

## British in Bavaria

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Working with British in Germany ([www.britishingermany.org](http://www.britishingermany.org))

## End game?

### Newsletter, 18 November 2018

Dear all,

Is it really the end game – or a never-ending story? We don't know. Best ask Mr Green, Betway, Ladbrokes, or even: Paddy Power. So we won't waste time on further speculation, but turn instead to facts, information and practical suggestions. And that includes insights from recent meetings we at British in Bavaria and British in Germany have had with officials in the Bavarian Staatskanzlei and Federal Ministries in Berlin.

Scroll down for details of **our next get-together (Monday, 26 November)**.

It bears repeating that if **there is a deal**, i.e. the draft withdrawal agreement ([see #1 below](#)) is signed, then our rights under the agreement as UK nationals resident in Germany remain secured. No change at exit day. No need for panic. We become part of the "protected group". The Steering Committee of the British in Europe Coalition is busy examining the text to assess the key issues that were left unresolved in the March draft (e.g. freedom of onward movement, family reunification, cross-border services, student grants). Although, after a first read-through the view is that little has changed since the March draft... [See #1](#) below for a link to their initial response. A more detailed analysis will appear soon at [www.britishineurope.org](http://www.britishineurope.org).

Should it come to a **no deal exit**, then the expectation is that none of that text will apply. And that includes the section on citizens' rights. British in Europe is calling for both parties to ring-fence this section, incomplete and insufficient as it is, to prevent serious disruption to our lives in the event of a no deal. It must be said, however, that there seems to be little appetite in Germany to do this: "*no mini deals*", said one official. As a precaution the German government is already working on a series of "*Übergangsregelungen*" (transitional arrangements) to alleviate the impact on UK nationals resident in Germany becoming third country nationals overnight. Officials in Bavarian and Federal ministries have assured us: "*Wir werden Euch*

*nicht fallen lassen*" and "Deutschland ist ein Rechtsstaat." There will be no deportations, work contracts/right of residence will not cease overnight, etc.

The German Ministry of Labour and Social Affairs has recently published a draft text of proposed emergency legislation to introduce in the case of a no deal. It covers aspects such as **healthcare, pensions, social insurance benefits**. Anybody receiving healthcare in Germany under the **S1 scheme** should follow developments here closely. ([See #2](#))

**Residence status** post Brexit is a particular concern. On social media there is currently a lot of talk about getting a **permanent residence certificates** (*Daueraufenthaltsbescheinigung* – [see #4](#)). Is it a good idea? See below for a few pointers. What we know is that, deal or no deal, the German government will need some way of identifying the UK nationals legally resident in Germany on 29 March (if there is no deal) or by the end of any transition period (if this Withdrawal Agreement is signed). Just what form this process will take – and what the deadlines will be – has not yet been made public. [See #3](#) for David Hole's summary of what we know about residence permits post Brexit (*Aufenthaltserlaubnis*).

As regards what we can do to prepare for a no deal (the odds on that must surely be shortening now...), then read or re-read British in Germany's "**No Deal Checklist**" <https://britishingermany.org/no-deal-checklist/>. This 16-point list covers finance, healthcare, pensions, residence status, etc. And please pass on that link to any Brits you know here who may be out of the information loop.

Deal or no deal, many working people with pension pots in the UK are wondering what their options are. This is most definitely an area for professional advisors, but we thought you might be interested in Andrew Ketley's experience on **transferring UK-based private pensions abroad**. He and Rachel have just successfully completed the transfer of their pensions from the UK to Germany. [See #5 below](#) for further information.

Keeping up pressure on the political decision-makers is another thing we can do, and we have been doing just that. Below Alison Jones reports on the **Last Mile Citizens' Lobby and human chain** to Downing Street which took place on 5 November ([#6](#)). **Votes for Life** for UK citizens abroad is an on-going topic, and hopes are rising for a breakthrough. Alison summarises the state of play on this ([#7 below](#)).

And don't forget: **German citizenship** is still an option for those who qualify. We've been talking to the KVR here in Munich and they are

doing all they can to accommodate late applicants. So, if you think there's any chance you could qualify, get along to your local offices and find out. From Chancellor Merkel downwards, the recommendation from Federal and Bavarian officials is that German citizenship is the best way to secure comprehensive rights in Germany long-term.

On events: Our next **British in Bavaria get-together** is on **Monday, 26 November**, at the Altmünchner Gesellenhaus, Kolpingstrasse 1 (MVV: Stachus), **18:00/18:30 onwards**. There should be plenty to talk about. Come along for a chat and update on where we are by then! For info: the Altmünchner is sadly closing down at the end of the year...

Another event on the horizon is an information evening organised by the British Consul-General in Munich – for sometime before Christmas, date to be announced.

In the meantime, it's a good idea to stay informed on developments. **See #8 below** for a **list of useful websites**. We can also expect the German government to start to provide online information soon.

If you have any questions you think the team at British in Bavaria could help with, then please feel free to contact us on [british.in.bavaria@gmail.com](mailto:british.in.bavaria@gmail.com). Your e-mail goes only to the six organisers, not to the whole distribution list.

Hope to see you on 26th November!

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## **1. Draft withdrawal agreement**

Here is the link to the 585-page draft withdrawal agreement:

[https://ec.europa.eu/commission/sites/beta-political/files/draft\\_withdrawal\\_agreement\\_0.pdf](https://ec.europa.eu/commission/sites/beta-political/files/draft_withdrawal_agreement_0.pdf)

The sections relevant to citizens' rights are on pp. 16-68 Residence, residence documents, p. 24 ff. Rights of workers and self-employed persons, p. 44 ff. Professional qualifications p. 48 ff. Coordination of social security systems, p. 53 ff.

The British in Europe Coalition Steering Committee has published an initial joint statement with the 3million ([https://mailchi.mp/7ef457a819c3/brexit-deal-fails-five-million-people-say-citizens-rights-campaigners?e=\[UNIQID\]](https://mailchi.mp/7ef457a819c3/brexit-deal-fails-five-million-people-say-citizens-rights-campaigners?e=[UNIQID])). A more detailed analysis is to follow. Keep watch on [www.britishineurope.org](http://www.britishineurope.org) for updates.

**2. Draft emergency legislation on healthcare, pensions, social insurance benefits, etc. in the event of a no-deal scenario.** From the German Ministry of Labour and Social Affairs (BMAS) (DH)

<https://www.bmas.de/DE/Service/Gesetze/uebergangsregelung-nach-austritt-grossbritannien-nordirland-aus-eu.html;jsessionid=1D824DBA8DE95D5BF5557AA116079DCB>

British in Germany has been asked to comment on the text, along with many other companies, organisations and bodies affected, e.g. health insurance companies, pensions insurers, employers' associations etc. Their responses will be published in due course on that website. Those receiving healthcare in Germany under the **S1 scheme** (i.e. paid for by the UK govt. under a reciprocal arrangement), and those expecting to come under the S1 scheme when they retire, should follow developments here closely because there is no guarantee that this scheme would continue to apply in Germany in the case of a no-deal Brexit. So what would replace it? Unilateral measures may be introduced before any bilateral agreement is reached between Germany and the UK. Such as the option proposed in this draft legislation, for S1 recipients to join the German state healthcare scheme (*gesetzliche Krankenversicherung*). It must be stressed that this text is an early draft. It's all up for discussion at the moment.

So far, we have not seen any guidance from the UK government about what S1 recipients in the EU27 should do in the case of a no deal scenario.

**3. Residence permits / Aufenthaltserlaubnis / Identification process post Brexit** (DH)

If the current draft Withdrawal Agreement is signed by both parties, all UK nationals (and their families) resident in Germany or any other EU27 country at 29 March – and also those *becoming* resident in the EU27 by the end of the transition period – will be a protected group under that agreement, and their right of residence in their "host state" will be secured (see Draft Withdrawal Agreement, p.17+18). If the current draft Withdrawal Agreement is not signed (a no deal situation), then UK nationals resident in Germany at 29 March will have to comply with whatever system the German government will introduce at that point to identify them for the purposes of confirming their right of residence. No need to rush to any government office on 30 March. We will be informed in due course of what the requirements are, and there will be ample time to comply with any requirements after 30 March.

We in British in Germany are continuing to lobby for the simplest system possible. Mere registration, i.e. the *Anmeldung* with the local authorities that all residents are required to do, may not be enough, because those records themselves are incomplete or inaccurate.

In any scenario and in preparation for whatever is to come, it is a good idea to get all your documentation up to date, make sure that you are registered at your current address (*angemeldet*), etc. See the no-deal checklist for an idea of what kind of documentation to check: (<https://britishingermany.org/no-deal-checklist/>).

#### **4. Daueraufenthaltsbescheinigung (permanent residence certificate) for EU citizens**

Available to EU citizens who have lived here for 5 years. Here's the info on applying for a "*Daueraufenthaltsbescheinigung für EU- und EWR-Staatsbürger*" in Munich:

[www.muenchen.de/dienstleistungsfinder/muenchen/10215147/](http://www.muenchen.de/dienstleistungsfinder/muenchen/10215147/)

This certificate is not a requirement for us to have one, because as UK nationals and EU citizens (still), we have a right to live and work throughout the EU. But it is available if we request it.

There are a number of views on whether it is useful to apply for one or not:

Bavarian official 1:

"Ceases to be valid as soon as EU rights are lost. So, not really worth bothering with, as it will become invalid on 29 March [in case of no deal]. An *Übergangsregelung* will cover the continued rights all UK nationals resident in Germany at the point of exit, regardless of whether they have a *Daueraufenthaltsbescheinigung* or not."

Bavarian official 2:

Whether this certificate will continue to be recognised post Brexit is not yet known, but she thinks it is like dual citizenship – once you've got it, it can't be taken away from you. (*Bestandsschutz*).

Other arguments to consider:

- This document is a formal German-issued photo document which can be shown to anyone who asks to prove evidence today of a right to live in Germany.
- It is relatively easy and cheap (€10) to acquire.
- It might be useful in cases such as: applying for a loan, applying for a course of study, to show to authorities, e.g. when applying for

housing.

- Even though it may no longer be valid at some point, it is nevertheless evidence of having had a recognized right and therefore could be useful in any future dispute, or even, for example, to show to a confused employer or landlord next April or May. Even if no longer valid at that point, it would be likely to comfort an average German citizen that they were probably not breaking the law by employing you or renting to you.

- If you already have one of these certificates, the process of exchanging it for any new certificate or permit post Brexit might be easier.

## **5. Transferring private pension savings out of the UK**

This is "shark-infested waters", found Andrew Ketley, especially if you rely on companies to do it for you. Andrew and Rachel have now successfully transferred various private pension pots out of the UK, and Andrew has produced a report on their experience for anyone interested in trying to do the same.

The report covers: types of scheme (defined benefit, defined contribution, stakeholder), pension transfers, tax implications of pension transfers, penalty charges, QROPS transfers incl. suitable contacts in Germany, arguments for/against transfer.

Disclaimer: This information is based on Andrew and Rachel's own experience and research and does not constitute financial advice!

For a copy of his report, please e-mail him at:

[british.in.bavaria@gmail.com](mailto:british.in.bavaria@gmail.com). Your e-mail goes only to the organising team, not the whole distribution list.

## **6. Last Mile - Remember, remember the fifth of November**

(AJ) On 5th November, British in Europe and the3million delivered a letter to Theresa May via a human chain and held a lobby of Parliament. On the day, British in Germany issued a German-language press release with a German translation of the letter. There was wide coverage of the action in Germany, including on ARD prime-time TV (<http://www.tagesschau.de/multimedia/video/video-467871.html>), across Europe and around the world. The BiG Twitter account was active throughout the day and had its 3rd highest viewing ever - over 50,000, beaten only by the days around the October 20th People's Vote March. The3Million and BritishinEurope Twitter accounts saw enormous numbers. Disappointingly little appeared in the UK press,

but 26 MPs signed up to the pledge on citizens' rights. The committee rooms in Parliament were packed for speeches by MPs from all parties, as well as BiE, the3million, Unison and the French senator who represents UK-resident French citizens. It is unusual for ministers to attend a lobby event, but Robin Walker, Undersecretary of State at DEXEU, did so and spent time with BiE and the3million discussing the issues.

The text of the letter to Theresa May is here:

<https://britishingermany.org/2018/11/05/open-letter-to-theresa-may/>.

The pledge on citizens' rights is

here: <http://lastmile.the3million.org.uk/> Perhaps you wrote to your MP? If you got a response, keep the conversation going. If you got no reply, don't be discouraged – even if someone only counted the number of mails, you are making an impact! And change is a process not an event, even for MPs.

## **7. Votes for Life (AJ)**

The Overseas Electors Bill (aka Votes for Life) completed its committee stage in the UK Parliament on 14 November. The Bill aims to extend the franchise for overseas voters from the current 15 years to lifelong. The Bill will go back to the Commons for the report stage on Friday, 25 January 2019 and then go on to the third and final reading. If passed, the Bill would give a vote to those of us who have lived outside the UK for more than 15 years. The Conservative government is supporting this private member's Bill, and supported a Money Bill in October to provide financing. The smaller parties seem largely supportive. From what has happened at second reading and committee stage it seems possible that the Labour party may oppose the Bill during the last stages. If you feel strongly about lifelong votes for overseas voters, now is the right time to make your voice heard by writing to your MP or the MP for the last constituency where you were registered in the UK. Explain why the Bill is important to you, and ask them to vote for it, or if they feel they cannot do so, at least not to vote against it. To find your MP: <https://www.parliament.uk/mps-lords-and-offices/mps/>

For more on the content of the Bill and the debates in Parliament:

<https://services.parliament.uk/bills/2017-19/overseaselectors.html>

More information on this (including suggested texts for your contact with your MP), will be provided shortly on the British in Germany website.

Note: If a People's Vote is agreed (and there are many ifs and buts before then), it will take about 6 months to organise. So – another if – if Votes for Life is passed in early 2019, UK nationals abroad might indeed get a vote in that People's Vote!

### **8. Useful websites for staying up to date:**

What we can all do is stay up to date on developments. And encourage others who might be out of the information loop to do the same.

[www.britishineurope.org](http://www.britishineurope.org)

[www.britishingermany.org](http://www.britishingermany.org)

[www.gov.uk/government/brexit](http://www.gov.uk/government/brexit)

<https://www.gov.uk/world/germany>

<https://www.gov.uk/guidance/advice-for-british-nationals-travelling-and-living-in-europe>

Facebook: British in Germany on Facebook:

[www.facebook.com/groups/BritishinGermany/](http://www.facebook.com/groups/BritishinGermany/) This is a moderated group, and a great place to get support through Brexit and the challenges we face. To ask questions and share information.

British Embassy Berlin on Facebook:

[www.facebook.com/UKinGermany/](http://www.facebook.com/UKinGermany/)

Best regards,

Ingrid Taylor

David Hole

Rob Harrison

Alison Jones

Andrew Ketley

The organising team:

British in Bavaria – a part of British in Germany

[BritishinGermany.org](http://BritishinGermany.org)

[BritishinEurope.org](http://BritishinEurope.org)

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We also run a MeetUp group for our local events:

<https://www.meetup.com/Brexit-in-Bayern/>

You can contact us at: [british.in.bavaria@gmail.com](mailto:british.in.bavaria@gmail.com).

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