



House of Commons
Exiting the European Union
Committee

**The Government's
negotiating objectives:
the rights of UK and EU
citizens**

Second Report of Session 2016–17

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons to be printed
1 March 2017*

Exiting the European Union Committee

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Publication

Committee reports are published on the Committee's website at www.parliament.uk/execom and in print by Order of the House.

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Conclusions

Uncertainty and the need for early resolution

1. The result of the referendum and subsequent debate in the UK and across the EU have created a great deal of anxiety and uncertainty for EU citizens resident in the UK and for UK citizens in the EU. EU nationals in the UK did not have a vote in the referendum. They came to the UK legally and have contributed to the UK economically and culturally and enriched UK society. The vast majority have worked hard, paid their taxes, integrated, raised families and put down roots. It is difficult to see what more the UK could have asked of them. The result of the referendum, however, has made them very unsure of their future. Although the Government has said it wants EU citizens to be able to remain, the Committee notes that this has not offered sufficient reassurance that the rights and status that they have enjoyed will be guaranteed. (Paragraph 16)
2. A major concern for EU citizens in the UK is that they will not be able to continue to work in the UK in the future, and that their right to work will not be protected after the UK leaves the EU. (Paragraph 17)
3. Continuing access to healthcare, on the same terms as they can now, is clearly a concern for UK nationals, including those of retirement age, resident in Europe. The Government needs to set out whether it will seek to continue participation in EEA wide schemes that enable UK nationals to receive healthcare in EEA member states. (Paragraph 29)
4. In setting out its negotiating position the Government should seek to ensure that EU nationals already resident in the UK and UK nationals already resident in other EU countries do not lose any of the rights to healthcare they currently hold. (Paragraph 30)
5. The Government should seek the continuation of existing reciprocal arrangements for pension uprating for UK citizens living in other EU member states and for EU citizens living in the UK. The Government also needs to clarify whether it will seek to continue to cooperate on EU-wide mechanisms to enable pension contributions in different member states to be aggregated. (Paragraph 34)

The Government's position

6. The Government has made it clear it wants an early agreement to protect the rights of EU nationals in the UK and of UK nationals living in other member states. We commend their commitment to this outcome. This has not yet proved possible. This is regrettable and the impact it is having on several million EU citizens should be a matter of serious concern to all governments in the EU. (Paragraph 41)
7. EU nationals in the UK and UK nationals in the EU are aware that their fate is subject to the negotiations. They do not want to be used as bargaining chips, and the uncertainty they are having to live with is not acceptable. Notwithstanding the

assurance given by the Home Secretary, we recommend that the UK should now make a unilateral decision to safeguard the rights of EU nationals living in the UK. (Paragraph 45)

8. There appear to be differences between the prime negotiators, the UK Government and the EU Commission as to the sequencing of negotiations. It would be unconscionable for EU citizens in the UK and UK citizens in the EU not to have clarity about their status for another two years. (Paragraph 49)
9. We commend efforts by the UK nationals living in other EU countries to put pressure on the respective governments where they live to resolve questions around their status as soon as possible. We do not believe the electorates of Europe will thank politicians in any country if the situation is allowed to continue for another two years. It is imperative that all parties to the negotiations put the resolution of the rights of all EU citizens in the UK and UK citizens in the EU as their first priority. (Paragraph 51)

Identifying and registering qualifying EU nationals

10. The current process by which EU nationals can apply for permanent residence using an 85 page form and requiring copious supporting evidence is too complex and onerous for clarifying the status of up to three million people. The Committee observes that the application process is disproportionately burdensome, and questions why it involves collection of information which goes far beyond what is required to prove residence over a 5-year period. (Paragraph 63)
11. We call on the Government, as a matter of urgency, to look to streamline the system. While there will always be complex cases that require detailed consideration, it should be possible to clarify the status of the vast majority of individuals simply using a localised and streamlined system as proposed by British Future. (Paragraph 64)
12. One simple way to streamline the process would be for the Government to use data it already holds on applicants rather than ask each individual applicant to go back over their personal records over many years to duplicate that information. We call on the Home Office and HMRC to set out what they are doing to share data to improve the process for EU nationals establishing their eligibility to remain in the UK once the UK leaves the EU, and how that will reduce the administrative burden for the applicant. (Paragraph 65)
13. It will be important to get this process of documentation completed speedily, as after the UK leaves the EU, employers will need to see proof of an individual EU citizen's right to work in the UK. This would be needed to avoid what happens to some non-EU citizens applying for further leave in the UK whose employers dismiss them because they cannot show a currently valid visa, even though they have a legal right to carry on working while their application is being considered. (Paragraph 66)
14. The Government should state that access to the NHS is considered sufficient to fulfil the requirements for CSI, and that it will introduce legislation to that effect if necessary. (Paragraph 73)

15. The Government must not create or retain a system with unrealistic administrative and technical hurdles, so that a substantial proportion of applications are declared invalid or refused. To do so runs the risk of either directing a large number of individuals into an appeal mechanism, prolonging their anxiety and further draining Home Office resources, or leaving a number of individuals who fail in their application and decide to stay living and working illegally in the UK. (Paragraph 74)
16. Letters which reject applications for permanent residence should not be accompanied by the words "Prepare to leave the UK" unless there are grounds for removal because the applicant does not have a right to remain. (Paragraph 75)
17. Managing the permanent residency application process represents a considerable challenge for the Home Office, one that may affect its day to day work. It needs to be transparent about the necessary financial and human resources required and what it is doing to put them in place. The Government needs to be preparing now. (Paragraph 79)
18. The current process for consideration of permanent residency applications is not fit for purpose and, in the absence of any concrete resolution to relieve the anxiety felt by the estimated three million EU citizens resident in the UK, it is untenable to continue with the system as it stands. We recommend that the Government set out whether it intends the permanent residence system to be the basis for EU nationals to demonstrate their eligibility to reside in the UK once the UK leaves the EU. If so then it needs to set out as a matter of urgency, how it will reform the permanent residence application system. If not, then it needs to set out what an alternative system will involve and what will be expected of EU nationals to demonstrate their eligibility to reside in the UK once the UK leaves the EU. (Paragraph 80)
19. The Government needs to explain what form the certification will take to enable an EU national, who has established the right to remain in the UK under free movement, to continue to enjoy the right to remain, work and to rent accommodation, once the UK has left the EU. The Government needs to devise a process that is simple, accessible and relatively inexpensive for the EU national to go through to meet those requirements. (Paragraph 83)
20. EU citizens who have been living in the UK for five years at the point we leave the EU will already have a right to remain. The Government should make clear that these individuals will be entitled to permanent residence. (Paragraph 89)
21. The Government should clarify what the position will be for EU citizens who will not have been living in the UK for five years prior to the date that the UK leaves the EU so that they can qualify for the right to remain, having regard to their current rights under EU law. (Paragraph 90)
22. The Government will need to set a cut-off date for EU citizens arriving in the UK. Those who arrive before this date should retain the right to qualify for permanent residence after they have been here for five years. The Government should announce what this date will be as soon as possible. (Paragraph 91)
23. The border of Northern Ireland and the Republic of Ireland will present particular challenges in the applications from EU nationals living and working in the Irish

border region. These individuals' rights would not be protected by the operation of the Common Travel Area, so the UK Government should seek to ensure that they are protected. There are a number of tax and benefit related issues that will require specific attention affecting UK, Irish and EU nationals. (Paragraph 93)

24. The Government needs to set out what rights will continue for those EU nationals living in the UK as a spouse or child of a UK national. The Government needs to set out what the rules will be for EU nationals currently resident in the UK and who wish to bring family members to live with them, after the UK leaves the EU. (Paragraph 97)
25. The Home Office is not processing applications for permanent residence fast enough and is currently rejecting, for whatever reason, one third of those applications it is processing. This could potentially amount to one million people. The Government needs to set out what it proposes to do with large numbers of people who have not established permanent residence once the UK leaves the EU. If the Government plans to replace the permanent residence process with another system, then it must do so as soon as possible. Whatever system is established, it must respect the fundamental rights of applicants in accordance with our domestic and international obligations. (Paragraph 99)

A new immigration system

26. An abrupt reduction in the number of EU workers in the UK would cause disruption in a number of sectors. This cannot be the Government's intention. The Government has made it clear that its priority is to control migration from the EU. We do not believe that necessarily means it will reduce net migration in the short-term. (Paragraph 111)
27. As part of a long-term strategy to reduce the UK economy's dependence on EU migrant workers, the Government needs to take steps to train, or further incentivise training, to ensure that skilled workers are available to fill jobs in sectors currently featuring a large number of EU nationals. (Paragraph 112)
28. The Government has options for a new immigration system for EU nationals that ranges from an approximation to continued free movement to applying the current system for non-EEA migrants to the UK to EEA migrants. Introducing restrictions on migration to and from the EU will introduce complexity to the system, and a balance will need to be struck as to who takes on the administrative burden—the applicant, their employer, or the Home Office. (Paragraph 133)
29. There needs to be a reduction in uncertainty relating to possible changes to the immigration system as a result of the UK leaving the EU. The Government should set out how it will establish a new system for immigration to be in place within two years of triggering Article 50 and what the rules for EU migrants will be once free movement ends as the UK exits the EU. We urge the Government to publish its intended timetable for the next Immigration Bill as soon as possible. (Paragraph 134)

30. We think that there could be benefit in the UK Government indicating in the negotiations that it is willing to consider preferential access for EU citizens in its new immigration policy. (Paragraph 135)
31. The Government should respond to the proposals from the devolved governments and from London, and must set out as speedily and fully as possible whether it is considering a geographic element to future immigration policy, and if so, for which parts of the UK. (Paragraph 136)
32. The Government must be prepared to set out its policy for the non-work aspects of immigration policy, including students, family reunion, and on EU spouses compared to non-EU spouses. (Paragraph 137)
33. A major consideration in designing the new immigration system will be its ability to earn public confidence. We welcome the Government's enthusiasm to make sure any changes to the system for immigration of EU nationals into the UK and UK nationals working across the EU enjoys the confidence of all interested parties, including employers, trade unions, and the wider public. (Paragraph 138)
34. The Committee supports protecting the Common Travel Area and welcomes the Government's commitment to it. (Paragraph 139)

1 Introduction

Our inquiry

1. In our first report on the UK's negotiating objectives on leaving the EU, we noted that the referendum result had created uncertainty and anxiety for a large number of people from EU countries currently resident in the UK, and for UK nationals living in other EU states.¹ Under free movement provisions, nationals of each Member State of the European Union have taken the opportunity to move to the UK, for work, study or personal reasons, and many have decided to stay. Their rights came from being a national of a Member State. Since the referendum, the status of nationals of other EU states in the UK and of UK citizens in other EU states has not been clear.

2. It is widely acknowledged that EU nationals in the UK have, collectively, contributed significantly to the economic and cultural life of the UK.² They are now, understandably, concerned about their right to remain, and their future rights to access education, health and welfare. In our first report we recommended:

It is clearly in everyone's interests to resolve the position of EU nationals currently in the UK and of UK nationals in other EU member states as quickly as possible so as to provide certainty and reassurance to the individuals, their families and the businesses and services that rely on them. We were struck by the fact that witnesses who were on either side of the referendum debate were unanimous, when asked, in expressing their opinion that EU nationals working in the UK should have their status assured. This must be an early priority for the negotiations.³

3. We decided to take evidence and explore what steps could be taken to resolve this situation. We received evidence from many people both across the UK, and from several other EU member states, expressing their concerns and outlining what was needed to ease their anxiety. We took evidence in Westminster from EU nationals who have chosen to make the UK their home, and UK nationals living and working in France, Spain, Italy and Belgium. The Committee are extremely grateful for the time and effort they have gone to, not only to give evidence in public to this Committee about their personal situations, but also to collect views from their wider communities and support groups.

4. In addition to evidence in Westminster, we have taken evidence, and held meetings across the UK, including Sunderland, Aberdeen, Wolverhampton, Stoke-on-Trent, East London, Boston and Truro. One of the common themes on these visits has been the impact of leaving the EU on levels of immigration into the UK—both in terms of what that might mean for the UK's society and economy, and also how the UK might design its immigration system to best meet its priorities once the right to free movement for EU nationals has ended.

1 First report of Session 2016–17, *The process for exiting the European Union and negotiating objectives*, HC815

2 The EU countries are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK. The European Economic Area (EEA) includes EU countries and Iceland, Liechtenstein and Norway. Switzerland is neither an EU nor EEA member but Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

3 First report of Session 2016–17, *The process for exiting the European Union and the Government's negotiating objectives*, HC815

The rights that come with free movement

5. The Government White paper, *The United Kingdom's exit from and new partnership with the European Union*, listed the Treaty provisions relevant to free movement.⁴ It explained that free movement rights can be exercised by EU citizens, their dependants and, in certain circumstances, other family members.⁵ EU secondary legislation provides further detail on the rights contained in the Treaties notably the Free Movement Directive 2004/38/EC, which is implemented in the UK via the Immigration (European Economic Area) Regulations 2016.⁶ Directive 2004/38/EC as interpreted by the European Court of Justice, provides for:

- An initial right of residence for up to three months, subject to possession of a passport or identity card, without substantive qualifying conditions;
- A right to remain as a job-seeker with a “genuine chance of being engaged”;
- An extended right of residence obtained through economic activity as a worker or as a self-employed person;
- An extended right of residence for self-sufficient persons, including students. The requirements for this right are “sufficient resources [...] not to become a burden on the social assistance system” and “comprehensive sickness insurance”; and
- A right of permanent residence arises after five years' extended residence. This right is lost “only through absence from the host Member State for a period exceeding two consecutive years”.⁷

6. Direct family members of EU citizens covered by these rights have parallel rights of residence. They have an automatic right of residence in the UK for as long as they remain the family member of that EEA national and that person is either entitled to reside in the UK for an initial period of three months, a qualified person, or has a right of permanent residence. Family members of EEA nationals who have the right of residence in the UK have the right to work or become self-employed.⁸ This includes the spouse or civil partner of the EU citizen, any dependants under 21 and relatives in the ascending line (parents and grandparents) of the qualifying EU citizen or their spouse.⁹

4 Article 18 of the TFEU on non-discrimination; Articles 20 and 21 TFEU on EU citizenship and free movement; Articles 45–48 TFEU on the free movement of workers and social security coordination; and Articles 49–53 TFEU as they relate to the freedom of establishment of self-employed persons.

5 Under the 1992 Agreement for a EEA (as amended), nationals of Iceland, Liechtenstein, Norway have the same rights of residence as EU citizens, apart from those based solely on Article 21 TFEU. Swiss nationals benefit from the 2002 EU–Swiss Free Movement of Persons Agreement

6 [The Immigration \(European Economic Area\) Regulations 2006 No. 1003](#). These rights have also been extended to nationals of the European Economic Area (EEA) states who are not members of the EU (Iceland, Norway and Liechtenstein) and to Switzerland by virtue of two separate agreements. EU citizens also have the right to exercise free movement rights in these states.

7 www.freemovement.org.uk

8 Home Office, [Free Movement Rights: Direct family members of European Economic Area \(EEA\) nationals](#), 25 November 2016

9 Two ‘derivative’ rights of residence have been recognised relating to the child of a migrant worker and primary carer, and the right of residence for the primary carer of an EU citizen child

7. The House of Lords' European Union Committee report on Acquired Rights sets out in greater detail the rights codified by the Directive.¹⁰ The House of Lords EU Committee report also makes the point that

all the individual rights to which the Citizens Directive gives effect are directly enforceable by EU citizens in any EU Member State. Unlike national immigration rules, they do not require the consent of the host State before they can be relied upon. It is for this reason that the rights of EU citizens to live in a Member State are not dependent on that State issuing a residence card. This does, however, lead to difficulties when EU citizens seek to prove that they have exercised their 'treaty rights' [...] for five years to gain permanent residence.¹¹

8. There is support for guaranteeing the rights embodied in the Citizens Directive from across the political spectrum. Sunder Katwala, of British Future, referring to work British Future had carried out on the EEA nationals in the UK, said:

There was an enormously broad consensus, which almost all mainstream voices hold, on what we are trying to do. Helpfully, the Vote Leave campaign expressed it in two sentences during their campaign: "No change for EU citizens already lawfully resident in the UK." [...] Their proposal was: "These EU citizens will automatically be granted indefinite leave to remain [...] and will be treated no less favourably than they are at present." That is what we are trying to do.¹²

9. There has been debate as to whether these rights might be 'acquired rights', meaning that they would continue once the UK left the EU regardless of any undertakings given by the UK Government. However, the House of Lords' EU Committee said that this would not be the case, and that these rights needed to be safeguarded in the withdrawal agreement and "given effect, and enforced, in the national legal systems of the UK and the EU Member States."¹³ Protection would not happen without Government action.

The numbers of people involved

10. Estimates vary, but there are believed to be 3.2 million citizens of EU countries in the UK.¹⁴ The UK does not have a population register or identity card scheme. As Professor Catherine Barnard, Professor of European Union Law and the Jean Monnet Chair of EU Law, University of Cambridge, told us "we have no record of how many EU nationals are

10 House of Lords EU Select Committee, 10th report of Session 2016–17, [Brexit: acquired rights](#), HL Paper 82, paras 14–17 and Box.1

11 House of Lords EU Select Committee, [Brexit: acquired rights](#), HL Paper 82, para 18

12 Q764

13 House of Lords EU Select Committee, [Brexit: acquired rights](#), HL Paper 82

14 Oral evidence taken before the House of Lords EU Committee, Home Affairs sub-committee: Wednesday 11 January 2017, Q67 [Robert Goodwill] The ONS estimated there were around 3.18 million people born in other EU countries living in the UK, and around 3.16 million people who were nationals of other EU countries living in the UK.

living in the UK.”¹⁵ In addition, EU nationals have distributed themselves broadly across the UK in a pattern different to that of other migrants to the country.¹⁶ Figures below indicate the estimated number of residents in the UK of each EU nationality.¹⁷

Estimated population resident in the UK, by nationality	
Poland	916,000
Ireland	332,000
Romania	233,000
Portugal	219,000
Italy	192,000
Lithuania	170,000
France	165,000
Germany	135,000
Spain	132,000
Latvia	97,000
Slovakia	93,000
Hungary	82,000
Netherlands	81,000
Bulgaria	66,000
Greece	56,000
Czech Republic	45,000
Sweden	34,000
Denmark	30,000
Belgium	26,000
Austria	14,000
Cyprus	13,000
Finland	10,000
Estonia	8,000
Malta	5,000
Croatia	4,000
Slovenia	2,000
Luxembourg	not available

11. The number of UK nationals resident in other EU countries is similarly difficult to establish with certainty, not least because countries count migrants in different ways, notably either by citizenship or by country of birth. The Government's White Paper estimates that “around 1 million UK nationals are long-term residents of other EU countries.”¹⁸ UN estimates for the number of British migrants living in other EU countries are given below.¹⁹

15 Q14

16 Q 764

17 Office of National Statistics, [Population of the United Kingdom by country of birth and nationality](#), 2015, Table 2.3

18 HM Government, CM 9417, [The United Kingdom's exit from and new partnership with the European Union](#), February 2017, page 29. The ONS estimates that there were around 890,000 British nationals living in other EU countries, and around 1.14 million people born in the UK living in other EU countries in 2011.

19 [UN Department of Economic and Social Affairs Population Division, International migrant stock, Trends in migrant stock](#), Table 16 December 2015. Office of National Statistics, [What information is there on British migrants living in Europe?](#) Section 8, Jan 2017.

Estimated number of British migrants living in other EU countries, 2015	
Spain	308,821
Ireland	254,761
France	185,344
Germany	103,352
Italy	64,986
Netherlands	49,549
Cyprus	40,547
Poland	34,545
Belgium	27,335
Sweden	24,950
Denmark	18,556
Portugal	17,798
Greece	17,679
Malta	12,046
Austria	11,013
Hungary	6,980
Finland	6,898
Luxembourg	6,559
Bulgaria	5,329
Slovakia	4,890
Czech Republic	4,795
Lithuania	3,301
Romania	3,124
Latvia	1,148
Croatia	670
Slovenia	578
Estonia	487

2 Uncertainty and the need for early resolution

Concerns of EU nationals in the UK

12. We received written evidence from several EU nationals living in the UK about their concerns following the referendum vote. We also heard oral evidence from representatives of the 3million, a support network and campaigning group which aims to guarantee the rights of EU citizens in the UK,²⁰ and the East European Resource Centre (EERC), an advice and support centre in West London.²¹

13. We heard about a wide range of concerns of EU nationals since the referendum, including stress, and anxiety and feelings of depression to practical concerns about pensions and healthcare, children being abused in the school playground and worries over the ability to work in the UK in the future. Some were concerned about families being split up if one spouse did not meet the criteria for whatever test was applied in the future.²² Barbara Drozdowicz, Director of the EERC, told us that inquiries to the EERC included very practical questions around residency and naturalisation, work permits and property, and how people will manage the administrative process if they choose to stay in the UK post-Brexit.²³

14. Anne Laure Donskoy, Co-Chair of the 3million, summarised the situation as follows:

People are worried for their future and for their families. They don't know what is going to happen. They don't know what tomorrow is made of.

She added that the

Uncertainty and the ambiguity of messages coming out of Westminster and the sometimes barely veiled threats of deportation in the past few months have not helped.²⁴

15. We have received submissions from a number of individuals raising concerns about their current situation and the permanent residency process. One example is of a 75 year old British citizen, who has lived continuously in the UK since 1969 with his wife, a 76 year old German national, who is worried about satisfying the evidential requirements for permanent residency.²⁵ We also heard from a German academic at University College London, who had been in the UK since 1999 who had married a British citizen and said "that Brexit, and especially the government's handling of it, has made me feel very unwelcome in this country."²⁶

16. **The result of the referendum and subsequent debate in the UK and across the EU have created a great deal of anxiety and uncertainty for EU citizens resident in the UK and for UK citizens in the EU. EU nationals in the UK did not have a vote in the**

20 [The 3million](#)

21 [East European Resource Centre](#)

22 Q600

23 Qq 600–601

24 Q601

25 OBJ0157

26 OBJ0146

referendum. They came to the UK legally and have contributed to the UK economically and culturally and enriched UK society. The vast majority have worked hard, paid their taxes, integrated, raised families and put down roots. It is difficult to see what more the UK could have asked of them. The result of the referendum, however, has made them very unsure of their future. Although the Government has said it wants EU citizens to be able to remain, the Committee notes that this has not offered sufficient reassurance that the rights and status that they have enjoyed will be guaranteed.

17. A major concern for EU citizens in the UK is that they will not be able to continue to work in the UK in the future, and that their right to work will not be protected after the UK leaves the EU.

Concerns of UK nationals living in other European countries

18. Similarly, we took evidence from UK citizens living in Europe about their concerns following the referendum. UK nationals living outside the UK and in the EU did not have a right to vote if they had been living there for more than 15 years. Christopher Chantrey, a UK national resident in France, said

Our main concern is the loss of EU citizenship and the rights devolving from it: the right to remain, healthcare arrangements under the EU social security agreements, and pension entitlements and payments.²⁷

19. Gareth Horsfall, a UK national resident in Italy, said he was worried that he and others among the one million UK citizens living across Europe might be forced to return to the UK. He was uncertain what this would mean for his Italian wife and son, and others in similar situations, and did not know whether they would have a right to stay in the UK.²⁸

20. We have received numerous submissions from UK nationals resident in many countries across Europe.²⁹ As a minimum, our witnesses wanted a remedy that guaranteed their right to stay in their chosen country.³⁰ This right was clearly felt by both sets of migrants to be at risk. The 3million noted that many EU nationals in the UK had been lawfully here for many years but never acquired rights of residence for various reasons.³¹ The evidence of UK citizens living in other EU member states also focussed on the right to remain and the right to work. The Brits in Europe organisation told us:

The right to remain is the key question for any economically active British citizen currently living and working in another EU country. This will be the first question for an employed, a self-employed person with their own business or a professional working with their UK qualifications in another EU country.³²

21. Gareth Horsfall, a financial adviser, told us that the continuing right to have his qualifications recognised in another member state was important—mutual recognition of professions in the EU meant that his UK qualifications are currently recognised in Italy.

27 Q643

28 Q657

29 For example, Brits in Europe (OBJ0089, OBJ0136) Expat Citizen Rights in EU (OBJ0091), Ann Rattle (OBJ0121), Fair Deal for Expats (OBJ0141)

30 Q701

31 The 3million (OBJ0135)

32 Brits in Europe (OBJ0089)

Qualifications from non-EU states are treated differently.³³ The Brits in Europe evidence pointed out that some professions are covered by rules with automatic recognition: doctors, nurses, midwives, dentists, pharmacists, veterinary surgeons and architects. Others, such as teachers, translators and real estate agents are covered by a general system of recognition. Some have a system of recognition depending on professional experience e.g. carpenters. A nurse from the UK can work in another EU country and vice versa without re-qualifying. A British architect can work and set up their own architects' office without having to re-qualify as a French architect.³⁴

Healthcare and pensions

Healthcare

22. Healthcare provisions for someone moving to live and work in another EEA country vary. Some are residency-based like the UK; others are insurance-based.³⁵ The value of being able to access state provided healthcare in the country to which an individual has moved was important to those who gave evidence to us. Mr Horsfall told us that he gained an automatic right to healthcare by virtue of paying social security contributions in Italy, whereas in Germany, individuals required personal insurance to cover their healthcare.³⁶

23. Other witnesses referred to the S1 form which entitles the holder to medical treatment in their country of residence on the same terms as nationals of that country and is issued, not exclusively, to those entitled to the state pension.³⁷ It is not available to all UK citizens resident in the EEA.³⁸ Debbie Williams said she used the S1 form to receive free healthcare in Belgium. Once a migrant has paid enough into the system of the country where they reside, they can then access the domestic healthcare system without relying on the S1 form.³⁹ The situation is not uniform across all member states.

24. Sue Wilson, resident in Spain, said she used the European Health Insurance Card (EHIC) to avoid having to take out medical insurance when travelling to other EU member states.⁴⁰ A valid EHIC allows access to state provided healthcare during a temporary stay in another EEA country or in Switzerland.⁴¹ In correspondence, the Department of Health told us:

The Department of Health on behalf of the UK Government reimburses other EEA countries and Switzerland for the cost of providing treatment to people we are responsible for under EU law, irrespective of nationality. In the same way, other EEA countries and Switzerland reimburse the UK for the cost of the NHS providing treatment to people they are responsible for under EU law, including UK nationals insured in another EEA country or Switzerland.

33 Qq702–703

34 Brits in Europe (OBJ0089)

35 Correspondence from Lord O'Shaughnessy, Parliamentary Under-Secretary of State for Health, to Hilary Benn MP, Chair of the Committee on Exiting the European Union, 17 February 2017

36 Q676

37 [NHS England moving abroad](#)

38 Brits in Europe (OBJ0147)

39 Q671

40 Qq669–Q670

41 [European Health Insurance Card \(EHIC\)](#)

Healthcare for pensioners

25. Under the current arrangements between EEA countries, if you are a state pensioner of a country, then that country pays for your healthcare regardless of where you live in the EEA. There are currently estimated to be 190,000 recipients of the UK state pension living in the EU, mainly in Spain, France and Ireland and the UK pays for their healthcare.⁴²

26. At the moment, free healthcare is available to UK pensioners across the EU under this reciprocal agreement. Sue Wilson, a resident of Spain, said she could access “free healthcare funded by the UK Government” and that “people are very happy with the healthcare they receive in Spain.” She told us there are 108,000 pensioners living in Spain and they are concerned about whether they would be able to afford private healthcare if this right were removed.⁴³

27. The situation may be particularly acute for those with pre-existing medical conditions. Some retirees have moved to Spain specifically for the health benefits of living in a warm climate, for example those suffering with arthritis or rheumatism.⁴⁴ Some UK nationals are in care homes in other member states where the unit costs to the UK of healthcare are lower.⁴⁵ Sue Wilson, Bremain in Spain, said:

If the only alternative for people was to buy private healthcare, rather than have their healthcare funded, for most that would be the difference between whether they stay in Spain or have to come back to the UK.⁴⁶

If large numbers of UK citizens of retirement age return from Spain, this would put additional pressure on the NHS and social care system.⁴⁷ It is possible that some of these returning retirees might not be eligible for treatment on the NHS if they are not considered ordinarily resident in the UK.⁴⁸

28. The Department of Health explained how British pensioners in another EU member state receive healthcare:

For UK-insured residents in another member state of retirement age, their healthcare costs are covered by the UK as part of the EU co-ordination rules, subject to following the application process for determining entitlement. If covered, individuals are able to receive healthcare in that member state on the same basis as another resident of that country and the UK reimburses that country for the cost of providing healthcare.

29. Continuing access to healthcare, on the same terms as they can now, is clearly a concern for UK nationals, including those of retirement age, resident in Europe. The Government needs to set out whether it will seek to continue participation in EEA wide schemes that enable UK nationals to receive healthcare in EEA member states.

42 Public Accounts Committee, Thirty-seventh Report of Session 2016–17, [NHS Treatment for Overseas Patients](#), HC 771

43 Q655, Q663

44 Q670

45 Q671

46 Q667

47 Bremain in Spain (OBJ0117), Q671

48 Oral evidence before the Health Committee, 21 February 2017, Q145 [Professor Jean McHale, University of Birmingham]

30. In setting out its negotiating position the Government should seek to ensure that EU nationals already resident in the UK and UK nationals already resident in other EU countries do not lose any of the rights to healthcare they currently hold.

Pensions

31. A number of questions have been raised about the impact of exiting the EU on the pension rights of UK citizens living in the EU. The UK state pension is uprated on the triple lock—the higher of the rate of inflation, the rate of increase in wages, or 2.5%. This is passed on to British recipients abroad but only in an EEA country or where there is a reciprocal social security agreement.⁴⁹ On exiting the EU, the UK would be free to negotiate a reciprocal agreement with the EU. However, the UK state retirement pension is frozen when paid to pensioners in certain countries, including Australia, Canada, New Zealand and South Africa as no such agreement has been reached with these countries.⁵⁰

32. Sue Wilson, Chair of Bremain in Spain, was concerned about the possible impact of exiting the EU on pensions. Adding to worries about a reduction in the value of UK pensions (state and private) because of the decrease in sterling's value against the euro was concern at the possibility of pensions being frozen. Sue Wilson told us that many had moved to Spain with the expectation that their pension would see an annual increase.⁵¹

33. UK citizens also benefit from the current system if they work in one or more EU country. At present, rules enable the co-ordination of social security entitlement for people moving within the EU.⁵² They allow periods of contributions to be aggregated, so that an individual who has worked in other member states can make one application in their country of residence, which then arranges for each state where they were insured to pay a pension. This includes the UK,⁵³ and allows for a pension built up in one member state to be drawn in another. This does not apply to contributions made by nationals of non-EU countries. Gareth Horsfall explained the situation in Italy:

If I were a non-EU member, I would have to contribute at least 10 years' contributions to the national insurance equivalent in Italy, otherwise I would not be entitled to anything. Under the EU system, I only need to be in one EU member state for one year, and then I qualify under the aggregate system. If I moved to Italy for eight or nine years and then left having made social security contributions, as a non-EU citizen, I would be entitled [to] nothing at the end of the day.⁵⁴

The International Consortium of British Pensioners told us that free movement throughout the EU has meant a “significant number of people” have acquired state pension rights in more than one country, and if there was “nothing specifically in the Brexit negotiations to cover this, then it is a distinct possibility that the UK National Insurance contribution record will not be consolidated with the other periods worked in the EU.”⁵⁵

49 House of Commons Library SN01457 [Frozen Overseas Pensions](#)

50 International Consortium of British Pensioners (OBJ0126)

51 Q655, Q663. See also Eamonn Phillipson, (OBJ0158)

52 The rules also apply to EEA countries and Switzerland.

53 Q666

54 Q666

55 International Consortium of British Pensioners (OBJ0126)

34. The Government should seek the continuation of existing reciprocal arrangements for pension uprating for UK citizens living in other EU member states and for EU citizens living in the UK. The Government also needs to clarify whether it will seek to continue to cooperate on EU-wide mechanisms to enable pension contributions in different member states to be aggregated.

3 The Government's position

Government's response after the referendum result

35. On 12 July 2016, the Government released a statement reiterating that there had been no change to the rights and status of EU nationals in the UK, and of UK nationals in the EU, as a result of the referendum. It went on:

When we do leave the EU, we fully expect that the legal status of EU nationals living in the UK, and that of UK nationals in EU member states, will be properly protected.⁵⁶

36. The Government stated that those EU nationals who have lived in the UK for less than 5 years would continue to have a right to reside in the UK, and that they “do not need to register for any documentation in order to enjoy their free movement rights and responsibilities.” EU nationals who had lived in the UK for longer than five years would be entitled to apply for permanent residence anyway. The guidance advised extended family members who were non-EU nationals to apply for a residence card if they wished to reside in the UK. The statement made the point that, as of the date of the referendum, there had been no change to the right of EU nationals to reside in the UK and that

EU nationals can only be removed from the UK if they are considered to pose a genuine, present and sufficiently serious threat to the public, if they are not lawfully resident or are abusing their free movement rights.⁵⁷

37. In a parliamentary debate on the Rights of EU Nationals in October, Robin Walker, Minister in the Department for Exiting the EU, said that the only circumstances in which the Government would not be able to protect the status of EU nationals resident in the UK would be where UK citizens' rights in other EU member states were not protected in return. He said this required an agreement with the other Member States and that it would be inappropriate and irresponsible to set out unilateral positions. He said that agreement with the EU would be required, and that:

Doing otherwise would risk adversely affecting our negotiating position, and hence the position of British citizens who have chosen to build a life, with their families, in other countries.⁵⁸

38. The Prime Minister, Rt Hon Theresa May MP tried to secure an early agreement on reciprocal rights with other EU member states.⁵⁹ In November 2016, the German Chancellor, Angela Merkel was reported to have declined such an agreement on the grounds that there could be no pre-negotiations before the UK tendered its formal notice to withdraw from the EU under Article 50.⁶⁰

56 [Statement: the status of EU nationals in the UK](#), 12 July 2016

57 [Statement: the status of EU nationals in the UK](#), 12 July 2016

58 HC Deb, [19 October 2016](#), col 869

59 [The government's negotiating objectives for exiting the EU: Prime Minister's speech](#), Lancaster House, 17 January 2017

60 [May's pre-Brexit expats plan nixed by Merkel](#), Politico, 29 November 2016

The Lancaster House speech

39. In her Lancaster House speech of 17 January, the Prime Minister said:

I have told other EU leaders that we could give people the certainty they want straight away, and reach such a deal now. Many of them favour such an agreement—1 or 2 others do not—but I want everyone to know that it remains an important priority for Britain—and for many other member states—to resolve this challenge as soon as possible. Because it is the right and fair thing to do.⁶¹

40. On 6 February 2017, during the passage of the European Union (Notification of Withdrawal) Bill in the House of Commons, the Home Secretary, Amber Rudd, wrote a letter to fellow Conservative MPs about EU nationals in the UK, in which she said that the delay was “less an issue of principle than one of timing”. She said that there will be an opportunity “to debate and vote on this issue in the future” and that:

The Great Repeal Bill will not change our immigration system. This will be done through a separate Immigration Bill and subsequent secondary legislation so nothing will change for any EU citizen, whether already resident in the UK or moving from the EU, without Parliament's approval. I've always been clear that after we leave the European Union we will have an immigration system that supports our economy and protects our public services, and that should mean securing the rights of EU citizens already here, as well as establishing a new immigration system for new arrivals from the EU once we have left.⁶²

41. The Government has made it clear it wants an early agreement to protect the rights of EU nationals in the UK and of UK nationals living in other member states. We commend their commitment to this outcome. This has not yet proved possible. This is regrettable and the impact it is having on several million EU citizens should be a matter of serious concern to all governments in the EU.

Unilateral decision and reciprocity

42. The 3million, a campaigning group for EU nationals in the UK, has called on the UK Government to unilaterally guarantee the rights of residence of all EU citizens living in the UK before Article 50 is triggered, and to include the guarantee in the Act of Parliament which will formally trigger Article 50.⁶³ The 3million believe that, for the UK to hold out for a reciprocal agreement means that EU citizens' rights are being used by the UK Government to negotiate the rights of UK citizens in other member states. They said they objected to this approach on moral, legal, economic and political grounds. Nicolas Hatton, of the 3million, said he did not see why the UK should wait for a reciprocal deal⁶⁴:

61 [The government's negotiating objectives for exiting the EU: Prime Minister's speech](#), Lancaster House, 17 January 2017

62 [The Home Secretary's letter to Conservative MPs offering assurances on the status of EU nationals](#), Conservative Home, 8 February 2017

63 3million (OBJ0148). Amendments were tabled that would have had this effect in both the House of Commons and House of Lords during the passage of the European Union (Notification of Withdrawal) Bill.

64 Q640

If on the day after the referendum—24 June—we had had a declaration saying that all EU citizens who live here can stay, I don't think we would be here discussing these issues. That would have created a climate of certainty and people would not have felt distressed about their future in this country.⁶⁵

43. The UK citizens from whom we took evidence, resident in France, Italy, Spain and Belgium, agreed that the UK should make a unilateral offer. Christopher Chantrey said it would be “a magnanimous gesture on the part of the Prime Minister”.⁶⁶ Others said it would engender goodwill, improve the relationship at the start of the negotiations, and encourage the other countries to reciprocate.⁶⁷ Sue Wilson, a British national currently residing in Spain, questioned why the UK Government could not say that it would continue to pay for pensions and healthcare for UK pensioners in the EU, both of which they already paid for and which did not need to be negotiated with the Spanish Government or with the EU. She saw it as a decision that the UK should make for its own citizens and not wait two years for.⁶⁸ Remain in France Together, a group of 5,000 UK citizens in France, recommended that the government unilaterally guarantee the rights and the situation of EU citizens who have made their home in the UK before Article 50 is triggered. They argued that it was likely that other EU nation states would then offer a matching guarantee to UK citizens living within their borders.⁶⁹

44. The Lords EU Select Committee report on *Brexit: Acquired Rights*, recommended that the Government should immediately give a unilateral guarantee for all EU nationals in the UK, and that “The overwhelming weight of the evidence we received points to this as morally the right thing to do.”⁷⁰ The organisation British Future assembled a panel including representatives from a wide range of organisations, including the Joint Committee on the Welfare of Immigrants, Migration Watch, the TUC and the Institute of Directors, to look into the position of EU nationals in the UK. Their *Report of the inquiry into securing the status of EEA+ nationals in the UK*, supported a unilateral guarantee for those already living here, and importantly thought it would not put UK nationals in Europe at risk.⁷¹ During debates on the UK's new relationship with the EU, and on the European Union (Notification of Withdrawal) Bill in the House of Commons, there has been support for a unilateral decision from Members from all parties.⁷²

45. EU nationals in the UK and UK nationals in the EU are aware that their fate is subject to the negotiations. They do not want to be used as bargaining chips, and the uncertainty they are having to live with is not acceptable. Notwithstanding the assurance given by the Home Secretary, we recommend that the UK should now make a unilateral decision to safeguard the rights of EU nationals living in the UK.

65 Q624

66 Q653

67 Q656

68 Qq683–684

69 OBJ0124

70 House of Lords EU Select Committee, 10th report of Session 2016–17, *Brexit: acquired rights*, HL Paper 82

71 Q762. British Future, *Report of the Inquiry into securing the status of EEA+ nationals in the UK*, December 2016

72 HC Deb 17 January 2017 col 805 Dr Tania Mathias; HC Deb 31 January 2017 col 876 Michael Gove; HC Deb 31 January 2017 Col 878 Emma Reynolds; 31 January 2017 Col 865 Gisela Stuart; HC Deb 6 February 2017 Col 69 Joanna Cherry; HC Deb 6 February 2017 Col 99 Alistair Carmichael

Status of EU nationals and the negotiations

46. The negotiators for the UK and the EU have made differing statements on their priorities in the negotiations. The Prime Minister has said she wishes to address the matter of EU nationals as soon as possible. In December 2016, Michel Barnier said he anticipates that, assuming the UK triggers Article 50 in March 2017, there will be “less than 18 months to negotiate” with an agreement needing to be reached by October 2018.⁷³

47. Sunder Katwala said that, if the barrier to agreement was a refusal to negotiate before the triggering of Article 50, then it should be possible to trigger Article 50 and settle the principle on day one. However, if the view was that “nothing is agreed until everything is agreed”, then the uncertainty might hang over people for two years, and “that would be a ghastly situation to be in.”⁷⁴ David Goodhart, Head of the Demography, Immigration, and Integration Unit, Policy Exchange, was doubtful that an early declaration from the UK would create much goodwill if everybody in Europe is expecting it, and “it is almost too late now to make a gesture, assuming that it will be the first thing that will be dealt with.” But he also said:

If we have, as you suggest, one of these “we cannot agree on anything until we agree on everything” situations, meaning another two years of limbo, there is perhaps a case for Britain making a unilateral gesture.⁷⁵

48. Nicolas Hatton was concerned that if there was no certainty once the negotiations begin, then the 3 million in the UK and the more than 1 million UK nationals resident in Europe would be in a difficult position:

We keep campaigning for rights to be granted now before negotiations start. Otherwise we are going into the mix and God knows what is going to happen to it. That is what we are uncertain about. We do not want to be bargaining chips in the renegotiations. We feel we have been taken hostage as a population. There is a very strong feeling in the communities that we are negotiating capital, the main card in the negotiation. This is a political issue about not granting our rights. We are all human beings and we have got to be treated as human beings. Negotiating people's lives is not moral behaviour.⁷⁶

49. There appear to be differences between the prime negotiators, the UK Government and the EU Commission as to the sequencing of negotiations. It would be unconscionable for EU citizens in the UK and UK citizens in the EU not to have clarity about their status for another two years.

Lobbying other European governments

50. Asked whether they were putting pressure on the Governments of the countries in which they were living, Christopher Chantrey said he had given evidence to the Assemblée Nationale in October 2016 and he planned to apply pressure again after the French

73 Statement 6 December 2016, [Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the TEU](#)

74 Q762

75 Q762

76 Q624

Presidential elections.⁷⁷ Similarly, Gareth Horsfall said the British in Italy were only just getting mobilised and that Italian politics had been absorbed by its own referendum.⁷⁸ On 14 February 2017, the British in Italy group published a list of actions they would be taking to contact Italian politicians, including the Italian Minister for European Affairs, the Italian media and organisations such as the British Chamber of Commerce in Milan. Debbie Williams, who is part of the Brexpat's Hear Our Voice group, said the organisation had lobbied the European and the Commission.⁷⁹ Sue Wilson, from Bremain in Spain, said that her contact with national and local government in Spain had elicited a response of, "Nothing will change as long as you are in the EU. After that, nobody knows." Her organisation had concentrated its efforts in the UK "because we are British citizens. [...] we still regard the British Government as our Government, and it was the British Government's decision, so that is where we have been focusing our efforts."⁸⁰

51. We commend efforts by the UK nationals living in other EU countries to put pressure on the respective governments where they live to resolve questions around their status as soon as possible. We do not believe the electorates of Europe will thank politicians in any country if the situation is allowed to continue for another two years. It is imperative that all parties to the negotiations put the resolution of the rights of all EU citizens in the UK and UK citizens in the EU as their first priority.

77 Q658

78 Q660, [British in Italy facebook page, 14 February 2017](#)

79 Q661

80 Qq658-662

4 Identifying and registering qualifying EU nationals

52. We have been told that there is no record of how many EU nationals are currently living in the UK.⁸¹ The UK does not have a population register or a comprehensive database of who is here and who is not at any one time.⁸² So the first task is for the Government to work out how to identify the estimated three million who rely upon free movement as a basis for their right to remain.

Permanent residency

53. The nearest thing that the UK has to identifying which EU nationals have moved to the UK and lived here for a period of time is the permanent residence card. Anyone who continuously exercises their rights under EU law as a worker, self-employed person, self-sufficient person or student for five years is entitled to permanent residence. It is possible for an individual to apply for a permanent residence card to demonstrate that they have lived in the UK for five years. It is not mandatory but it is a necessary step in the application process for naturalisation to become a British citizen for those who wish to do so.⁸³

The permanent residence application process

54. The permanent residence card application system has received considerable criticism. Anne-Laure Donskoy, Co-Chair of the 3million, said that her organisation was receiving a lot of inquiries around the process. She said:

There is a sense of urgency and that we are having to justify a right to stay already at the moment. That in itself is causing a lot of anxiety because the process is a bureaucratic nightmare of Kafkaesque proportions. We all know about the form. There is an unreasonable burden of evidence put on the applicant.⁸⁴

55. The information required is onerous. The Home Office asks for documentation preceding the five year period for which the applicant is demonstrating residence and asks to know whether an applicant has ever received any welfare benefits and how much have been received, “from day dot, not just those five years.”⁸⁵ Ms Donskoy demonstrated to us that she had accumulated three to four kilograms of paperwork for an application that represented “just over half of what it will be like at the end of the day.” Ms Donskoy said she was being asked for paperwork covering every time she had left the country over the past 30 years.⁸⁶ Sunder Katwala, British Future, confirmed that applicants had to show evidence of each time they had left the country so they could demonstrate they had not been outside the country for 450 days across the five years, or for 90 days in a year.⁸⁷

81 Q14

82 Q762

83 [Become a British citizen: Check if you can apply](#), Q625

84 Q606

85 Q619

86 Q606

87 Q763

56. Barbara Drozdowicz was concerned that applications had been turned down on the basis of incomplete evidence. She argued that this represented an unjustifiable hurdle:

So, my life in Britain might be evidenced beyond reason over the last five years, but 17 years ago I might not have kept something. This is questionable practice and that is appealable practice, because, as far as guidance goes, permanent residence relates to the last five years. Therefore, whatever happened earlier should not be part of it.⁸⁸

57. After their evidence session, the 3million carried out research into what other EU countries require of applicants to qualify for a permanent residence card. The UK form is 85 pages long and has to be completed in hard copy.⁸⁹ The next longest is the Danish form at 12 pages. The average of 25 European countries is four pages. The French have a form that can be completed online. Anne-Laure Donskoy noted that “France is the grandfather of bureaucracy. Knowing that the UK has overdone it compared to France is remarkable.”⁹⁰ The process in the UK costs £65 while the average across Europe is £28.26.⁹¹

58. There are also practical questions around the application process and the accessibility of information. The Home Office has published official guidance, which Anne-Laure Donskoy described as “not very clear or complete” adding “a lot of people do not have straightforward cases because life is not straightforward. They will most probably need the assistance of an immigration lawyer. There is no legal aid for this, except in extremely exceptional circumstances. That is an extremely expensive business. A lot of people are waiting to see what is going to happen before they even start. That is also my case: I am having to wait to see because I cannot afford an immigration lawyer”.⁹² EU nationals have never needed immigration advice and the advice services are not tailored to assist them.⁹³

59. We asked our witnesses how the system could be improved. Barbara Drozdowicz, said the absolute minimum was that the system for evidencing stay had to be simplified.⁹⁴ Anne-Laure Donskoy said that the Home Office needed to stop asking applicants to explain all their absences abroad, stop asking for documentation beyond certification of employment, and stop asking self-employed people for every piece of paperwork over five years.⁹⁵

60. Sunder Katwala suggested asking those who have been here five years or more to go through a light-touch process, made available locally, and using the current network of local Nationality checking services provided by local authorities to check UK applications for British citizenship and British passports.⁹⁶ Applicants could attend in person, have their documents checked, clarify discrepancies and arrange to return with any additional documents required. This would avoid the applicant giving up their passport and would preserve their freedom to travel. Complicated cases could be escalated to the Home Office.⁹⁷

88 Q607

89 Q628

90 Q632

91 The 3million (OBJ0148)

92 Q619

93 Q764

94 Q622

95 Q622

96 [Nationality checking service](#)

97 Q622

61. Anne Laure Donskoy wanted the application to be made free to encourage more people to apply, and the application process should be fully online including the facility to scan and upload documents.⁹⁸ Sunder Katwala said the cost should be capped—the current fee for permanent residence is £65, much lower than the £1,800 for a non-EU person to apply for indefinite leave to remain.⁹⁹

62. Sunder Katwala also raised the possibility of using HMRC data for applicants who have clearly been working in paid employment with an employer for over the five years.¹⁰⁰ Similarly, Nicholas Hatton proposed that the Home Office could cross-check applications with the national insurance records held by HMRC and the DWP.¹⁰¹ We asked HMRC whether this was possible. Jon Thomson, Chief Executive, HMRC, told us:

HMRC cannot provide confirmation of an applicant's nationality because this information is not collected for tax purposes. However, in the context of the legal framework and current practice outlined above, HMRC does have the legal vires to provide support to the Home Office to verify the employment history of EU nationals. This could be done by the provision of employment income information for a period of up to 5 years. The Home Office has been clear that it needs to continue to simplify and automate its application processes for EU nationals and we are working closely with them on how HMRC can support this.¹⁰²

63. The current process by which EU nationals can apply for permanent residence using an 85 page form and requiring copious supporting evidence is too complex and onerous for clarifying the status of up to three million people. The Committee observes that the application process is disproportionately burdensome, and questions why it involves collection of information which goes far beyond what is required to prove residence over a 5-year period.

64. We call on the Government, as a matter of urgency, to look to streamline the system. While there will always be complex cases that require detailed consideration, it should be possible to clarify the status of the vast majority of individuals simply using a localised and streamlined system as proposed by British Future.

65. One simple way to streamline the process would be for the Government to use data it already holds on applicants rather than ask each individual applicant to go back over their personal records over many years to duplicate that information. We call on the Home Office and HMRC to set out what they are doing to share data to improve the process for EU nationals establishing their eligibility to remain in the UK once the UK leaves the EU, and how that will reduce the administrative burden for the applicant.

66. It will be important to get this process of documentation completed speedily, as after the UK leaves the EU, employers will need to see proof of an individual EU citizen's right to work in the UK. This would be needed to avoid what happens to some

98 Q622

99 Q765

100 Q765

101 Q622. See also Joint Committee on Human Rights, Fifth Report of Session 2016–17, [The human rights implications of Brexit](#), HL Paper 88 HC 695

102 Correspondence from Jon Thomson, Chief Executive, HMRC, to Hilary Benn MP, Chair of the Committee on Exiting the European Union, 8 February 2017

non-EU citizens applying for further leave in the UK whose employers dismiss them because they cannot show a currently valid visa, even though they have a legal right to carry on working while their application is being considered.

Refusals and invalid applications

67. The most recent figures show a rejection rate of nearly 30 per cent for all applications for permanent residence. This compares to a rejection rate for applications for indefinite leave to remain of 5 per cent.¹⁰³ The two main reasons for rejections are failure to meet the requirement for Comprehensive Sickness Insurance (CSI) and provision of incomplete evidence (either gaps in the documents within the five years or going back further into the past).¹⁰⁴

68. The permanent residence application requires an applicant who has been self-sufficient or a student to give details of comprehensive sickness insurance. The guidance notes explain that this requires either something from a private medical insurance provider detailing the level of cover (including for the individual concerned and their family members), a Valid European Health Insurance Card (EHIC) issued by an EEA Member State other than the UK; or an S1, S2 or S3 Form.¹⁰⁵

69. Anne Laure Donskoy told us that in 2012 the European Commission recommended that access to the NHS should be considered as fulfilling the requirements of comprehensive sickness insurance. In 2014 the Court of Appeal ruled, in the case of Ahmad, that access to the NHS did not fulfil the requirement of having Comprehensive Sickness Insurance.¹⁰⁶ However, Anne-Laure Donskoy said

If I go and see my GP or if I have to go into hospital, nobody asks me about it. People like me, who have been here forever as it were—I never knew about it. Other people don't know, so they get caught out and get rejected on that point. CSI, as it is known, doesn't actually exist in the insurance world.¹⁰⁷

70. Monique Hawkins, a Dutch national living in the UK, said there were examples of applicants not being told about CSI even when they asked what conditions they needed to fulfil, including when asking about enrolling at Universities, at job centres when made redundant, and at doctors' surgeries. She said that individuals were explicitly told that they did not need private insurance as they could use the NHS.¹⁰⁸

71. Sunder Katwala said the single thing that would make most difference would be getting rid of the CSI requirement. He said the rules on CSI changed in 2004, so more recent arrivals from the A8 (the EU states that joined in 2004) or the A2 (Romania and Bulgaria who joined in 2007 with transition controls until 2014) might be familiar with

103 Q763

104 Q607

105 [UK Visas and Immigration, EEA \(Permanent Residence\): guidance notes 2.0, December 2015](#)

106 [2014] EWCA Civ 988

107 Q606

108 Monique Hawkins (OBJ0133)

it but applicants from the old EU 15, and who might have been here for many years, were unlikely to be aware of it. Mr Katwala proposed either waiving the CSI requirement or stating that eligibility to the NHS fulfilled this requirement.¹⁰⁹

72. On the number of rejections, Nicholas Hatton said EU nationals are being told to evidence their residence in the UK and secure their rights by going through the process, but the process was not designed to register 3 million people, so “we are seeing a very large number of people being refused.”¹¹⁰ We were told that some rejections are accompanied by so-called “Prepare to leave the UK” letters. Concerns were expressed to us regarding the threat of deportation. Statistics on decisions on applications for Documents Certifying Permanent Residence issued to EEA nationals, and the numbers refused and invalid are given below.¹¹¹

Grant and refusal of residence documentation to EEA nationals and family members			
	Documents certifying permanent residence and permanent residence cards		
	Granted	Refused	Invalid
2013	22,479	13,204	2,393
2014	19,749	6,935	3,022
2015	18,064	5,984	3,223
2016	65,195	19,370	7,740

73. **The Government should state that access to the NHS is considered sufficient to fulfil the requirements for CSI, and that it will introduce legislation to that effect if necessary.**

74. **The Government must not create or retain a system with unrealistic administrative and technical hurdles, so that a substantial proportion of applications are declared invalid or refused. To do so runs the risk of either directing a large number of individuals into an appeal mechanism, prolonging their anxiety and further draining Home Office resources, or leaving a number of individuals who fail in their application and decide to stay living and working illegally in the UK.**

75. **Letters which reject applications for permanent residence should not be accompanied by the words “Prepare to leave the UK” unless there are grounds for removal because the applicant does not have a right to remain.**

Home Office capacity

76. The number of applications for permanent residency has doubled over the past year and is expected to carry on increasing.¹¹² There were 4,000 grants of permanent residence in the third quarter of 2015, compared to grants of 14,500 in the third quarter of 2016.

109 Q763

110 Q606

111 [Issue and refusal of residence documentation to EEA nationals and their family members](#)
See also [PQ asking for the number of EU citizens applying for permanent residence](#)

112 Migration Observatory, [Increase in permanent residence grants after the referendum is just the tip of the iceberg](#), 01 Dec 2016

Despite the increase, the number of overall grants of permanent residence represents a small share of the estimated 3.2 million EEA nationals living in the UK at the beginning of 2016.¹¹³

77. The Migration Observatory said this highlighted the logistical challenge facing government and that, at pre-referendum rates of processing, giving residence documents to all potentially eligible applicants would take the equivalent of 140 years.¹¹⁴ The Home Office has also seen its full time equivalent staff reduced by 10 per cent since 2010.¹¹⁵

78. Jonathan Portes, Professor of Economics and Public Policy at King's College London, said the task involved arranging a legal process, providing guidance, administrative procedures, computer systems and recruiting or allocating staff to process applications. To manage something involving this number of people was a big task, and "the sooner the Government start putting in place the systems and processes needed to deal with this, the better for all of us."¹¹⁶ The Home Office currently has a six-month deadline to process permanent residence applications, and the applicant has to submit original documents, including their passport. Barbara Drozdowicz said that, understandably, some of her organisation's clients found that giving up a passport for potentially six months was extremely inconvenient. If the system became overwhelmed by applications, there would be an impact upon the day-to-day activity of the Home Office and a large number of passports would potentially be stuck in a Home Office backlog.¹¹⁷

79. Managing the permanent residency application process represents a considerable challenge for the Home Office, one that may affect its day to day work. It needs to be transparent about the necessary financial and human resources required and what it is doing to put them in place. The Government needs to be preparing now.

80. The current process for consideration of permanent residency applications is not fit for purpose and, in the absence of any concrete resolution to relieve the anxiety felt by the estimated three million EU citizens resident in the UK, it is untenable to continue with the system as it stands. We recommend that the Government set out whether it intends the permanent residence system to be the basis for EU nationals to demonstrate their eligibility to reside in the UK once the UK leaves the EU. If so then it needs to set out as a matter of urgency, how it will reform the permanent residence application system. If not, then it needs to set out what an alternative system will involve and what will be expected of EU nationals to demonstrate their eligibility to reside in the UK once the UK leaves the EU.

What the Government needs to consider in a reformed system

Certification

81. The Home Secretary has said that all those EU citizens resident in the UK will "need to have some sort of documentation" to demonstrate their right to remain after the UK has left the EU. While the Government would not set out what it would require, she said

113 The number of grants in the fourth quarter of 2016 was 32,481

114 Migration Observatory, [Increase in permanent residence grants after the referendum is just the tip of the iceberg](#), 01 Dec 2016, and Q622

115 [Whitehall straining under added Brexit workload](#), Financial Times, 26 January 2017

116 Q762

117 Q627, Q762

it would be done in a phased approach.¹¹⁸ The UK does not operate an ID card system. However, it does require non-EEA migrants staying for more than six months to have a biometric card.¹¹⁹

82. When asked what would be the simplest way to reassure her that she could remain in Belgium, Debbie Williams said UK nationals like her could have a simple stamp in their passport to say they will not lose any of the rights that they already have and they can continue their lives as they do.¹²⁰ The UK could operate a provision along these lines meaning that a stamp in the passport of an EU national in the UK was sufficient evidence that they were entitled to live, work and access services in the UK.

83. The Government needs to explain what form the certification will take to enable an EU national, who has established the right to remain in the UK under free movement, to continue to enjoy the right to remain, work and to rent accommodation, once the UK has left the EU. The Government needs to devise a process that is simple, accessible and relatively inexpensive for the EU national to go through to meet those requirements.

Qualifying date

84. Applicants are currently required to demonstrate that they have been resident for five years. If the Government triggers Article 50 in March 2017 then the prescribed timetable would result in the UK leaving the EU within two years, i.e. in March 2019. Those who have less than three years residence on the date Article 50 is triggered will therefore not be able to apply for permanent residence before the UK is expected to leave because they will not have accrued five years residence in the UK.¹²¹ There will therefore be a cohort of people who moved to the UK before the referendum, exercising their lawful rights under free movement in good faith, who will not be able to demonstrate five years residence by the date the UK leaves the EU. Others will have arrived in the UK between the date of the referendum and the date of the triggering of Article 50. Others still will arrive after the triggering of Article 50. None of these groups will be eligible to apply for permanent residency before the UK leaves the EU so a decision needs to be taken about whether and how to regularise their status, and, if so, what the cut-off date for arrivals should be.

85. At some point, the Government will have to decide the criteria for who is allowed to stay once the UK leaves the EU. The minimum would be to limit the right to remain to those who have already satisfied the criteria for permanent residency. Alternatively, an offer of permanency could be made to all those resident in the UK by a specific cut-off date. If this approach is taken, then decisions will need to be made about not only what date is chosen but what is required to prove residency on that date.¹²² Whatever the criteria, Sunder Katwala said that it would be problematic to rely on the permanent residence process given that the system appeared to be struggling already. He suggested that the early applicants were both “a very organised group of people” (and therefore arguably the easier cases) and only 1 per cent of the 2 million people who have five years’ residence.¹²³

118 HC Deb, 5 December 2016, col 4

119 [Foreign Nationals Biometric Residence Permit](#)

120 Qq683–684

121 Q622

122 Q764

123 Q762

86. The commonly suggested options for the cut-off date are:

- The date of the referendum – 23 June 2016
- The date in March when Article 50 is triggered
- The date the UK leaves the EU.¹²⁴

87. EU nationals settled in the UK before the referendum can argue they came to the UK exercising their treaty rights with an expectation that they would be able to stay. Since that date, and the result of the referendum being known, it is less easy to argue an expectation of a right to stay and harder still for those who arrive after the triggering of Article 50. However, EU nationals can exercise their treaty rights as long as the UK is a member state, and that means up to the date the UK leaves the EU.¹²⁵ There are concerns that a later qualifying date may lead to a surge in the number of migrants coming at the last available moment. This could be complicated further if the negotiations result in EU nationals in the UK continuing to enjoy the rights of free movement after the UK ceases to be a member state of the EU.¹²⁶

88. There will be some people the Government knows it wishes to exclude, such as those who have served long prison sentences. There may be some EU nationals who have worked in the UK but whose employers have not made national insurance payments. At the same time, there are reasons why many EU nationals might not be able to prove five years history in the UK by virtue of HMRC or DWP data. They might have been working but avoiding tax, deliberately or because their employer failed to pay contributions.¹²⁷ There will be some people the Government does not necessarily want to exclude, such as full time students or someone who has been raising children or caring for a relative, but who, nevertheless may not have a substantial work history in the UK. The system will need to be able to adjudicate fairly in such cases.¹²⁸

89. EU citizens who have been living in the UK for five years at the point we leave the EU will already have a right to remain. The Government should make clear that these individuals will be entitled to permanent residence.

90. The Government should clarify what the position will be for EU citizens who will not have been living in the UK for five years prior to the date that the UK leaves the EU so that they can qualify for the right to remain, having regard to their current rights under EU law.

91. The Government will need to set a cut-off date for EU citizens arriving in the UK. Those who arrive before this date should retain the right to qualify for permanent residence after they have been here for five years. The Government should announce what this date will be as soon as possible.

124 Q766, House of Lords EU Select Committee, 10th report of Session 2016–17, [Brexit: acquired rights](#), HL Paper 82, Joint Committee on Human Rights, Fifth Report of Session 2016–17, [The human rights implications of Brexit](#), HL Paper 88 HC 695, Home Affairs Committee Sixth Report 2016–17, [The work of the Immigration Directorates \(Q1 2016\)](#) HC 151

125 Joint Committee on Human Rights, Fifth Report of Session 2016–17, [The human rights implications of Brexit](#), HL Paper 88 HC 695

126 Anne Wesemann, Open University, [Four ways Britain could guarantee the right to remain for EU citizens after Brexit](#)

127 Q773

128 Q622

Northern Ireland and the border

92. Particular concerns arise around individuals who have paid, or are paying, tax and so contributed to the welfare system on one side of the border but live or have retired on the other. The permanent residence entitlement process limits the number of days one can leave the country; this is clearly an unrealistic expectation for EU nationals who may live and work either side of the border in Ireland.¹²⁹

93. The border of Northern Ireland and the Republic of Ireland will present particular challenges in the applications from EU nationals living and working in the Irish border region. These individuals' rights would not be protected by the operation of the Common Travel Area, so the UK Government should seek to ensure that they are protected. There are a number of tax and benefit related issues that will require specific attention affecting UK, Irish and EU nationals.

Families

94. At the moment, if an EU national is working in another EU member state, then they are able to bring family dependants, who also have the right to reside and work in that country, regardless of their nationality. Their children have the right to be educated on the same terms as nationals of the host country.¹³⁰ Some countries may require an individual from another member state to report their presence with the local authority.¹³¹

95. A family member from outside the EEA, who wishes to join a family member in the UK for more than six months, has to apply for a family of a settled person visa, which is subject to some eligibility criteria. The Home Office aim to make a decision within 12 weeks. The eligibility requirements for a non-EEA spouse who wants to join a UK partner in the UK has specific requirements, including a minimum income of £18,600 per year (which increases if bringing in children).¹³²

96. Concerns have been raised around what rules would apply for family members in the future, including dependants who might not be self-sufficient such as elderly parents, and spouses.¹³³

97. The Government needs to set out what rights will continue for those EU nationals living in the UK as a spouse or child of a UK national. The Government needs to set out what the rules will be for EU nationals currently resident in the UK and who wish to bring family members to live with them, after the UK leaves the EU.

What do we do with the people who do not qualify?

98. There is no suggestion in the UK or across Europe that large numbers of EU or UK nationals will be deported. However, it seems unlikely that the UK's permanent residence process will be able to process all the applications in time and, on current form, it seems to be rejecting a large proportion of those applications. It is not clear what is going to happen

129 Q626

130 [European Commission, Moving and working in Europe, Family Members](#)

131 [European Commission Family residence rights](#)

132 [Apply to join family living permanently in the UK](#)

133 Brits in Europe (OBJ0089); Q603, Q626, Q639, Q657

to those who do not acquire permanent resident status. There is a risk that it will turn a body of people currently living and working legally into illegal migrants, vulnerable to exploitation.¹³⁴

99. The Home Office is not processing applications for permanent residence fast enough and is currently rejecting, for whatever reason, one third of those applications it is processing. This could potentially amount to one million people. The Government needs to set out what it proposes to do with large numbers of people who have not established permanent residence once the UK leaves the EU. If the Government plans to replace the permanent residence process with another system, then it must do so as soon as possible. Whatever system is established, it must respect the fundamental rights of applicants in accordance with our domestic and international obligations.

5 A new immigration system

EU migration to the UK

100. On 23 February 2017, the most recent migration figures were published by the Office for National Statistics, Home Office and DWP, covering the year ending September 2016—the first set of figures for any time since the referendum. Net migration to the UK was 273,000, down 49,000 from the previous year, and the first time net migration to the UK had gone below 300,000 in two years.¹³⁵ Net migration from the EU was +165,000, running level with net migration from non-EU countries also at +164,000.¹³⁶ There has been a small decrease in immigration from nationals from the A8 countries—Poland, Hungary, Latvia, Lithuania, Czech Republic, Slovakia, Slovenia and Estonia—but an increase in immigration from Romania and Bulgaria.¹³⁷

The Lancaster House speech and the White Paper on Immigration

101. In her Lancaster House speech of 17 January, the Prime Minister included controlling immigration as one of her 12 priorities for negotiations.

Because while controlled immigration can bring great benefits—filling skills shortages delivering public services, making British businesses the world beaters they often are—when the numbers get too high, public support for the system falters.

On free trade with European markets, the Prime Minister said:

What I am proposing cannot mean membership of the single market. European leaders have said many times that membership means accepting the '4 freedoms' of goods, capital, services and people. And being out of the EU but a member of the single market would mean complying with the EU's rules and regulations that implement those freedoms, without having a vote on what those rules and regulations are. It would mean accepting a role for the European Court of Justice that would see it still having direct legal authority in our country.¹³⁸

102. This was followed by the White Paper in February which reiterated that it was important “to ensure we can control the number of people coming to the UK from the EU” and stated that the sheer volume of long-term migration had given rise to public concern about pressure on public services, like schools and housing, and placed downward pressure on wages for people on the lowest incomes. It added that “The public must have confidence in our ability to control immigration” and as a result, in future, “the Free Movement Directive will no longer apply and the migration of EU nationals will be subject to UK law.” It continued:

135 Net migration to UK falls by 49,000, bbc.co.uk, 23 February 2017

136 The net migration to the UK figure of 273,000 is reached by including the -56,000 UK citizens who left the UK within the time period.

137 [Migration Statistics Quarterly Report: Dec 2016](#); Migration Observatory, [Responding to uncertainty? EU citizens scramble for permanent residence while others decide to go home](#), 23 February 2017

138 [The government's negotiating objectives for exiting the EU: Prime Minister's speech](#), Lancaster House, 17 January 2017

5.10 Implementing any new immigration arrangements for EU nationals and the support they receive will be complex and Parliament will have an important role in considering these matters further. There may be a phased process of implementation to prepare for the new arrangements. This would give businesses and individuals enough time to plan and prepare for those new arrangements.¹³⁹

The objectives of a new system

103. The Government has decided to prioritise control over immigration in its negotiations on leaving the EU and the UK's future relationship with the EU. We asked our witnesses what the aims of a new immigration system might be. Sunder Katwala said:

There is clearly a conflict or tradeoff. [...] Before we had the referendum, the question was, "Do you want to adopt these club rules? There is a club you can be part of, and if so you will constrain your immigration policy," and the answer to that has been "no".¹⁴⁰

104. He said there were two questions to ask, firstly, what business might want from immigration and secondly, what there is public and political consent for. In the trade-off between those two questions, there were different degrees of acceptance for the different types of immigration: supportive of skilled immigration, but not for the "current level and pace" of unskilled immigration. There were also "very different public views about different types of low-skilled and semi-skilled immigration." He gave the example of broad support for migrant labour in care homes but less support for the use of such labour in the hospitality sector.¹⁴¹ David Goodhart, Head of the Demography, Immigration, and Integration Unit, at Policy Exchange, said:

There is pretty broad consensus that for highly-skilled employees there should continue to be an assumption that it should be pretty easy for people from the European Union to come here—some sort of fasttrack, light-touch system.¹⁴²

105. There are different ways for the Government to try to accommodate these differences. Free movement requires the minimum of bureaucracy. Creating a system more responsive to the needs of both business and the public will introduce administrative complexity. Professor Portes argued that different sectors would respond differently to changes that restricted immigration, and this would negatively affect the economy, depending on how strict the restrictions were and what the reduction was.¹⁴³

106. Part of the debate around immigration has examined why British people have not taken the job opportunities that have been taken up by migrant workers. David Goodhart commented on the reduction in training over the last 20 years:

139 [HM Government, CM 9417, The United Kingdom's exit from and new partnership with the European Union, February 2017](#)

140 Q760

141 Q760

142 Q760

143 Q758

I think there is plenty of evidence [...] about the dramatic fall-off in training levels in Britain, over the last 20 years. There is plenty of evidence that employers have been exploiting this reserve army of labour in the European Union, and it is time that they stepped up to the plate.¹⁴⁴

He questioned how ready the UK would be to fill the gaps with trained staff if the number of EU employees falls:

However, for European Union employment more generally—and do not forget that more than two-thirds of it tended to be in the lower-skilled areas—the question is, with those numbers coming down, what capacity do we have in this country to take up the slack?¹⁴⁵

Importance of EEA migrants in the UK workforce

Proportion of employees in each sector that were born in the EEA	
Accommodation and food services	14%
Manufacturing	10%
Agriculture, forestry and mining	10%
Admin and support services	9%
Transport and storage	9%
Information and communication	6%
Wholesale, retail, repair of vehicles	6%
Financial and insurance and real estate	6%
Prof, scientific, technical active	6%
Construction	5%
Health and social work	5%
Arts, entertainment and other services	5%
Education	5%
Public admin and defence	3%
Electricity, Gas and Water	1%

Source: Social Market Foundation, [Working together: European workers in the UK economy, May 2016](#)

107. For some sectors, these represent considerable numbers. The British Hospitality Association estimated that 700,000 staff in the hospitality sector are from the EU.¹⁴⁶ There are an estimated 33,735 academic staff, and 12,490 non-academic staff, from the EU employed in higher education in the UK.¹⁴⁷ The NHS is believed to employ 58,000 EU nationals in England, 21,000 of which are nurses.¹⁴⁸

108. The Committee has heard concerns that ending free movement will have an impact on sectors of the economy which rely upon EU migrant workers. Both David Goodhart

144 Q808

145 Q760

146 British Hospitality Association IMM0158. The sector includes staff in hotels, serviced apartments, private rental schemes, private members' clubs, self-catering accommodation, restaurants, food service management companies, attractions, sport stadiums, and other leisure outlets.

147 [Higher Education Statistics Authority](#)

148 [NHS Employers written evidence to the House of Lords EU Home Affairs sub-committee \(BMP0008\)](#)

and Jonathan Portes commented on what the future immigration system might involve. David Goodhart said it was not in the UK's interests to experience a rapid decline in EU workers, and that:

In the course of a negotiation we might well want to concede more favourable terms to EU citizens wanting to come and work, giving skilled EU workers some preference over non-EU skilled workers or allowing them quicker access to the social state.¹⁴⁹

He admitted that the demand for EU labour would not change much in the medium-term. So if we operated a work permit system, and all permits requested were granted, then the flow of EU citizens into low-skilled jobs in construction, food processing and agriculture—might remain at similar levels to today.

109. Jonathan Portes said it would be difficult to restrict migration from the EU which would only reduce the migration of unskilled or low paid workers, without having an impact on skilled migration. He suggested that EU migration is likely to fall over the next two years, and that

I am reasonably confident, as I have said, that a substantial reduction in migration to the UK will reduce our GDP per capita.¹⁵⁰

He also suggested that ending free movement would result in an increase in the regulatory burden on business, and that it will create a “significant increase in illegal working”.¹⁵¹

110. In the absence of free movement, the Government has tried to provide reassurances for business. In December 2016, Rt Hon David Davis MP, Secretary of State for Exiting the EU, told CBI Wales that “No one wants to see labour shortages in key sectors.”¹⁵² In her letter of 6 February 2017, the Home Secretary said “I’ve always been clear that after we leave the European Union we will have an immigration system that supports our economy and protects our public services.”¹⁵³ And on a recent visit to Tallinn, Estonia, the Secretary of State was reported in *The Times* as saying that the UK would not suddenly restrict low-skilled migration after Brexit:

In the hospitality sector, hotels and restaurants, in the social care sector, working in agriculture, it will take time. It will be years and years before we get British citizens to do those jobs [...] Don't expect just because we're changing who makes the decision on the policy, the door will suddenly shut. It won't.¹⁵⁴

Any new immigration system will inevitably add to the regulatory burden. That burden will hit some parts of the economy more than others.

149 Q760

150 Q795, see also Q787

151 Professor Jonathan Portes written evidence to the Home Affairs Committee [IMM0013](#)

152 [Speech to the CBI Wales Annual Dinner](#)

153 [The Home Secretary's letter to Conservative MPs offering assurances on the status of EU nationals](#), Conservative Home, 8 February 2017

154 [Britain will stay open to EU migrants, Davis admits](#), *The Times*, 22 February 2017

111. **An abrupt reduction in the number of EU workers in the UK would cause disruption in a number of sectors. This cannot be the Government's intention. The Government has made it clear that its priority is to control migration from the EU. We do not believe that necessarily means it will reduce net migration in the short-term.**

112. **As part of a long-term strategy to reduce the UK economy's dependence on EU migrant workers, the Government needs to take steps to train, or further incentivise training, to ensure that skilled workers are available to fill jobs in sectors currently featuring a large number of EU nationals.**

Possible framework for future EU migration in the UK

113. Regarding the options for its future immigration system, the Government's White Paper said:

5.9 We are considering very carefully the options that are open to us to gain control of the numbers of people coming to the UK from the EU. As part of that, it is important that we understand the impacts on the different sectors of the economy and the labour market. We will, therefore, ensure that businesses and communities have the opportunity to contribute their views. Equally, we will need to understand the potential impacts of any proposed changes in all the parts of the UK. So we will build a comprehensive picture of the needs and interests of all parts of the UK and look to develop a system that works for all.

114. What these options might be have been discussed by several commentators, including among others, the Migration Observatory, the IPPR, and Migration Watch.¹⁵⁵

Adopting the same system for EEA and non-EEA citizens

115. The UK could adopt the same system for all people wishing to come to the UK for reasons of work, study or family without differentiating between EEA and non-EEA migrants. The Tier 2 visa is available for non-EEA skilled workers who wish to come to the UK and have a definite offer of a job. Tier 2 visas (General) are capped at 20,700 per year.¹⁵⁶ Tier 3 is for low-skilled non-EEA workers and has never been in operation. The Government would have to decide on how it wanted to limit numbers if EU migrants were included within this structure. From our meetings in Westminster and across the UK, we have found little enthusiasm for applying this approach to those from the EU.¹⁵⁷ Research suggests that if the current visa system were extended to EU migrants, then three quarters of the EU workforce in the UK would not meet these requirements. This would be of particular concern for some sectors, such as social care, agriculture and food processing which contain a high proportion of EU migrants and where the roles would not meet the salary and skills requirements under the existing visa system.¹⁵⁸

155 Migration Observatory, [Labour Immigration after Brexit: Trade-offs and Questions about Policy Design](#), January 2017; IPPR, [Beyond Free Movement, Six possible futures for the UK's EU Migration Policy](#), July 2016, Migration Watch, [UK immigration policy outside the EU](#), January 2017

156 IPPR, [Beyond Free Movement, Six possible futures for the UK's EU Migration Policy](#), July 2016, p21–23

157 Q296 [CBI], Q220 [EEF], CBI, Business priorities for a new migration system, Policy Briefing, 2016. Also at meetings with representatives from the creative and tech sector in London.

158 [Regional Visas. A unique immigration solution? City of London, PwC](#)

Retaining an element of free movement

116. Another option would entail allowing EU citizens to enter, settle in the UK and work without a work permit. Some restrictions could apply, either they would need to have a definite job offer before coming to the UK, or there would be a numerical limit on the people allowed in for work purposes or only in particular sectors. The Government would have to decide what to do if limits were reached and how that was enforced. As with free movement now, enforcement would be difficult as EU citizens without a job would be able to visit the UK.¹⁵⁹

Work permits

117. A system of work permits would require employers to apply for authorisation to hire a non-UK national for a specific job. The authorisation would come with conditions attached, e.g. type of work, time period it applies for, qualifications of the worker or the activities of the employer. Bureaucracy for acquiring the permit would fall on the employer. The Government would have to decide which jobs would be eligible for a work permit. Permits would either be granted for: all occupations, high-skilled occupations, or both high- and low-skilled jobs but with different eligibility criteria.¹⁶⁰

118. Most work permit systems in high-income countries typically restrict eligibility by occupation, and are limited to high-skilled jobs. Low-skilled worker programmes are also common, although they tend to be more restrictive—often limited to specific types of work and often providing no or limited routes to permanent settlement or options for family unification.¹⁶¹ Migration Watch have proposed a system whereby EU nationals wishing to work in the UK should obtain a work permit restricted to skilled employment.¹⁶²

119. If it wanted to give preference to high-skilled occupations, then the Government would have to decide how to define skilled work—commonly by salary or level of education—and how it would manage gaps in the labour market that did not qualify according to salary or level of education requirements but may have broader social or economic value, for example some creative jobs, scientific research or nursing and social care. The UK Government currently manages the demand for non-EEA skilled employees by maintaining a shortage occupation list, overseen by the Migration Advisory Committee.¹⁶³

120. An important consideration in assessing labour demand is why vacancies do exist and why they are not filled from the domestic labour market. This is particularly important when considering EU migration, since EU workers are overrepresented in low-wage jobs. Low-skilled migration tends to occur where employers cannot attract sufficient workers from the domestic labour force to get the work done, such as in low-paid or undesirable work. Where there are no legal options to recruit migrant workers there is a risk that demand for illegal employment increases in these sectors.

159 Oral evidence to the House of Lords Select Committee on the European Union, Home Affairs Sub-Committee, Brexit: UK–EU Movement of people, Q7

160 IPPR, [Beyond Free Movement, Six possible futures for the UK's EU Migration Policy](#), July 2016; p.16–17 Migration Observatory, [Labour Immigration after Brexit: Trade-offs and Questions about Policy Design](#), January 2017

161 Migration Observatory, [Labour Immigration after Brexit: Trade-offs and Questions about Policy Design](#), January 2017

162 Migration Watch written evidence to the Home Affairs Committee [IMM0021](#)

163 [Migration Advisory Committee](#)

121. Work permit schemes could require eligibility requirements to be met, such as language proficiency or qualifications. The Government would also have the choice of applying further criteria, such as a labour market test to show that the post cannot be filled domestically, charging the employer a fee, limiting which employers can hire someone using a work permit, or time limiting the work permit and the possibility of it being renewed.

122. In addition to applying limiting criteria, the Government could apply an upper cap to the total number of migrants that can come through either route, even if they fulfil the eligibility criteria. The Government would then need to design a mechanism for prioritising applications where the cap is oversubscribed—the current Tier 2 visa route for non-EEA skilled workers in the UK is subject to a minimum salary threshold and an upper cap.

Geographic flexibility

123. In designing a new immigration system for the UK, there have been proposals to consider whether it could include flexibility for the devolved nations and regions of the UK.¹⁶⁴

Scotland

124. The Scottish Government publication, *Scotland's Place in Europe*, said that “there is a strong and increasingly urgent case for greater flexibilities on immigration for different parts of the UK” and that it is clear that a “one-size-fits-all approach” is not in the best interests of Scotland.”¹⁶⁵ It points out that Canada and Australia operate “differentiated immigration systems”. It proposes that, if a way could be found for Scotland to remain in the single market, then Scotland could retain the free movement of people while the rest of the UK did not. In which case:

People coming into Scotland from other countries—EU or non-EU—would continue to be subject to passport and other security checks as is the case now. Scotland remaining within the single market—and the rest of the UK not—would not change that. It would be open to the UK Government to apply additional visa requirements for citizens from other EU countries coming into airports or ports in England, Wales and Northern Ireland.¹⁶⁶

125. UK citizens would be allowed to move freely between Scotland, England, Wales and Northern Ireland as they are now. People living in Scotland would have the right to free movement across the EU, while people in England, Wales and Northern Ireland would not, and “it is suggested that domicile would be the determinant of those rights.”¹⁶⁷ In response to what it saw as the issue of EU nationals using free movement to Scotland as a route to living and working in the rest of the UK, it said immigration rules applied elsewhere in the UK would apply at the point of employment, or of accessing housing or services:

164 IPPR North, [Regionalising Migration](#), January 2017

165 [Scotland's Place in Europe](#), para 160, see also paras 59–69

166 [Scotland's Place in Europe](#), para 165

167 [Scotland's Place in Europe](#), para 166. Domicile is where someone considers to be their permanent home

Anyone from outside the UK seeking to find work or housing or access social security or public services in the rest of the UK would be subject to whatever rules and standards of proof the UK Government decides upon.¹⁶⁸

126. The Committee also heard from the Minister for UK Negotiations on Scotland's Place in Europe, Mike Russell, on Scotland's particular need for continued high levels of immigration and how a geographic immigration system would work.¹⁶⁹

Wales

127. The joint Welsh Government and Plaid Cymru Brexit White Paper 'Securing Wales' Future' deals extensively with the Welsh Government's position on EU migration.¹⁷⁰

London

128. The City of London Corporation commissioned PwC to look at the possibility of a regional visa for non-UK nationals.¹⁷¹ They put forward two models

- Option 1. Regional visas governed jointly by local authorities and business needs. Employers collate a business case outlining specific challenges in recruitment, including evidence of attempt to recruit and upskill locally. Local authority validate the case and refer up to the Home Office for specific number of regional visas. It would be open to all non UK nationals.
- Option 2. As option 1 except business case sent straight to UKVI where a specialist team, alongside advice from a body such as the Migration Advisory Committee, would consider a set number of regional visas, and would be open to all non UK nationals.

129. The visas could be short-term (12 months) or long-term (three years with an option to extend). Long-term visa holders would be able to apply for permanent residency and citizenship subject to the relevant conditions. Flexibility could exist for the visa holder to change job or geographic area subject to the business case. Rules would apply in areas such as bringing in dependants and paying into the Immigration Health Surcharge. Controls would apply to where the regional visa holder could buy or rent property. The system would be enforced through checks to ensure the applicant is working in the geographic area and with the employer for whom their visa was issued. Similarly employers who have assigned Skills Deficit visas could be obliged to report any non-compliances to the Home Office within a prescribed period in line with current work permit reporting for non EU nationals. Employers would also face civil penalties and revocation of sponsor licences if found to be non-compliant.¹⁷²

130. We heard mixed views on adopting a geographic area approach to immigration. David Goodhart thought it would be "politically unpopular, for now anyway" but that it should not be ruled out completely. He said it would be a way of "calming anxieties in

168 [Scotland's Place in Europe](#), para 167

169 Q873, see also Q816 [Prof McEwan] and the Scottish Affairs Committee have also published a report on [The demography of Scotland and the implications for devolution](#), HC 82, paras 31 and 60

170 [Securing Wales' Future, 2017, Chapter 5 2017](#)

171 [Regional Visas. A unique immigration solution? City of London, PwC](#)

172 [Regional Visas. A unique immigration solution? City of London, PwC](#)

those parts of the country, like London and Scotland, which voted quite heavily to remain that their special interests and anxieties are being listened to.”¹⁷³ Jonathan Portes thought it was “perfectly feasible” for a new system to have geographical restrictions because

Ending free movement immigration control is not going to be enforced at the borders at all. It simply is not. We are still going to let people in, at Stansted and Heathrow, with French passports. They just will not have the right to work here, and that right to work will be enforced at the workplace.¹⁷⁴

131. Sunder Katwala, *British Future*, disagreed. He felt that it was important for a new immigration system to secure public confidence, which was less likely without institutions set up to enforce it, and a geographical system would enable someone to move and get a job outside their designated geographic area. He also thought it unfair if a business one side of a boundary could secure a competitive advantage from migrant labour that someone the other side of the boundary could not.¹⁷⁵ Others, such as IPPR, have pointed out the risks to social cohesion if geographic migration policies had the effect of increasing migration of workers to parts of the country where it might generate a reaction.¹⁷⁶

132. Sunder Katwala was more positive on offering arguments for differentiation by sector. He said the UK could offer preferential European access to skilled migrants from Europe on a reciprocal basis, which would benefit UK employers and employees who wished to work in Europe.¹⁷⁷ David Goodhart was supportive of some form of “fast track system” for high-skilled EU migrants, but he was clear it would not be free movement, the UK Government would have to be controlling who came in.¹⁷⁸ He also suggested a system could be developed along the lines of the Youth mobility visa to enable young Europeans to be able to come and work for a limited time.¹⁷⁹

133. The Government has options for a new immigration system for EU nationals that ranges from an approximation to continued free movement to applying the current system for non-EEA migrants to the UK to EEA migrants. Introducing restrictions on migration to and from the EU will introduce complexity to the system, and a balance will need to be struck as to who takes on the administrative burden—the applicant, their employer, or the Home Office.

134. There needs to be a reduction in uncertainty relating to possible changes to the immigration system as a result of the UK leaving the EU. The Government should set out how it will establish a new system for immigration to be in place within two years of triggering Article 50 and what the rules for EU migrants will be once free movement ends as the UK exits the EU. We urge the Government to publish its intended timetable for the next Immigration Bill as soon as possible.

135. We think that there could be benefit in the UK Government indicating in the negotiations that it is willing to consider preferential access for EU citizens in its new immigration policy.

173 Q800

174 Q802

175 Q801

176 IPPR North, [Regionalising Migration](#), January 2017

177 Q801

178 Q802

179 Q805

136. The Government should respond to the proposals from the devolved governments and from London, and must set out as speedily and fully as possible whether it is considering a geographic element to future immigration policy, and if so, for which parts of the UK.

137. The Government must be prepared to set out its policy for the non-work aspects of immigration policy, including students, family reunion, and on EU spouses compared to non-EU spouses.

138. A major consideration in designing the new immigration system will be its ability to earn public confidence. We welcome the Government's enthusiasm to make sure any changes to the system for immigration of EU nationals into the UK and UK nationals working across the EU enjoys the confidence of all interested parties, including employers, trade unions, and the wider public.

139. The Committee supports protecting the Common Travel Area and welcomes the Government's commitment to it.

Formal Minutes

Wednesday 1 March 2017

Members present:

Hilary Benn, in the Chair

Maria Caulfield	Mr Pat McFadden
Joanna Cherry	Seema Malhotra
Jonathan Edwards	Dominic Raab
Michael Gove	Emma Reynolds
Peter Grant	Stephen Timms
Mr Peter Lilley	

Draft Report (*The Government's negotiating objectives: the rights of UK and EU citizens*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraph 1 to 134 read and agreed to.

Paragraph 135 read.

Motion made, and Question put, That the paragraph stand part of the Report.

The Committee divided:

Ayes, 10

Maria Caulfield
Joanna Cherry
Jonathan Edwards
Michael Gove
Peter Grant
Mr Pat McFadden
Seema Malhotra
Dominic Raab
Emma Reynolds
Stephen Timms

Noes, 1

Mr Peter Lilley

Paragraph accordingly agreed to.

Paragraphs 136 to 139 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 7 March at 9.30 am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 16 November 2016

Question number

Professor Catherine Barnard, Professor of European Union Law, University of Cambridge, **Sir Simon Fraser**, former Permanent Secretary, Foreign and Commonwealth Office, and **Dr Hannah White**, Director of Research, Institute for Government

[Q1–64](#)

Wednesday 23 November 2016

Dr Robin Niblett, Director, Chatham House, **Stephen Booth**, Acting Director, Open Europe, **Shanker Singham**, Director of Economic Policy and Prosperity Studies, Legatum Institute

[Q65–123](#)

Wednesday 30 November 2016

Dr Virginia Acha, Executive Director for Research, Medical & Innovation Association of the British Pharmaceutical Industry (ABPI), **Gary Campkin**, Director for Policy and Strategy, TheCityUK, and **Fergus McReynolds**, Director of EU Affairs, EEF, The Manufacturers' Organisation

[Q124–236](#)

Wednesday 7 December 2016

Carolyn Fairbairn, Director General, Confederation of British Industry; **Frances O'Grady**, General Secretary, Trades Union Congress; and **John Longworth**, Co-Chair, Leave Means Leave, and former Director General, British Chambers of Commerce

[Q237–345](#)

Thursday 8 December 2016

Richard Baker, Head of Policy and Strategy, North East Local Enterprise Partnership, **John Elliott, MBE, DL**, Executive Chairman of Ebac and representative of Business for Britain in the north east, **Ross Smith**, Director of Policy at North East England Chamber of Commerce, and **Councillor Paul Watson**, Leader of Sunderland City Council

[Q346–402](#)

Wednesday 14 December 2016

Rt Hon. David Davis MP, Secretary of State for Exiting the European Union

[Q403–526](#)

Wednesday 19 December 2016

Professor Michael Keating, Chair in Scottish Politics, University of Aberdeen, **Andrew Walker**, Managing Partner, Johnston Carmichael, **Deirdre Michie**, Chief Executive, Oil and Gas UK, and **Suzanne Burr**, Business Manager, Thorpe Molloy Recruitment

[Q527–554](#)

Michael Bates, Development Officer, Scottish Seafood Association, **Bertie Armstrong**, Chief Executive Officer, Scottish Fishermen's Federation, and **Andrew Scott**, Chief Executive Officer, Scotrenewables

[Q555–598](#)**Wednesday 18 January 2017**

Anne-Laure Donskoy, Co-Chair, the3million, **Barbara Drozdowicz**, Chief Executive Officer, East European Resource Centre, **Nicolas Hatton**, Co-Chair, the3million, and **Florina Tudose**, Information and Outreach Co-ordinator, East European Resource Centre

[Q599–642](#)

Christopher Chantrey, resident of France, **Gareth Horsfall**, resident of Italy, **Debbie Williams**, resident of Belgium, and **Sue Wilson**, resident of Spain

[Q643–703](#)**Wednesday 25 January 2017**

The Hon. Dr Joseph Garcia MP, Deputy Chief Minister of Gibraltar; **Michael Llamas QC**, Attorney General of Gibraltar; and the **Hon. Fabian Picardo QC MP**, Chief Minister of Gibraltar

[Q704–754](#)**Wednesday 1 February 2017**

David Goodhart, Head of the Demography, Immigration, and Integration Unit, Policy Exchange, **Sunder Katwala**, Director, British Future, and **Jonathan Portes**, Professor of Economics and Public Policy, King's College London

[Q755–815](#)**Wednesday 8 February 2017**

Michael Clancy, Director Law Reform, Law Society of Scotland, **Professor Nicola McEwen**, Professor of Politics, University of Edinburgh, and **Professor Alan Page**, Professor of Public Law, University of Dundee

[Q816–870](#)

Michael Russell MSP, Minister for UK Negotiations on Scotland's Place in Europe, Scottish Government, **Ian Mitchell**, Deputy Director External Affairs, Scottish Government, and **George Burgess**, Deputy Director EU and International Trade and Investment Policy, Scottish Government

[Q871–963](#)

Thursday 9 February 2017

Councillor John Pollard, Leader, Cornwall Council, **Kate Kennally**, Chief Executive, Cornwall Council, and Chair, Cornwall and Isles of Scilly Futures Group, **Mark Duddridge**, Cornwall and Isles of Scilly Local Enterprise Partnership, and **Kim Conchie**, Chief Executive, Cornwall Chamber of Commerce

[Q964–976](#)

David Rodda MBE, Rural Delivery Manager, Cornwall Development Company, **Patrick Aubrey-Fletcher**, County Adviser for Cornwall, National Farmers Union, **Dr Laurence Couldrick**, Board Member, Cornwall and Isles of Scilly Local Nature Partnership, and **Nicola Lloyd**, Head of Inward Investment, Invest in Cornwall

[Q977–1002](#)

Tuesday 21 February 2017

Roderick Abbott, Senior Adviser on Trade Policy, European Centre for International Political Economy, **Dr Federico Ortino**, The Dickson Poon School of Law, King's College London, and **Professor Jim Rollo**, UK Trade Policy Observatory, University of Sussex

[Q1003–1058](#)

Wednesday 22 February 2017

Sir Ivan Rogers, Former UK Permanent Representative to the EU

[Q1059–1135](#)

Tuesday 28 February 2017

David Anderson QC, Independent Reviewer of Terrorism Legislation, **David Armond**, Deputy Director General, National Crime Agency, and **Professor Steven Peers**, University of Essex

[Q1136–1232](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

OBJ numbers are generated by the evidence processing system and so may not be complete.

- 1 ADS Group ([OBJ0093](#))
- 2 Age Platform Europe UK ([OBJ0150](#))
- 3 Agriculture & Horticulture Development Board ([OBJ0002](#))
- 4 Aila Baron ([OBJ0131](#))
- 5 Airport Operators Association ([OBJ0105](#))
- 6 Alan Gillman ([OBJ0153](#))
- 7 Alan Hill ([OBJ0018](#))
- 8 Alice Chapman-Hatchett ([OBJ0067](#))
- 9 Alison Gibbs ([OBJ0043](#))
- 10 All-Party Parliamentary Manufacturing Group ([OBJ0138](#))
- 11 Anonymous ([OBJ0014](#))
- 12 Anonymous ([OBJ0030](#))
- 13 Anonymous ([OBJ0044](#))
- 14 Anonymous ([OBJ0045](#))
- 15 Anonymous ([OBJ0050](#))
- 16 Anonymous ([OBJ0053](#))
- 17 Anonymous ([OBJ0146](#))
- 18 Association of British Insurers ([OBJ0094](#))
- 19 Brexit Infrastructure Group ([OBJ0079](#))
- 20 Brightwake Ltd ([OBJ0065](#))
- 21 British Heart Foundation ([OBJ0120](#))
- 22 British Hospitality Association ([OBJ0152](#))
- 23 British Medical Association ([OBJ0103](#))
- 24 British Screen Advisory Council ([OBJ0074](#))
- 25 Brits in Europe ([OBJ0089](#))
- 26 Brits in Europe ([OBJ0136](#))
- 27 Campaign for the Real Referendum ([OBJ0004](#))
- 28 CBI ([OBJ0129](#))
- 29 Clare Quarman ([OBJ0027](#))
- 30 Clive Loughlin ([OBJ0007](#))
- 31 Commercial Broadcasters Assoc ([OBJ0154](#))
- 32 CPMR North Sea Commission ([OBJ0113](#))
- 33 David Doyle ([OBJ0003](#))

- 34 DBA – The Barge Association ([OBJ0151](#))
- 35 DKT Consultants Ltd ([OBJ0026](#))
- 36 Dr David W Lawlor ([OBJ0157](#))
- 37 Dr Gary Skinner ([OBJ0009](#))
- 38 Dr James Briscoe ([OBJ0083](#))
- 39 Dr Monica Threlfall ([OBJ0122](#))
- 40 Dr Philippa Allen ([OBJ0024](#))
- 41 Dr Sophie Acton ([OBJ0063](#))
- 42 Dr Sylvia de Mars ([OBJ0119](#))
- 43 Dr Theodore Gorton ([OBJ0012](#))
- 44 Eamonn Phillipson ([OBJ0158](#))
- 45 Expat Citizen Rights in EU (ECREU) ([OBJ0091](#))
- 46 Fair Deal for Expats ([OBJ0141](#))
- 47 Federation of Entertainment Unions ([OBJ0115](#))
- 48 Free Movement Policy Team ([OBJ0137](#))
- 49 Frontline Business Consulting Ltd ([OBJ0060](#))
- 50 Greater London Authority ([OBJ0090](#))
- 51 Greener UK ([OBJ0095](#))
- 52 Hanzo Archives Limited ([OBJ0080](#))
- 53 HM Government of Gibraltar ([OBJ0082](#))
- 54 Institute for Particle Physics Phenomenology ([OBJ0070](#))
- 55 Institute of Export & International Trade ([OBJ0087](#))
- 56 International Consortium of British Pensioners ([OBJ0126](#))
- 57 John Frake ([OBJ0021](#))
- 58 John Lee Daniel Thompson ([OBJ0025](#))
- 59 Kenneth Bardsley ([OBJ0028](#))
- 60 Larkfleet Homes ([OBJ0108](#))
- 61 Later Life Ambitions ([OBJ0128](#))
- 62 Law Society of Scotland ([OBJ0143](#))
- 63 Martin Cahn ([OBJ0008](#))
- 64 Matthew Traves ([OBJ0046](#))
- 65 MillionPlus ([OBJ0005](#))
- 66 Monique Hawkins ([OBJ0144](#))
- 67 Mr Anthony Tuffin ([OBJ0042](#))
- 68 Mr Barry White ([OBJ0047](#))
- 69 Mr Edward Avis ([OBJ0073](#))
- 70 Mr Fawzi Ibrahim ([OBJ0106](#))
- 71 Mr Gary Rimmer ([OBJ0032](#))

- 72 Mr Jason Hunter ([OBJ0058](#))
- 73 Mr John Coats ([OBJ0051](#))
- 74 Mr Lawrence Gould ([OBJ0057](#))
- 75 Mr Lorenzo Colo ([OBJ0071](#))
- 76 Mr Martin Houston ([OBJ0015](#))
- 77 Mr Michael James Clifton ([OBJ0078](#))
- 78 Mr Michael Meehan ([OBJ0013](#))
- 79 Mr Nick Valentine ([OBJ0068](#))
- 80 Mr Paul Bailey ([OBJ0037](#))
- 81 Mr Paul Narraway ([OBJ0155](#))
- 82 Mr Peter Sturdgess ([OBJ0010](#))
- 83 Mr Rabie Abdel Samad ([OBJ0127](#))
- 84 Mr Richard Szmidt ([OBJ0055](#))
- 85 Mr Ryan Curtis ([OBJ0029](#))
- 86 Mr SHR Redburn ([OBJ0056](#))
- 87 Mr Stephen Noreiko ([OBJ0020](#))
- 88 Mr Steve Cheney ([OBJ0006](#))
- 89 Mr Thibault Jamme ([OBJ0031](#))
- 90 Mr Thomas Cole ([OBJ0077](#))
- 91 Mr Titus Alexander ([OBJ0104](#))
- 92 Mrs Ann Rattle ([OBJ0121](#))
- 93 Mrs Elizabeth Roberts ([OBJ0034](#))
- 94 Mrs Jenefer Ford-Knubley ([OBJ0049](#))
- 95 Mrs Susan Wilson ([OBJ0117](#))
- 96 Mrs Valerie Chaplin ([OBJ0019](#))
- 97 Ms Alison Giraud-Saunders ([OBJ0064](#))
- 98 Ms Angela Steatham ([OBJ0011](#))
- 99 Ms Anne Wesemann ([OBJ0123](#))
- 100 Ms Elizabeth Smith ([OBJ0054](#))
- 101 Ms Emma Telford ([OBJ0041](#))
- 102 Ms Keziah Mee ([OBJ0059](#))
- 103 Ms Polly Ernest ([OBJ0038](#))
- 104 New Europeans ([OBJ0125](#))
- 105 NFU Scotland ([OBJ0107](#))
- 106 Open Britain ([OBJ0142](#))
- 107 Professor and FRS Michael Lockwood ([OBJ0022](#))
- 108 Professor Derrick Wyatt ([OBJ0086](#))
- 109 Professor Louise Locock ([OBJ0040](#))

- 110 Professor, QC Derrick Wyatt ([OBJ0084](#))
- 111 Research Councils UK ([OBJ0092](#))
- 112 Richard Bronk ([OBJ0048](#))
- 113 RIFT – Remain in France Together ([OBJ0124](#))
- 114 Roger Fuller ([OBJ0066](#))
- 115 Royal College of Nursing ([OBJ0112](#))
- 116 Royal College of Physicians ([OBJ0001](#))
- 117 Royal Society of Chemistry ([OBJ0097](#))
- 118 Sabine Klapdohr ([OBJ0132](#))
- 119 Sara Challoner ([OBJ0023](#))
- 120 Simon Ferrigno ([OBJ0052](#))
- 121 Society of Motor Manufacturers and Traders (SMMT) ([OBJ0098](#))
- 122 Stehen McCann ([OBJ0016](#))
- 123 Stephanie Cunningham ([OBJ0072](#))
- 124 Sue Craig ([OBJ0017](#))
- 125 Suzanne Taylor ([OBJ0061](#))
- 126 Tate & Lyle Sugars Ltd ([OBJ0088](#))
- 127 The Academy of Medical Sciences ([OBJ0139](#))
- 128 The British Academy ([OBJ0111](#))
- 129 The Investment Association ([OBJ0110](#))
- 130 The Law Society ([OBJ0100](#))
- 131 The 3million ([OBJ0148](#))
- 132 The 3million ([OBJ0135](#))
- 133 Tyndall Centre (University of East Anglia) ([OBJ0085](#))
- 134 UCL ([OBJ0101](#))
- 135 UK CEE Mediation Consultancy ([OBJ0140](#))
- 136 UK Independence Party ([OBJ0102](#))
- 137 UK Interactive Entertainment (Ukie) ([OBJ0109](#))
- 138 UK Trade Policy Observatory ([OBJ0149](#))
- 139 UKHCA ([OBJ0130](#))
- 140 Unite the Union ([OBJ0099](#))
- 141 Which? ([OBJ0114](#))
- 142 William Carpenter ([OBJ0075](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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First Report	The process for exiting the European Union and the Government's negotiating objectives	HC 815
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