



Season's Greetings and Happy New Year to you and all expat citizens in the EU

The New Year is our great opportunity. We now have the ear of the members in both the House of Lords and House of Commons

2017 is our opportunity to make a difference, so we hope you will share our New Year Resolution:

'That whatever the outcome of Brexit, we will work to protect our rights to live, work, learn and spend a happy retirement in the country of our choice without penalty of any kind with the full support of our own country - the support many of us have worked for all of our lives and would enjoy if we still lived there.'

Let's work together to make 2017 our 'Happy New Year'!

ECREU has added its name to an open letter to Prime Minister Theresa May calling on her to guarantee the rights of EU nationals living in the UK after Brexit in order to put pressure on other EU governments to reciprocate.

We are happy to support the letter from campaign group 'the 3 million' and other initiatives from similar groups. All direct messages to the Prime Minister and the Government can only help raise awareness of the issue facing us.

But we are conscious of the fact that such actions only recognise a process where UK expats abroad are being used as bargaining chips in a simple argument that 'we will look after yours if you look after ours'.

At ECREU, we consider it more important that our own Government in the UK guarantees to protect its citizens living in the EU. After all, it is for the UK Government to agree to pay for the healthcare and pensions of retired expats, not the governments of other EU countries.

This is the text of the letter which was delivered on Monday, 12th December:

Dear Mrs May,

I am writing to you as the chair of the EU citizens' rights group the3million and together with the leading organisations representing the British citizens in Europe, we are calling on you to take the first step and unilaterally guarantee the right of EU citizens currently living lawfully in the UK to remain in the UK after Brexit this side of Christmas.

We are joined in this call by the leading organisations representing British citizens in Europe who believe this is the necessary first step before negotiation starts.

This would have the double benefit of appeasing the rising anxiety of the 3 million EU citizens living here and the fear of 1.2 million Brits in Europe, both sides rejecting being treated as bargaining chips in the forthcoming Brexit negotiations.

In the Christmas spirit, we call on you to make a public statement guaranteeing those rights now and organise a meeting with all parties in the New Year.

Please note that we fully support the different campaigns to preserve the rights of British citizens in Europe as both sides are saying 'We are not bargaining chips, we are people'.

Yours sincerely

Brexit ends the year in the Supreme Court

It won't have escaped your notice that the Supreme Court heard the Government's appeal over its right to trigger Brexit by using the Royal Prerogative a few days ago. We now have to wait until the new year for its judgement, but here is a summary 'seasonally packaged' but with ribbons or tinsel, prepared for ECREU members by Jane Golding, a senior EU law specialist, and a qualified barrister and solicitor who now works in Berlin and Brussels.

The Supreme Court hearing in the Article 50 case

Last week, the appeal hearing in the Article 50 case, R (Miller and another) v. Secretary of State for Exiting the European Union took place over the course of four days (5-8 December 2016). The Government had been given the right to appeal the judgment of the High Court 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. The High Court had ruled that the Government did not have power under the royal prerogative to give notice under Article 50 for the UK to withdraw from the EU.

All 11 Supreme Court justices sat and heard submissions from the Government (the appellant), and for the respondents in the appeal, Gina Miller and Deir Tozetti Dos Santos, as well as two interested parties and five interveners.

The issue before the Supreme Court was the following:

"Does the Government have power to give notice pursuant to Article 50 of the Treaty on European Union of the United Kingdom's intention to withdraw from the European Union, without an Act of Parliament providing prior authorisation to do so?"

The main points of the Government's case appeared to be that:

- *the exercise of the prerogative to enter into and withdraw from international treaties and for international relations was in principle "untrammelled" or unrestricted;*
- *the prerogative could be used to change domestic legislation;*
- *Parliament, when it enacted the 1972 European Communities Act, was merely facilitating the UK's membership of the EEC, in the event that the Government, in the exercise of its prerogative, took the decision to take the UK into the EEC (i.e. the decision was the Government's not Parliament's); and*
- *Parliament had somehow, by its silence on the matter, actually exercised its sovereignty and passively consented to the prerogative being used to take away the EU rights of UK citizens legislated for by Parliament.*

In response, for the main Respondent, Gina Miller, Lord Pannick argued that: -

- *the 2015 Referendum Act did not give ministers the power under the prerogative to trigger Article 50;*
- *the prerogative cannot be used to remove statutory rights and certainly cannot be used to change the UK constitution;*
- *the Government must demonstrate that Parliament expressly handed over powers to remove statutory rights;*
- *Parliament did not intend that the scheme set up by the 1972 European Communities Act could be swept away by use of the prerogative;*
- *there are different ways in which the prerogative can be limited – one limit is that there is no prerogative power to remove statutory rights, and this is the case here;*
- *none of the other EU related acts over the last forty years gave ministers the power under the prerogative to trigger Article 50; and*
- *finally, as regards Parliament's role, only an Act of Parliament could take away EU rights linked to EU membership created in the last four decades.*

Both the Lord Advocate (for the Scottish Government) and the Counsel General for Wales (for the Welsh Government) had been given leave to intervene on devolution issues. The Scottish Government argued that Article 50 could only be invoked through an Act of Parliament and that Act had to be preceded by a legislative consent order in the Scottish Parliament. The Counsel General for Wales argued that the devolved administrations should be consulted prior to invoking Article 50. In addition, references from two Northern Irish cases were heard, which also related to devolution issues as regards triggering Article 50, and the argument that the particular circumstances of Northern Ireland should be recognised and taken into account.

The Court's judgment is expected in the New Year. The Supreme Court will issue an alert prior to its publication. Transcripts of the hearing, and information concerning the arguments of the parties and the judgment, can be found by copying this link into your web browser: <https://www.supremecourt.uk/news/article-50-brexit-appeal.html>

For the original judgement, copy this link: <http://www.bailii.org/ew/cases/EWHC/Admin/2016/2768.html>

Associate Citizenship of the European Union - our New Year Gift ?

ECREU's Brian Cave has been closely following the proposal to introduce a form of Associate EU Membership. Here is his assessment of the plan followed by a letter he has sent to one of its proponents, Belgian MEP Guy Verhofstadt.

Many European MEPs (Members of the European Parliament) are unhappy about the Brexit position of the British Government. I was about to write 'plan' for 'position', but it seems clear that no clear plan exists.

Two MEPs of the The Alliance of Liberal Democrats in Europe (ALDE) have been receiving pleas from British Citizens urging that some consideration is needed for the million and more British Citizens residing in EU States who could be stranded in so many ways after a brexit. Theoretically they/we would all become strangers - foreigners - in the lands of the European Union. Their rights as European Citizens would cease. That could have so many implications for residence, working rights, finance, anything that a citizen might expect through citizenship.

Guy Verhofstadt MEP of Belgium (he is the Chair of the ALDE group) has proposed that an associate citizenship for British Citizens should be made possible. Charles Goerens MEP (Luxembourg) has supported this idea and both MEPs have received, so they say, numerous mails of support from British Citizens frustrated by the actions of the British Government.

When the idea was first proposed, it was suggested UK citizens should pay an annual fee, which has alarmed many. Most of my contacts think that citizens are happy to pay for a passport or card, but not an annual fee.

Actually, I would favour a form of 'EU residency card' which could facilitate movement within the EU but, of course, excluding the UK where the passport would still be needed. It should allow freedom to live and work throughout Europe and allow one the right to vote for MEPs.

If an EU passport were granted to ALL British citizens, it would cause difficulties. For it would mean that all British Citizens could have access to the EU States to live and and move etc within the EU. Those States would object on the grounds that their citizens do not have free access to the UK. Also, recognition that the EU has a 'passport' is tantamount to accepting that the EU is a functioning 'State' which would not go down well in various places. A 'residency card' however, does give more leeway to have controls and a survey of the applicant's needs in any request.

Guy Verhofstadt also has part responsibility of settling a post Brexit deal between the EU and the UK. He says –“I as Brexit negotiator for the Euro-Parliament will ensure that it is included in the parliament's negotiating mandate.”

These negotiations will commence after Article 50 is triggered, perhaps in April or May next.

Related issues

One could settle the issue by taking out a second nationality in the EU. But that is not easy in some countries.

Should such an associate citizenship be offered to UK citizens residing in Britain? Consider for example, a young person wanting to work in say France or Germany, where it could be a great help.

So there we are. Happy New Year everyone!

If you want to contact these MEPs, here are their email addresses. You may well wish to comment on the idea of an annual fee:

guy.verhofstadt@europarl.europa.eu / charles.goerens@europarl.europa.eu

There is one British MEP in this ALDE grouping, catherine.bearder@europarl.europa.eu

This is the letter I have sent to Mr Verhofstadt along with the above text.....

Dear Mr. Verhofstadt,

Your idea on aiding British Citizens resident in the EU is exciting and brings hope to many British Citizens. I attach an item which ECREU is distributing to its c. 5,000 members.

One must take on board some detail relating to finance. I have British correspondents who are really very poor. I hear via social support services of others who are well-nigh destitute.

My observations assume that the document proposed is more along the lines of a 'residency card' rather than a 'passport'. To ask British citizens to pay an annual fee for a 'residency card' is really not that possible.

Yet one way or another it would be possible to pay a fee to acquire such a card (or passport) to cover administrative costs. Such a card could last (say) 10 years. In reverse the UK should be asked to organise a 'residency card' for those EU citizens resident in the UK.

more.....



One would suppose UK citizens, currently resident in the UK wishing to reside in the EU states would need to apply for such a residency card from the EU.

While I am writing, it is appropriate to draw your attention to a most serious matter in this Brexit situation which is of particular importance to all British Citizens who have moved to other EU states in their years of retirement. Understand that the demographic spread of UK citizens in the EU is weighted far more towards the retired age group. Whereas the EU citizens in the UK are the whole much younger and working, there are very few retired people from the EU in Britain (UK).

The retired are all dependent on the arrangements in EU regulation 883/2004 whereby they receive medical treatment as though they are nationals of their resident State but that treatment is paid for by the Department of Health in London.

If they lived in the UK all those costs would be paid at 100% under the National Health service of the UK.

Brexit raises a huge dilemma for these 400,000 plus people. If medical support is not covered by the UK, all would be seriously financially affected. It is beyond reasonable expectation that the resident States should carry the cost. The cost has to be borne by the UK.

With our best wishes for a successful conclusion to this most worrying situation.

Brian Cave

Tis the season of goodwill.....

Brian Cave on writing to an MP

Recently, a correspondent of ECREU consulted me on writing to an MP. We are accustomed to hearing that such letters have drawn an unsatisfactory response - or no response at all. We do experience this ourselves, so perhaps this is a good time to explain why.

My correspondent is about seventy. He has travelled round the world a bit and held moderately responsible jobs. He has, under EU regulations, migrated to a continental country to live a peaceful life. He is concerned, scared indeed, about his future after Brexit. He knows that if the healthcare provided through the EU agreement 883/2004 collapsed, healthcare would cost him about €200 a month.

So he writes to his MP. But consider the nature of the person he is trying to influence. Most are concerned about caring and they want to do the best they can to help. But with the best will in the world they have neither the knowledge nor understanding of his situation. This MP has not had any experience of what it is like to be retired on a income well under half her own salary. She will not understand the fear of having the carpet pulled from under her feet.

So what does she do? She does what dozens of other MPs do; she writes to a Minister of some apparently appropriate department. A junior civil servant composes an answer to which probably the Minister or some senior civil servant appends a signature. None have much clue of the circumstances of the daily life of the citizen in another EU State.

In this case the Foreign and Commonwealth Office (FCO) trotted out an item no doubt very similar to the distorted analysis which the same department sent to the House of Lords Select Committee on the consequences of Brexit for UK citizens in the EU.

That document did not indicate any understanding as to how health care is covered for retired citizens in the EU States. It confused the EHIC card which relates to travel of individuals between States, with the day-to-day healthcare provision for retired citizens in the EU States paid for by the Department of Health. (We sent the Committee the actual situation).

The MP, however much a caring person, probably hasn't a clue, and with reason. They haven't lived here. They all have constituents on their British doorsteps clamouring for attention so sadly, many take the view that the citizen abroad can safely be ignored.

Nevertheless our ONLY way forward is to convince the MPs of our needs and fears. Yes... we need dedicated MPs, but we won't get those this Christmas.

When you write to an MP, try to explain in detail how you are affected. Don't let the knowledge that they haven't much idea about how you live put you off. If you can, include a photograph in your mail and encourage them to understand how you live and how you have lived.

Please don't be disheartened or put off by a lack of response, or a reply which is less than helpful. It happens to us too, and we have years of experience. Keep trying, but do understand that you may be preaching not to the uncaring, but to people who simply have no understanding.

*Brian Cave - briancave@ecreu.com
more.....*



I don't have an MP..... Oh yes you do!

and he or she should be right behind you, helping with your Brexit concerns

Don't confuse this with voting rights. While it is true that you can't vote if you have lived outside UK for more than 15 years, that does not mean you don't have an MP. Every UK citizen is still represented by the current MP for the constituency where they last lived, irrespective of how long they have lived abroad.

So there is still an MP you are entitled to write to. Just make sure you clearly state your last UK address if you do write.

Find your MP from the Parliament web site at this address: www.parliament.uk/mps-lords-and-offices/mps/

'Goodwill to all men' - but does that include expats?

Some may fear that the fight to restore Winter Fuel Payments is a lost cause and that it has little relevance to the important issues surrounding Brexit. As far as ECREU is concerned, nothing could be further from the truth!

The facts about how the DWP and Ministers contrived statistics, manipulated 'friendly' media and ultimately misled Parliament, has finally been revealed in a submission to the The European Parliament Committee on Petitions by ECREU's Roger Boaden. His evidence is too long to include here, but you can read or download it from this link: www.ecreu.com/pdfs/submission-to-peti.pdf

Meanwhile, its relevance to our fears of losing our rights because of Brexit are well illustrated by a letter from Roger to Rt Hon. the Baroness Hughes of Stretford, a member of the EU Justice Sub-Committee which accepted our portfolio of members concerns as part of its inquiry 'Brexit: Acquired Rights'.

This is Roger's letter:.....

Dear Lady Hughes,

I hesitate to impose a document on you, which adds yet more reading, but I send this attachment because it illustrates only too clearly why so many Expats are fearful for the future, particularly in the area of acquired rights. I envisage a situation in which a UK Government reaches agreement with France over acquired rights - negotiators feel satisfied that a French Government will not discriminate against UK Citizens living and working in France.

But what about Ministers who hold the same views as Iain Duncan Smith? He is not a Eurosceptic! He is not, and never has been, 'A person inclined to question or doubt accepted opinions' (see Oxford Dictionary) - that describes my views about the EU, and I've always been a European. IDS is a Euro-Hater, and I am as certain as I can be, that he flew into a rage when DWP lawyers told him he had to accept a Judgment of the Court of Justice of the EU, and then ordered officials to find a way to stop us receiving a legal entitlement to a benefit we could 'export'.

My attachment has been drawn up for the European Parliament's Committee on Petitions in support of my Petition which the Commission has tried to block. If you find any time to read it, you will see how officials in the DWP worked for 10 months to arrange payment by Regions to take account of huge temperature differences, which would have allowed 70% of all claimants in France to keep the Winter Fuel Payment. But IDS scuppered that.

So, he misleads Parliament by introducing a Statutory Instrument and an Explanatory Memorandum which was full of holes and misleading statements - using dodgy data of temperatures, most of which were estimates; issuing frequent assaults on Expats; causing the publication of exaggerated statistics; extending winter to five months; and, worst of all, 'manufacturing' a temperature which didn't, and doesn't, actually exist!

He did it as Parliament broke for the Christmas Recess, knowing full well that when MPs returned, they would be in General Election mode. Frankly, if it was that easy for IDS in 2014/2015, imagine how much easier it will be for Brexiteer Ministers in the years ahead to clog up the works with daily Statutory Instruments removing EU Laws and Regulations they don't like, no matter what suffering such actions could heap on those on the receiving end!

Hope you will forgive me being a sceptic!

Kind regards Roger

more.....

Help us prepare a New Year 'gift' for the DWP..

Roger has a submission to the European Parliament Committee on Petitions which includes new evidence of how the DWP conspired to deprive expats of the Winter Fuel Payment and how Iain Duncan Smith appears to have misled Parliament. The DWP always maintained that it could not pay WFP by region because it did not have expat citizen's postcodes. You can help our campaign by letting us know if you have ever completed a 'Life Certificate' - and if so, if you included your postcode - by completing our simple on-line survey. You can access the survey from a banner on our web site Home page (www.ecreu.com).

Please complete the survey today - we need your evidence!

Member Brian Kemp has joined the ECREU team to develop relations with Forces Associations throughout Europe.

We are anxious to include former Armed Forces members in our member statistics and develop a better understanding of their concerns over Brexit.

So if you are already a member, please email contact@ecreu.com with the word 'forces' in the subject line. You can leave the rest of the email blank unless you have any specific comments. We will then update your membership data and let Brian have your contact details.

If you are not already an ECREU member, please sign up today using the Joining form on our web site and add the word 'Forces' in the comments box.



Nouovo Anno - Il primo ministro Nuovo

At present we are reeling from the news that Prime Minister, Matteo Renzi, has resigned after his Referendum on constitutional reform was defeated. It remains to be seen whether the President can assemble a stable interim government, or whether there will soon have to be elections. For the time being, the Italian political scene will be dominated by political and economic uncertainty and getting any attention paid to us and our concerns will be very difficult.

In the New Year, when the dust has settled, perhaps we can think about future initiatives. If there is anyone among the Italy members with potentially useful contacts in the Italian national media or political scene, please let me know.

Currently there are 90 members (44 households) scattered all over Italy from Alto Adige in the north to Sicily in the south, but with a notable concentration in Umbria (22 members) and smaller ones in Piemonte, Toscana and Abruzzo. Almost half our members are retired and their concerns mirror those of expats in other European countries. In the first instance, the worries affecting all expats over our future right to permanent continued residence, and the various rights that come with it.

For UK pensioners living here, the biggest worry is continuing access to the Italian health service, since their cover depends on annual payments made by the UK to Italy, as part of EU agreements. One retired member was told by a local health official that, if the UK payments stopped, as a non-EU citizen who had not paid into the Italian system, one would have to pay contributions for access. This does not, of course, reflect any formal decision, at the national or EU level. But if it were to apply, it would be better than being told one must have private health insurance (impossible for the elderly) but nevertheless very expensive, at a time when UK state pensions would be worth less due to a falling pound and a possible cessation of uprating by the UK- another big concern of members.

Those working in Italy are concerned about continued rights to work and run their businesses here and, if they have children studying in the UK, as to whether their qualifications would still be recognized if they later wished to return to Italy. There is also interest in taking out Italian citizenship among some members, but concerns as to what this might mean in terms of keeping rights to live in either the UK or Italy in the future. Applying is said to be a bureaucratic nightmare. If anyone, without Italian relatives, has actually succeeded recently in getting Italian citizenship, it would be useful if they could share their experiences with ECREU.

*Denise Hope, ECREU Coordinator for Italy- dehope10@yahoo.de
more.....*

New year festive Ra-joy?

Still much concern in Spain about the potential withdrawal of health care for pensioners post Brexit. Rumour wings its way around the expat community. For example: 'Rajoy refuses new reciprocal health agreement?' in the French press (then reported in Spain) - while the French government has agreed to honour the reciprocal health agreement post Brexit.



What we do know - President Rajoy said at the beginning of June, before the Referendum, that reciprocal health rights were part of the agreement within the European Union and that they would disappear if there was a Brexit. He was saying what was the situation.

Now, after the Referendum, we know from the British Consulate that there are talks going on between the British Foreign and Commonwealth Office (FCO) and the Spanish authorities about various possibilities post Brexit whereby the UK could pay for British pensioners' health care. These talks will then be referred to the Brexit Ministry and, hopefully, be part of the country-by-country negotiations. We know Spain is in financial deficit and is very unlikely to pay for British Pensioners health care unless the British government agrees to refund them in some way.

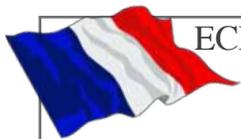
There is considerable pressure on the Spanish Government for a positive agreement from Mayors of Spanish towns with lots of Brits, but the decisions will be made in Britain by the Government there.

Votes for Life Bill. There are many in Spain who were disenfranchised in both the last General Election and the Referendum because they had been out of the UK for more than 15 year. A researcher for the Electoral Commission has arrived in the Costa Blanca, Spain to interview British people living abroad on their views about being able to vote wherever they are in the world - 'Votes for Life'.

Almeria has attracted many British people who live scattered throughout the area's villages and urbanisations. One group is working to find politicians who can help and support British people in their campaign to be allowed to stay in Spain with most of the current rights intact. They have presented to the Sub Delegation of the Spanish Government in Almeria. The senior politicians they met with agreed to do what they could to assist us in presenting and endeavouring to protect our rights. They are working with ECREU and other expat groups..

Various initiatives from British people living in Spain are springing up on social media but care needs to be taken with the information they give. Remember what the Alicante Consul said - always try to go to the original source!

Margaret Hales



ECREU has applied to join British in France (BCC). Founded in 1937, BCC acts as the umbrella organisation for British associations in France at national level. Chairman Christopher Chantrey quoted ECREU and our member's concerns in his presentation to the French Assemblée nationale in October and is now helping us pursue solutions for French members on issues such as obtaining a Carte de Sejour. Membership will bring additional routes into Government and Brussels and to a wealth of experience concerning expat citizen issues.

At the time of writing this newsletter, ECREU has 5,036 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	

Don't forget our Facebook page!

Our post about Roger's survey reached 3,450 people. This is a sure fire way of spreading the message, getting people on our side and making sure the world is reading about the fight for our rights.



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

Find the Facebook link at the foot of our web site Home Page more.....

Open Letter to Father Christmas...

Dear Santa,

I don't know if you will remember me. It was a long time ago when I last wrote to you. I think it was 1953 and you give me the fireengine wot I asked for.

I am a lot older now and I don't want toys any more. But I would ask you to give a very special present to all my friends at ECREU. There are over five thousand of them but they all want the same thing and you don't even have to climb down all their chimneys.

All I ask you to do is to fly over number 10 Downing street which you know well and is in London town, on Christmas eve night.

Then will you please sprinkle some of your elves magic dust on that nice Mrs May and make her remember all the citizens wot now live in Europe so she does not give all their rights away when she is talking to those people in ~~Brusster~~ Brussels.

Thank you,

Love, David (age 70¹/₄) and my friends

ps: We have all been very very good for the past 63 years

Views or opinions expressed in this newsletter do not necessarily represent the views or opinions of Expat Citizen Rights in EU or its officers

Editor: Dave Spokes - davespokes@ecreu.com

Distributed by: Expat Citizen Rights in EU

Web Site: www.ecreu.com

Copyright © 2016 Expat Citizen Rights in EU. Unless otherwise stated, all content is copyright of Expat Citizen Rights in EU. No part of this newsletter may be copied or reproduced in print, digital or any other form without prior written permission of Expat Citizen Rights in EU

Association n° W862002237 registered in France and governed by the law of 1 July 1901 and the Decree of 16 August 1901 - email: contact@ecreu.com