



### *ECREU Member's Concerns Could Become Evidence For Parliament*

As part of our campaign to favourably influence MPs and Peers, we were asked to submit our member data and all written submissions of member's personal concerns (anonymously) to the Lords EU Justice Sub-Committee for use as evidence, and we expect to have it accepted formally in a few days.

This is a significant step forward having now emailed all 650 MPs and sent hand addressed letters to 72 selected Peers working with the EU Select Committee and/or one of the six sub-committees. Members of our team have also written personally to those in power who they have known for some years.

Although it might appear a straight forward task to bulk email all 650 MPs, it is actually a somewhat long and drawn out process. Most use the Parliamentary email system which detects and filters out bulk emailings. So we must share the distribution among our team and supporting members, limiting our submissions to a maximum of ten a day. With the high volume of emails and letters arriving at their desks, it is also not surprising that it can take some time to get a reply.

However, more responses are beginning to arrive, and we now have 18 positive replies including several from influential people sympathetic to the ECREU cause.

These are some of their more reassuring comments from our MPs:

*Many thanks for this. Very much share your concerns.... And will do whatever I can to support the protection of your rights...*

*Please rest assured that the government is committed to securing the interests of the 1.2 million British citizens who live and work in the EU, and I will certainly keep your points in mind as I discuss future negotiations with my ministerial colleagues...*

*You have my total support in this matter. I am particularly concerned to ensure greater justice when it comes to pensions paid to expats. The only excuse for freezing payments is to save the Treasury money. But expats paid into the system and deserve to get the return...*

*I make no secret of my feelings about the impact of Brexit so rest assured I will do all I can in the circumstances...*

*This is an important agenda. Given that London hosts the 4th largest French city on the planet, I am confident that we can negotiate mutually satisfactory arrangements...*

*Thank you for your email and providing a login, I will look into the information...*

*I wholeheartedly appreciate the concerns that many British expats (including pensioners) feel over Brexit...*

As matters progress, we hope to be able to bring you more reassuring comments from named MPs and Peers.

#### HOW YOU CAN HELP.....

Some have not replied, while others send nothing more than an automated message advising that they will only reply to letters from constituents. But this does give an opportunity for you to make an important contribution to our campaign.

If you have a MP, then please write. It will help support our effort if you mention you are one of more than 4,450 ECREU members and if your MP is one of those listed here, then you might mention that he or she should have already heard from us.

For a full list of MPs and Peers, go to the Parliament web site at [www.parliament.uk/mps-lords-and-offices](http://www.parliament.uk/mps-lords-and-offices). Then just click on 'MPs' or 'Lords' above the pictures. You will find their email and postal addresses.

#### *Some MPs who have responded so far.....*

Tom Brake, LibDem, Carshalton

Vernon Coaker, Labour, Gedling

Dame Caroline Spelman, Conservative, Meriden

Clive Betts, Labour, Sheffield

Julie Cooper, Labour, Burnley

Nia Griffith, Labour, Llanelli

Julian Sturdy, Conservative, York

Michael Ellis, Conservative, Northampton

George Kerevan, SNP, East, Lothian

Sir Desmond Swayne, Conservative, New Forest

John Glen, Conservative, Salisbury

Caroline Nokes, Conservative, Romsey & Southampton

Dame Rosie Winterton, Labour, Doncaster

Helen Goodman, Labour, Bishop Auckland

Brendan O'Hara, SNP, Argyll & Bute

Mike Wood, Conservative, Dudley

**If you no longer have a vote and therefore no MP, then you will see why Harry Shindler's Votes for Life campaign is so important - if you have no parliamentary representation you are simply ignored. But if you have an MP, then it is in your interest to lobby him or her.**

A letter from Harry arrived a few days ago. The determined stalwart of 95 years and who is a veteran of the Italy campaign of 1944 writes: 'My time is now taken up contacting MPs to get them to vote 'Yes'.' Harry's aim is to get the life time vote for all British Citizens - everywhere.

This Vote is important, but not the sole priority of ECREU. The vote is a means to an end - to support our aim for the satisfactory welfare of Citizens after Brexit. If the Politicians understood that they have a responsibility for the welfare of citizens abroad and that the Government's and their own position might fall on our opinion, they might take us more seriously.

*Brian Cave - briancave@ecreu.com*

### ***Update on the Article 50 case following the High Court ruling***

Early this month, the High Court in London ruled in one of the most significant UK constitutional law cases for decades. The Court considered an issue central to the process following the EU referendum vote: the triggering of Article 50. The ruling did not, however, concern the result of the EU referendum.

The question before the Court was "whether as a matter of UK constitutional law, the Government is entitled to give notice of a decision to the EU under Article 50 by exercise of the Crown's prerogative powers and without reference to Parliament." In other words, is this a decision that the PM and her government can make alone without involving Parliament?

All parties to the case, including the Government, accepted that the Court had jurisdiction or the right to rule in this case.

In addition, the Government conceded that, once Article 50 is triggered, this notification cannot be withdrawn, and that it is also not possible to give conditional notice under Article 50 i.e. a notice that is qualified by stating that it is subject to parliamentary approval of the withdrawal agreement that is made during the Brexit negotiations.

These are key points, because this means that, once Article 50 is triggered, statutory rights of UK citizens under the European Communities Act 1972 will inevitably be lost once the Article 50 withdrawal process is completed. And that will be the case even if the final agreement is put to Parliament, as there is no way to make the triggering of Article 50 conditional upon parliamentary approval of the final agreement at the end of the two year period.

The Court's decision was that the Government does not have power under the royal prerogative to give notice under Article 50 for the UK to withdraw from the EU. This was because:

- 1. The most fundamental rule of the UK's constitution is parliamentary sovereignty and that what Parliament does, it (and only it) can undo.*
- 2. A key aspect of this is that the Government cannot use the royal prerogative to override parliamentary legislation.*
- 3. The royal prerogative can be used to enter into and withdraw from international treaties and for international relations generally but that is because this does not have an effect in domestic law.*
- 4. In this case, however, the Government accepted and conceded that if Article 50 is triggered, this will affect domestic law (and indeed the statutory rights of UK citizens under domestic law).*
- 5. To overcome this problem of using the royal prerogative in a situation which would have an effect in domestic law, the Government argued that the European Communities Act 1972 should be interpreted so as to mean that Parliament, when it enacted it, intended that the royal prerogative could be used to withdraw from the EU Treaties.*
- 6. But the Court did not accept that argument and said that there was nothing in the Act to support it. It considered that not only was the Government's argument contrary to the 1972 Act but also to the fundamental principles of (1) parliamentary sovereignty and (2) that the Government cannot use the royal prerogative to change domestic law.*

*more...*

This is a landmark ruling, and no ordinary High Court judgment. It is also an unequivocal judgment. However, it is not the end of the story, as the Government has been given the right to appeal and to bring a “leapfrog” appeal to the Supreme Court, or an appeal to the Supreme Court without having to go through the Court of Appeal first. This will be heard in between 5-8 December with judgment likely in January. All 11 Supreme Court judges will hear the appeal.

The tabloid press has been criticised for the personal attacks made on the judges the day after the judgment, and the Lord Chancellor, whose job it is to uphold the independence of the judiciary, has been criticised by the Bar Council of England and Wales for failing properly to condemn the attacks.

In the meantime, both the Welsh and Scottish governments have signalled that they are applying to join the case as interveners, and the Scottish government is also arguing that the devolved administrations should be consulted prior to triggering Article 50. In addition, a case before the Northern Ireland courts, challenging the Government’s right to invoke Article 50 under the royal prerogative based on Northern Ireland law arguments, is likely to be joined to the appeal to the Supreme Court.

Watch this space in December for more news or keep an eye on our Facebook page!

*Jane Golding*

### ***British Consul Hosts Brexit Meetings In Spain***

The British Consul for the Alicante region is travelling around the main towns which have a large percentage of British residents, making a presentation on the likely effects of the outcome of the Referendum. Together with her team she is painting a cautiously hopeful picture of the situation in Spain. Most of the mayors are extremely supportive of the Brits and their contribution to this part of Spain.



Mrs Sarah-Jane Morris is the one of the Consulate team in Spain responsible for relationships in Madrid with government bodies and organisations as well as with other Consulates. In addition she has been collating information on the numbers and characteristics of the British population so that this can be fed into the Department for Brexit. She remained positive about the attention that this Department would pay to the situation and believed that they would seek as good a resolution as possible for the British community across the European Union.

She acknowledged that the Consulate does not know exactly how many British people are living permanently in Spain, partly because British citizens are not required (by the British government) to register with, for example, embassies, as many other nationals are. However, from a variety of sources (DoH, DWP, Spanish social services etc.) she was able to propose a ‘best guess’. The system of registration at Spanish town halls- the padrón- was not a good indicator of the non-Spanish population because many people refused to register- for various reasons, but mostly due to a misconception that it had to do with taxation. However, being on the Padrón was seen by the government as necessary before any form of public funds could be used.

Following the Spanish law (Modelo 720) in 2012, requiring that all foreign assets over 50,000€ were to be declared, 100.000 people ‘removed themselves’ from the Padrón. The best estimates of the figures are below:

Resident in Spain: 308,000  
British homes in Spain: more than a million.  
Population: 308,000

Some 60,000 are registered on the social security system, paying the equivalent of National Insurance. Of those 35% are self employed.

Age bands:  
Under 20 years...26,000  
20- 49.....69,000  
50- 64.....64,000  
65- 79.....38,000  
80+ .....11,000

The Consul said that they were aware that many Brits were not registered with their town halls or on the Spanish register of non-Spanish. She recommended that Brits should stop living under the radar, because, if not, they couldn’t be sure of assistance from either the British or the Spanish. She said: “Get on the radar, get your paperwork in order and then we can work together to help you retain your life here in Spain’.

The Consul knew that the right to live in Spain, what will happen to health care and the likely effect on pensions were the big worries. These were her comments on those so far:

The right to live in Spain could come under the 'Doctrine of Acquired Rights'. This was the subject of much discussion, especially among lawyers. However, if properly registered it was unlikely that the Spanish government would send everyone back to Britain.

Of course it was part of the issue of Britain protecting EU citizens with reciprocal protection on Spain etc.

**Healthcare:** The law was that to obtain Spanish health care (if not registered with Spanish National Insurance nor on transferred care from the UK) there were 3 ways depending on circumstances

1. If resident (with a residencia) before 2012 (when the law changed), there was an entitlement to free access to Spanish healthcare.
2. Post 2012 there was a state contributory scheme at 60€ per month until 65 years old and 157€ pm over 65 years.
3. The Region of Valencia has announced that the Royal Decree 16/2012 that excluded immigrants without the proper paperwork to accredit their status as residents for access to public healthcare, will no longer be enforced in Valencia, to help those who have no other way of accessing healthcare. (However, the Citizens' Advice Bureau is of the opinion that this rule does NOT apply to EU 'irregular' residents).

**Pensions:** The British government would have to make a decision to provide the annual upgrade to pensions. There were various options, for example, freeze from the day of Brexit, upgrade pensions only to those resident in an EU country before Brexit or continue with the present upgrading for all pensioners in an EU country.

The Consul repeated several times that the information about Brexit is scarce but warned against rumours and recommended that everyone went to the original source for information.

*Margaret Hales*

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### ***France L'Assemblée nationale hears ECREU concerns***

A meeting of the French National Assembly, chaired by the Speaker (président) of the House, Claude Bartolone, heard at first hand the anxiety now felt by British families who have chosen to make their homes in France on October 20th.

The Chairman of the British Community Committee of France, Mr Christopher Chantrey, told the meeting that for Britons living abroad, Brexit is not the 'opportunity', as was said during the referendum campaign: "...but a threat, even to many a disaster. The result of the referendum surprised us, has vexed us, and hit us right in the heart."

He gave the meeting the analysis of ECREU member's concerns and some of the emailed submissions of our members, telling the meeting: "All these testimonies evoke the same concerns. The results of the analysis by ECREU, Expatriates Citizens' Rights in the European Union, is a good sample of 2,333 British citizens in France, 10% or 11% of the total. This organization has received more than 330 written submissions since 23rd June."

He cited healthcare and pensions as the main concerns and quoted all the issues raised by ECREU members before moving on to cover issues from citizenship, pet passports, disability benefits and the future of education including the European Union student exchange programme, ERASMUS, which has been subject of coverage by The Connexion Newspaper.

The personal worries of many ECREU members were described in detail with quotes from their emails, giving the meeting an example of human rights issues where prior to the referendum, one spouse has retired and moved to France investing in and developing their retirement property, while the other, younger, partner continues to work in the UK planning to retire to France some time in the future.

They are now worried that after Brexit, the first spouse may not be able to afford to return to the UK, while the second may be prevented from moving to an EU country because of financial or entry restrictions.

He added that saying, 'The British decided,' is incorrect, as Brits living abroad for more than 15 years were excluded from the poll, 'despite the promise of the Conservative Party during the campaign for the 2015 parliamentary submit to the British parliament a bill intended to abolish the arbitrary and anti-democratic rule of 15 years.'

*more...*

“But we will have to deal with the outcome of the referendum. We still do not know the nature of Brexit chosen by the government, if British MPs will have the opportunity to pass a law authorising the Prime Minister to invoke Article 50, or if Mrs May will, as she has said many times, invoke Brexit by ministerial order. What does the French Government feel about the UK Government using expat citizens as ‘bargaining chips’?”

“We are a fairly small foreign community in France, far behind the large expatriate communities from other countries like Italy, Spain or Portugal, and far behind the large community of French residents established in UK, which unfortunately shares with us the disturbances, penalties and uncertainty with which we have to try and live,” he told the meeting.

Many Brits in France showed their financial and emotional commitment to France. “The vast majority of those who have settled here have done so for our love of and commitment to the country and its culture.

“Many of us have committed financially and emotionally to a life in France, often putting all our savings into the project.”

He added that the British in France participate a good deal in civic life, as councillors or volunteers, contributing to their adopted community as much as their French counterparts established in the United Kingdom do to their adopted communities in the UK. Several French villages only thrive with the help of British citizens.

“If the UK leaves the EU before we are eligible to apply for citizenship, will we be allowed to remain here?...” he continued, asking if the French Government would consider a ‘fast track’ to citizenship for those who been here for five years, and Greater flexibility with regard to the documentation required.

“France is the country of ‘human rights’ and has opened her arms to refugees from many countries. Many British citizens living on this side of the Channel now feel ‘stateless’ following the leave vote - could they not be greeted with open arms bearing in mind the fact that they have chosen to make France their home, contributed to French life and, in many cases, embrace French language, history and culture as their own?”

“The ability to speak the language and know the cultural history is not a current requirement for expats to live here and most (if not all) of us have already supplied proof of identification to various departments in order to apply for a Carte Vitale, register for tax, purchase a property, apply for a driving license etc.

“Most of us love the country, and would be proud to become French citizens - but for the cost and requirement for so much documentation.”

He also reported several cases of refusal to issue cartes de séjour by some prefectures, and asked why some départements did not apply the rules in the same way. Surely the requirement for documents must be standardised. “Why are they treating some people as ‘aliens’ when the UK has not even left the EU yet?” he asked.

*Taken from Christopher Chantrey’s presentation. Dave Spokes - davespokes@ecreu.com*

**At the time of writing this newsletter, ECREU has 4,458 members living in 23 EU countries:**

Austria	Denmark	Netherlands
Belgium	Germany	Poland
Bulgaria	Greece	Portugal
Cyprus	Ireland	Romania
Czech Republic	Italy	Spain
Finland	Latvia	Sweden
France	Luxembourg	United Kingdom
Hungary	Malta	

**Please remember that we have a Facebook page. A lot of members ‘don’t do Facebook’. But like it or loath it, it does have 1.79 billion monthly active users. It is the most effective way of spreading our message, after all, if just 1,000 of our 4,458 members share our posts with 10 friends, then we instantly reach 10,000 people.**



***So please go to our page and share it. We need everyone talking about the real issues!***

Find the link at the foot of our web site Home Page

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