

Don't lose us our Gold Card benefits!

UK Parliament

EU Citizenship Rights



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ALL UK CITIZENS



It isn't just about trade and immigration...

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Introduction

EU withdrawal - a timely reminder of what's at stake

...it's about people!

During the referendum debate, the rights and benefits of EU Citizenship as applied to UK Citizens were all but ignored.

These rights and benefits are not grand intangibles, nor do they relate to the status of the UK in the world or the extent to which the UK trades with other countries.

These rights, benefits and obligations are measures which enhance people's ability to live, work, study and travel in the UK and throughout the rest of the EU.

The loss of these rights and benefits would affect anybody who lives, works, studies and travels in the EU. This includes people who never leave the UK, who may assume that they will not be affected.

The vast majority of these rights and benefits

cannot be replicated by the UK Parliament acting in isolation. They require agreement from the other 27 EU nations.

If the UK were torn from the EU and the Single Market, whether by accident or design, all of these rights would be lost. Even the retention of these rights by people who have already used them, who indeed have based life-choices on their very existence, would be in doubt.

The essential role of Parliament

People from across the political spectrum and on both sides of the Brexit debate have campaigned to ensure that the UK's Sovereign Parliament is the protector of our rights.

The people of the UK now depend on Parliament to act in the best interests of the UK in its entirety and of all its citizens.

That means overseeing the Government during negotiations and taking full responsibility for the final decision on the acceptability of any exit treaty, such that people's fundamental rights are recognised, respected and protected. If there is no treaty, it must be Parliament that decides what to do. Ultimately Parliament can, and must, control how the Government acts and use its powers as far as possible to defend the precious rights on which so many rely.



Freedom of movement - People

The right to live, work, retire and study

The Freedom of Movement of People is one of the four fundamental freedoms of the Single Market. However it is not the completely unfettered, unrestricted freedom depicted by many people.

Nor is it a simple single right. There are many rights and responsibilities that make up this important personal freedom.



The Freedom of Movement of People falls in two parts:

Firstly, EU citizens have a right to travel within the EU for up to 3 months without requiring a visa. During this time they are not required to obtain a residence permit.

Secondly, there is the right to study, live, work and retire in any EU country. It is this right that many believe allows the unrestricted movement of EU citizens around the EU.

This right has some significant practical restrictions: basically a person exercising this right must not be a burden on the social care system of the country where they choose to reside.

Nevertheless, the rights that back up this freedom of movement are fundamental to being able to study, work, live and retire in another EU country.

They range from the right to non-discrimination in employment and taxation and the right to reciprocal health care, to the right to vote in local elections and EU Parliament elections.

These rights and responsibilities cannot be replicated by the UK's Parliament acting in isolation. To give effect to them, agreements must exist between the UK and the other members of the EU.

Living

UK Citizens who make use of their right as EU citizens to live in another Member State gain a host of rights, including the right to study, seek employment and go into business.

Whilst living in the other country, as EU citizens, UK nationals have a right to vote and stand in local elections, giving them a voice and say in their local community.

UK Citizens living in another EU country are entitled to access healthcare services in that country. If they work and pay into social security, they will get the same entitlements as a local worker.

They also have a right to be joined by and live with close family members. This right is then retained on return to the UK, ensuring that families are kept together. Under EU law, children have the right to a relationship and direct contact with their parents.

If another Member State fails to provide these rights, they can be enforced through the courts. If the nature of the right is unclear, a reference can be made to the EU courts for guidance.

Of course, UK Citizens do not have to live abroad to take advantage of EU rights. For example, all UK residents have protections against being sued in the courts of other Member States under EU law. They have these protections whether or not they do business overseas. Also, UK citizens are protected from having their businesses harmed by the laws of other EU countries, even if they are operated out of the UK.



Working

The right to work in any EU country

Any UK citizen is entitled to take up work in another EU country under the same conditions as a citizen of that country.

The right to equal treatment includes being subject to the same conditions of work, being paid the same wage and receiving the same protections from dismissal.

There is a right to equal social and tax advantages. Whilst working, they can expand their skills and qualifications with access to further training in vocational schools and retraining centres. They cannot be charged more for this than local workers.

There is also the right to membership of the trade unions and other representative bodies in the other country. The worker is entitled to vote in the trade union decisions and take part in the management of the organisation.

Whilst working abroad, there is an entitlement to housing, including house ownership, on the same basis as a local citizen.

The worker's children are entitled to receive education as well as apprenticeship and vocational training under the best possible conditions.

EU Workers' rights

Under EU law, workers' rights are protected. Workers are protected from discrimination on grounds of gender, race, nationality, religion or belief, disability, age and sexual orientation. There must be equal access to employment, workers must be treated fairly and equally and disabled people must be able to work in comfort.

Workers also receive additional protections including the right to protection from excessive hours, with special protection provided to those doing night work.

Everyone is guaranteed a minimum of four weeks' annual leave. There are minimum guarantees for maternity and parental leave and it is forbidden to discriminate against parents for making use of them. Whilst, in some respects, the UK currently provides more than the minimum required, on leaving the EU it will be up to Parliament to make sure that these rights are not eroded.

The EU has laid down special protections for temporary workers, and those on fixed and part time contracts.

EU law also protects workers from unemployment when their employer's business is sold.

Retiring

Many UK citizens have chosen to move elsewhere in the EU for retirement.

When they do this, they are able to take advantage of reciprocal healthcare arrangements under EU legislation.

They are entitled to make use of the health care facilities in their new country of residence as if they were still living in the UK. The UK then reimburses the other Member State for the cost. 145,000 UK pensioners have registered to take advantage of this in Spain, France and other EU and EEA countries*.

These pensioners can only rely on other EU countries to provide these benefits because the UK is an EU member.

People who live and work in different EU countries during their careers pay into different social security systems. There are special rules to make sure they get the full benefit of this. Their pensions will be calculated to take advantage of contributions in all the different Member States where they have worked.

Again, the UK is only able to be a part of this because of EU Membership.

EU regulations also help determine what happens to peoples' property when they die. Whilst the UK is not signed up to these regulations, countries like Spain and France are. This means these countries will respect the wishes of a UK expat whose will asks for English law to determine what happens to their property.

This can make a big difference to what happens to the property as some countries do not allow a free choice.

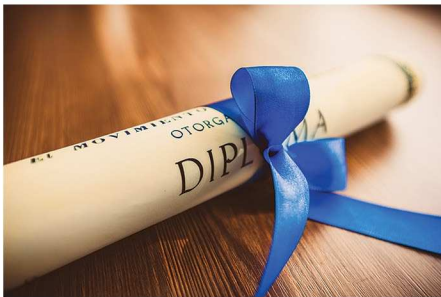


* (source: <http://www.bbc.co.uk/news/38534958>).

Studying

Under EU law a UK citizen is entitled to travel to and live in another EU country to study. The only requirements are that they have sickness cover and will not be a burden on the social assistance system.

The UK citizen is entitled to study on the same terms as a local citizen, and cannot be charged higher fees. Nor are other countries allowed to limit the number of UK citizens who can study there unless there are exceptional reasons.



If the UK citizen is a permanent resident or is working in that country, the other EU country has to provide study grants on the same terms as it would to its own citizens.

In 1987 the Erasmus programme was set up following a proposal by the EU Commission. Since then it has enabled over 200,000 UK students to study at EU universities*¹. The programme guarantees that the student will not have to pay extra fees to the foreign university. Grants are also available to help cover expenses. The time spent overseas counts towards their UK degree.

Around 125,000 EU students currently study in the UK contributing £2.7bn to the British economy, as well as 19,000 extra jobs*¹.

The EU also helps fund UK universities. A few days before the referendum, the European Investment Bank agreed to loan £60 million to develop two campuses at Swansea University. The EU also contributes to research grants. Between 2007 – 2013, the UK received €8.8 billion from the EU's budget for research development and innovation*².

*¹ (source: <http://www.thecompleteuniversityguide.co.uk/international/eu-referendum-how-does-the-european-union-affect-universities-and-students/>).

*² (source: <https://royalsociety.org/topics-policy/projects/uk-research-and-european-union/role-of-EU-in-funding-UK-research/uk-and-eu-research-funding/>).

Freedom of movement - Goods and Services

Two more of the founding principles of the EU are the free movement of goods and free movement of services.

As a member of the EU, the UK is part of a customs union. This means that no duty is charged on goods travelling through the EU. The EU agrees on tariffs to impose on non-EU countries and negotiates as a single entity in the World Trade Organisation.

Other EU countries are not allowed to impose quotas on UK products in order to protect their own industries, nor are they allowed to introduce excessive regulations to make it harder for UK companies to do business there. For example, a UK website is normally allowed to operate and sell services freely in other EU countries, so long as it obeys UK laws.

Other EU countries are also forbidden to provide financial handouts to their own businesses to give them an unfair advantage over UK companies.

By agreeing on shared regulations for different industries, the EU makes it easier for UK companies to trade throughout Europe. Countries are not allowed to impose certain regulations, for example on product standards, without letting the EU know first. This gives other countries a chance to object to them or for shared regulations to be agreed.

EU law has provided strong protections for consumer rights, including the right of fair treatment, the right to expect that products meet acceptable standards and a right of redress when things go wrong. Consumers are protected from misleading advertising and unfair contract terms. The EU promotes the resolution of cross-border consumer rights disputes.

The freedom of services enables UK citizens to provide services to clients and set up businesses in other EU countries. There is a system for the mutual recognition of professional qualifications, e.g. for doctors and architects. This means that professional qualifications gained in one country can be used in another. Qualifications bodies in different countries have to co-operate and provide information to make sure only properly qualified people can practise.



Travel - for business and holidays

EU membership entitles UK citizens to visa-free travel throughout the EU.

UK citizens can also apply for a European Health Insurance Card which means that they can receive emergency medical treatment from another EU state whilst holidaying there. They don't have to pay any more for this than if they were a patient of that country. This also provides cover for pre-existing medical conditions, which are frequently not covered by travel insurance.



Shared rules around car registration and driving licences mean that UK citizens are free to drive their vehicles into other EU countries.

There are special passenger rights, meaning that if a flight or ferry is delayed then there is a right to assistance. If there is a long and avoidable delay, then citizens are entitled to compensation. This can be worth up to €600.

Whilst people are on holiday, they are



protected from shock telephone bills. EU rules keep extra costs from using a phone abroad to a minimum. Under EU regulations, from June 2017 there will be no extra fees at all.

Even when UK citizens travel to countries outside the EU, they are still entitled to certain protections enjoyed by EU citizens. If they are in a country where the UK is not represented, they are entitled to rely on the protection of the diplomatic and consular authorities of any Member State.



Consumer rights

EU law treats a high level of consumer protection as a fundamental right.

EU law guarantees consumers fair treatment: that products meet acceptable standards and a right of redress if something goes wrong.

Regulations set out standards, so people know that they are buying safe products. Since the same standards apply throughout the EU, traders in the UK know that they can sell their products in other countries.

Consumer regulations make sure people know the total cost before they buy and prohibit online 'cost traps'. Traders have to provide adequate information to consumers.

Customers are given 14 days to change their minds when they buy something other than at the trader's shop, e.g. online. They are entitled to a full refund, including the cost of delivery. Also, unless the customer is told otherwise before they buy, the seller has to pay the cost of returning the product.

Consumers cannot be overcharged for using a credit card to make their purchase or calling the trader on telephone hotlines.

All goods come with a minimum 2 year guarantee in case the goods are faulty or do not look or work as advertised. Goods must be repaired or replaced free of charge, otherwise the trader must provide a price reduction or refund.

Traders are forbidden under EU law from unfair practices, misleading customers and using aggressive or coercive tactics.

Powerful companies are forbidden to abuse their position in the market and overcharge consumers.



The irreversible loss of rights

The Government intends that when the UK leaves the EU, it will pass a law converting EU law into domestic law. It has stated that: 'wherever practical and appropriate, the same rules and laws will apply on the day after we leave the EU as they did before.' However, there is a great number of rights which it is impossible for the UK to reproduce on its own.

The UK alone cannot guarantee to protect our rights in other EU countries

Many of the EU rights described in this booklet are provided by other countries. Once it is outside the EU, the UK has no control over them. Other Member States will no longer be required to allow UK citizens to live and work there free from discrimination. Nor can holidaymakers be sure of being free from excessive mobile phone bills. It is only because the UK is in the EU that these protections are guaranteed.

Lots of EU rights require the UK and the other countries to co-operate. Without this co-operation, the systems in place which make sure that UK citizens living abroad receive their social security cannot work. Nor can the UK make sure that British qualifications are respected in Europe, as they are now. Unless action is taken, the UK cannot guarantee that other EU countries will co-operate with it.

How we currently rely on the EU

Because the UK is a member of the EU, British citizens can rely on EU institutions to help prevent other countries from interfering in their businesses with excessive regulations. They can even rely on EU law to require the courts not to apply national laws which interfere with their basic freedoms. Where the law is unclear they can ask the European Courts to interpret it for them. After the UK leaves the EU, these protections will disappear.

What can be done?

For all the rights which the UK cannot reproduce on its own, it needs to negotiate with the EU to protect the rights of UK citizens even when the UK has left the EU. If MPs do not hold the government to account to ensure that these are treated as priorities, there is a major risk that they will be lost.

“The fact that withdrawal from the EU would remove some existing domestic rights of UK residents also renders it impermissible for the Government to withdraw from the EU Treaties without prior Parliamentary authority”.

Supreme Court Judgement (summary)
24th Jan 2017

Acquired Rights

Acquired rights describes the principle by which somebody who has exercised a right, such as a UK citizen living in another Member State, acquires the right to continue to exercise that right even though the right is no longer generally available.

A related principle is that of reasonable expectation, which is where it is reasonable for somebody to make decisions based on the existence of a law or a right in the expectation that the situation will continue.

Loss of EU citizenship would risk complete and permanent loss of all rights and benefits.

Why the acquired rights of UK Citizens need to be protected

Without a doubt it is reasonable for UK Citizens to have made decisions based on the rights they have as a result of the UK's membership of the EU. It is equally reasonable for them to expect those rights to continue to exist and not be withdrawn or diminished.

The degree to which those protections actually exist in law can only be determined through challenges in the courts of the UK and the European Union, and in other nations' courts.

There is an alternative, though, and that is for the UK's Sovereign Parliament to draw a "red line" and say that those rights and reasonable expectations *must* be upheld and protected.

The House of Lords European Union Committee believes that: *if certain EU rights are to be safeguarded on the UK's withdrawal from the EU, they should be safeguarded in the withdrawal agreement itself.*

So long as the protections for 'Acquired Rights' are uncertain, MPs must make sure this happens.



In Summary

Don't lose us our Gold Card benefits!

The wider implications of Brexit are already accepted as being colossal. But even from the point of view of individual citizenship rights, the unravelling of 40 years of legislation is complicated and risks harming the lives, livelihoods and opportunities of millions of UK citizens.

There are also UK residents from the other 27 EU nations who are equally vulnerable to the adverse effects of knee-jerk decision making.

The UK's Sovereign Parliament, through its members and the checks and balances built into the UK's representative Parliamentary Democracy, is the mechanism which has protected people's rights for the last 350 years.

It is a robust system that operates in the interests of the public without fear of or favour to extreme or sectional interests.

The public relies on Parliament to take action in the interest of all the UK's nations and peoples.

We have fought for our Sovereign Parliament to fulfil its proper role.

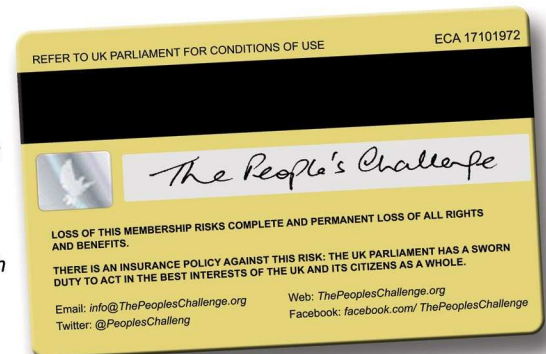
What can Parliament do?

We ask you to consider these points and to fight for a free vote on a fully set out policy with defined objectives, and a clear statement of what must happen if they are not achieved.

We ask you to make sure that at every stage in negotiations EU rights, on which many UK citizens have built their lives, are protected both for those in the UK and elsewhere in the EU. Whether this involves doing the best possible deal with the EU, or individual agreements with other countries, millions of UK citizens depend on you to protect them.

This issue goes way beyond party politics: it is a constitutional question far wider than how Article 50 should be invoked and on whose authority.

It is the biggest constitutional challenge since Parliament asserted its authority in 1688.



EU Citizenship Rights

The People's Challenge is a group of ordinary citizens who are concerned by the attempts to usurp the UK Parliament's Sovereignty and bypass the system of representative Parliamentary democracy that has been the foundation of stability and strength for the UK over the past 350 years.

They are supported by many thousands from across the political spectrum on both sides of the Brexit debate who share these concerns and are prepared to support the campaign to strengthen the UK Parliament's authority and resist the creeping erosion of parliament's sovereignty by successive UK governments.

Many, many thanks to our collaborators:

Alice Blue Design	www.alicebluedesign.com	contact@alicebluedesign.com
Bindmans LLP	www.bindmans.com	info@bindmans.com
CrowdJustice	www.crowdjustice.org	info@crowdjustice.org
StuPrint	www.stuprint.com	sales@stuprint.com

and all our supporters.

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ECA 17101972



The People's Challenge

LOSS OF THIS MEMBERSHIP RISKS COMPLETE AND PERMANENT LOSS OF ALL RIGHTS AND BENEFITS.

THERE IS AN INSURANCE POLICY AGAINST THIS RISK: THE UK PARLIAMENT HAS A SWORN DUTY TO ACT IN THE BEST INTERESTS OF THE UK AND ITS CITIZENS AS A WHOLE.

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