are all most welcome.

I will kick off by asking you this, Dr Tilki and Ms Hennessey. Irish nationals in the UK obviously have a very specific and special status, and the common travel area predates our membership of the European Community. It would be really helpful if you could set out whether there are any areas of uncertainty affecting Irish people living in Britain that you are worried about or have been brought to your attention. There has not been much focus on this thus far, because the Government have said the common travel area will continue as was the case before, but the law has moved on a bit since then.

Catherine Hennessey: I will begin by saying Irish in Britain is a national membership organisation established in 1973 and representing about 120 Irish organisations throughout Britain. The questions I am going to be answering today address the views and concerns of our membership as Irish citizens. However, as EU citizens, we also have solidarity with other EU citizens and those representing them here today.

Irish in Britain welcomes the joint UK and Irish commitment to the preservation of the common travel area, as set out in the joint report of the EU and UK negotiators in December 2017. It is our experience, though, that recent events, such as the Windrush controversy and the so-called hostile environment, have dented the community's confidence in reliance on the common travel area to some degree. We have seen that older members of the population are particularly anxious that they may have to demonstrate, for instance, their rights to benefits, healthcare and housing. Many fear they will not have the documentation required, given that their early employment may have been of a casual nature and may have taken place several years ago, because they are now retired.

Q1910 **Chair:** As an organisation, have you had any conversations with the Home Office or any other parts of Government about how this is going to work?

Catherine Hennessey: To date, we have not. To date, as Irish organisations in Britain, we have liaised primarily with the Irish Department of Foreign Affairs and the Irish Embassy in London, and have sought information from them. We understand that a publicity campaign is planned to communicate with EU citizens, in order to advise them on regularising their status. Notwithstanding the plans of the Irish Government to provide information for its citizens on the common travel area, we would recommend that Irish nationals are offered additional information on their rights within the common travel area by the UK authorities.

Q1911 **Chair:** Presumably you would be of the view that, if advice to EU citizens in the UK about how they should regularise their position was in any way interpreted as applying to Irish citizens in Britain, that would really cause concern. It would throw into question, would it not, the argument that



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has been put by the Government, namely that those people's rights are unaffected?

Catherine Hennessy: Yes.

Q1912 **Chair:** You would need separate information.

Catherine Hennessy: Yes.

Dr Tilki: We need separate information to the Irish community and we also need information to various Government Departments. Since so many Government Departments have outsourced their services, it is important that information gets to those as well. We have some anecdotal evidence of people having problems already with the habitual residency test when they go for benefits and things like that. It is really important that the message is clear that Irish citizens have different rights and entitlements from some other EU citizens.

It is also important to say that our community in Britain has a very old age profile in comparison with many other minority communities, or indeed EU communities. Many of these older people will not have access to computers. They will not have access to the internet. It is important that information gets out there in accessible formats for an older community. People are becoming more anxious, particularly since the Windrush events. People were a bit anxious before then but it has raised their anxiety level considerably.

Q1913 **Chair:** Is your understanding at the moment that there is nothing that Irish citizens will have to do when we leave the European Union, unlike the 3 million EU citizens who the Government say will need to apply for settled status? That does not apply. Is it your understanding that there is anything? When you are advising your members and they say, "Do I need to do anything?" what is the answer currently?

Dr Tilki: The advice from us would be that you do not need to do anything at the moment, but that would not necessarily be the understanding within the community, who will be talking to people from other European communities and other parts of the world as well. What we think and what they think might be very different.

Q1914 **Chair:** They are two different things. Have you seen the report by Simon Cox, which stated that the status of Irish nationals in the UK rests predominantly on EU law, rather than the common travel area or the Ireland Act 1949? If you have seen that, did that give you any cause for concern?

Catherine Hennessy: Irish in Britain recognises that many of the arrangements of the common travel area are evolutionary and implicit, and therefore not subject to specific legislation or indeed an international agreement. We await further details on the justice and security regulations for Irish citizens, which we think will sit outside the common travel area arrangements.



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Q1915 **Chair:** What might that cover and how might that affect Irish citizens in the UK?

Catherine Hennessy: Our concern would be the potential, say, for deportation, issues such as that, in matters where there are criminal convictions and so forth.

Q1916 **Chair:** Have you asked for a meeting with the Home Office as an organisation?

Dr Tilki: No.

Catherine Hennessy: We have not to date done so.

Q1917 **Chair:** Are you planning to do so, given what you have said this morning?

Catherine Hennessy: We may well do so, yes.

Chair: That is very helpful. Thank you very much indeed.

Dr Tilki: Chair, could I just make one point about the diversity in our community? I want to illustrate the difficulties experienced by Irish travellers. It is estimated, and it is only an estimate, that there might be about 100,000 Irish Travellers resident in Britain at the moment. They will have additional difficulty, not just because of their Traveller status but with literacy, hate crime, poverty, poor health and all the other difficulties that they have.

Q1918 **Emma Reynolds:** I would like to address my questions to the co-chairs of the 3million. You have published a range of technical and substantive concerns about the withdrawal agreement. I wondered whether you could outline if you think there will be further opportunities for those concerns to be taken on board and for the agreement to be amended.

Anne-Laure Donskoy: First, I would like to reiterate the fact that the issue of EU citizens' rights has not been resolved. I know it has been said in many different places. It is in green within the withdrawal agreement at the moment, but I can certainly assure you that the issue has not been resolved. There are many difficulties with the withdrawal agreement, the draft withdrawal agreement as it currently stands. In many ways, it is weaker than the joint report of December. There are issues that have not been translated very well into it.

We certainly hope there will be opportunities to bring in amendments, in particular to strengthen the rights of EU citizens and offer proper robust guarantees. We welcome the fact that the UK Government have gone beyond certain aspects of the joint report and the withdrawal agreement, but at the moment these are, shall we say, nice political statements that still need to be translated into robust law.

Q1919 **Emma Reynolds:** You said that the issue is not resolved. What are the main outstanding issues for you?



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Anne-Laure Donskoy: There are many. A couple of the documents that were published by this House, for instance, mention the comprehensive sickness insurance. That is still a pending question, and it is a big question, not just for people who will be subjected to the settled status migration scheme but for people who are currently still applying for permanent residence, often with a view to applying for British citizenship. Those people in particular, if they were not able to provide evidence of having had comprehensive sickness insurance, would get their application for permanent residence rejected.

We ask that the UK Government start getting rid of comprehensive sickness insurance now. That would facilitate the process. It would encourage people to apply and further along the line they would apply for British citizenship. As I say, at the moment it is mentioned that the comprehensive sickness insurance requirement will no longer be applied, along with the test for genuine and effective work, but these are just statements. We need to see more than this.

We have asked the Home Office about this, and some of us belong to the user groups. I belong in particular to the vulnerable EU citizens user group. We have asked, "What do you mean? Some people will still be affected? Who are these people who will still be affected? How? At what point? Who are those cohorts? What will happen to them if they cannot provide evidence of comprehensive sickness insurance?" We have no answers to this. The latest we have heard is that there will be an announcement soon. We are still waiting, so that really does not help with the feeling of uncertainty.

Nicholas Hatton: We have been told in the Home Office user groups, which are a sort of consultation with EU citizens' organisations and other organisations, that there will be a positive approach towards application. It will be looked at favourably if people who are filling in settled status applications are missing one document or two. We are asking why this approach cannot start now. Why wait? There is a lot of anxiety among EU citizens because of the refusals of permanent residence applications.

That positive approach could be implemented as of today if they wanted to, because that would reassure people that the Home Office genuinely wants us to stay. At the moment, the perception is that there are a lot of hoops and it is complicated, and in a way the bureaucratic machine is used to prevent people from getting documented. A word saying, "This will stop" is not enough. It should really stop now.

Q1920 **Emma Reynolds:** What is the impact of the lack of clarity and uncertainty that you have outlined on the people you represent? How does it make them behave or act? Are some of them returning to their own countries as a result? What is the impact?

Anne-Laure Donskoy: The impact is huge. There is a large impact at the individual level. A lot of people are feeling not just concerned; they are extremely worried. They are extremely worried for themselves. They



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are extremely worried for their families, the future of their families, what will happen to them, in particular if there is no deal. That is a really very big worry, because if there is no deal all EU citizens will automatically fall back on to an immigration system that was never designed for them in the first place.

They have come here under free movement laws and they are being asked to be slotted into a constitutive system, which will never work for them. We are told that the withdrawal agreement will have a sort of copy and paste of EU directives in it. That is not going to work, because the EU directives come from a declaratory system. You are trying to transform a declaratory system into a constitutive system, and that cannot work. It creates a lot of problems.

Barbara Drozdowicz: I represent the East European Resource Centre and represent mainly eastern Europeans, but essentially those EU nationals who are most disadvantaged, isolated and marginalised. There is quite a large proportion of those people working in low-income jobs or facing housing issues, worker exploitation and so forth.

Within that group, it really worries us that we have noticed quite the opposite response among some sections of people who feel they are completely disengaged from the Brexit process and from the future immigration scheme. It really worries us that some sections of people seem to choose, if you can choose that, to be in some form of immigration denial. Uncertainty has been with us for so long, it has been so deeply normalised, that people just refuse to engage, full stop. It worries us that people will not register to the scheme, not for any malevolent reason; they just do not understand why they should be doing that. The logic is: "I have been here eight years"—or 10, 12 or 15 years—"and I have been working. The Government can go and check Revenue and Customs records. I have been here legally. Everything is fine. I am not going to do anything about that".

The other problem that people are slightly worried about is the cost of the scheme. We understand that compared with other immigration documentation the cost is moderate, because it is not more than an application for a British passport, as far as I can tell. However, if we are looking at families of more than four that consist of low-income earners plus children, this is quite high. It is quite high expenditure, and we are slightly worried that there does not seem to be any way of waiving or reducing fees, looking at the income level or circumstances.

There are two other groups of people, broadly speaking, that will be affected by the uncertainty specifically about what is going on now. Some of them are those who will struggle accessing the scheme, the process, full stop—for example, children who are in care. We do not know who is going to apply for them, or who is going to pay the fees. If they are in the care of local authorities, that will probably become the duty of the local authority, but this is not something that we are entirely clear about.



There are older people in residential care facilities, who might be isolated with no other family members. Again, if they are in frail health, if there are issues around the impact of dementia and so forth, if they are expected to be able to apply for themselves, especially online, there is quite a high risk for this group. Again, it is not clear to us what sort of support will be given to these particular vulnerable groups. We have been working with the Home Office within the working groups around safeguarding of these risk groups. Then again, we still do not know where we are going with this. Therefore, it is hard to make any decisions for anyone, even including decisions for upskilling the community as a whole just to make it happen for itself.

That brings up the problem of immigration advice, because it will be needed. It has to be qualified and it has to be supported for those people who will not be able to pay for it. If you look into the cost of immigration advice currently, even the cost of simple applications for permanent residence documentation right now through immigration solicitors can cost from £800 upwards. That is for a single application that is not complicated. It does not involve derived rights and so forth. Access to information and advice is going to hamper people's engagement with the scheme. Because we still do not know what the scheme is going to look like, it is difficult for even community organisations, charities or educational facilities to start cascading information on how people should be prepared.

Q1921 Emma Reynolds: That is really helpful. I have one last question. From what you are saying, you are concerned that there will be many particularly hard to reach people, vulnerable people, people in low-income groups who perhaps just will not engage at all and will not apply for settled status. Has the Windrush scandal further dented people's confidence in the competence of the Home Office to deal with their cases appropriately?

Anne-Laure Donskoy: Yes, certainly. The 3 million is not agitating the Windrush ghost at all, but in the autumn of last year we produced a document that was going to be an alternative to settled status. In that, we clearly set out in detail the danger of falling within an indefinite leave to remain project. Basically, what we said would happen has happened, very unfortunately, to the Windrush citizens, so our fears and concerns are very grounded. There is urgency to address all those issues. How do you make sure that 3.6 million EU citizens are covered and have the right documents, within what is effectively a very short time?

As my colleague mentioned, we are both attending the same safeguarding user group that the Home Office has set up. This is only the second meeting that has just happened. I have had to make noises to say, "This is not going to happen if we are just having a couple of hours' meeting, which is not two hours, every month. It is going to be the summer and this scheme is meant to be set up and running by the autumn". There is not a chance in hell this is going to happen, because



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this group is still trying to assess exactly which people are at risk and vulnerable to becoming undocumented, and therefore illegal and highly likely to be deported at some stage. If they are illegal, all of a sudden they will lose access to services. They will lose access to work and to bank accounts. It is the worst possible situation. There are many people who will have enormous difficulties engaging with the process and vice versa.

Q1922 Stephen Timms: In the points you have made so far, you have emphasised some of the points that are not covered in the draft withdrawal agreement, things still to be resolved. It does obviously contain some important reassurances for EU citizens in the UK. I am wondering if you are satisfied that, if agreement is satisfactorily concluded around about October, or whenever it is, the reassurances that are within the draft agreement will be delivered. Is there sufficient reassurance? Ms Donskoy, you talked earlier about the need to put things into robust law. I think that was the phrase that you used. What do you mean by that? What is necessary to translate these assurances that are in the agreement to make you sufficiently confident that they will be delivered?

Nicholas Hatton: We know that the withdrawal agreement will be ratified and it will be translated into primary legislation as well. That is as robust as it gets. The issue we have with the withdrawal agreement is that there are gaps, so what is not covered or what level of detail there is in the withdrawal agreement. If I take the example of the right to return, in the withdrawal agreement there is a five-year limit for that right to return. If an EU citizen, like me, gets a job abroad, and let us assume I have settled status, after five years if I have not come back, because the job is still there, I will not be able to keep settled status. Then my immigration status will revert to that of a third-country national. There are gaps like this in the withdrawal agreement. The mechanism for implementing it is fine. There is direct effect. We know that we will be able to invoke the withdrawal agreement in courts.

Q1923 Stephen Timms: Your concern is about the gaps in the agreement, not so much about the translation of what is there into reliable law. You are happy with the way that will happen.

Nicholas Hatton: Not quite, because the withdrawal agreement is not very precise and there are different ways of interpreting this agreement. When it comes to the application for settled status, the withdrawal agreement provides two options: declarative or constitutive. We would like to see the protocol as an appendix to the withdrawal agreement that would set out in much more detail how the withdrawal agreement would be implemented for EU citizens in the UK, so we get more certainty. The withdrawal agreement itself does not give us enough certainty.

Q1924 Stephen Timms: Have any of you been consulted on plans for the independent monitoring authority for EU citizens in the UK?



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Nicholas Hatton: Two words are important: “independent” and “authority”. In the past, we have seen that these authorities have been neither independent nor authorities. This is going to be key, because 3 million people will have to apply for a scheme. There are going to be issues, problems, errors. They need to have a way to appeal. They need to have a way to effectively reverse a decision if it is erroneous. We have not been offered any details on this.

Q1925 **Stephen Timms:** Have you seen any plans for the authority? It has not come up at your meetings with the Home Office.

Nicholas Hatton: No, not yet.

Anne-Laure Donskoy: There is nothing beyond what is in the current draft. It feels like the EU says, “This is a monitoring issue for the UK. Therefore, we will leave it to the UK to sort out”. We feel it should very much be a UK-EU independent authority, with real powers, so that our rights are properly monitored. If there are any issues, we can go to this authority in confidence and trust that it will do the right thing by us.

Q1926 **Stephen Timms:** Have you any models in mind for the kinds of things that would be reassuring? Can you think of any other independent authorities that would give a model that could do this job?

Anne-Laure Donskoy: We are currently working on a document that is looking in detail at all those issues.

Q1927 **Stephen Timms:** We will be keen to see that once you have it.

Anne-Laure Donskoy: Yes. It is a bit of a draft at the moment.

Q1928 **Joanna Cherry:** I am very interested in the evidence of Irish in Britain. I would like to thank you for that, because it is the first time we have heard evidence about these specific issues. Many of us have significant numbers of constituents and indeed family members of Irish extraction, so thank you for that. Forgive me if I focus my questions on the representatives of the 3 million this morning. You sent the Home Office 150 questions on settled status. I wonder if you could tell us what sort of response you have had to that.

Anne-Laure Donskoy: 150 questions: that is the reality. As an aside, this shows the scheme is being presented to us and talked up as being something simplified, but, as soon as you start scratching the surface, you find there is nothing simple about registering 3.6 million people. As soon as you start looking, pretty much every family or group of people has come with different issues. If this Government want this scheme, they have to take the responsibility of addressing issues that will automatically come with such a system. Those issues need to be addressed in time.

Nicholas Hatton: We met Caroline Nokes, the Immigration Minister, last month. They find these questions helpful, because they highlight challenges and issues they might not have realised. She committed to



answer these questions in writing. The timeline is not so clear, but we understand that the Home Office will work on an FAQ, frequently asked questions. My understanding is that the FAQ is based on these questions. I imagine there will be some cherry-picking of the questions, but we will make sure we get answers to all the questions. It goes back to the Home Office and the lack of confidence in the Home Office. To have certainty, we need to know what the scheme looks like. For this, we need to have it written in black and white. It cannot just be declarations in the media or speeches. It is very important we get answers and I hope that is helpful for you as well, as members of the Committee.

Anne-Laure Donskoy: This is also what happens when you move from a declarative process to a constitutive process. You end up with this. We started with 128 questions. There are now 150 questions and growing.

Q1929 **Joanna Cherry:** Did the Minister, Caroline Nokes, give you any indication of the timescale in which you should expect to receive answers to these questions?

Nicholas Hatton: The draft FAQ is meant to be circulated in the user group in June, so possibly for publication in the summer, but I do not know more on that.

Q1930 **Joanna Cherry:** Barbara, you mentioned the importance of access to information and advice. I have been discussing this with colleagues in the Scottish Government. There has been some talk about efforts by the UK Government to involve community groups and public services, such as libraries, in facilitating settled status applications. So far as I can make out, these efforts are practically non-existent in Scotland. Only two local libraries have been contacted. Do you have any information from the British Government on what efforts they have made to involve community groups and public services such as libraries in assisting with the settled status application?

Barbara Drozdowicz: Currently, what we know about from the Home Office is the digital assistance scheme, which is focusing on literally helping people go through the digital aspect of the application. Our concern is that, as far as we can tell, it is based in libraries. This is not the first place where people who are struggling with, for example, language or literacy barriers would go. So far, there is no solution to the problem of overcoming the barriers. If the scheme exists to support people who will face problems in accessing the scheme, the scheme itself is inaccessible.

I do not know what your view is on that, but I do not see any meaningful engagement with the third sector on reaching out and cascading the information, advice and support, especially to those hard to reach groups. Quite frankly, other groups possibly will need information. We now know there is some very basic information distributed via digital channels such as some social media channels. That is not sufficient. That is not even



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sufficient for people who are fully literate and fully fluent in English, not to mention all those other groups.

Q1931 **Joanna Cherry:** The witnesses from Irish in Britain mentioned that within the Irish in Britain there is an older constituency, and many but not all older people are perhaps less likely to be using social media and to be IT savvy. What would you like to see for outreach to older people and other vulnerable groups?

Barbara Drozdowicz: We already have quite a good understanding of where those vulnerable groups are now. The problem is that there is no provision for any face-to-face information and advice. This is the biggest weakness. For example, if we are looking at people in residential care, which would apply to whole spectrums of vulnerable adults and children, I would expect to see at least some form of champions who will know inside out the immigration status that people will have to be taken through. All championship schemes are intrinsically risky because they are reliant on the fact that someone will have sufficient ability to pass on immigration advice and collect the evidence, because that is an element. This is the third issue around any immigration schemes. We think this is absolutely necessary.

Another thing is the ability to allow people to apply in person, so to avoid digital-only channels, simply because not everyone is confident enough to apply online, especially if that involves smartphone applications, not just plain online, laptop, computer in a library schemes.

Anne-Laure Donskoy: There is also the issue that a lot of libraries have closed or are closing down. Those that are still open do not always have computers that work. I use my local library and I can tell you that is a real problem.

There are also the issues of people who just will not engage with any forms of any kind. This is not part of what they do. Sometimes they try to get help. I will give you an example an immigration lawyer gave me of a lady who had to fill in and apply for some kind of immigration status. It took many sessions to find the paperwork for her, because she does not keep anything, then try to fill in the form, because she was missing details. She gets kicked out of the system every five minutes.

Then, "Okay, it is all done and dusted: pay. Let us pay. Let us give the Home Office some money." You go through a system called Worldpay. The system, rightly so, has a security level, sending you a code to make sure that you are the right person paying this fee. "Oh, I do not have a mobile phone. I do not have a smartphone". "Let us use your friend's phone. Oh, your friend's phone number is not registered by the bank through which the payment is being made". The payment gets kicked out. It takes weeks and weeks and weeks for people who have all levels of difficulty engaging with any kind of formal process. These people are not necessarily older people. They are all ages. It depends where they come from as well.



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Nicholas Hatton: The issue of older people is really important. I have spoken to many elderly EU citizens. I feel really sorry because they are feeling really anxious about it and they should not. It is really not fair. Most of them already have a status. They have indefinite leave to remain. They have it stamped in their passport. When we ask the Home Office, it says, "They do not need to apply. They do not need to go through all this. They just need to be reassured that nothing has changed for them". The Home Office has to do more work on this to make sure that these older residents do not have anything to worry about, because they are already documented.

Q1932 **Joanna Cherry:** You mentioned there a difficulty with paying. The Scottish Government have asked the UK Government to commit to do away with the fee, to have no fee for the settled status application process. Do you think that is a good idea?

Anne-Laure Donskoy: It is, and it was in the joint report. The joint report said there should be no fee, but for some reason it has been reinstated, I think in the WA, and has not gone away. When we talked in the user group they said, "Yes, it will no longer be £72. It will be whatever the cost of a British passport will be". We still think this is totally unfair. As some of my colleagues have said, there is a huge cost when you have a family. It is not just the cost of the actual fee. It is everything else around it. Going to face-to-face meetings, if they can be organised, costs money. It costs time if you are working. You have to take a day out. It goes on and on.

Barbara Drozdowicz: There are travel charges.

Anne-Laure Donskoy: Yes, exactly. There is a lot to be added.

Barbara Drozdowicz: Our understanding is that the Government do not wish for EU nationals to leave Britain after Brexit. Therefore, we want to make sure that everything is done to facilitate regulating our status. Removing the fee without any complicated waiver process—but if necessary that needs to be done as well—will hugely support people's decision to actually go and do it.

Q1933 **Mr Djanogly:** Listening to these very helpful contributions from our panellists makes me think that perhaps we should invite an Immigration Minister on a future occasion. The Committee may wish to consider that. I will just go back to analysing the Government proposals in a little bit more detail, so far as known. I appreciate that since their, I think, 8 November technical note, the Government do not seem to have published very much more. I suppose they would say they are in a development stage and they are going to come back, I believe. They are saying the online system for settled status should be ready in the second half of 2018. I think that is what Mr Hatton said earlier, but you did not really know any more than that. You did not have any specific date.

They have also indicated that they intend the application process to begin



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six months before the UK leaves the EU. I would be interested to hear your views on whether that is likely. The Home Office's ambition is for straightforward applications to be turned round in no more than two weeks. It had said that it will provide automated acknowledgements of the application upon receipt and everyone will receive confirmation of the outcome of their application. Putting those proposals in context, how confident are you that the Home Office will be able to process potentially 3 million-plus settled status applications within these time frames?

Nicholas Hatton: The date announced is the second part of 2018. We have heard about October or the end of the year. There is a slight issue here, in that the withdrawal agreement will not be ratified and implemented before 29 March 2019. Having a scheme that starts beforehand will not be an application of the withdrawal agreement. It will be done through secondary legislation without any statutory right of appeal. There are a lot of question marks legally on starting the scheme before the withdrawal agreement starts. That is one thing. Anne-Laure, you can cover the scheme itself.

Anne-Laure Donskoy: The last we heard was that, from October, it has now been moved to sometime towards the end of the year; there is no date, indeed. In some Government papers I have seen, this pre-withdrawal agreement ratification time has been described as a test time, which raises other issues. For people who go through this early bird, test version, will their settled status be as strong legally as those who get it after 29 March 2019? That is a question that has not been answered yet.

Also, there is always a possibility that doing it that way gets less scrutiny than if it started after. Imagine the scheme starts in October, November or December—it does not matter—and there is quite a strong possibility that the Government will just say, "It has already started. All we need is a 'yea' from Parliament and we will continue", but that means less scrutiny of this particular model.

Nicholas Hatton: I do not know if you are interested in the process itself, but, from our point of view, we are told it is going to be digital and there will be a two-week window for the decision. Basically, in these two weeks the Home Office will check governmental databases, DWP or HMRC, to find us and then try to see whether we have this five-year residency period in the UK to enable us to gain settled status. That is obviously bearing in mind that we would have passed the ID check and the criminality check. There is so much to cover in the criminality check that I am not going to start, but allegedly about 20,000 EU citizens a year have a conviction that could make them fail the settled status application. The question is what happens if you fail. Are you going to get a deportation order? What is going to happen?

Again, it goes back to the questions. This scheme is not yet defined enough for us to make a judgment on it. We need a lot of scrutiny to make sure it works for 3 million people because, let us be clear, there is no option. All EU citizens need to be documented. It is not an option for



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them not to be documented, so that should be the objective of the scheme, and I think it is, to be fair.

Anne-Laure Donskoy: In terms of the criminality checks, we certainly strongly oppose that there should be self-declaration. The Government already hold a lot of information about people who have convictions of all descriptions. There is no need to ask people to self-declare. Getting people to self-declare, especially people who are a bit more vulnerable, not very much au fait with the law, means they are much more likely to self-declare in the wrong way, make mistakes and make themselves look more criminal than they are. They might declare a traffic fine, and you could imagine it: "Okay, conviction, out", quite quickly. When we see what is going on, especially within the hostile environment, when people who make a very minor mistake with their tax return get threatened with deportation, you can see how dangerous it could be to have criminality checks based on self-declaration.

Q1934 **Mr Djanogly:** But you are not suggesting that there is a hostile environment in this situation.

Anne-Laure Donskoy: It is a very good way of trapping people into making mistakes.

Barbara Drozdowicz: With self-declaration and criminal records, the problem is people really do not understand what the Home Office sees as the deportation test. We get questions from our users such as, "I had a shoplifting conviction in 1973 in France. Will that count"? That again makes people disengage from the scheme. They would rather do nothing and just go underground, which is not what we want either for society or for people, victims of the process. We lack very tight guidance to help people understand what it is that disqualifies them and potentially puts them at risk of being deported. I will be honest: it is not at all clear to anyone.

Q1935 **Andrea Jenkyns:** I think you have some valid points. This is a question for Anne-Laure and Nicholas. You want to feel secure in your status in the UK and that you are not going to be turfed out of the country after Brexit. As an organisation yourself, Nicholas and Anne-Laure, when I look on your Twitter and your social media, you are using rhetoric, with tweets entitled "Brexit horror stories" and other things saying "becoming the next victims of Theresa May's hostile environment". Do you not think you are actually adding to this fear of the people you are saying you are trying to protect?

Nicholas Hatton: We want to make sure people realise what it means if you are undocumented.

Q1936 **Andrea Jenkyns:** Do you think words like that are actually helpful?

Anne-Laure Donskoy: Yes.

Andrea Jenkyns: Really?



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Anne-Laure Donskoy: It is. It is very clear.

Nicholas Hatton: It is because it is very hard to engage the community.

Q1937 **Andrea Jenkyns:** You talk about these vulnerable in society. I am sorry, but if I was hearing words like this it would put the fear of God into me. I really do not think you are helping. Are you trying to overturn the Brexit vote?

Anne-Laure Donskoy: It has nothing to do with it. It really has nothing to do with it. That is very clear.

Q1938 **Andrea Jenkyns:** But are you?

Anne-Laure Donskoy: No.

Nicholas Hatton: Let me answer that. From the beginning, we have said that our organisation has the sole purpose of protecting our rights as individuals.

Andrea Jenkyns: That is commendable. I understand that.

Nicholas Hatton: On Brexit, we are neutral.

Andrea Jenkyns: I would like to put it on record that I personally think your language on social media is putting the fear of God into the people you are meant to be protecting.

Q1939 **Mr McFadden:** I would like to go back to the witnesses from Irish in Britain. Catherine Hennessy, earlier, in response to the Chair, you said the position of the Irish in Britain is one that has evolved. I think that is right. There has not been a lot of paperwork. There has been no requirement for an immigration process and so on. We are now in a unique situation where the UK will be outside the European Union and Ireland will be inside the European Union. We have not had that before. We have had a situation where both countries were out, and we have had a situation where both countries were in. This is new.

This is my question to you. Given that informality and the evolving nature of the status of Irish people in Britain, do you see any need for legal changes here in the UK to make sure that there is no change to those people's status, which I think is the policy intent of the Government? I do not think the Government intend for there to be any change in the status of Irish people.

Catherine Hennessy: The first thing I would say in response to your question is that, as EU citizens, the provision of course exists for Irish people to apply for settled status. Our intelligence suggests that the majority of Irish people will not do that, based on information about numbers of applications, say, for UK citizenship among Irish citizens living in Britain.

Q1940 **Mr McFadden:** They do not have to do that.



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Catherine Hennessy: No, they do not have to. As you quite correctly say, when both countries were outside the EU, in the common travel area, many of the agreements were based on the fact that both countries had common law and operated under common law principles. We would have some anxiety that, without some formal statement of the position within law, it might leave Irish citizens vulnerable in the future, I guess.

Q1941 **Mr McFadden:** You have not identified a specific legal change that you think the UK needs to make to make sure there is no change.

Catherine Hennessy: Not at this stage.

Q1942 **Mr McFadden:** Can I turn to the question of people in Northern Ireland? They have specific citizenship rights. The Good Friday agreement says that people born in Northern Ireland can choose to be British or Irish or both. Anyone born in Northern Ireland can have either a British passport or an Irish passport, or indeed both, if they so wish. Again, do you think there is a need for any legislative change here to make sure that continues to be the case after Brexit, given that Ireland will be inside and we will be outside?

Dr Tilki: I doubt it. I suppose the one thing that we are concerned about in the community is the Good Friday agreement and the adherence to the peace process. We would like to think that every effort will be made to sustain that. Any changes that happen might be divisive. I am not sure; that is my answer to that.

Catherine Hennessy: It is not an issue we have looked into in detail, but I think we will now, following your question.

Q1943 **Hywel Williams:** I was going to ask you some questions about settled status and the application process, but I think those have already been answered. I would like to discuss some cases in point, on specific issues. For example, are you aware of any research, planning or implementation by Government to address what are called immigration advice deserts? I represent north-west Wales. Typically, my constituents travel to Manchester, Birmingham or London to access immigration advice. Do you know if the Government are going to address those particular problems?

Barbara Drozdowicz: I think there is a big question mark over that. Immigration advice is a weird area of advice. It is strictly regulated. We have our concerns about regulation and how that is being implemented and policed, so to speak. Rural areas pretty much anywhere are deprived of immigration advice. Our worry is that, for example, eastern European EU nationals, such as agricultural workers, are effectively deprived of access to the advice and information. This is why we are asking for support from Her Majesty's Government to make sure that every member of the community of EU nationals has access to everything and it is not only based on digital means. That is not enough.

Anne-Laure Donskoy: In the user group, they have said that some people who will need advice can call a call centre, which will be staffed by



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civil servants. When you ask them whether the phone number to call will be free or whether we are going to go into the DWP phone number fiasco, there is no answer. Those are very practical forms of help and ideas, which could work for some people. There is no answer. We would like to see local, face-to-face access to legal advice and legal support.

There is no legal aid—we have to be very clear about this—except in very special circumstances. I understand from immigration lawyers that even that is a battle for them to access. You have people who are victims of trafficking, people who are victims of rape, who dare not report issues to the police, and straight away they fall into the hostile environment and they have no access to legal aid.

Q1944 **Hywel Williams:** I am going to you some further questions about that sort of thing in a moment. Can I ask you if you are aware of any efforts to reach out to specific communities? I am thinking, for example, of the retirement home for Polish people in the far reaches of north-west Wales, Dom Polska, Cartref y Pwyliaid or the Polish Home. Incidentally, the languages within the home are Polish, then Welsh and then sometimes English.

Barbara Drozdowicz: Our concern is that it feels like this is the sort of work we would have to take on. We would gladly do that. However, the question is how that is going to be operationally done, because it will cost some money. The question is how we are pulling in currently existing resources, for example social services provision or duties that local authorities have over people.

It is impossible to believe that Her Majesty's Government can imagine the community taking the whole immigration scheme on its own and providing this advice. It is not realistic to perform, particularly within these timescales. This is our worry: there does not seem to be any constructive conversation about the practicality of making it happen. This is an exact case in point. This is exactly what we are debating within the community: how do you make sure that those, for example, community-run residential care institutions are covered?

Anne-Laure Donskoy: It is the same sort of problem. It is very clear. I am tempted to make this comment that it feels like the Home Office has never had to deal with people who have all kinds of disabilities, are vulnerable in society or are currently in prisons. It is like all of a sudden they are asking NGOs, "Who are these people? How do we help them? Can you help them? We do not know whether there is any funding to help you to do this kind of work". People with disabilities have always existed. People with all kinds of difficulties have always existed. All of a sudden, it is like the Government does not really know what to do with these people, but they have always been there.

Q1945 **Hywel Williams:** Can I therefore turn to a group where the Government have some experience? That is people who speak more than one language, or two languages in my case. Are you familiar with the



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application process online for universal credit? Initially, that was to be available through the medium of Welsh and English. The provision through the medium of Welsh has been postponed repeatedly because of the difficulty that the Department has in dealing with two languages at once on its computer system, mainly because it has been designed to work through the medium of one. Do you have any comments on that sort of problem?

Anne-Laure Donskoy: There are many comments around those sorts of problems. You are dealing with citizens from 27 different EU countries. For instance, it is quite common in northern countries for the second name to be used as the first name. There are names with accents, names with hyphens. In some countries, the maiden name is used as the family name and the system says "no". It is a classic case where the system rejects the applicant because we do not fit within the norm of having a British name where there are no accents, no this, no that. I get kicked out every time I want to go online to check in, because I have a hyphen in my name, so "computer says no".

Barbara Drozdowicz: On the EU languages, our understanding is the Home Office has made a decision that the online application scheme is going to be exclusively in English and it is up to a community to provide guidance of how to go about it. Now we are arriving at some understanding that it is probably not enough. We have heard the declaration that the Home Office can support us with printed materials and potentially tablets to help people go through it. The workforce, the actual people doing it, are not included in this support. We do not know whether there is any funding given to local authority social services, for example, to train those statutory duty kinds of carers for more vulnerable people. This is not something that we have heard.

Q1946 **Hywel Williams:** Are you familiar with the gov.uk protocols as to how documents are presented online? Specifically, if there is any reference to another language, it is in small print at the bottom of the page and, unsurprisingly, most people fail to find the reference to Welsh. Do you understand that that might be the case with other languages of the 27, or perhaps more than 27, languages that have some sort of official status within the rest of the European Union?

Barbara Drozdowicz: It is going to be very complex, even the process of translating. If you consider the fact that common law is British, the European law and legal system might be slightly different. Even verbally translating the guidance is going to be a big minefield.

Q1947 **Hywel Williams:** I have a specific question about the legal status of answers given in languages other than English. Perhaps this is something that we might explore, Chair, with a Government Department, if we can find one that has any information about this. From the experience of my own language, in 1967 there was an Act that said that Welsh and English were equally valid, so that one was treated the same as the other. However, if there was a divergence between the English and Welsh texts,



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the English should prevail. That is, if it said in Welsh, “dau a dau yn bedwar”, and it said in English, “two and two is five”, it is five rather than four. The 1993 Act says that Welsh and English are to be treated on the basis of equality—that is, the basis of being equal. That has led to some confusion. I just wondered if anyone has explored with you the legal status of answers given in languages other than in English.

Barbara Drozdowicz: I do not think there is any facility to give answers in any other language than English, or possibly Welsh, if people choose to apply.

Hywel Williams: My former office manager is very fluent in Welsh, Danish and sometimes speaks English as well. I know which one she prefers.

Anne-Laure Donskoy: Say we are successful and get settled status. We absolutely need a document that we can have in our hands and in our pockets. At the moment, the Government are talking about a digital code, so, for instance, a potential landlord would have to go online and check that our code is correct and valid. They have been talking about using your passport number as the code, except that passports change and when they change there is a new passport number. That is no good.

I can give you an example of a landlord in Bristol. He has over 50 properties. He just about has a last century mobile phone and does not do the internet. If he sees a potential tenant turning up to visit one of his properties, he is very unlikely to go online to check. People will be discriminated against on that basis, and it is quite common.

Barbara Drozdowicz: It is going to be the same with employment.

Anne-Laure Donskoy: Yes, with employment and accessing services. We already know that EU nationals are having a really bad time applying for welfare, housing or disability benefit. Some councils are asking for far more evidence of right of residence when they should not be doing that at all. There is an issue of over-compliance at the very least. When some councils ask for proof of residence, the person provides the permanent residence card and the response is, “Oh, that is not good enough”. Then what?

Hywel Williams: That goes beyond the questions that I asked you. Perhaps, Chair, as I said, we can look at some of the details that I alluded to earlier on in a further session, if possible.

Q1948 **Chair:** I note that, together with the Open Rights Group, you are trying to launch a legal challenge to the immigration exemption from the Data Protection Act. Could you very briefly explain to us why you think that getting information in connection with any appeals via a subject access request would not give the people you represent what they need, and that therefore you require the immigration exemption to the Data Protection Act to be overturned? What would be missing?



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Nicholas Hatton: First, we are very supportive of the Data Protection Act, because it is a very good Act. We regret that there is this exemption for immigration data. Considering 3.6 million people will have to apply for settled status, there should be no restriction on access to data by people. That should be available at any stage. You are talking about a procedure where you can request your data, but if I want to check what my data with the Home Office is before making the settled status application, to see if there are any mistakes, I should be able to do so. The Home Office could use the exemption to stop my request at that stage.

Q1949 **Chair:** Why would anyone applying not be able to get that by means of a subject access request? I am just trying to understand what could be held back under the immigration exemption that would not be provided by a straightforward subject access request.

Nicholas Hatton: We understand that the exemption will be used case by case, so it is not clear how they would apply the exemption. Because the exemption exists, it worries people that they will not have full access and it will be used against their own case to cover up mistakes if there are mistakes.

Q1950 **Chair:** That is very helpful. Going back to the point about older EU citizens who do not have any paperwork, have you received any assurance at all from Home Office officials as to how they propose to deal with that? Think of someone who is living with their children, is not on the council tax, has never worked, does not have a national insurance number, is not on the insurance policy, and basically has nothing apart from the word of the son and daughter in law, or whoever they are living with, that they have been here for x number of years. What has the Home Office said to you in the discussions you have had?

By the way, Mr Djanogly, we have invited a Home Office Minister and officials to come and give evidence to us. Since this is a public occasion, I will say I look forward to getting a reply so we can take that evidence. Have you had any reassurance?

Anne-Laure Donskoy: Not really. With regard to older people and people with vulnerabilities who may not apply in time, they are talking about grounds of reasonableness. When you push them and ask, "What do you mean by that?", there is no answer. It would be dealt with by the case workers, who can use discretion. To me, that is too vague. As I say, we need to have parameters, so we know exactly how we are going to be assessed and how those people who are, for instance, not in a position to provide the sort of documents that they are proposing to use—they have produced a hierarchy of documents that is not so dissimilar to the one for permanent residence—are going to be assessed at the discretion of the case worker.

Some people might not even pass stage 1. Some people do not have any ID, for all kinds of reasons. Some just do not. They might have chaotic lives. Some people are estranged from a violent spouse and have nothing



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left. Some people have lost everything through being homeless. Then it becomes really difficult to find means and ways of supporting them.

Barbara Drozdowicz: The only safeguards we have for this particular group would be to apply as a dependant of existing family. It applies to parents, children or close family. It applies to people who live with their families. Our worry is about people who are isolated, because this mechanism does not work for them.

Q1951 **Chair:** If you are living with your family, your son or daughter could say, "I hereby declare that my mum has been living with us for the last seven years. By the way, here is the evidence that I have been living here for 20 years", or whatever it is.

Barbara Drozdowicz: It is not that simple, because their right as a dependant is dependent on the residence evidence of their dependee.

Q1952 **Chair:** Indeed, but in the circumstances in which they cannot provide some evidence, a way will have to be found to make sure that people are treated fairly, and that would be one approach that you might suggest.

Barbara Drozdowicz: Technically speaking, there is a route, yes.

Anne-Laure Donskoy: Yes, but it is quite clear from the list of evidence they want to see that it has to be in the person's name and not in somebody else's name. I came across the wife of a farmer in Devon. She had been in Devon and in the UK for 12 to 15 years. Nothing at all is in her name. She has never used a GP, never used a dentist. All the bills and absolutely all the paperwork are in her husband's name, which is quite common in small businesses or family businesses. What does she do? She is not in a position to apply for anything. She has no footprint, basically.

Barbara Drozdowicz: With this future immigration scheme, the Home Office is trying to simplify it. For example, I would apply and my individual application number would then be used by my dependants. Therefore, this person is completely dependent on my evidence. It is complicated even when I am saying this. We have tried, through the outreach events we have organised with members of the eastern European community, to run it through to see what people understand. They do not at all, quite frankly, because it is becoming quite complicated—which number falls where and who is effectively becoming dependent on whom? There is a route that needs to be very thoroughly explained. Care has to be taken of people who are isolated.

Q1953 **Chair:** Finally, and very quickly, you have made reference to your concern about what, in the absence of any deal at all, would happen to the rights of EU citizens. There is the proposal for ring-fencing this agreement separately, whatever happens. Have you received any assurance from the Ministers or Home Office officials you have spoken to that that is what the Government would do? Have they committed to do that in the event of no deal? Have you received such an assurance?



Nicholas Hatton: No, there has been no assurance at all. This is the worst-case scenario for EU citizens: on 29 March you get 3 million illegal immigrants in the country as a result, because we will not have a status. We have no assurance at all. We have tried to introduce the conversation over the last 12 months. Maybe it was too early. It might become more of a possibility later, but it might be too late to provide a status that will protect us in that case.

Q1954 **Chair:** Presumably, and very simply, you would welcome such an assurance being given.

Anne-Laure Donskoy: Yes. This is something we have asked for from the very beginning.

Chair: Yes, indeed. Can I, on behalf of the Committee, thank all of you very much for coming today? Your evidence has been extremely helpful.

Examination of Witnesses

Witnesses: Fiona Godfrey, Jane Golding, Michael Harris and Kalba Meadows.

Chair: Welcome to our second panel this morning. Thank you very much for giving up your time to come and give evidence to the Committee this morning, Kalba Meadows, founder, Remain in France Together; Fiona Godfrey, chair of British Immigrants Living in Luxembourg and deputy chair of British in Europe; Jane Golding, co-chair of British in Germany and chair of British in Europe; and Michael Harris, chair of EuroCitizens Spain. Thank you very much for coming today.

Q1955 **Mr Djanogly:** I will have a look at the situation for British nationals living in the EU, if I may. About a week ago there was a report that approximately 10 countries were likely to introduce a system for UK nationals in their territory that was similar to that planned for EU nationals in the UK. It seems as though a number of countries have expressed a view that imposing an additional mandatory system on British nationals in their country would prove an unnecessary complication and expense, so reports are coming in from various places. I suppose my question is this: have you seen any evidence of how individual EU 27 countries are preparing to manage British nationals residing in their territory after the UK leaves the EU? Perhaps Ms Meadows would go first.

Kalba Meadows: I will pass this one over, and then I will come back to the specific situation in France, if I may.

Fiona Godfrey: Thank you very much for the question and for the invitation to address the Committee. I would like to start by saying that Jane Golding and I have just come back from spending two days in Brussels. We have had a series of meetings with the three main



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institutions: the Commission, the Parliament and the Council. This question came up. Registration of British nationals living in the EU is a key concern for us.

The first point to make is that mandatory registration already exists in most of the EU member states. France is one of the exceptions. The member states where we are currently living know who we are, where we are and how long we have been there. The prospect of introducing settled status for us only came up in the joint agreement that was reached in December. Up until that point in time, it had not been on the table. We have been making representations to our member states and we have been asking for them to continue with the declaratory system based on the 2004 citizenship directive, which currently regulates how we are registered and how we live in our host member states.

We had some discussions in Brussels on Monday and Tuesday about this. We understand it is true that a majority of member states wish to continue with a declaratory system. It is an important piece of background here that, for the EU 27, the British community in their member states is not a political problem. We are just an administrative problem. They want to be able to ensure that they can recognise that we are part of the group covered by the withdrawal agreement, should we eventually get one.

Our intelligence at the moment is that most member states are intending to apply the declaratory system, but we do not have any clarity on that point as of yet. We will not have any clarity until at least the autumn. One point that did come out in our discussions is that the member states and the European Parliament are intensely aware of what is happening over here. They read the press. They follow the political situation here. They are well aware of Windrush. They are well aware of EU citizens being deported.

Ultimately, our fate will rest in the hands of, to some extent, the UK Government and the Home Office. The EU 27, while they have made it clear that they do not believe that we are in any way responsible for the situation we find ourselves in and accept that approximately 60% of us were disenfranchised in the vote, want to make sure that their own citizens are well protected here. The Home Office needs to sort out its system. It needs to get the application up and running. It needs to be working and people here, our 3 million colleagues, need to be protected. I will leave it there.

Michael Harris: There are 300,000 Britons registered in Spain. One of the problems is that there are a lot of stereotypes about us. When people think about Britons in Spain, they think about us as wealthy retirees sitting around a swimming pool drinking gin and tonics. That is what you see when the newspapers talk about us. Two thirds of the people in Spain are of working age or below. Out of the pensioners there, there are a lot of very vulnerable, very poor people on minimum pensions. There are



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people working with low wages on zero-hours contracts. All kinds of things are happening.

There are also people who are not registered. One of the things the Foreign Office is trying to do in Spain is to get people registered. There is a registration system in Spain, and once you are on it that should make things a lot easier, but there are these vulnerable groups that are not on it. There are also a lot of people who spend several months a year in Spain. They are probably not so aware of the need to register. They are called the swallows; they go there in the autumn and come back in the spring.

There are large numbers of people out there. As we were talking about with the EU citizens in the UK, there are these vulnerable groups. I will hand over to Kalba here, who is very well aware of this in France.

Kalba Meadows: Yes. I would like to talk a little about the specific situation in France. France is an anomaly, in that it is the only EU 27 state that does not have any current registration system. British citizens can currently move to France and are not even required to report their presence, let alone register. We have a population of which a conservative estimate is 150,000, but it is probably in reality very much more than that.

Just to tell you a very little bit about who we are, we are a very rural population. We are scattered over a very wide area. Most people live far from other British people, in fact. We do not have huge diaspora in one place, so contact between British citizens is infrequent and there are no big communities. Some areas have more; some areas have less; some areas have almost none.

As in everywhere else across the EU, most people are working. Coming back to the fact that we are an essentially rural population, most people are doing very low-key jobs. We have a lot of tradespeople, craftspeople, people working in factories, people working in shops, people working in bars, people in small tourist industries. We are talking about low incomes here. We are talking about people who are just about managing and some, I have to say, are not even managing. That perhaps puts things into context.

Because there has been no requirement to register, most of our group have no real experience of being in touch with administrative authorities in France. There is a very big fear about doing that. They do not know how to do it. They do not know where to go. They do not know what to do. Currently, my group, which has nearly 8,000 members, is spending an enormous amount of time fielding questions and inquiries, and just dealing with general fear about what will happen in the future. It is a fairly foregone conclusion that, whether we have a declaratory or a constitutive system in France, some kind of registration will be necessary to prove our rights as part of the protected group under the withdrawal agreement. It is very unlikely that we could go on as we are now, with no



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documentation at all, because there would be nothing to separate us from British who come along in the future, after the end of transition.

We are talking about a very large group of people who will have to go through some form of registration system, and we do not know what that is going to be. That is causing the most enormous amount of anxiety and stress. Just to give you some figures, in the last 28 days the social media part of my group, which operates via Facebook, has dealt with 40,000 questions, comments and inquiries simply about citizens' rights issues. That is phenomenal. We are run by volunteers. We have no funding. Our citizens' rights team are working evenings, weekends, through the day, almost 24/7, dealing with inquiries from our members.

We are not unique. This kind of thing is happening all the way across the EU. I am not saying we are a special case but it gives you an example of the level of fear and anxiety. Uncertainty is the killer: not knowing how we will be required to register, not knowing what hoops we will have to jump through, not knowing whether we will have to apply for our status. If we do, there may well be people in our vulnerable groups, which I hope to talk about if there is time, who may not meet the criteria. That is another level of uncertainty.

Q1956 **Mr Djanogly:** Can I just ask how responsive the French authorities are to your requests? Are they helping you?

Kalba Meadows: Let me just say it is at a very early stage. One of the difficulties with French administration is that it is decentralised. We have 95 offices dealing with registration. Each one of them operates a slightly different system. Each one of them requires slightly different documents. Although there is general advice from the Ministry, not every registration office interprets it and applies it in the same way.

Because we have so many levels of uncertainty and so many levels of the unknown, very many people just cannot cope with it. I will be perfectly honest. When you have that level of stress and uncertainty, many people stick their heads in the sand because they do not know how else to act. We are facing a ticking time bomb here.

Jane Golding: On the point about the uncertainty and whether the French authorities are doing anything, I think it is fair to say that, for the EU 27, at the moment there is only so much that they can do. The draft withdrawal agreement is not finalised. It is not a legally binding agreement. It is only a political agreement. The authorities are trying to do what they can and they are in preparedness mode, but there is nothing clear yet that they can implement. There is no certainty for the two groups because there is no legally binding agreement as yet.

Q1957 **Richard Graham:** I have one general question. In a sense it is irrelevant, because dealing with uncertainty is all about the fear of the unknown. Are you all aware that the original British Government starting point in these negotiations was to deal with the issues of citizens' rights separately and first, in a legally binding way, before anything else, and



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that was rejected by the European Union?

Jane Golding: We are all aware of that and we understand exactly why that approach was taken on the EU side. Until Article 50 was triggered, the process of negotiation had not started. I completely understand Frau Merkel's approach that only once the negotiations had started could this be dealt with. It was clear on both sides at that point, once the negotiations started, that citizens' rights was one of the three priorities. We are where we are now and we still do not have a final legally binding agreement.

Q1958 **Richard Graham:** Indeed, but it is important for British citizens living in Europe to be absolutely clear that we wanted to deal with that at the beginning. It was the European Union that insisted on these three issues being treated together and with the phrase, "Nothing is agreed until everything is agreed." You are quite right. It is irrelevant in the sense of dealing with the uncertainty where we all are now, but it is important that everybody understands that their Government, our Government, were trying to deal with all this right at the beginning.

Therefore, to some extent, that puts the emphasis back on the host Governments of the countries where our citizens are living in Europe, to try to respond to the varying different degrees of uncertainty. Whereas European nationals here are all dealing simply with one Government, ours in Europe are dealing with all 27, and quite possibly with different regional variations in terms of applications and so on. Does the group have a complete analysis of exactly what the situation is in all 27 of the European countries where our citizens are living?

Fiona Godfrey: We do not have a complete analysis. We did a very quick survey of our membership last month. We had over 2,000 responses. We asked a basic set of questions, including people's opinions on the general process that they have to go through; in which status they registered, as an active or a non-active; if their application was successful; if they tried to register a non-EU family member; and the costs and travelling times. Generally, people responded that they are happy with the current registration system operating in the EU 27, which is mandated by the directive.

Q1959 **Richard Graham:** How many of the countries are in the same situation as France, and indeed us, where you currently do not have to register at all?

Fiona Godfrey: France and Ireland seem to be the only countries where that does not apply.

Q1960 **Richard Graham:** In terms of submitting written evidence on your understanding of the situation in all 27 of those countries, is there a document or a particular summary of that we can access? That would be very useful when we are talking with Government.

Fiona Godfrey: We have the results of the survey we carried out, but the number of respondents, apart from France, was not statistically



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significant, so they are of anecdotal value. We share perhaps your opinion that there is a need for a very detailed piece of analysis. We would be very happy if the British Government commissioned that piece of analysis. We have done what we can, but we are all volunteers and, as Kalba said, we have no funding. We would very much welcome research of that kind.

Q1961 Richard Graham: When you visited Brussels to see the three different European organisations, what did you understand from them, in terms of decisions that the EU will be making on the future status of British citizens in European countries? What will be the role of national, and possibly even below that, regional, Governments?

Jane Golding: The status of British citizens in the EU falls under the withdrawal agreement, so it is a matter of EU competence. Of course, once the withdrawal agreement is in place and the detail is legally binding, that has to be implemented at national, regional and local level, which should not be forgotten.

Q1962 Richard Graham: We have heard, for example from our meetings in Brussels, that this is part of the national powers, or competencies, in Europe-speak. The business of registrations, applications and so on is entirely decided nationally. What are you expecting the European Union to decide at the top level?

Jane Golding: That is not actually our information. The registration procedures that exist now in the EU 27 are based on the 2004 citizenship directive. That sets out very clearly the rules on registration before three months, after three months and when applying for an optional card that evidences permanent residence.

Q1963 Richard Graham: With respect, you have just said that France and Ireland do not require a registration.

Jane Golding: That is right, because there are options in the citizenship directive as to whether it is a requirement.

Q1964 Richard Graham: Presumably within the other 25 there are considerable differences in the actual application form, how they are treated, whom they go to and all the rest of it.

Jane Golding: Yes, indeed. There are practical differences on the ground. If I give the example of Germany, where I live, it is really quite straightforward: when you arrive in the country, you have to register within the three months. Everybody is clearly registered from the beginning and the Germans know exactly when we arrived. We get no card; all we get is a document that shows we have registered, but not a card that we take around with us. If we want a permanent residence document, that is optional. We apply for it.

Q1965 Richard Graham: Are you expecting any changes in the current arrangements, whether in Germany or elsewhere?



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Jane Golding: This is for a finite group of people and we are talking here, in most countries, about a maximum of hundreds of thousands and, in some countries, less than 100,000. There are 107,000 British nationals in Germany, for example. We do not expect that the EU 27 will, therefore, wish to introduce entirely new systems when they have a registration system already in place. We have been pushing for a simple extension of the existing registration systems.

Q1966 **Richard Graham:** Have the Germans confirmed that that is what they intend to do?

Jane Golding: There was a workshop of all EU 27 members with the Commission and Council on 25 May to discuss this very question. At the moment, it is still being discussed at EU level. You have probably seen *The Guardian* article where some information from that meeting was leaked as to whether a majority of the EU 27 are going to stick with existing systems and that there are possibly 10 countries looking at introducing new systems.

Q1967 **Richard Graham:** Do you feel you are being used as a hostage by the European Union in the negotiations?

Michael Harris: We are being used as a hostage by both sides, because citizens are both European citizens and Britons in Europe. In the beginning, both May and Barnier said all our rights would be guaranteed. It did not take very long for us to become bargaining chips. That is how our members feel. Our members are very angry with both sides; at the moment, with the UK Government, who we feel are not defending our rights. They are not bringing to the table the issue of freedom of movement, which is one of the key issues that affects British in Europe: that we lose our freedom of movement and would only be in one host country. The British Government has not brought that to the table since December, and that is our key issue.

In terms of the European Union, we had a roundtable in Madrid two or three weeks ago. There was a representative of the European Commission and he got a lot of stick because he was also saying that citizens' rights were guaranteed. The British Government are also saying, "Citizens' rights are guaranteed. They have been safeguarded". If you look at the Foreign Office website, it says, "The deal has been done. Citizens' rights are guaranteed. You have nothing to worry about", and the European Union is saying the same, so we feel that we are hostages of both sides and we are not getting much support. We are not getting much support among MPs. We are getting more support in the European Parliament, which put one of the red lines for approving the withdrawal agreement as freedom of movement for Britons in Europe. They are the ones who are doing it.

The 1.2 million Britons, which is the population of Birmingham, feel forgotten. There is a lot of frustration, uncertainty and anger because, as



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has been pointed out, a lot of us could not vote in the referendum to start with, so we really feel victims in this situation.

Q1968 Richard Graham: It is a perfectly valid point. Have you had any opportunity to make those points to the British media here? The vast majority of what they write about is concerned with the rights of European nationals here in the UK, which are extremely important, but your rights are equally important and we are here to represent you first and primarily. Have you had any take-up from the British media in terms of putting these views over, particularly on the right of being able to move from one country to another in Europe?

Jane Golding: We have tried very hard to raise our profile in the British media. It is quite an uphill struggle. We are not of great interest to the British media. We have had some interviews on Sky and on the BBC, but it is very difficult to get our views heard in the British media. *The Guardian* has been very supportive but that is it.

Q1969 Richard Graham: How many roughly, do you think, of the 1.2 million British citizens living in the European Union have links, residences or some attachment to a constituency in the UK? You can see where I am leading to: the extent to which they have contacted their MP to stand up for them. I have not been contacted by anyone who has a link to my constituency.

Kalba Meadows: A number of very big lobbying exercises have been taken by our member groups. I am sure a number of people here will have had letters from our members. We get some responses, for which we are very grateful, but I have to say I do not feel confident personally, from either the number of responses we get or from the level of total understanding shown in those responses, that every MP understands the issues facing their constituents. Not only that: we are very often regarded as of lesser importance to MPs because we are not living in the UK. Although some of us are still just about constituents and still just about able to vote, the vast majority of us have lost our voting rights.

Richard Graham: That is something that some of us are trying to change.

Kalba Meadows: Therefore, we are not represented.

Q1970 Mr Whittingdale: I just have a small question on this point. I absolutely want British citizens living in other European Union countries at present to continue to have the right to remain there, and that is something we are all agreed on. On the question of free movement, however, I am not sure why a British citizen living in France should have free movement around the European Union when a British citizen living in Britain will not.

Jane Golding: The point here is that we are talking about a very finite group of people who have exercised their rights of free movement and have moved from the UK to the EU 27. One of the facts about this population that is often overlooked, particularly by the tabloids here in



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the UK, is that nearly 80% of us are working people. The way that the working world works today is that, for example, I have lived and worked through my career in five different EU countries.

Q1971 Mr Whittingdale: You have decided to move to another European Union country, but you are still a British citizen. Therefore, surely you should have the same rights, and not have additional rights, as other British citizens.

Jane Golding: We have had these rights and we have exercised these rights. Under EU law and EU case law, that therefore means we have activated rights, which would then be removed from us. That is the point. There is a difference under EU case law between somebody who has stayed in the UK and never exercised their rights, and somebody who has moved to another EU country.

The other point really is that people have moved in good faith, with a legitimate expectation that they had these rights. They have based lives and livelihoods on them.

Q1972 Mr Whittingdale: Nobody is suggesting that they should not continue to have the right. My point is that I would find it difficult to argue why my constituents will not have the right of free movement around Europe after we leave the European Union, but British citizens who have decided to go and live in France should still have them.

Fiona Godfrey: I represent a group from Luxembourg, which, if you have ever been, you will appreciate is a very small country. You can cross it in 20 minutes. If I need to buy a set of shelves from a well-known Swedish furniture chain, I have to go over the border into Belgium. If we need healthcare, we frequently get referred to centres in Germany, France or Belgium, because that is where the specialist centres are.

If you have moved over the channel as a British citizen, you are part of a very mobile population. Many of us have non-British spouses, so we have family members in other EU 27 member states. Many of us have children who are studying or who are intending to study, not in their host member state but in another EU 27 member state. It could be the UK for now or it could be a French child with British parents studying in the Netherlands. We exercise our free movement rights. We did not move to one country; we moved to the territory of the EU 27. We have built careers, lives, families and relationships on that basis.

I am a self-employed cross-border supplier of services. I live in Luxembourg and I work there, but I also work every week in Belgium. Often, I will work in another EEA member state. Next week, I am in Oslo and Brussels as well as Luxembourg for my day job. I have lived and worked over the last 20 years in every single EU member state, plus Switzerland and Norway. We are a really mobile population and, for us, free movement is not a nice-to-have but an absolutely-essential-to-have. We need it to maintain our family relationships and to maintain our



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livelihoods. When we moved, we moved in the expectation that that would continue to be the case.

Q1973 **Mr Whittingdale:** I can identify a dozen people immediately who are living in the UK and who are just as mobile around the European Union as you are. They have chosen not to go and live permanently in France but they are just as mobile in terms of going and doing business in different European Union countries. I am confident that they will continue to be able to do so. I still do not see why you should have additional rights to them.

Fiona Godfrey: Because we have exercised our rights. We are a finite group.

Michael Harris: The other thing is that, when this all started, May and Barnier made it very clear that our existing rights would be guaranteed. These are our existing rights. These are the existing rights that we exercise and have exercised for years. This was talked about. This finite group of people, Britons in Europe, was mentioned and was talked about. These guarantees and these promises were made, and of course the whole thing of freedom of movement is being taken away. As Jane and Fiona have pointed out, it is different if you are living in a country and you have not gone around and done that. For someone living in Luxembourg, it is horrific. I live in Spain. I can go to the Balearic Islands or to the Canaries; it is a big host country. The situation in Benelux is impossible.

Q1974 **Wera Hobhouse:** The beauty of free movement also applies to British citizens. There might be some British citizens who are also very disappointed that that right of free movement is going to be taken away from them. The interesting thing is whether we can treat British citizens differently, those who are here and those who are living abroad, and whether you ultimately end up with a different legal status. What is it that you think the European Union countries are putting in the way of allowing that and in which way could we as MPs put Government under pressure to make progress? What is it we should suggest? Why do the European Union countries seem to be using you as a bargaining chip in that?

Jane Golding: All that needs to happen is for the question of continuing free movement to be put back on the table. We are meeting at EU level, as we have already said. We have been in Brussels the last couple of days and we have been meeting regularly with the Commission, the Council and the European Parliament in Brussels. We have also been talking to officials and politicians in the states where we reside. The intelligence that we are getting is that the issue of continuing free movement for citizens covered by the withdrawal agreement has not been officially put on the table since December. There was surprise from the EU side about this.

Q1975 **Wera Hobhouse:** Is that the British Government not putting it on the



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table?

Jane Golding: Yes. Until it is put on the table, there will be no response. What we have also understood through our contacts is that this is not a red line for the EU 27. It is winnable.

Fiona Godfrey: It is winnable. We could get this in the withdrawal agreement in October if the British Government makes the request at the highest levels.

Q1976 **Richard Graham:** Can I just clarify that? Are you saying that you believe, from what you hear in Brussels, that the British Government are still open to the suggestion of retaining free movement of people?

Fiona Godfrey: We are hearing that the EU 27 are still willing to consider putting continuing free movement for us in the withdrawal agreement in October. However, for that to happen, they need the British Government to make that request on our behalf, not at a technical level but at a political level.

Q1977 **Richard Graham:** That is free movement for Britons living in Europe at the moment.

Fiona Godfrey: Yes.

Jane Golding: In the EU 27.

Richard Graham: That very clearly has to be a negotiating objective; there is no doubt about it. The only question, as you will understand, is at what stage that is used and how it is used, because there will be all sorts of requests on the other side. In my view and in this Committee's view, it would be fair to say that that is absolutely a crucial outcome for all of you living in Europe.

Q1978 **Stephen Timms:** Coming back to Fiona Godfrey's points about living in Luxembourg, clearly there are US citizens living in Luxembourg who are in exactly the position that you described: they have to go for health treatment elsewhere. How do things work for them?

Fiona Godfrey: I am not an American citizen, so I cannot answer your question. It is covered under EU third-country national legislation, but we do know that the EU third-country national immigration regime is nowhere near as beneficial as the EU citizenship rights that we currently enjoy. There are provisions that make it possible but they do not add up to what we have at the moment, so we would like to retain, as far as possible, the rights that we currently have as EU citizens through the withdrawal agreement.

Jane Golding: We have looked at this question of how third-country national legislation could apply to UK citizens living in the EU 27 quite extensively, because we have to contemplate the possibility of no deal. We have talked to the Commission about this, including the department that is directly responsible for it. In terms of visa-free travel, there are



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far more limitations. We have a right of free movement. We have no limitations on the number of days we can travel. In the Schengen area, normally you can travel 90 out of 180 days.

There are a range of different pieces of legislation. There is a possibility, for example, for US nationals or third-country nationals to apply for a form of permanent residence after five years under the long-term residents directive. The conditions are far more stringent and in no way compare with being an EU citizen, and there is no right of free movement. There is a limited form of mobility. Then there are very big holes in this third-country national regime as far as self-employed people are concerned. There are a number of pieces of legislation that cover employees, but far fewer for self-employed people who are providing cross-border services. There are very big holes there.

Michael Harris: You mentioned US citizens. The key point here is that we have built our lives within the existing framework in terms of work and in terms of family. The other thing about freedom of movement is family. For example, a friend of mine lives in Spain, and his eldest daughter lives in Malta. In that situation, they will not be able to go and live with their daughter, and their daughter will not be able to go and live with them to look after them. There are a lot of family reunification issues about freedom of movement within the European Union. That does not happen for an EU citizen in the sense of Scotland or Wales, for example. There is not going to be an issue if that is the case. As well as jobs, we are also talking about family reunification. Also, we will not be able to come back with Spanish family. We will have difficulties bringing our families back to live in Britain.

Q1979 **Mr McFadden:** On this ongoing freedom of movement issue, the British Government have made it a very early red line that they want to end free movement. It is probably one of the principal justifications they have for pursuing their Brexit policy. But you believe that the British Government can stick to that red line and also ask that the ongoing free movement rights that you have—and the Luxembourg example is probably the best one of people criss-crossing every day to live and work—be granted in the negotiations. Do you think both of those things can hold?

Jane Golding: We think that the UK Government believe that that is possible because the UK Government put an offer on the table last September of continuing free movement in return for—and this is very important—the lifelong right of return for EU citizens to the UK, which is what would guarantee genuine free movement for EU citizens in the UK going forward. That offer was put on the table by the UK Government last September.

Kalba Meadows: What we are talking about here is not just politics; we are talking about human beings and human lives. Those lives are not simple, they are not straightforward and they are not black and white. They are all shades of grey and we have to have some kind of agreement that will allow us, to use the oft-repeated rhetoric, to live our lives as



before. Without continuing freedom of movement, we are not going to be able to do that.

Q1980 **Mr McFadden:** Could I turn to a point that you have made, Mr Harris and Ms Golding? You made the point that, contrary to the stereotype, we should remember that about 80%, I think you said, of UK citizens are working.

Jane Golding: More than 79%, yes.

Mr McFadden: That brings us to the point of recognition of qualifications. I do not know who along the row is best to answer this, but what do you want to see about mutual recognition of qualifications in any future agreement?

Jane Golding: Ideally, the system would continue as it does now. As I mentioned, I have worked in five different countries. My legal qualification has been recognised in each of those countries. I did not need to go through national recognition procedures because there is a system at EU level recognising qualifications. For example, if you are living in Germany now and working as a doctor with a British doctor's qualification, under the draft withdrawal agreement you would be able to continue to work in Germany as a doctor post-Brexit and post the end of transition. But you would not then have an automatic right to have your qualification recognised in the rest of the EU 27. This is a big problem for mobile workers.

Q1981 **Mr McFadden:** It is related to the free movement point, in a sense.

Jane Golding: It is very much interlinked to the free movement point. As I said, I have worked in five different countries. I have worked for sustained periods in each of those countries. We see that the millennials in our group—and I should also point out that nearly one third of the British population in the EU 27 is between 30 and 49—are not just moving from country to country for sustained periods of time, but moving from country to country often from year to year, because that is the nature of the work. They are perhaps freelancers or people working in the computer industry. Some people are moving from country to country within one year.

Q1982 **Mr McFadden:** Could you just say a little more, for our own information and guidance, about how deep this mutual recognition of qualifications is in the current system? How does it work, just to help our understanding? You say you do not want it to change but, certainly to help my understanding, how exactly does this work at the moment?

Jane Golding: It is a very complex system, which I probably cannot explain in five minutes, but some qualifications are automatically recognised, for example a doctor's qualification. There are other qualifications where you have to go through a certain recognition procedure, perhaps some sort of equivalence procedure and possibly some testing. There are different layers. There is a special directive for



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lawyers' qualifications. It is a system that works throughout the EU 27 and facilitates the recognition of your qualifications to a very large degree, compared with what you have to go through if you have to get your qualification recognised under national rules.

Q1983 **Mr McFadden:** Your point to us today would be that these two things run in tandem. If our Government are going to ask for ongoing free movement rights, they have to also secure ongoing recognition of qualifications, because that is what you need to be able to work.

Jane Golding: Ideally, yes. If your qualification is not recognised, you cannot work.

Q1984 **Stephen Kinnock:** Good morning, everyone. I just wanted to go back to something that a number of the panellists said earlier, which is that the intelligence that you are getting from the European Union—and I assume that, by that, you mean both EU institutions and some of the member state Governments that you are in touch with—suggests that they would welcome a request from the British Government to, in essence, have a continuation of the status quo for those who are currently in the position of needing free movement across the European Union. Ms Golding, you said that that is not a red line for the EU. Is it right that the EU would assume then that that would be on a reciprocal basis? The offer from the UK Government would have to also be based on the continuation of the status quo for EU citizens in the UK.

Jane Golding: I would not go so far perhaps as using the word "welcome", but the message we are getting is that the offer that was put on the table in September needs to be raised again; otherwise there will be no response on continuing free movement. Yes, it would have to be on the basis of reciprocity. The UK Government put lifelong right of return on the table back in September. We do not believe, from talking to people here in the UK, that the UK Government have a red line about that, because the offer was put on the table in September.

Fiona Godfrey: The important point to note is that that is a red line for the European Parliament to give its agreement to the withdrawal agreement. It has made it very clear now, in two or three different resolutions, that continuing freedom of movement for British in Europe must be part of the final withdrawal agreement. That is another opportunity for this to happen.

Q1985 **Stephen Kinnock:** You have conveyed this point, clearly, to the British Government. What response have you had to that?

Fiona Godfrey: We have raised it repeatedly this year and we have had a recent response indirectly. I raised this point when I gave an interview to the BBC a couple of weeks ago. The BBC went and asked for a response from DExEU, and DExEU effectively said that it sees this is being something for the future relationship. Of course, it has not yet put its proposal for the future relationship on the table.



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Q1986 **Stephen Kinnock:** That is the future relationship beyond the transition period.

Fiona Godfrey: Yes.

Q1987 **Stephen Kinnock:** That is the official position of the British Government now: that this is not going to be on the table within the withdrawal agreement.

Fiona Godfrey: As reported by the BBC via an email that it obtained from DExEU.

Q1988 **Stephen Kinnock:** That is interesting. One other question I had was on the new arrangement for the future relationship and for the category of people who are moving around post-Brexit, which is a slightly different situation. What is your understanding of the extent to which a consistent EU-wide deal could be done for British citizens who are moving around the EU on that basis? My understanding is that this legislation is based on directives. Generally speaking, the EU sets a framework in a directive, but that directive is then transposed according to the idiosyncrasies of each member state's legislation. Would you be looking here for something that was more along the lines of a regulation, which is where it is one clear and consistent approach right through the EU? I am just calling on your legal expertise a bit here. To what extent will it be possible to have one clear carbon copy across all member states? Will there have to be some differences, according to each of the member states?

Jane Golding: Yes, it is possible to have one clear carbon copy, and that would have to be in the withdrawal agreement. Similarly to the points that many of our colleagues from the 3million raised about the detail that is necessary in the withdrawal agreement to make clear what will happen in terms of the registration system here in the UK, a similar amount of detail would be necessary in the withdrawal agreement, which will be a treaty. It will have the force of international law and will also have direct effect. Therefore, even if it were implemented by secondary legislation in the countries of residence, we would still be able to go back to the withdrawal agreement. For example, if there were a problem with implementation at national level, we would be able to go before the European Court and rely on our rights directly under the withdrawal agreement.

Q1989 **Stephen Kinnock:** The bottom line is that it is vital that all of this goes into the withdrawal agreement and not in the political declaration.

Jane Golding: Yes, exactly.

Q1990 **Stephen Kinnock:** That is very clear. Thank you.

Michael Harris: One of the important things we have not mentioned is citizenship and nationality. A lot of people say to us, "Why do you not just get citizenship? Why do you not just get nationality?" Within Britain, if you have permanent residence or indefinite leave to stay, it is a relatively



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straightforward thing to get nationality. In the EU 27, there are various countries that do not have dual nationality. I am in one of them: Spain does not have dual nationality. We have spoken about this with the Spanish ex-Foreign Minister Dastis. Spaniards here can have dual nationality but Britons in Spain cannot. Every state has its own regulation.

In Spain, there is no dual nationality, although you can keep two passports, which is a highly irregular situation. You can get away with it, and there is a campaign that we are starting to try to get dual nationality. There are a whole load of bilateral issues. Nationality and local voting rights are also bilateral; they are not in the EU negotiations, because each country has its own rules. The British Government really need to start working on that. For example, people in Spain cannot have dual nationality. Some people will have to renounce their nationality because, if they are civil servants, you can be a civil servant only if you are an EU citizen, so your job will go unless you get Spanish nationality. Therefore, you will have to renounce your British nationality, which is something that people do not want to do. If it means losing their job, they will have to.

These are these issues in various countries of dual nationality and voting rights. There are 300,000 people in Spain. There are whole communities with large numbers of Britons. There is a town in Almería, where I was last week, called Arboleas, 75% of whose population is British. It is not a posh coastal town but a little town up in the mountains. We will all be disenfranchised; we will not be able to vote anywhere, so we will be serfs. We will have no political rights whatsoever. We will have to pay tax and have all the obligations with no possibility to vote anywhere. In Arboleas, 75% of the community will be disenfranchised. The only people who will be able to vote will be the remaining 25%. This is an issue that the British Government really need to start talking to EU countries about.

Q1991 Hywel Williams: I have a question for Kalba Meadows about cartes de séjour or residents' cards. I saw from your evidence that it is not very straightforward in some places, but very straightforward and just a matter of a postal application in others. For the record, can you tell us how it varies from region to region?

Kalba Meadows: How does it vary? How long do we have? Applications vary hugely. Some are done by post; most are done in person. Some require appointments; some do not. In some regions, people have to present themselves at the registration office and may have to wait five or six hours in a queue with many other residents from not just the EU but right across the world. The procedures are not clear.

There are two issues here: one is that there is not sufficient information given about what the procedures are, because there has not been the history of it being necessary. The other issue is of support. As you raised it, I would like to come in on the back of that and say that there really needs to be, in the future, some serious thought given to how British



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citizens right across the EU are going to be supported through the process of registration and securing their residence in future years. Right now, as you have heard from all of us, it is largely being done by voluntary groups such as ours, with no funding. That is a situation that cannot go on. We are aware that embassies across the EU 27 now have five extra members of staff who have been given specific responsibility for supporting citizens. That simply is not enough. We are going to need an awful lot more of that in the months to come. We really would like to support the FCO being given funding to introduce a proper support system, so that people know how to go through the system.

If people are going to be able to secure their rights and not end up, suddenly and overnight, being illegal, in a similar way to what we heard earlier from the 3 million, they are going to need help. They are going to need to know they have to do it. That is the very first thing: how to reach people. They will have to understand what they have to do and they will have to be helped through the process of doing it. We have our own vulnerable groups too. I do not think that that kind of thing can be left to voluntary groups such as ours; we simply do not have the resources and it should not be our job to do it.

Q1992 Hywel Williams: Do you have any idea of the numbers of people who have applied already, apart from Lord Lawson?

Kalba Meadows: Yes, I can give you some numbers. In 2015, before the referendum, the annual rate of applications within France for residence, bearing in mind it is totally voluntary, was 683. Applications are currently running at just over 13,000 a year, so you can see that, since the referendum, an awful lot more people are applying. We have had two years since the referendum, so let us say that 26,000 people have applied or are in the process of applying. That leaves a huge majority who have not yet gone through the system, and our concern is not the people who are already in touch with groups like ours. They tend to be better informed. They tend to be the ones who make their contact. Our concern is with the people we do not know. We do not know of them, and they do not know of us. It is very important that the British Government put some resources into reaching those people.

Q1993 Hywel Williams: Is the impression among the community that, once they have achieved the status, that will be sufficient for them post-Brexit as well? Will that status carry on unchanged or will they be subject to some other system that might be introduced?

Kalba Meadows: That is the great unknown in all EU countries as to which registration system that country will adopt. Will it continue the current declaratory system? As Fiona said earlier, it is working perfectly well and has a very well legally documented procedure in the citizens directive, which is very clear. It provides the basis for each country to transpose into its own national legislation. That is working well. Will we be required, in some or even all countries, to register under a new constitutive system that is allied to settled status? That will work



differently. That will be interpreted differently in each country. Again, that is the great unknown. Many of our vulnerable groups would perhaps struggle to legalise their residence under a constitutive system, for many very good reasons.

Q1994 Richard Graham: Michael Harris, you have raised the issue of the potential disenfranchisement of British citizens living in European Union countries who may not have the right to vote in local elections. That is particularly strong in parts of Spain. To what extent have you discussed this with the group behind you representing the 3million: M. Hatton and Mme Donskoy? Have you liaised with them? It seems to me that the 3million in the UK have a useful role to play in communicating back, both to their member countries and to the EU, that this has to be a reciprocal issue. I would find it very hard to defend a reason why the several thousand European nationals living in my constituency can vote in local elections when no British citizens in Europe could do so in the future. To what extent have you liaised with them to get them to make the point to the EU? This is that we have raised continually with them. David Davis has clarified that several times in meetings with us.

Fiona Godfrey: First of all, we thank you for your question. We work hand in hand in advocacy with the 3million and we have done since last March, and earlier. On the point of voting rights, first of all I just want to correct something that Michael said. Some member states allow local voting rights for third-country nationals. In my country of Luxembourg, for example, I will continue to be able to vote in local elections. What I will lose is my right to vote in European Parliament elections.

It is not really the responsibility of the 3million to make this argument and it is not our responsibility to make the argument on behalf of the 3 million living here. The problem that we always encountered when this was raised by the British Government—and DExEU did raise it, at our request—was that 60% of British in Europe were disenfranchised in the European Union referendum. The UK Government really did not have a leg to stand on when it was trying to negotiate continued voting rights for us.

Q1995 Richard Graham: With all due respect, this is a straightforward reciprocal issue: European nationals have the right to vote in local elections here, and we have said very clearly that we want that to continue to be the case. Therefore, it should be for the European Union to provide the same reciprocation. The reason I am encouraging you to work with the 3million is that it is all very well both of your groups lobbying for what you want individually, but you should also recognise their power to help influence the European Union. That is my suggestion and I hope that you will take it up.

Michael Harris: The last time we met the Spanish Foreign Minister, we went with a representative of the 3million. When we meet Spanish politicians or civil servants, we have meetings with representatives. One of the things that we mentioned was dual nationality, and the other issue



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was voting rights. You are right: these are things that need to be done reciprocally. I cannot see a problem on either side, but there is so much going on that these things get forgotten about and it means that we will not be able to vote next May in Spain, when there are local elections. We will not have any right to vote in them, as it stands. Really, it is something that could be sorted out pretty quickly between, say, Spain and Britain, but it just needs to be done.

Jane Golding: Can I just reiterate what Michael said? Yes, it is a good point. We have worked together. It has been a joint advocacy campaign. We have appeared before the Brexit committee of the Assemblée Nationale together with the3million. We have appeared before the Dutch Parliament Brexit committee with the3million. I have had five or six meetings with the lead Brexit negotiator in Berlin, in the Foreign Ministry. The German members of the3million come to Berlin and we go to the meetings together. We have raised dual nationality because it is also an issue in Germany, and we have raised voting rights.

Q1996 **Chair:** The final question is from me. If there is no deal and, therefore, no withdrawal agreement, have you had any indications from any of the 27 countries in which you live, from politicians there, that they would intend to guarantee your rights notwithstanding no deal?

Jane Golding: I can tell you what the Brexit lead negotiator said in Germany at the very first meeting where we met. He said, "We feel a responsibility for British citizens in Germany as much as we do for German citizens in the UK". When we were in Brussels, we raised the issue of no deal and what would happen in that scenario. At the moment, of course, it is all entirely open. This is what we would be pushing for. The citizens' rights agreement that has been reached so far is a blueprint and, even if legally it is not binding, there is a moral obligation for that agreement to stand.

Fiona Godfrey: We went to Brussels for the last two days. We had no deal on our list of questions but we were not the first people to raise that point. It was raised first by all the people we met in the various institutions. We noticed that, between January and yesterday, there is a lot more concern in Brussels about the prospect of a no deal. I would just like to put that on the table.

Chair: That concludes the session. On behalf of the Committee, can I thank all four of you for coming today and for giving up your time? You have helped us enormously and we will come back to these issues as a Committee, I can assure you.