

*British in Europe registered address: 48, rue St Honoré, 75001 Paris (5ème étage)*

## **Select Committee – Implementation Report**

British in Europe welcomes the latest report, from the Select Committee for the Future Negotiations, on the Implementation of the citizens' rights chapter of the Withdrawal Agreement.<sup>1</sup>

Since three members of the steering committee of British in Europe gave oral evidence on 30 June much has changed, and little has changed. We now find ourselves on the crest of a second wave of Covid-19. The pandemic looks set to delay the adoption of necessary legislation and the opening of application procedures in some countries, or, potentially, to overwhelm or shut them down again if they are already open. Six constitutive countries have still not opened their application portals.<sup>2</sup>

We therefore support the recommendation in paragraphs 16 and 43 of the report that member states consider extending the deadline for applications.

We also share the view of the committee in paragraph 30 that it is vital for UK nationals in the EU to be made aware that their situation might change and to be told what they should do about it. Both parties to the agreement have an obligation to inform each other's citizens, resident in their territory, of their rights and how to access them. However, much remains to be done. Current efforts by both sides to reach and inform UK nationals in the EU are inadequate and sometimes flawed.

France is the only constitutive country with support from the UK National Support Fund. Even there, large geographical areas and significant parts of the population remain unsupported by the grantees who, in any event, have no or very little previous experience of working on the Withdrawal Agreement and citizens' rights. Where the coverage exists, the rate of enquiries dealt with is often a fraction of those answered by British in Europe during the same period. Accordingly, we are pleased to see the recommendation in paragraph 32 that monthly and quarterly monitoring reports be published. We are the canaries in the coalmine. Problems missed or mistakes made now, in reaching or advising UK nationals in the EU, could result in a catastrophic loss of status, residence and livelihood.

We are acutely aware that the UK National Support Fund runs out at the end of March 2021. There is an urgent need to review the service and advice provided so far and to ensure further funding for those grantees who meet quality standards, or to identify other

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<sup>1</sup>

[https://publications.parliament.uk/pa/cm5801/cmselect/cmexeu/849/84905.htm#\\_idTextAnchor005](https://publications.parliament.uk/pa/cm5801/cmselect/cmexeu/849/84905.htm#_idTextAnchor005)

<sup>2</sup> Ibid. See para. 12, table 2



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organisations to advise UK nationals in the EU beyond March 2021. This is especially important in France, but also in other constitutive countries which have yet to open procedures and where registration may continue until the end of 2021.

Support from the Commission and member states is also limited and of variable quality. Much more needs to be done to ensure that UK nationals are reached, that they are informed about their rights and that support for complex cases is made available. We did not vote for Brexit, the Withdrawal Agreement removed our fundamental rights and we should not have to bear the financial and legal cost of this denial of rights.

The report also addresses the common format residence card for UK nationals under the Withdrawal Agreement. We welcome progress made by the EU Commission Task Force in persuading member states to differentiate between five years and less than five years residence on the card and note that almost all countries will now make this distinction. Action is still needed in those countries which have issued cards that did not distinguish between years of residence to early applicants, but who have now changed their policy.

### **Mobility rights for Withdrawal Agreement beneficiaries**

We note the support offered in paragraph 52 of the report on combining different statuses for mobility. At the time of giving evidence, it was not clear to BiE whether UK WA beneficiaries would be able to combine their WA status with other EU immigration statuses that confer better mobility rights. The Specialised Committee confirmed on 6 August that this will be possible. However, we are still awaiting advice and guidance on how we would go about concretely proving this right should we attempt to leave our WA host state and activate those rights in another. We wrote to the Commission on this point in June and expect and hope for a reply shortly.

In conclusion, British in Europe welcomes this report and its recommendations. But we need more transparency, more communication and more support from all parties. The clock is ticking, the pandemic is once again advancing and rights and lives must be protected.

British in Europe  
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