

BRIEFING PAPER

Brexit and eYou: information for EU/EEA nationals

In April 2018 the UK Prime Minister apologised unreservedly for the *'confusion and anxiety'* experienced by the children of first generation Commonwealth immigrants (the Windrush generation) when some of them were reported to have been detained, lost their jobs or denied health care because they hadn't got the right paperwork to prove they are in the UK legally. The Home Secretary expressed her concern that the Home Office *'sometimes loses sight'* of individuals.

The Institute for Conflict Research is concerned that many EU/EEA nationals face the same anxiety as they consider the potential impact of Brexit on their future status in Northern Ireland. ICR's *Brexit and eYou* project aims to highlight their fears about Brexit's potential impact on their economic and social rights including their right to continue to live and work in Northern Ireland with their dependants, to access health or education, or to claim their pensions. The project aims to support EU nationals, including Irish/EU workers based in the border regions who work or access services in Northern Ireland, to engage with decision-makers and to build their capacity to advocate for protection of their rights.

ACTIVITIES



ICR has created a Brexit and eYou webpage with information on current EU rights, case studies, and links to sources of advice and information. See: <http://conflictresearch.org.uk/>. ICR is developing a stand-alone website which will develop this facility further. It has also created a Brexit and eYou project Facebook page: <https://www.facebook.com/brexitandeyou/>

CASE STUDIES



24 case studies of the experience of EU nationals have been recorded and several of these published on Facebook. EU nationals in Northern Ireland are not a homogenous group and the aim of the case studies is to illustrate gaps in information and to highlight particular issues they have identified such having to make applications under the new regime, proving 5-year's lawful residency status, and the lack of accessible, detailed information and advice relevant to important decisions about their future lives in Northern Ireland. This includes whether, post-Brexit, they will be able to continue to work without restrictions, access education, claim their state pensions, or avail of emergency healthcare for visiting family members. The case studies illustrate the need for expert immigration advice.



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LACK OF DETAILED SPECIFIC INFORMATION

It is unclear how the new rules on 'settled status' will affect newcomers and those entitled to permanent residence.

- “ My main worry is the lack of detailed information about what will happen to EU citizens in Northern Ireland after Brexit. What documents will I need? I get my information from the Internet or from the local NGO, but the information is either too generalised, or it keeps changing.
- “ I've lived in Northern Ireland for 25 years. I don't know if I qualify for and have to apply for settled status? Does it apply to spouses of UK citizens? I might apply for it but that depends on how much it costs both in terms of money, time and resources. It's not easy to find out the right information.

NEED FOR ADVICE

The process, and expense, of applying for permanent residency, settled status or citizenship is also a worry. There are limited sources of qualified immigration advice in Northern Ireland and engaging the assistance of a solicitor can be expensive. People need advice on their next steps – should they be applying for permanent residency, or UK or Irish citizenship? Or should they wait until they know more about the new 'settled status'?

- “ People don't know where to go to get advice; it is very frustrating.
- “ I am entitled to apply for Irish citizenship; and my daughter has dual Irish citizenship and Polish citizenship. Should I apply for Irish citizenship? If I don't apply for Irish citizenship, my husband and child will have different rights from me; what will that mean for us in the future?

PROVING LAWFUL RESIDENCY FOR THE STIPULATED FIVE YEARS

Given that existing immigration law imposes a legal duty on providers to conduct checks on the immigration status of users in relation to bank accounts, driving licenses, employment and (in England only) health services, there is concern about how this will impact on EU nationals in the future. Will the Home Office's system to register the 'settled status' of 3.2 million EU nationals in the UK be workable and provide them with the proof they need, or will they face the same problems currently being experienced by the 'Windrush generation'?

- “ My (unmarried) partner is an EU national and has just joined me in Northern Ireland. She has given up work because she is pregnant. What proof will be required to show she is my family member and what will it cost to acquire documentation to prove that our relationship is genuine?

For more vulnerable casual workers there are serious concerns about having the necessary documentation such as pay slips or bank accounts to prove their residency status.

- “ Many people, some of whom have made their life here, are not aware of what to do to prove their lawful residency in Northern Ireland; they may not have kept paper records or have any relationship with a bank – will they be forced to return “home” when the UK leaves the EU?

'People don't know where to go to get advice; it is very frustrating.'

ENFORCEMENT OF RIGHTS

If the application for permanent residence or settled status is rejected, how would this be challenged or rights enforced in the future?

- “ If there is an agreement between the UK and the EU, how will my rights be enforced? I think I would be too afraid to challenge decisions and try to enforce my rights if I had to. What will happen if there is no agreement?

FAMILY RELATIONSHIPS

Some EU citizens' fears centre around their family relationships – will their family members continue to enjoy their rights? How will the new rules affect visitors and family members joining EU nationals in the UK? Can family members from outside the EU join them? Will stricter income rules apply in the future?

- “ My wife is a non-EU citizen whose rights are protected by EU law. She is lawfully residing in Northern Ireland and is acquiring rights to permanent residency in the UK through her marriage to me. However, as I am a Polish national and I will not have lived in Northern Ireland for five years continuously by Brexit day, what will her status be then? I could apply for British citizenship but if I do that before my wife has acquired permanent residency rights, she would be illegally present here and would have to apply to come to Northern Ireland under UK immigration rules.
- “ I am a Hungarian national who came to live and work in Northern Ireland in January 2017. My daughter has remained in Hungary where she is undertaking a 4-year university degree course. Will she be entitled to come and live with me after she has completed her studies in 2021?

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Some EU nationals have acquired their EU citizenship through marriage to local people:

- “ I’m aware of others in the Northern Ireland Nigerian community who are married to EU, Irish or British citizens; they are particularly apprehensive about their status as family members of EU nationals. One woman I know, a Portuguese national, who has two children born here, applied for work via a recruitment agency. The agency has asked her to prove her right to permanent residency in the UK; are they allowed to do that? What proof could she demonstrate if she has not worked in the UK while her children were small?

SENSE OF BELONGING

People interviewed have spoken of feeling that their confidence and sense of belonging in Northern Ireland has been undermined. They are uncertain of their welcome here or their place in Northern Ireland society:

- “ It felt like I had been hit by a hammer when I realised the result of the referendum. I could not believe it. It felt personal to me. I used to want to apply for UK citizenship because I felt equal and welcome here. Now that I may be forced to apply, I feel differently about it.
- “ Now that the UK is leaving the EU, I don’t know how I feel about becoming a British citizen. Before the referendum, I would have been proud to have dual Polish and British citizenship; I value the people I have met and the things I learnt here. Now I’m not so sure. Would having British citizenship still protect me from being treated differently by the British, knowing that I was not born here?

- “ There are so many uncertainties for me and my family; but it really bothers me that this process is creating divisions among people in Northern Ireland. Will we all have to face increased security checks? I have access to work and to information, such as it is; what about people who are less well off? I think these divisions embolden people to attack or undermine you and that is very worrying.

The Romanian Roma Community Association NI (RRCANI) confirmed that among many Roma people who feel more marginalised, there is a strong belief that they will be made to leave Northern Ireland in 2019. ‘Brexit means we will be thrown out; our parents ask ‘God help us’ to stay in NI’ was the opinion expressed by a group of Roma young people consulted in March 2018. RRCANI confirmed that many are convinced that the borders will be closed and they will no longer have the right to come to the UK after Brexit: ‘Around 75% of local Roma people did not return to Romania in the summer of 2017 as they usually do. They were afraid that if they went, they would not be allowed back to Belfast.’ They had formed the view that the government would restrict numbers of foreign workers in the future and an employment related registration scheme would be introduced.

ACCESS TO HEALTH SERVICES

- “ Since I moved from Italy to work in Northern Ireland in December 2017, my GP helps me to manage [my epilepsy] effectively with medication. Will I qualify for free health care post-Brexit? I would struggle to pay if I had to as I don’t earn much.

- “ I spend three months of the year in Bulgaria and I’m entitled to access the health services there; I don’t know how that might change after Brexit? Will I be able to use my Bulgarian EHIC card during my residence in Northern Ireland?

ACCESS TO WORK

Despite the government’s assurances, there is a lack of trust that EU citizens’ rights will be protected in the future. Being forced to apply in the future for something they currently enjoy, is causing resentment.

- “ How will the changes impact on my employment status – could I change employers freely in the future? What about having to pay comprehensive sickness insurance? Would I be refused settled status if I don’t have it? Would I have to pay it in the future, say, if I lost my job?’
- “ It gives me a strange, resentful feeling that, after having lived and worked here for so long, I would be asked for proof of my right to be here or to work in Northern Ireland. It would feel like a loss to be treated differently from my friends and colleagues. Are my rights being taken away? I want to believe that my rights will remain the same, but might they be diminished in less obvious ways, as the regulations are worked on in the future? I don’t know what will happen!

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PENSION RIGHTS

People who receive state pensions from the UK or an EU country or both are concerned about the mechanisms and security of future payments.

“ I receive retirement pensions from the UK and the Bulgarian governments and the UK authorities manage these payments to me. Will these payment arrangements be honoured in the future? What would happen if I go back to live in Bulgaria – will my UK state pension, which I’ve contributed to for 19 years, still be paid to me?

EDUCATION

There is uncertainty about how Brexit will affect young people in higher education. Will EU nationals be treated as overseas students and required to pay higher fees, or will there be checks or restrictions on access to education here or in Europe for children of any age?

“ I wanted to continue my medical science studies in a European university after I leave Belfast Met. Will I still be able to do this post-Brexit?

CROSS BORDER WORKERS

Cross border workers have spoken of their particular concerns:

“ One thing that particularly bothers me post-Brexit, is the impact on our cooperative provision of emergency health services, mental health, domestic violence or children’s services. We have for example, been able to refer women and children fleeing domestic violence to refuges where there is capacity to take them in, not necessarily in that woman’s member state. Will this continue?

“ I am a Polish national and will have lived in Northern Ireland for less than five years by March 2019. I live in Newry and work in Monaghan; will my EU rights regarding employment or access to health care and pensions be protected after Brexit?

“ Will the final Brexit deal distinguish between the rights of Irish citizens and those of EU citizens working in Northern Ireland? I am not reassured that the commitment to maintain the Common Travel Area will guarantee Irish citizens’ rights to work and access services in Northern Ireland after Brexit. Our economic and social rights have been guaranteed in the past by the EU; nothing is guaranteed in the future.

NEXT STEPS

1 Acknowledge concerns

The decision-makers including Northern Ireland politicians, and the British and Irish governments should listen to and acknowledge the concerns of EU nationals and guarantee that the rights issues they have identified are factored into any Brexit agreement.

2 Ensure workable systems

Given the experience of the Windrush generation, the Home Office must implement a workable system for establishing EU nationals’ lawful status.

3 Legally protected, enforceable rights

Steps should be taken to ensure their rights are legally protected and are enforceable post-Brexit.

4 Immigration advice service

There should be a publically funded service providing accessible, expert immigration advice and information for people in Northern Ireland and the Border counties.

For further information contact

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