

## Written evidence submitted by 180daysvisa-free.org (FRE0038)

### Introduction

1. 180daysvisa-free.org is the name used by a small group of individuals actively lobbying for 180 days of visa-free travel to the EU after 31<sup>st</sup> December 2020. We were drawn together by a common concern about accessing our second homes in Europe and how the Schengen 90/180 day rule would adversely affect us. We were spurred into action in March 2020 by a letter (Annex AA para 3) implying that the Government did not have plans to negotiate travel rights. In the two months since the group's inception, we have helped others to have civic conversations with their MP. Some 360 letters have been sent to one third of all MPs. In addition, those who own second homes in France have contacted over 60 French Députés to seek support for our proposal.
2. After the end of the transition period, UK citizens will be subject to the Schengen 90/180 day rule when visiting those EU member states that form part of the Schengen Zone. As a result, they will be limited to a cumulative total of 90 days in any 180 day rolling period. This rule will have a negative impact on a wide range of UK citizens including tourists, business people, students and second home owners.
3. We believe the Government is failing to protect the right of UK citizens to travel in Europe after the end of the transition period. Currently, the intention of HMG is to offer EU citizens twice the length of visa-free travel in the UK than the EU is offering UK citizens. EU citizens will be able to come to the UK for *6 months at a time* whilst UK citizens will only be able to visit the EU for up to *90 days at a time* without a visa. They then have to leave the EU and cannot return for another 90 days.
4. The EU Draft Text on a Future Arrangement refers on page 171 to a *minimum* of 90 days visa-free travel which implies there is some room for maneuver, yet nowhere on any agenda, or in any Government positioning paper, can we find reference to tourist travel mobility being the subject of further negotiation.
5. We note that the UK Immigration Bill proposes to treat EU and non-EU visitors alike and allow visa-free visits to the UK of up to 6 months. In doing so, the Government is accepting a situation that will give UK citizens less rights and freedoms to visit the EU than is being afforded EU citizens visiting the UK.
6. We therefore ask the Government to a) address the inequity of the current deal being offered by the EU; b) place tourist travel mobility firmly on the agenda for future EU-UK negotiations; c) consider the proposal for 180 days in any rolling 360 days as a solution

that reciprocates HMG's six months visa-free travel offer to EU citizens whilst respecting aspirations for border security.

7. We are of the opinion that the Government's position on tourist travel has been inconsistent during the period March 2019 to June 2020. We cannot find any tangible evidence of any commitment by HMG to robustly negotiate this matter with the EU. We have set this out in detail in Annex AA.

Why travels rights to the EU are important

### **Visiting the EU has become "normalised"**

8. The UK has been part of the EU for 47 years, during which time people have made major commitments. Some moved to live in the EU and some 500,000 (Annex BB para 3) have invested in second homes to share their life between the UK and the continent. Travelling to the EU for extended periods has become common practice.

### **Family Life**

9. After two generations of being part of the EU, extended families can be resident across one or more EU countries and some have created homes in two countries. Families may be faced with having to ration either leisure travel or family contact time to comply with the restrictive Schengen limit. Some may not be able to make urgent, unplanned trips as they have insufficient days remaining. The true example below illustrates this issue.
10. Aileen's 92-year-old father lives in South West France. Her daughter, a single parent, and her grandchildren live in Normandy. Aileen lives in the UK and has a house in France near her father. The Schengen 90/180 day rule could mean that if she has already "spent" her 90 days holidaying in France and subsequently her dad or daughter become ill, she could not travel to take care of them without first applying for a visa.

### **Those with second homes**

11. At least 500,000 people have invested in buying and renovating properties in parts of Europe in anticipation of spending long periods at their 'other' home and perhaps retiring there. It is estimated that second home owners have property worth some £30 billion (Annex BB para 1). If this was a FTSE company it would be ranked 17 on the index, just below the Prudential PLC.
12. The Schengen 90/180 day rule will severely limit the rights of UK citizens to access their property assets at times of their choosing. Many people spend one long period in the summer in their house in Europe and also visit at other times. The 90/180 rule will prevent

this. For example, if you spend July and August in the Schengen Area, then visits will have to be limited to less than 4 weeks between March and June and less than 4 weeks between September and Christmas.

13. The 90/180 rule may make emergency visits problematic. A real-life situation exemplifies the problem, "Our French neighbour told us that our house had been burgled. We needed to make an emergency trip to France to deal with this but an extra trip would put us over the Schengen 90 day limit by the time we returned. This might mean that we will be prevented from visiting our house again for some time."

### **Those who travel**

14. Over the last 47 years, long leisure trips in Europe have become a pattern of life for hundreds of thousands of people. These people include holiday home owners, motorhomers and caravanners, long distance cyclists, walkers, climbers, and those who sail in European waters from the Baltic to the Mediterranean often for several months in the season. It also includes those who take extended holidays in Spain or Portugal for the winter or who make frequent trips to the EU. Similarly, young people and others doing gap years or travelling independently are also affected.
15. It should be noted that day to day business trips, for example attending meetings, also count towards the Schengen 90 day total and so could impact on those who travel for business in the Schengen Area and also spend holidays there.

### **The issue with Schengen 90/180 day rule**

16. The principal issue with the Schengen 90/180 day rule is the cumulative total of 90 days in a rolling 180 day period. By way of example, consider the impact upon second homeowners. Many undertake a spring time visit to carry out essential maintenance before returning during summer months for family holidays and to meet up with friends. This is followed by a visit in autumn to carry out further maintenance and to close up properties for the winter. This pattern of visits could easily exceed 90 days, leaving no travel days to deal with emergencies such as storm damage, flooding or a break-in.
17. The Schengen 90 day allowance is the absolute limit. Entry to the EU will be controlled by ETIAS and EES (Entry and Exit System). Intentional or unintentional overstays will be identified and sanctions imposed. These include fines, immediate deportation or being banned from entering the Schengen in the future. For more details see:  
<https://www.schengenvisainfo.com/news/consequences-of-overstaying-in-schengen-area>

18. The key concern for many will be being banned from re-entering the Schengen zone for a year or more and being unable to access their second home due to an unintentional overstay, for example, as a result of accident, injury, weather or other factors. A range of real-life, unintentional overstays uploaded to our website are quoted in Annex CC.
19. HMG has acknowledged this issue. *"I appreciate that the application of these rules will impact upon the travel arrangements after the end of the transition period, including for those who own second properties in the Schengen area."* Wendy Morton 20/5/20 (Annex AA para 5)

#### Using a visa to side-step the Schengen barrier

20. In reply to correspondence from constituents, some Members of Parliament have suggested that those wishing to make an extended visit to a member state should seek a visa.
21. 180daysvisa-free.org researched the French visa application process and found that obtaining a Long-Stay-Visitor-Visa would be out of reach for many due required income levels and the prohibitive cost of Schengen compliant travel insurance.
22. UK citizens who wish to spend an extended time in Europe and journey through several countries, for example by boat, may be faced with trying to define an exact timetable of their route in order to make applications for multiple visas.
23. Further information about the barriers to obtaining a visa are set out in Annex DD.

#### The alternative 180/360 proposal

24. The proposal made by the 180 days visa-free campaign is to permit a cumulative total of 180 days in any 360 day rolling period. It is conceptually similar to Schengen 90/180 but the control period is twice as long. The extended control period allows much greater flexibility to plan trips and provides adequate contingency for unplanned events.
25. Greater flexibility will reduce the long-term administrative costs for the EU countries regularly visited by UK citizens. Schengen states will not have to plan for the additional visa applications that would otherwise be made and which could amount to tens of thousands for France alone. A majority of applications are likely to be made in the period January to March, this being three months before most people make their first trip of the year and the maximum window allowed by the visa issuing authority.
26. Most people will wish to use all of their 90 day limit in the rolling 180 day control period. A far smaller proportion will approach the 180 day limit in a rolling 360 day control period.

Thus the number of breaches caused by unplanned events will be substantially reduced to the benefit of both the travellers and the Schengen states that will have to handle not only the breach, but appeals against sanctions.

27. We recognise that EU regulations require visitors to validate their stay if they wish to remain in one state for more than 90 days. We do not seek to avoid this requirement. UK citizens will have the choice at that time to either comply with these regulations or leave the Schengen Zone, for example by returning to the UK.
28. The proposal to allow 180 days visa-free travel in any 360 days for UK citizens is an arrangement that reciprocates the Government's 6 months visa-free travel offer to EU citizens whilst respecting aspirations for border security.

We ask of the UK Government

29. We ask that HMG:

- ☐ protect the travel rights of more than 500,000 of its citizens with the same energy and commitment as they have spent protecting the rights of the 24,000-fishing community.
- ☐ actively advocate a reciprocal tourist travel mobility arrangement.
- ☐ add travel rights to the agenda for meetings about the EU-UK future relationship so that it is discussed *pari-passu* with other matters.
- ☐ consider inserting into the UK draft text wording that achieves 180 days visa free travel in any rolling period of 360 days.

In Conclusion

30. This paper has set out the need for reciprocal travel arrangements with the EU that provides the flexibility required by second home owners and those who travel extensively in Europe without the very real worry of the Schengen 90/180 day rule.
31. Adopting the 180/360 proposal has a win-win-win outcome.
  - ☐ The Government will be seen to have protected the rights of UK citizens and to have listened and responded positively to constituents' concerns.
  - ☐ The EU will avoid the long-term cost of unnecessary administration and will continue to reap the benefits of the UK visitor and homeowner spend which will continue to flow into rural areas and niche travel markets.
  - ☐ Travellers and homeowners will benefit from the increased flexibility of a longer control period.
  - ☐ We cannot see any losers.

32. We trust that the Select Committee for the Future Relationship will go further than merely agreeing with us that 90/180 days is a problem but will urge the Government to take immediate steps to address the inequity of its current plans.

June 2020

## Annex AA

1. This annex highlights the varying messages issued by the Government over the last 15 months concerning the protection of the future travel rights of UK citizens to visit the EU for the purpose of tourism and personal travel. The analysis appears to show that HMG has failed to take a robust position on this matter and notes changes in language in response to sustained pressure from constituents. However, we cannot find any tangible evidence of any commitment by HMG to avoid 500,000 UK citizens being denied the opportunities for leisure travel that HMG is offering EU visitors to the UK.
2. In correspondence with a constituent's MP in March 2019, the Government through Robin Walker MP, Under Secretary of State for Exiting the EU said that it wanted a reciprocal travel mobility arrangement with the EU to allow UK nationals to travel smoothly to the EU; an aspiration that would be a matter for future negotiations. This position was further developed when Ministers added that the Government wanted this arrangement to reflect the deep relationship between the UK and EU to enable tourists to travel visa free.

*"Looking to the future, recognising the depth of the UK-EU relationship, the UK has made a sovereign choice to seek reciprocal mobility arrangements with the EU in a defined number of areas, for example to allow business professionals to move to provide services, or tourists to continue to travel visa free."*

James Duddridge MP, Parliamentary Under Secretary of State for Exiting the EU, 4/11/2019

3. However, by March 2020 it appeared that the UK Government's position had changed. Ministerial replies suggested that arrangements to achieve reciprocal tourist travel mobility were, at worst, no longer part of any negotiating strategy or, at best, unclear.

*"The type of visa arrangements that your constituent suggests (180 days visa free) are not part of the UK's approach to negotiations with the EU on our future relationship."*

Wendy Morton MP, Minister for the European Neighbourhood and the Americas, 30/3/2020

4. In making this position clear, HM Government offered no indication as to what alternative arrangement it would formally seek with the EU should reciprocal tourist travel mobility be one of its objectives in a future relationship. We found this silence concerning. This concern was reinforced by the absence of tourist travel mobility from any agenda for talks with the EU in rounds 2, 3 or 4.

5. In May 2020 the pattern of Government responses to constituents' letters changed again when it acknowledged the concerns of second homeowners on the impact of the Schengen 90/180-day rule.

*"I understand your constituents' concerns about the limitations posed by the EU's existing rules on visa free short term visits to the Schengen area for third country nationals. I appreciate that the application of these rules will impact upon the travel arrangements after the end of the transition period, including for those who own second properties in the Schengen area."*

Wendy Morton MP, Minister for the European Neighbourhood and the Americas,  
21/5/2020

6. Ministers have, since May 21st 2020, drawn attention to proposed immigration legislation that will allow EU visitors to the UK up to six months visa free travel but it has not, as far as we can see, made this conditional on being offered a similar arrangement from the EU, nor has the Government actively sought reciprocity from the EU.

*"We expect to treat EU citizens as non visa nationals for the purposes of tourism and holidays after the end of the transition period, meaning they can come to the UK as visitors for six months without the need to obtain a visa."*

Wendy Morton Minister for the European Neighbourhood and the Americas, 21/5/2020

7. The Government reports that mobility arrangements have been discussed with the EU but published agendas for talks suggest this has been limited to social security matters and not tourist travel. In extensive correspondence MPs have advised constituents that mobility arrangements are still a matter for future negotiations however they provide no indication as to what would constitute a reciprocal tourist travel arrangement.

8. There have been hopeful signs that suitable travel arrangements will be considered in the future. The Prime Minister told one constituent:

*"The full scope of these arrangements, including provisions for those with second homes in the EU are a matter for the negotiations which are currently taking place. As I am sure you can appreciate, I am not in a position to provide further detail at the moment. I have, however, passed on your specific proposals to the negotiating team for consideration."*

Rt. Hon Boris Johnson MP 14/05/20

9. In response to a question from Flick Drummond, MP for Meon Valley, on visa free travel between the EU and UK and the concerns of sailors and second homeowners, the Chancellor of the Duchy of Lancaster said:

*"It is the case we want reciprocity in the way UK and EU citizens enjoy sport, leisure and other activities including business activities in the future."*

Rt. Hon Michael Gove MP 16.6.2020

10. The Chancellor of the Duchy of Lancaster's reply to a question in the House regarding the concerns of second homeowners, along with the Prime Minister's letter to a constituent illustrates a continued lack of clarity and detail as to what the Government's plans are for reciprocal tourist travel arrangements with the EU.
11. We feel that either by inaction or deliberate intent, the Government is accepting 90 days visa-free travel in a rolling 180 days for UK citizens visiting the EU as the default setting; a setting that leaves UK citizens in an inferior position to that afforded to EU citizens visiting the UK.
12. Further details of correspondence referenced above can be forwarded in redacted form if requested.

#### Annex BB

1. The total value of second homes was estimated using the following steps;
  - a. UK citizens with a second home in Europe 500,000 (Ref1), assume 250,000 properties (Ref2)
  - b. UK citizens with a second home in France 200,000 (Ref1) so assume 100,000 properties
  - c. Value of a house in France based on 500 person survey in April 2020, £150,000
  - d. Value of house in Other Europe - conservative estimate of £100,000
  - e. Value of second homes in France owned by UK based citizens = £150,000 \* 100,000 = £15 billion
  - f. Value of second homes in other EU owned by UK based citizens = £100,000 \* (250,000-100,000) = £15 billion
  - g. Total values of second homes in Europe owned by UK citizens = £30 billion
2. These values are shown in comparison against the FTSE 100 on June 15, 2020

Rank	Company	Market Value (£billion)
1	UNILEVER PLC	113.4
2	ASTRAZENECA PLC ORD	110.5
14	VODAFONE GROUP PLC	34.3
15	NATIONAL GRID PLC	32.6
16	PRUDENTIAL PLC	30.8
	All Second Homes in Europe	30.0
17	LONDON STOCK EXCHANGE GROUP	28.5
18	EXPERIAN PLC	25.5
28	ASSOCIATED BRITISH FOODS PLC	15.6
29	ROYAL BANK OF SCOTLAND GROUP	15.0
	All Second home in France	15.0
30	OCADO GROUP PLC	14.5
31	SMITH & NEPHEW PLC	14.5

3. Reference 1: Daily Telegraph Article by Mariana Hunt 31/01/2020 9.06pm  
 "In France, where around 200,000 Britons own a second home"  
 "there are now around half a million Brits with a holiday home in Europe"  
<https://www.telegraph.co.uk/property/abroad/brexit-means-eu-holiday-home-owners/>

4. Reference 2: A survey in April 2020 identified that almost all second homes in France were owned by a couple. For the purposes of this analysis it is assumed that each second home is owned by two people.

#### Annex CC Real-life events that caused unplanned time in the EU

1. 180daysvisa-free.org collated real-life events from comments sent to us on our website or through our social media. The events were distressing at the time but generally the unplanned days had no long-term consequences. However, from January 2021 the Schengen 90/180-day rule will come into force for UK citizens so these unplanned days could result in the 90 day limit being exceeded or force people to replan future trips.

#### Death

2. My dad died when he was on holiday in Tenerife. I spent ten days there sorting things out.

#### Illness and Injury

3. I Broke my toe so I could not drive home until the toe healed.

4. Partner was ill so delayed travel home by 5 days
5. Husband fell off the barn roof and was hospitalised for 10 days. He then wasn't able to make the journey back by car for some time
6. Husband broke his wrist and was in plaster for 6 weeks. I have cataracts in both eyes so I can't drive! Long delay back to the UK.
7. Child fell off a brick wall whilst playing with his cousins at grandmother's the morning we were due to return to the UK. Cracked his head open, a dozen stitches, head scan, and 48 hours observation in hospital delayed our return.
8. In 2019 we were delayed because of emergency health reasons. My partner was in hospital for 5 days and then had to recuperate before he was well enough to travel.
9. Whilst on holiday I suffered a detached retina. The hospital told me it was too dangerous to fly home as planned. I had to extend my stay for two lots of laser treatment at the hospital.

### **Other**

10. The ever-popular air traffic control strike: I'll go with that! Been caught up in it several times!
11. Mains water pipe sprung a leak just before locking up and leaving for the winter. I was able to shut things off but had to make an extra 7 day trip in the spring to get a new water main laid and alter the plumbing in the house.
12. We have a second home in the Southernmost part of France. We were seriously flooded when there was major flooding in the area and the river near our house burst its banks. On another occasion a careless neighbour burnt down our garage. We were there on both occasions but had we not been we would have had to make an extra visit to the house.
13. We were burgled when we were in the UK. My husband needed to fly down to France and sort it out.
14. I spend several months of the year cruising on the inland waterways, so do many hundreds of other British boaters and barge owners. There has not been a single year since I have been doing this when there have not been canal closures as a result of lock or bank damage, lack of water in the reservoirs or even industrial action. Sometimes this involves enforced stays or route diversions resulting in delays of several weeks. A 90/180 Schengen limit with the threat of heavy penalties for overstaying would be a nightmare in this all-too-common situation!

### **Natural Events**

15. We have had weather related delays with flights cancelled and also roads out closed by floods.

16. Snowed in for three extra days a few years ago.
17. Torrential rain caused gutters to overflow and water came into the house right at the end of the holiday. No workmen available to sort the situation for several weeks.

### Breakdowns

18. Automatic gearbox failed on the motorway (middle lane!), we had to be towed to Reims. Took over a week for the insurance, manufacturer, and mechanics to sort their stuff out to get us back on the road
19. Van broke down and it took a week to get the part to repair it.
20. The gearbox in my motorhome with just 47k miles on the clock failed. It needed a complete new gearbox, clutch and slave cylinder. Delayed us by 4 days.

### Animals

21. Vet incorrectly filled in one of our pet passports. Subsequently could not take her on the ferry. Further 10 days in France until we could get the paperwork approved for travel.
22. Had to find a home for a rescue dog - couldn't immediately take it to the UK due to poor state of health and in any case vaccination requirements.
23. We had to overstay until we could find a house sitter to take care of our horses, donkeys and dogs. We brought our pets with us five years ago.

### Annex DD: Barriers to obtaining a French visa

1. **Background:** 180daysvisa-free.org researched the visa application process for France which included detailed correspondence with the French Consulate in London. We identified a number of barriers to obtaining a 4-6 month visa (VLST) in order to visit France for periods longer than is permitted under Schengen 90/180-day rule.
2. **Obtaining Medical Insurance:** There is an EU requirement that visa applicants demonstrate that they have medical insurance for the whole visa period. The minimum visa period for France is 4 calendar months which can be 123 days. This is not a mainstream UK insurance product and as such is expensive. The cost for a couple starts at £300 and becomes very much higher with age or an underlying health condition. For many, the insurance cost will be a major concern.
3. **The Unpredictability:** People will be uncertain about planned visits until the visa is granted and thus unable to make travel arrangements. For practical and official reasons, a visa application can only be done three months in advance. With justification, consulates

are unable to guarantee turnaround times especially as most people will apply towards the start of any calendar year. The French consulate can expect tens of thousands of additional applications at peak periods if people are subject to the Schengen 90/180-day rule.

4. **Proving Sufficient Income:** The EU requires that a visa applicant demonstrates an ability to fund their trip. The funding requirement is likely to be much higher than the UK state pension for a couple which is approximately £15,500. In January, the French Consulate in London advised that the subsistence requirement was based on the French net minimum wage, which is £26,600 per couple depending on the exchange rate. Income must be demonstrated through bank statements over six months. There is dubiety as to what the French consulate will take into consideration but anecdotal evidence shows that the scope is quite limited. This could have a big impact on some people with a low “mainstream” income from salary or a pension but who have other income from, for example, property rental, self-employment, investments or bank interest.
5. **The Interview Process:** The visa process requires a face-to-face interview to take place in London, Manchester or Edinburgh. A large number of applicants live more than 3 hours from these interview points and may need to stay overnight.
6. **Application must be made from the UK:** Applications for a visa must be made from your home country. For those who are already travelling this will be problematic.

*June 2020*