



## **Brexit Brits Abroad Podcast**

### **Episode 12: ABOUT THE LIKELY DIVERSE IMPACTS OF BREXIT FOR THE LIVES OF UK CITIZENS RESIDENT IN THE EU27**

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#### ***About the episode***

In this episode, Michaela is joined by Dr Meghan Benton, senior policy analyst for the Migration Policy Institute. They revisit the question of who are the UK citizens who live in the EU27, highlighting the diversity of this population in terms of employment status, family circumstance and age, and talk about what Brexit might variously mean for the lives of these Britons. As they discuss, while citizens' rights are the headlines in the negotiations, beyond legal status, there are a whole host of structures, regulations and arrangements that currently support the lives of these individuals that need to be considered in light of the UK's withdrawal from the European Union.

*You can download this episode of the podcast at*  
<http://brexitbritsabroad.libsyn.com/ep012-about-the-likely-diverse-impacts-of-brexit-for-the-lives-of-uk-citizens-resident-in-the-eu27>.

#### ***Transcript***

**MB** Welcome back to the Brexit Brits Abroad podcast. I am Michaela Benson and today I'm joined by Dr Megan Benton a senior policy analyst at the Migration Policy Institute. She's also working with us on the project with kind of elite interviewees, people who work for the European Union, for other European Union member states, and she'll be feeding that back into the project for us, so what I wanted to do today though was to talk to Megan a little bit about the new report that she's authored for the Barrow Cadbury Foundation. The report's entitled *Safe or Sorry, Prospects for Britons Abroad after Brexit*, which of course is highly topical to the project. So I thought perhaps we could start Megan by you just describing a little bit what you're trying to do in that report.

DMB Sure. Nice to talk to you too. Well the motivation for this research was really that we felt that the issue of UK nationals in the EU after Brexit was being treated as a kind of second order issue, and I guess we hatched the idea some time at the end of last year, which is probably around the time that you also started thinking that it was a bit of an under-researched area. I think what's interesting is that in the last six months it has become so much more prominent as an issue, it's clearly a bit part of the debate, then a big part of the negotiations, which is partly I think testament to the sort of very active nature of some of the interest groups who've been really working hard in this area, so it's, we're feeling a little bit more positive about that, but what we wanted to do with the paper was look behind the headlines and behind the sort of discussions about progress on the deal and look at actually what the prospects are for the UK population so what do we know about them, what are their characteristics, what's their likelihood to be able to stay in the country based on various other attributes such as the length of time they've been in the country, and then think about some of the sort of tricky implications that might emerge, I think regardless of whether there's a deal or not, on issues such as agreeing status and access to health care, access to the labour market, and so yes that was really the goal with this particular paper and with the research in general.

**MB So really it's this idea of shifting the conversation beyond the headlines, and that's partly to do with shifting the conversation about who the British abroad are, and highlighting the diversity of the population, as well as shifting the discussion away from the discussion of legal status, that's right isn't it.**

DMB Yes absolutely. I mean I think that, as you yourself have said, there's then a lot of focus on retirees as if they're, you know, the extent of the UK population and really what we've found is they're extremely diverse and I can talk a little bit more about that in a minute. But it was also that I think one interesting thing about the way that the negotiations on citizens' rights have been framed is as if the status of EU nationals in the UK and UK nationals elsewhere in the EU are totally symmetrical and reciprocal and can be addressed as if they're the same issue, which they're really not. I mean if the UK walks away without a deal it can still do anything it wants to secure the status of EU nationals in the UK, it can't do anything about Brits abroad, and that's the fundamental asymmetry, that's why we really felt that this was a vulnerable population that deserved more thought and not just to be framed as if it's, you know, part of the same package. So currently UK nationals are covered by EU law as EU citizens, and if the UK left the European Union without a deal on citizens' rights and they defaulted to being treated as third country nationals which means people from outside the EU, migrants from outside the EU, they are still protected by some EU law, for instance there's a residency directive which means that anyone who has lived legally in European countries who are signatories to this directive for five years are entitled to having a residence. So that means that people who've been in a country of residence for five years will be, you know, de facto better protected. There are some tricky intricacies around this, I just

wanted to make the point that there is this kind of minimal EU legal framework, even if the worst possible scenario happens, which is that the UK walks away without a deal.

**MB OK that's really great. I wondered if we could backtrack a little bit, one of the questions that we often get asked on this project is about the number of Britons living in the EU 27 and I know that's something that you tried to do a little bit of work on in the report, so I wondered if you could explain a little bit about where we are in terms of our knowledge and understanding of the numbers of those populations.**

DMB Sure. So the figure that's often cited on this is that there's 1.2 million Brits who are living in the EU on a permanent basis. The largest numbers, as I'm sure most people know very well, they're in Spain, in Ireland, in France, in Germany, those countries all have populations of over 100,000 and Spain of course is the outlier with over 300,000 but the thing to note is that we don't have very reliable data on the UK population living in the EU, the first problem is that you have to choose between whether you want to look at foreign born or foreign nationals, and we usually look at foreign born so we look at who's UK born, but that means that we're also capturing people who become citizens of the country that they live in or hold dual citizenship, so they might not be the people that we would necessarily worry about in relation to Brexit and their continued right to live in the countries they live.

**MB So the perennial problem with numbers is precisely because there is no real agreement on how you might even start to identify who counts as British abroad within those types of statistics.**

DMB That's one of the problems, there is an even greater problem which is that most national data sets will only collect data on permanent residents and people who have registered usually with the local municipality and one of the things that we know about the UK population, and indeed the mobile EU population, is that they're not, they don't always have to register in particular countries, they don't always have a very good incentive to register or really understand that they should register, and we have no idea really what the extent of under-registration is so all these people who are just not counted by any of the official figures, so it's quite possible that the population is larger than the official estimates suggest.

**MB So that ambiguity doesn't really help us very much does it in getting to the bottom of the question of how many British people live in the EU 27, but what could you tell us about the kind of the make-up of that, of that population?**

DMB Yes, well I mentioned earlier that we tend to fixate a little bit on pensioners, so we did do some, we looked into whether we could get data on exactly how many pensioners there were, again the data is a bit limited here so you tend to have to focus on age as a proxy, and if you look at the over-65s there are quite large numbers, there's about 120,000 in Spain, 30,000

in France, 18,000 in Ireland which is obviously a smaller country so that's kind of bigger proportion, but the UK population in the EU is a really diverse group as you yourself mentioned earlier, so for instance there are more students who are studying in France or Spain than there are in the US which I was quite surprised to find.

**MB Yes that was a really surprising figure for me as well when I was looking through the report that number of students.**

DMB I mean it's a small number if you think about the UK population as a whole so in France for instance it's just under 4,000, per year though, I mean that's registered in one academic year. So it's just a small population but it's a really important population, ones we shouldn't forget about. There's also a lot of professionals so I've been moaning a lot about the lack of data but one really beautiful data source that we have as researchers is this thing called the European Regulated Professions database which I know sounds really, like not everyone would be excited about that but ...

**MB So what, tell us what's exciting about that then.**

DMB Sure, well what that means is that if someone wants to do a job elsewhere in the European Union that is regulated, and that means that it's a type of profession that requires a very stringent set of qualifications, and these are jobs like architects or teachers or doctors ...

**MB Lawyers I suppose.**

DMB Lawyers exactly. This database is based on a directive which gives people who have these types of jobs the right to have their qualifications recognised in any other European country so even if they studied in a different education system, it means that you can practise those kinds of professions elsewhere in the EU. And what's really exciting about it is that you can see how many Brits apply to be nurses or doctors or the rest of it elsewhere in the European Union, and what the data says is that 36,000 UK nationals have had their qualifications recognised so they could move elsewhere in the EU and that's between 97 and 2016. And that actually makes the UK the fifth most mobile country when it comes to professional mobility after Germany, Poland, Spain and Romania, we don't often think of the UK as this kind of professionally mobile population but the data does suggest it, you know it's really up there, and the most popular jobs were teachers and nurses.

**MB The other side of this kind of wanting to shift the conversation from the headlines is that, as you highlight really really clearly in the report, a lot of the focus in the negotiations is of course going to be on legal status, in fact it has been up until now, but this is actually only the tip of the iceberg in terms of the impact that Brexit might have on these populations, whether there's a deal or no deal, so I wondered if you wanted to talk about some of the different**

**mechanisms that you think we might need to turn our attention to when we're considering those British populations abroad.**

DMB Sure, well I think there's two important points in that question. One is that in all this focus on legal status we're not considering as a sort of first order issue some of those issues about access to benefits, access to the labour market, those entitlements to have your foreign qualifications recognised elsewhere has really, like I think the UK government has been very clear that that's a for later kind of topic so it's really not been part of the debate. There's also issues around people's rights to bring in their non-EU family members which are really important. But the second point to make is that I think that regardless of whether there is a deal, there is still likely to be large swathes of people who find themselves in some kind of limbo status or even a kind of de facto unauthorised status if you want to use that language, you know we're focusing all the time on a deal but whether or not there's a deal or no deal you still find that the kinds of people who are vulnerable are people who move back and forth on a sort of seasonal basis and haven't registered as we discussed earlier, it's people who've been economically inactive meaning they haven't participated in the labour market and they might be retirees or students because they've been subject to greater restrictions, and since they didn't know that they were going to have to at some point prove that they had been continually legally resident there might be some trouble there.

**MB That would also include people who've taken parental leave for some reason or stayed at home to look after a dependant whether that's an elderly relative or a young child I suppose.**

DMB Yes absolutely, it actually includes a lot of people, I mean even, not to be a bit self-serving but even academics and expert who took a sabbatical, you know might find themselves classed as economically inactive for that particular time, or people who were, you know, didn't make a minimum wage or had a wage that was below the level of social assistance which is what most European countries use as the kind of standard for working out whether people were self-sufficient or not, which is a requirement of EU law of your right to reside.

**MB Do you want to talk a little bit more about access to the labour market and how that might be affected by Brexit? Because I think that you had some kind of ideas about the unintended consequences that Brexit might present.**

DMB Yes, well I mentioned a few of the direct consequences which is things like not being able to get your qualifications recognised and that will affect people in regulated professions much more than people who are just working in other types of jobs. But there's also in some countries certain occupations which are restricted to EU nationals or nationals of that particular country, so that would have an effect on UK nationals in the labour market. The one point I tried to make in the paper is that we think quite a lot in these discussions about the direct obvious impacts of labour

market access and exactly what jobs UK nationals might not be able to get anymore but I think it's much more likely that the indirect effects are going to be much more significant so I think the British nationals could face more discrimination in anything from hiring to promotion and employers might just, they might be so unclear about what the legal situation is that they just kind of avoid hiring British nationals.

**MB I mean of course we've already started to see some suggestions that that might be happening in the UK with EU nationals so I could see how that might also be mirrored elsewhere.**

DMB Yes, and I think the extra thing that's happening elsewhere is there is a bit of anger towards the UK and it's almost not very cool to be at all British so some firms might be trying to downplay their, the role that UK nationals play as employees.

**MB So if you had to quickly summarise what you think the prospects are for Britons living in the EU 27 going forwards, what would you say?**

DMB I think there's going to be a huge polarisation between people who are able to fulfil whatever requirements are agreed by the deal, assuming there is one, and those who find themselves on the wrong side of a particular threshold who are in sort of a system, protracted period of legal limbo and uncertainty. I try to refer to these as the Brex-haves and the Brex-havenots, that was my attempt at ...

**MB It's quite catchy.**

DMB ... Twitter soundbites, I really do think this is a really important issue that the idea of citizens' rights, it's not, it's not a monolithic population that is all going to be OK if a deal goes through, we're facing just a host of unintended consequences and people who find themselves in this sort of proliferation of complicated legal status where there won't be a very easy answer, and of course there's likely to be lawyers who benefit from the stuff ultimately.

**MB So basically where we're at is that we are going to have to wait and see a little bit but we can already anticipate that for those most vulnerable groups, among those British populations abroad, which include those people who maybe won't be meeting those minimum thresholds for income, all of those types of things, the diverse population, that there are going to be some consequences whatever the deal is that's reached if one is reached or not.**

DMB Absolutely, and I think that among those extremely vulnerable there are going to be some groups who actually find themselves without the right to move back to the UK, so we haven't been talking very much about the question of returns, so people who are going to choose to move back to the UK, but the people who for instance live in a country where, if you're a UK national who's married to a non-EU national, currently has the same rights

as a mobile EU national under EU law, they will find themselves in an extremely vulnerable population because even if the UK national would get the right to stay in the EU, their family member might not because of income thresholds for instance or other restrictions that countries impose, age restrictions even in some countries, and then if they couldn't then move back to the UK because the UK also imposes an income requirement of £18,600 I think, they're just going to be stuck kind of in well extreme limbo and those are the sort of the really vulnerable groups and families.

**MB Yes these are people whose partners would not then necessarily have the right to join them in the UK is what you're talking about as well so they could find themselves on a very tricky ground. Well that's been great Megan, thank you very much for joining us from Barcelona airport, that explains some of the blips in the recording for anyone who's wondering, and thank you very much for taking the time out of your day to talk to us today.**

DMB Oh it's lovely to talk to you, thanks very much for having me on.

**MB No problem at all. Thank you for listening to the Brexit Brits Abroad podcast. If you've enjoyed what we've been talking about today and want to find out more, check out our website, [www.brexitbritsabroad.com](http://www.brexitbritsabroad.com), or you can follow us on social media via Twitter @brexpatseu and on Facebook, and don't forget to subscribe to our podcast on iTunes and I'll speak to you again soon.**