



An inquiry into the status of EU nationals in the UK: call for evidence

Background

While the UK currently remains subject to free movement rules during its negotiations to leave the EU, any long-term commitment to retain free movement post-Brexit is politically unlikely after the Leave majority in a referendum in which immigration was a central theme. However, there is a broad consensus for separating the status of current EU nationals living in the UK, from future policy changes that may apply to new migrants. The official Vote Leave campaign proposed that there should be *“no change for EU citizens already lawfully resident in the UK. These EU citizens will automatically be granted indefinite leave to remain in the UK and will be treated no less favourably than they are at present”*.

Since the referendum, there has been pressure to secure an immediate government commitment to guarantee the rights of EU nationals living in Britain, as exemplified in the Sunday Telegraph letter signed by Leave and Remain politicians, as well as the TUC, the Institute of Directors and trade bodies representing specific industrial sectors¹. Polling from ICM for British Future found that 84 per cent of the British public supports letting EU migrants stay – including three-quarters (77 per cent) of Leave voters – with any future changes applying only to new migrants.

The Government has delayed making a specific commitment on EU nationals, on the grounds that it needs to seek reciprocity for British nationals in the EU. It has also voiced concerns about managing immigration surges from those trying to beat cut-off points and policy deadlines.

The Government has said that it does anticipate that the principle of EU nationals being able to stay and settle in the UK will eventually be agreed, but there will be many complexities about how to uphold this in practice. Establishing legal residence in the UK will be difficult for some EU migrants, for example.

To inform the approach of the Government, British Future is holding a short inquiry on the status of EU nationals in the UK after Brexit. The Inquiry will meet in September 2016 and is being chaired by Gisela Stuart MP. It has cross-party support and also includes business and trade union representation. The Inquiry will report in autumn 2016, setting out practical proposals about how to secure the status of EU nationals living in the UK.

Call for evidence

To support the Inquiry we are asking employers, migrants' organisations, migration and legal experts and other interested parties to provide supporting evidence. Submissions should be less than 1,000 words, although additional documents and appendixes can be included if relevant. Our deadline for receiving submissions is **5pm on Wednesday 7 September 2016**, but if your organisation requires a little more time, please contact Jill Rutter at British Future.

¹ Letter to Sunday Telegraph 3 July 2016 <http://www.telegraph.co.uk/opinion/2016/07/02/letters-eu-citizens-who-have-already-settled-in-britain-must-be/>

The Inquiry will focus solely on the status of EU nationals living in the UK prior to Brexit; it will not examine migration policy post-Brexit, nor the status of UK nationals in other EU countries. Submissions should therefore be restricted to this issue.

Questions that the Inquiry will consider include:

- Is the best policy option to give qualifying EU nationals permanent residence in the UK in order to guarantee their right to remain? Are there any legal or practical problems in implementing such a decision?
- Should EU job-seekers, potential higher and further education students, long-term non-working EU nationals, family members and self-sufficient persons be treated the same way as workers and the self-employed?
- What healthcare and benefits rights should existing EU nationals be afforded? Should family members and self-sufficient persons be afforded the same set of rights as those in employment?
- How should the Government manage cut-off dates for changes to the status of EU nationals in the UK?
- What is the likelihood of significantly increased immigration flows from the EU from those who are trying to beat cut-off points and policy deadlines? What might be the scale of such an increased flow? How might immigration surges be managed?
- What is the best administrative means for EU nationals to show their legal residence in the UK? Are current Home Office systems for issuing documentation fit for purpose or will increased demand for registration certificates require extra staffing?
- Are there any groups of EU nationals who might struggle to establish their legal residence? Are there useful ways in which employers might be able to work with government to facilitate an efficient process?
- Will all groups of EU nationals in the UK be able to navigate any future Home Office administrative processes, or do some populations risk being non-compliant?
- Are there sufficient advice services for EU nationals in relation to securing residence rights or appealing decisions?

Please note this is not an exhaustive list and the inquiry may consider other questions depending on submissions.

Submitting evidence

Please email your evidence, and any specific questions about the Inquiry, to Jill Rutter, Director of Strategy and Relationships at British Future: jill@britishfuture.org.

Updates about the Inquiry's progress will be given on our website. We will not be publishing the evidence itself, but we intend to list organisations that provide evidence in the Inquiry report. If you do not want your name included, please state this on your submission.

About British Future

British Future is an independent, non-partisan think-tank and registered charity. Our vision is a confident, inclusive Britain that is fair and welcoming to all. Further information about our work is given on our website www.britishfuture.org