

### Q&A on the EUCo decision

#### **EUCo has confirmed sufficient progress has been reached: is there a final deal on citizens' rights, ending the uncertainty that citizens have been living in for 18 months?**

EUCo has confirmed sufficient progress on all three priorities, including citizens' rights but there is no final deal on citizens' rights yet. The agreement so far does not end the uncertainty or ensure that we can continue to live our lives as we do now because there are a number of outstanding issues that are critical to the lives, livelihoods and families of EU citizens in the UK and UK citizens in the EU.

#### **What issues are outstanding?**

These include:

- continuing rights of free movement,
- continuing recognition of qualifications and enjoyment of economic rights across the EU 27,
- and rights of future family reunification.

In addition, the agreement does not confirm the current arrangements under EU law on our rights because it allows both sides the option of a registration system that is either declaratory (in line with current EU law) or constitutive (which is not in line with current EU law).

#### **Why are you worried that these issues are still outstanding? They are still on the table and won't they be discussed in the second phase?**

The unfinished business, such as whether we have free movement across the EU 27, will be discussed in the second phase. Our concern is that this could get lost in the mass of issues now to be discussed such as airline slots.

That is why we are calling for a **distinct strand** for the continued negotiations over citizens' rights, just like what is happening over Ireland – i.e. the same people on both sides must continue to discuss the position as a matter of priority and distinctly from the rest of the UK's future relationship with the EU.

We also want a **clear statement** that, whatever happens to the rest of the negotiations, such of our existing rights as are protected by the agreement are safe, and that there will be no backtracking on them under any circumstances.

#### **What is the difference between the constitutive system proposed and the current declaratory system under EU law?**

The *declaratory system*, in line with current EU law, and which mirrors what happens now, simply confirms the rights that we already hold, whether as permanent residents (5 years or more) or temporary residents (less than 5 years).

The other option, the *constitutive system* would mean that we would have to APPLY for a new status under national immigration law and without a successful application we will lose our rights. The application process

would include checks on whether people had been exercising treaty rights, as well as criminality checks. This is the equivalent of the UK proposal for EU citizens of 'settled status'; the concept of reciprocity has led to this being an option for each EU27 country if they wish to adopt it.

**The agreement would cover existing rights in the country of residence of the citizen. Why is this not sufficient and why is continuing free movement so important?**

UK citizens in the EU currently have rights to move and reside freely across the EU 27, while the agreement under the Joint Report is limited to the country of current residence. Not only would that mean that UK citizens would lose rights that they currently have under EU law pre-withdrawal but for many citizens these rights are critical for their livelihoods. UK citizens including caterers, IT contractors, journalists, musicians rely on their rights of free movement in their careers, whether they are employed or self-employed. Many people are cross-border service providers, self-employed people who rely on their free movement rights to allow them to cross borders to services. Some work regularly in a large number of Member States. Others work on short term assignments in a number of countries over the course of a year, while others move from one country to another on short to medium term assignments of more than a year.

**The European Council agreed today that it was prepared to negotiate a transition period of around two years with the UK. How does this impact citizens' rights?**

If negotiated, this would mean that the implementation of the final Withdrawal Agreement, including the deal on citizens' rights, would probably be delayed until 2021. This needs to be negotiated but if the four freedoms continue to apply during this period, UK citizens in EU's rights to live and work in the EU are unlikely to change substantially from what they are now during that two year period.