

BRITISH IN EUROPE

THE COALITION OF UK CITIZENS IN EUROPE

www.britishineurope.org

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

Secretary of State Priti Patel
Minister Kevin Foster
Home Office
2 Marsham Street
London SW1P 4DF

cc: Minister Wendy Morton,
Foreign, Commonwealth & Development Office

28 May 2021

Dear Secretary of State, dear Minister,

British in Europe has campaigned for the rights of UK citizens in the EU to return to the UK with their non-UK family members, particularly where they need to do so in order to care for elderly or sick relatives, *without* being the subject of minimum income requirements or other elements of UK immigration policy. This would align their treatment to EU citizens in the UK covered by the Withdrawal Agreement, who have these family reunification rights in both the UK and their countries of origin, and would be a fair, equitable and reciprocal approach.

During the passing of the Immigration Act 2020, UK ministers did not accept the arguments made in both the House of Commons and House of Lords in support of this approach and pointed to the grace period that had been put in place for returning citizens, but suggested that they were open to keeping the situation under review.

We would like to raise three reasons why the grace period granted by the UK government is not fair and is in fact not a grace period at all:

1. The 'grace period' commenced at a time when the previous rules had not yet changed, because these were applicable until the end of transition. In fact, it commenced when the UK had not even left the EU. The grace period was instead both communicated and commenced in April 2019. It is thus not in fact a grace period of three years but provides a window of 15 months during which the new rules do not apply after the rules changed.
2. The commencement date is different to the date on which all other grace periods for both EU citizens in the UK and UK citizens in the EU commenced i.e. 1 January 2021.

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For example, the Department for Education has granted British citizens in the EU with a grace period for home fees on courses starting within seven years of 1 January 2021.

3. The unfairness of the grace period is compounded by the practical challenges that the current COVID crisis has raised in relation to making such an important move e.g. difficulties with respect to visits to the UK to seek housing, work, schooling for children, etc.

We are sure that the UK Government would agree with us that, in particular given the challenges due to the COVID crisis, a fair, firm and clear solution would instead be to commence the grace period from the date on which the rules actually changed – 1 January 2021 – and for it to apply until 31 December 2023.

We look forward to your response.

Yours sincerely,

Jane Golding
Co-chair

Fiona Godfrey
Co-chair