

March 13th, 2017

Dear Sir,

This petition has been initiated by groups of Spanish residents in the UK and British residents in Spain although the content of this letter is relevant to all EU national residents in the UK and UK national residents in the EU. We would like to express our concern about the situation we are experiencing as a result of the EU referendum of June 23rd 2016 in the UK.

The situation

Since the Brexit vote many migrant EU citizens in the UK and British nationals in the EU feel a deep concern regarding the lack of guarantees about our situation as residents in our respective adopted countries. We understand that our situation will not change while the UK is officially still part of the EU. However, we feel that UK and EU governments lack commitment in securing our status and we do not consider we are being treated as a priority. We would like to mention below some of the concerns that have arisen in different support groups that have been formed in social networks:

1. There is not requirement for Europeans to register with the Home Office in the UK at present, however, immigration organizations and experts are currently advising EEA citizens to apply for a UK residence permit such as a permanent residence card (PR) or a certificate of residence (CR). In the case of permanent residence, the application process in the UK is extremely complex compared to those in other EU member states. In addition, it requires compiling and handing over evidence of all sorts (work, bank statements etc). At present, the figures show that the UK Home Office rejects up to 30% of all submitted applications. However, this percentage may well be higher when considering not only those who apply for permanent residency but also the total migrant EU population in the UK, as many appear to have decided not to apply for their own personal reasons or because they feel they do not qualify for it (see point 2 below). Many also feel that since permanent residence is a concept derived from EU law, there are no guarantees that this status will be recognised in the UK following Brexit.

2. In relation to the permanent residency process, we would furthermore like to point out that a large section of EU citizens, despite having resided in their adopted countries for decades, are facing all kinds of difficulties to assert and secure their rights. This group consists of students, full-time mothers, disabled people, pensioners, carers and anyone who has taken a period off work. Citizens within this category would find it difficult to fulfil the CSI requirement and to formalize their residence status even though they reside legally in the UK or in EU countries. It is a duty of the receiving country to implement and enforce European Laws correctly. However, the UK Government has failed to do so choosing to uphold the NHS universal tenet and make it open to all residents regardless of their country of origin. This has invariably generated a paradox making law abiding residents into a "target group" which artificially increases the numbers of the so called bargaining chips. As you will understand, these are the most vulnerable residents, and we would like to know whether the EU has any foresight to assist these people who justifiably feel that their stay in their adopted country could be threatened. In addition, there is much in the mainstream media about the rights of 'lawful' migrant residents in both the EU and the UK but little mention of those unable to meet requirements to regularise their residence status. As a result, we fear that this group of vulnerable residents may not be considered 'lawful' and that their situation may not be given special treatment when negotiations begin.

3. Another vulnerable group is that of EU and UK nationals who have recently established themselves in their current countries of residence. These may not be able to meet the required time to qualify as permanent residents at the time the UK ceases to be a member of the EU, especially those that belong to the category described in point 2 above (e.g. pensioners). Again, some within this group may have applied for a certificate of residence while others may not have been able to do so as the official standpoint of the UK is that this registration is not compulsory. Nevertheless, we have seen with extreme concern how the British government has referred to this group as "bargaining chips" or 'negotiating capital' in any future negotiations with the EU. It is thus reasonable that many of these citizens question whether their future residence rights in their adopted country will only be dependent on their work status at the time of the completion of Brexit as they might not have acquired the five years necessary to obtain permanent residency and their status will depend on future negotiations and possible cut off dates to be yet established.

4. Large numbers of EU citizens will in no doubt choose to naturalise as a way to ensure their rights fully and to further express their views through the voting system. However, some EU countries do not accept dual nationality or, if they do, it may be dependent on both countries being members of the EU as no dual nationality agreements have been established between them. In addition, in some EU countries such as Spain, naturalised nationals may officially be required to renounce to their nationality of origin. Therefore, a big sector of the affected migrant population feels unable to secure their residence status using the naturalization path.

5. Finally, many EU and UK migrant nationals have already decided to return to their country of origin in view of the uncertainty created by the EU referendum in the UK and, possibly, more will do so once article 50 has been triggered soon. This is usually done at considerable expense by the individuals and/or families concerned, particularly those in the UK returning to the EU due to the low value of the British pound.

Points to consider

In view of the situation described above, we, the signatories, request for the following to take place as soon as possible:

1. To request, for all legal purposes, that a formal guarantee be given to all EU citizens currently residing in the UK and all British nationals currently living in the EU, to maintain their existing full rights regardless of their status under current European laws. Whatever the procedural legislation framework is, we request that a division between 'lawful' and 'unlawful' residents is avoided as follows:

a. To retain the right of residency following the departure of the UK from the EU for all EU citizens residing in the UK and British nationals living in the EU who have been granted by their respective authorities the legal status of permanent resident.

b. To establish specific mechanisms to ensure that the rights of those sections of the UK and EU migrant populations that may be unable to certify their permanent residence status by the time the UK leaves the EU, are guaranteed and protected.

c. To recognise that residents that were exercising treaty rights before the UK departs from the EU, whether recently or for longer than 5 years, were doing so in good faith and that their future residence rights should not be dependent on a work-visa system that will exclude many.

2. To request the UK government to simplify the process of applying for permanent residence status and to facilitate the registration of residence of European citizens in a fairer and more efficient way, and to ensure that there are mechanisms in place to monitor that the official process being followed complies with the requirements set in the pertinent European regulations. This should include examining the Comprehensive Sickness Insurance requirement and its implications for residents who want to secure their status.

3. To reach an agreement to preserve basic rights for migrant residents such as healthcare or pensions regardless of their residence status.

4. To integrate within any future negotiations the need to study the option of recognising dual nationality between the UK and all individual member countries of the EU at least for the currently affected UK and EU migrant populations.

5. To consider establishing a grant and/or interest-free loan system to assist those individuals and/or families that decide to migrate within the EU because of the Brexit referendum. Although we recognise that there may be existing systems available to those within the lowest income ranges in some EU member countries, there is an urgent need that this should be expanded to other sectors of the migrant population.

As a last point, we have observed with dismay how the economic and financial implications of Brexit may take centre stage in any future negotiations between the EU and the UK. We urge you to consider the situation of UK nationals in the EU and EU nationals in the UK as a priority for negotiation once the UK government triggers article 50. We are not bargaining chips nor negotiating material, but people who have made their homes in host countries in good faith and we believe we deserve that our fundamental human rights are preserved. We therefore urge all involved institutions to seek an early agreement outside other

considerations, and would welcome a clear and urgent statement from all sides supporting and respecting the principle of indivisibility of EU citizens acquired rights.

Sincerely,

Professor Ignacio Romero, on behalf of Españoles en Reino Unido – Surviving Brexit! (2,848 members)

<https://www.facebook.com/groups/1288010124563929/>

Michael Harris, on behalf of Eurocitizens (625 followers)

<https://www.facebook.com/EuroCitizens-1119482284794200/?fref=ts>

Sue Wilson, on behalf of Bremain in Spain (4,437 members)

<https://www.facebook.com/groups/1763561173927903/>