

Devoured by Brexit?

Tony Simpson

Tony Simpson is the Representative of the Permanent European Union Citizenship Initiative addressed to the European Commission.

We are staring down the throat of Brexit. In a few short weeks, as things stand, the European Union will lose some 65 million of its citizens—more than ten per cent of the population, a literal decimation. Later, in May 2019, a new European Parliament will be elected, which thereafter will be asked to approve a new Commission. Will the UK be represented in the new Parliament? For this to happen, there will have to be an agreed extension of the two-year timetable specified in article 50 of the Treaty on European Union, which currently expires at the end of March. Alternatively, the UK government could unilaterally revoke its article 50 notification to withdraw from the Union. Both options are legally possible. Is the political will there to avoid the UK's premature departure from the Union?

Viewed from England, the outcome remains far from certain. In the 2016 referendum, Scotland and Northern Ireland voted by clear margins to stay in the European Union. Their preference to stay has grown stronger with the passage of time, according to polls. Meanwhile, Wales seems to have changed its mind about leaving. Nevertheless, throughout the UK far-reaching preparations for departure continue. Some are widely known, such as the ill-starred and irregular attempt to revive ferry services between the ports of Ramsgate and Ostend, operated by a company with no ships. Less conspicuous, perhaps, is the UK Ministry of Defence 'call-out' to 3,500 military personnel, including reservists, in support of contingency planning for a 'no-deal scenario', or the National Health Service's

appointment of regional ‘commanders’. The UK Civil Service machine clunks into gear in preparation for a peace-time ‘critical incident’ or civil emergency of the UK Government’s own making.

Meanwhile, in late December 2018, the UK Home Office issued a notice saying ‘EU citizens and their families will need to apply to the EU Settlement Scheme to continue living in the UK after 31 December 2020’. The 43 second video claimed that getting ‘status’ under the Scheme means that people can continue to live, work and study as they do now. Identity, residency and criminality will be checked. Adult applicants were informed that they would be charged £65 and those under 16, £32.50 each. Prime Minister May has since rescinded the charges. The EU Settlement Scheme will be ‘fully operational’ by 30 March 2019, when the UK is due to have left the Union.

Some three million EU nationals from 26 Member States will be required to apply under the Settlement Scheme in order to stay in their own homes. The exception is Ireland: Irish nationals will seemingly not have to apply because of longstanding reciprocal arrangements between the UK and the Republic of Ireland which predate establishment of the European Union.

What status?

‘Status’ is the key word. Currently, under the Citizens’ Directives, EU citizens move freely around the Union, with right of residence throughout. If the UK leaves the Union on 29 March, as notified by Prime Minister Theresa May, the UK will no longer recognise the status of EU citizens resident in Great Britain (England, Scotland, Wales) and Northern Ireland as conferring right of residence. They will have to apply for leave to remain in the UK, in a similar way to immigrants from outside the EU currently have to do, no matter how long they have lived in the UK.

There is a sleight of hand at work here. As long as the United Kingdom stays in the European Union, UK nationals are also EU citizens. They have ‘common’ citizenship with EU nationals from the 27 other Member States. They are all currently protected from discrimination on grounds of nationality. Collective removal of EU citizenship from some 65 million UK nationals exposes three million resident EU citizens from other Member States plus those from Iceland, Lichtenstein, Norway and Switzerland to the full rigours of UK immigration control. Infamous for its ‘hostile environment’ approach, introduced by Theresa May when she was Home Secretary, the UK Home Office has commissioned an android telephone ‘app’ for submission of millions of applications for ‘settled

status'. Testing the app has revealed elementary teething problems, such as difficulties with hyphenated names. This is not a registration system, common in other EU Member States. Applications may be rejected.

The3Million group, representing EU nationals in the UK, is developing outreach work to assist the many people who do not have ready or easy access to an Android phone and the Home Office app. It's a huge task, and the elderly and those in low paid employment, many in remote, rural locations, or working at home, often caring for others, are the most vulnerable to falling foul of the settled status application system.

UK nationals resident in the EU26 (Ireland excluded) await the decisions of the Member States where they live. Under current proposals, if and when Brexit is enacted, they will immediately cease to be citizens of the Union with the attendant rights and protections. Instead, they will be deemed 'third country nationals'. As such, and as long-term residents, they will have some reduced rights under European directives. But, as things stand with the Withdrawal Agreement, their right to onward free movement in the Union will cease with Brexit. This will adversely impact many of the 80 per cent of UK nationals living and working in the EU27, who regularly work across borders.

Prime Minister Theresa May and her Secretaries of State have repeatedly refused to meet representatives of The3Million and of British in Europe, the counterpart umbrella group for UK nationals resident in the UK27, despite repeated and direct requests to do so.

Since the referendum in June 2016, the UK government has behaved as though UK nationals were no longer EU citizens. This was reflected in the protracted negotiations between the EU and the UK about the Withdrawal Agreement. The scope of the negotiations encompassed the five million who have exercised treaty rights to freedom of movement, and excluded tens of millions of 'static' EU citizens who are UK nationals resident in Britain and Northern Ireland. Notwithstanding that millions of these UK nationals may have enacted their EU citizenship by voting in elections to the European Parliament, for example, or indeed standing for election to the Parliament, they were collectively outside the purview of the negotiators.

It was in this context of increasing denial of enduring EU citizenship that we have launched two successive Citizens' Initiatives, or ECIs, to assert our transnational rights as EU citizens. In accordance with the rules, our organising committees comprise EU citizens resident in seven Member States: Belgium, France, Germany, Greece, Ireland, Italy, UK. 'Retaining European Citizenship', our first ECI, was approved as eligible by the College of Commissioners and registered in May 2017. Over 12

months, it gathered a modest 24,000 endorsements from the EU28. ‘Permanent EU Citizenship’, our second ECI, was similarly approved and opened for online collection of endorsements in August 2018. Within two weeks, it had attracted some 80,000 endorsements from the EU28. Now it stands at more than 100,000 endorsements. Many more are welcome!

Some 80,000 EU citizens resident in the UK have already endorsed the ‘Permanent EU Citizenship’ Initiative. Many of these will be UK nationals who wish to retain EU citizenship. Of course, 48 per cent of those who voted in the 2016 referendum wanted to stay in the Union, amounting to more than 16 million EU citizens. How can such status and rights conferred by Treaty be annulled by an advisory referendum of questionable integrity? More than three million EU nationals resident in the UK, although profoundly affected by the outcome of the vote, were excluded from casting a ballot, as were many UK nationals who were long-term residents elsewhere in the European Union. Sixteen and seventeen year olds were also excluded from voting. Brexit-supporting campaign organizations were found to have exceeded prescribed spending limits, breaching constitutional requirements for the advisory referendum.

The road to Brexit

The global financial crisis of 2007/8 destroyed the re-election prospects of the Labour Government, notwithstanding the then UK Prime Minister Gordon Brown’s sustained efforts to mitigate its impact. At the General Election of 2010, the Liberal Democrats spurned Labour and opted for coalition with the Conservatives, led by David Cameron, who was to become the Prime Minister who lost Europe. The subsequent Coalition Programme for Government declared:

‘The Government believes that Britain should play a leading role in an enlarged European Union, but that no further powers should be transferred to Brussels without a referendum.’

The inherent contradictions of this statement are plain to see. Mention of referendums was a sop to the Conservatives’ burgeoning Eurosceptic wing. It emboldened them. Cameron’s subsequent victory at the polls in 2015, and the vanquishing of the Liberal Democrats including their Europhile leader, Sir Nick Clegg, was won on a manifesto promising an ‘in-out’ referendum on EU membership. Cameron recklessly hastened to call the vote, against the advice of close colleagues, and, by a narrow

margin on a high turnout, the UK electorate advised a preference to leave rather than remain in the European Union. The Government's background document sent to every household, urging a vote to remain, made no mention of EU citizenship and its attendant rights and protections, nor the implications of their loss.

In the UK as elsewhere in the European Union during the years following the financial crisis of 2007/8, worsening austerity diminished public spending, undermining public services and living standards. Spending on education, health and all aspects of social provision was cut, while wages were effectively frozen and real incomes diminished. Meanwhile, the impact of the lethal and baseless war on Iraq and conflicts in the wider Middle East in pursuit of 'regime change', exacerbating the depredations of climate change in the region and in Africa, generated huge numbers of refugees seeking safe haven. During the first half of 2016, hundreds of thousands of people struggled to reach Europe, thousands of them perishing in the attempt. The European Union's failure to address effectively this long-running humanitarian crisis continues.

This was the context for Brexit. But its roots plunged deeper. In September 2017, Prime Minister Theresa May travelled to Florence to declare 'the United Kingdom has never totally felt at home being in the European Union'. She may not have done, but for generations many Brits have made their home on the Continent, including in Italy. Ninety years ago, in 1929, D H Lawrence put it this way:

'As a matter of fact, till 1800 the English people were strictly a rural people – very rural. England has had towns for centuries, but they have never been real towns, only clusters of village streets. Never the real *urbs*. The English character has failed to develop the real urban side of a man, the civic side. Siena is a bit of a place, but it is a real city, with citizens intimately connected with the city. Nottingham is a vast place sprawling towards a million, and it is nothing more than an amorphous agglomeration. There is no Nottingham, in the sense that there is Siena. The Englishman is stupidly undeveloped, as a citizen.'

Nottingham and the Mining Country, 1929

Lawrence's harsh comments would surely grate on Mrs May's ear. But, as her candid remarks in Florence reveal, the development of any sense of EU citizenship on her part was stunted from the beginning. By contrast, leaders of the Scottish National Party, Sinn Fein and Plaid Cymru (Party of Wales) have spoken out in support of EU citizenship.

Jeremy Corbyn, Leader of the Labour Party, which is the main

opposition, is a staunch and active supporter of human rights world-wide. In 2018, Labour came close to defeating the May Government over its planned abolition of application in the UK of the Charter of Fundamental Rights of the European Union, which codifies all the personal, civic, political, economic and social rights enjoyed by people within the EU. It covers

- all the rights found in the case law of the European Court of Justice;
- the rights and freedoms enshrined in the European Convention on Human Rights;
- rights and principles resulting from the common constitutional traditions of EU countries and other international instruments.

The Charter right to family life is frequently cited in immigration proceedings in the UK. There is a separate section on Citizens' Rights, listing in eight articles the rights of EU citizens.

Nevertheless, Mr Corbyn has not himself highlighted the significance of the loss of status as EU citizens which awaits tens of millions of his electors, should Brexit go ahead. He has called for the maintenance and development of rights at work, consumer and environmental rights, which are underpinned by EU legislation. He and his team are also developing an innovative economic programme grounded in sustainable development in the era of worsening climate change. But they have not yet addressed how to tackle the acute economic and social dislocation threatened by Brexit. The UK is deeply divided, and xenophobia close to the surface and sometimes rampant. In contemporary Nottingham, Polish parents tell of their hesitation to speak in Polish to their children whilst in public, for fear of reproach or worse. In Lawrence's day, their predecessors were better treated.

Frances O'Grady, General Secretary of the Trade Union Congress, knows the big risks Brexit poses for working people. Recently, she said

'... we can't rebuild Britain from the ashes of a botched Brexit. That's why Parliament and the people have the right to give the final verdict on Mrs May's ruinous deal.'

The Labour Party, and Britain generally, is confronted with this reality. Meanwhile, new endorsements continue to be logged for the Permanent EU Citizenship initiative, addressed to the European Commission. Collection continues until 23 July 2019. How many EU citizens will remain then?

*To endorse the Permanent EU Citizenship ECI,
follow the link at www.eucitizen2017.org*

Permanent European Union Citizenship

European Citizens' Initiative

EU citizens elect the European Parliament and participate in its work, thus exercising treaty rights, enhancing Union democracy, and reinforcing its citizenship. Noting the ECJ's view of Union citizenship as a 'fundamental status' of nationals of Member States, and that Brexit will strip millions of EU citizens of this status and their vote in European elections, requests the Commission propose means to avoid risk of collective loss of EU citizenship and rights, and assure all EU citizens that, once attained, such status is permanent and their rights acquired.

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*Europe for the many, The Spokesman 140
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