

The Rt Hon Theresa May MP
The Prime Minister
10 Downing Street
LONDON SW1A 2AA

5 November 2018

Dear Prime Minister,

British in Europe, the3million and UNISON are extremely concerned about the current state of negotiations on the UK leaving the EU, and the implications for the rights of over five million citizens.

Little progress was made at the October European Council and there is now a very real threat of no deal. This will have disastrous and wide-reaching personal consequences for this group of citizens on both sides of the channel. We therefore urge you to take steps now to remove citizens' rights from the straitjacket of "nothing is agreed until everything is agreed".

We remind you of the statement you made in the House of Commons on 26 June 2017: *"I am making [citizens' rights] an immediate priority at the beginning of the negotiations. But that agreement must be reciprocal because we must protect the rights of UK citizens living in EU member states, too."*

Although you have promised to unilaterally protect the rights of EU citizens in the event of no deal, unilateral guarantees are not a comprehensive solution:

- British citizens in Europe could become illegal residents of their host state, with no legal status on 30.03.19, and probably dependent on national solutions in 27 different countries.
- Key areas of our rights require coordination between the EU and UK - in particular, social security rights such as aggregation of pensions and healthcare provision for which we have paid and will continue to pay.

Instead we are calling for the EU and the UK to honour under Article 50, as a minimum, the agreement already reached on citizens' rights – whatever the outcome of Brexit. We urge you to approach Michel Barnier and the EU27 member states and suggest committing now to implementing the citizens' rights part of the draft Withdrawal Agreement (WA), even if it is the only aspect to be agreed on.

No deal is not the only risk citizens may face. We ask that the WA should be strengthened to include further protections for both groups:

- UK citizens covered by the WA should have the right of continuing free movement in the EU, and EU citizens covered by the WA should have a life-long right of return. The UK has already made this proposal to the EU in September 2017, and we are asking you to ensure that the UK negotiating team raises and presses this issue again.
- The draft WA does not cover the right of UK or EU27 citizens to move back to their country of origin with any family members without being subject to domestic immigration legislation. There is an issue of retrospective application of a harsher set of rules and a clear case for reciprocity here, and we urge the UK and EU negotiators to include these rights in the WA, or to grant them unilaterally at UK and EU-wide level.

- The loss of our voting rights is one of the most undemocratic and shameful aspects of Brexit: at least 60% of British in Europe and almost all EU27 citizens in the UK were disenfranchised in the most important vote of their lives in the 2016 referendum, and we now face losing other democratic rights following the negotiations. We are asking the UK Government to retain voting rights for EU27 citizens in local elections in the UK, and to push for reciprocal rights for UK citizens in the EU27. Moreover, the Government should deliver on the promise of votes for life for all British citizens.
- Where procedures requiring citizens to register for a new status in the UK or EU27 countries are implemented, these should be simple, clear and free of charge.

In the UK, EU citizens need complete legal certainty from you on how the new settled status scheme will be implemented. The UK Government has stated there will be no checks on health insurance or sufficient resources, but the WA does not prevent future governments or Home Office immigration rules from introducing such checks. As a gesture of goodwill, we are calling for you to ensure that your political commitments are made legally binding at the EU/UK level and confirmed by the UK Parliament.

Finally, EU citizens will need a physical document as proof of settled status, or we may face discrimination in our daily lives. As the Windrush scandal has shown, people need documents to evidence their rights in the UK within the framework of the hostile environment.

In conclusion, the UK Government and the EU must now do the right thing for these 5 million citizens - something that should have been done a long time ago. As we host an event in Parliament today to remind MPs of their duty of care to EU constituents and British citizens abroad, we ask you to honour the political promises made to us, no matter what the outcome of Brexit negotiations.

We are not bargaining chips, we are five million people and it is time we were treated as such.

Yours sincerely,

Nicolas Hatton

Jane Golding

Dave Prentis

Co-founder, the3million

Co-Chair, British in Europe

General Secretary, UNISON

for UNISON's EU members