

Submission on behalf of Migrants' Rights Network and UK Race and Europe Network to the inquiry on the status of EU nationals in the UK

Thank you for the opportunity to submit evidence and views to the inquiry on the status of EU nationals in the UK. This is a joint submission from Migrants' Rights Network and the UK Race and Europe Network which will address each of the inquiry questions in turn.

- **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?**

There is considerable concern among non-British EU nationals about their future residence status in the UK. This worry will continue until there is a clear statement from government on who will be given permanent residence and the conditions and process for applying for this. Of the 3.5 million EU nationals living in the UK, 2.3 million have lived in the UK for longer than five years (the present qualifying period for registering as a permanent resident). Using the government's present capacity to process permanent residence applications, Migration Observatory forecast that it would take 140 years to process all EU nationals living in the UK (see:

http://www.migrationobservatory.ox.ac.uk/wp-content/uploads/2016/08/commentary-status_EU_citizens.pdf). So, yes, we strongly believe that the best option is to give all EU nationals presently settled in UK the right to permanent residence.

- **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?**

Yes, there should be equal treatment. The list is broad. Evidence on why it is important that potential higher and further education students should be treated equally can be seen in the following evidence from Greenwich University, where the drafter of this submission works as a visiting lecturer. The university has found the numbers of EU nationals applying for courses has dropped dramatically for undergraduate courses starting in September 2016 to the extent that the university has had to cut many courses to save money. In our view the present freedom of movement rights should remain in place to allow equality and economic prosperity.

- **What healthcare and benefit 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?**

EU nationals already living in the UK should be given the same rights to healthcare and benefits as they are offered at the moment. There should be no difference for entitlements to healthcare or welfare benefits, especially when it is recognised that EU nationals contribute more than is paid out (see reference:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/548156/HMRC_-_Ad_Hoc_Stats_Release_-_further_TC_statistics_on_EEA_Nationals_JULY_-_FINAL_23rd_August_2016.pdf)

That right to healthcare and benefits includes family members and self-sufficient persons. And if EU nationals are to be given permanent residence then they should be given the same healthcare and benefit rights as other permanent residents.

- **How should the Government manage cut-off dates for changes to the status of EU nationals in the UK?**

Any changes will need legislation passed by parliament. The date of the entry into force of any new legislation would be the date when changes to the status may be made (should any be needed, which we argue is not the case). It is wrong (and legally difficult) to enact legislation retrospectively.

- **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?**

The past example of employment restrictions being lifted on Romanian and Bulgarian EU nationals on 1 January 2014 saw a trickle of additional new arrivals. Fewer than 30 new Romanians arrived in the UK in the first weeks of January 2014, the Independent reported (see: <http://www.independent.co.uk/news/uk/home-news/uk-immigration-fewer-than-30-romanian-arrivals-since-border-restrictions-lifted-says-countrys-9061674.html>). No flow. No surge, despite what right wing politicians, media and some NGOs predicted. The Migration Observatory published an analysis of media reporting on this issue that highlights the inflammatory, speculative and anti-migrant reporting on the issue (see: http://www.migrationobservatory.ox.ac.uk/wp-content/uploads/2016/04/Report-Bulgarians_Romanians_Press_0.pdf). The latest statistics released from the Office of National Statistics also showed that 56% of those EU citizens who entered the UK in the last year did so because they had confirmed employment (see: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/august2016>).

- **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?**

A simple and fair system is needed, that civil servants processing applications can cope with. The present 85-page application form for permanent residence is too long and cumbersome. The government is only processing 25,500 applications a year from EEA nationals seeking permanent residence documents. 2.3 million applications would overwhelm the system and chaos would be the result. So a simple online application with one document of evidence uploaded to show that the person has been resident in the UK for five years or longer (bank statement, utility bill, P60 etc) would allow automation to speed the application process with the minimum cost and hassle to the government.

The present fee of £65 per application is reasonable. This should not be made prohibitively expensive for applicants to offset the government's need to allocate more staff to processing applications.

We believe that permanent residence should be afforded to **all** EU nationals presently living in the UK, without the government-set five-year residency threshold, to reduce the large number of hate incidents against EU nationals, allay fears among EU nationals of being removed or deported in the future, and benefit the UK economically.

- **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?**

Yes. There are groups, such as EU nationals of Roma ethnicity of which many would struggle to provide paper evidence of their length of stay in the UK. There is still evidence of discrimination of the Roma community in the UK - see the recent CERD report, which would inhibit their ability to provide the formal documentation required (see: https://www.equalityhumanrights.com/sites/default/files/icerd_concluding_observations.pdf). Many do not have bank accounts or contracts of employment (some work in the informal economy and many are self employed on low income) or live in private housing without formal rental agreements. For such people, then testimonies from doctors, teachers or civil servants, should be allowed (like in countersigning a passport application form. See: <http://www.equalrightstrust.org/ertdocumentbank/Equal%20Rights%20Trust%20Submission%20to%20CERD%20on%20United%20Kingdom.pdf>).

Many who have been subject to labour exploitation or trafficked to the UK, often working for gangmasters and employment agencies with their passports illegally withheld until they paid the agent's fees, and working as 'self employed' without any contracts or paperwork to prove their employment status, would also struggle to prove legal residence.

It is often NGOs who are in contact with these groups. The government should consider collaborating (including providing funding) with NGOs to contact and help such disadvantaged groups with their residency status applications. This would reduce the time and cost it would take civil servants to deal with difficult residency cases.

- **Will all groups of EU nationals in the UK be able to navigate any future administrative processes in relation, or do some populations risk being non-compliant?**

A barrier for future EU nationals may be language. The government should consider putting important short statements about residence on www.gov.uk into all the EU official languages. As long as the administrative process is streamlined and simplified, we do not envisage non-compliance being a risk.

- **Are there sufficient advice services for EU nationals in relation to securing residence rights or appealing decisions?**

No. The information on www.gov.uk is only in English and uses technical terms. There are few pro-bono immigration lawyers and with cuts to legal aid, this situation will not change. Immigration lawyers often charge £1,000 plus fees for giving very simple advice. Migrants' Rights Network has a project to signpost concerned EU nationals to advice on residence and citizenship <http://mobilecitizens.eu> (with the website soon available in other EU languages).

Migrants Rights Network and UK Race and Europe Network
6 September 2016