

WHAT DOES
FREEDOM OF
MOVEMENT

MEAN TO BRITISH CITIZENS
LIVING IN THE EU27?



FREEDOM, MOBILITY, AND
THE EXPERIENCE OF LOSS

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To find out more about the project, visit our website: www.brexitbritsabroad.org



Summary

This report draws from our panel of 194 British citizens, living in 23 countries across Europe, who have been in touch with us throughout the project, telling us their stories and responding to our ongoing requests for information and feedback. It looks at what freedom of movement means in terms of European Union regulations, on the one hand, and how the notion of freedom of movement, as a right and an ideal, has been interpreted and enacted by British people living abroad, on the other hand. We explore: what freedom of movement, as a right to move and to reside, means to British citizens living in the EU; how they have implemented their rights; and what might be the practical and emotional consequences of losing these rights.

Key points:

- Freedom of movement is one of the four fundamental freedoms of the European Union, together with the movement of goods, capital, and services. It underpins the right of persons to move and reside freely within the territory of the member states.
- While celebrated as a freedom, legally, freedom of movement is far more complicated and circumscribed than its name suggests, and the regulations around its implementation vary from one country to another.
- The implicit bias in EU legislation towards workers and labour rights begins to explain the lack of understanding of how the loss of freedom of movement rights will affect people in practice.
- In practice, British citizens living and working in the EU-27 are very diverse in terms of age, class, gender, ethnicity, employment status, and especially mobility patterns. They include those who have moved permanently for work alongside those who have retired in the EU; people who have moved temporarily for work or study; people who have moved to join family or to start new families; and people who live in one country and work, sell goods or provide services in another.
- These British citizens embrace the concept of free movement far beyond its legal interpretation as something symbolising openness to new cultures and experiences.
- Furthermore, they see freedom of movement as an individual and social good and are afraid this good is being lost without consulting them.
- In even broader terms, there is a fear among some panellists that the qualities they associate with freedom of movement may be less forthcoming in a post-Brexit Britain, qualities like interest in other cultures, openness to new ideas and experiences, compassion and understanding for other people

What is Freedom of Movement?

'EU citizenship underpins the right of persons to move and reside freely within the territory of the member states'

Freedom of movement is one of the four fundamental freedoms of the European Union, together with the movement of goods, capital, and services. Free movement of people was inscribed in the Treaty on the European Union - signed in Maastricht in 1992 and often referred to as the Maastricht Treaty – and is linked to the notion of EU citizenship. As it says on the European Parliament website:

The Treaty of Maastricht introduced the notion of EU citizenship to be enjoyed automatically by every national of a Member State. It is this EU citizenship that underpins the right of persons to move and reside freely within the territory of the Member States. The Lisbon Treaty confirmed this right, which is also included in the general provisions on the area of freedom, security and justice

The other three freedoms – of capital, goods, and services — preceded the free movement of people; importantly, freedom of movement was primarily established to enable the movement of economically-active people, or to be more precise, the movement of labour. Freedom of movement for students, pensioners, and the unemployed, as well as for their families, came to be guaranteed later, in 1990, and citizenship itself was introduced with the Maastricht Treaty (MPI).

Even now, where the European Commission (EC) website refers to employment, it implies that free movement is more about labour than about any other kind of movement. EU citizens, the EC suggests, are entitled to:

- look for a job in another EU country
- work there without needing a work permit
- reside there for that purpose
- stay there even after employment has finished
- enjoy equal treatment with nationals in access to employment, working conditions and all other social and tax advantages

It would be much quicker for them to simply repeat what it says on the European Parliament web site, that 'EU citizenship underpins the right of persons to move and reside freely within the territory of the member states', but they are at pains to explain these rights in more detail, especially with reference to workers. This reveals something of a bias in legislation towards workers and labour rights, which might begin to explain the lack of understanding of how the loss of freedom of movement rights will affect people in practice.

As we discuss below, many of our respondents have taken literally, or at face value, the statement that: "EU citizenship underpins the right of persons to move and reside freely within the territory of the member states". This is understandable given that the actual conditions under which this 'free movement' is able to take place are somewhat complicated.

Freedom of movement means that any EU citizen can move to another EU country to live and work without needing a permit. Nevertheless, they may be expected to register in some form or another. British citizens can move to another EU country even if they don't already have a job, but they may only remain there for up to three months looking for work. They can even claim the same out-of-work benefit (but not other benefits) as nationals of the country to which they have moved, subject to the same rules as the country's own nationals. Once an EU citizen is in work, they will enjoy the same access to working conditions and tax advantages as nationals of the country they are in, and can stay even after their employment has finished. But these rights vary somewhat in the case of people who are 'economically non-active', such as students, and people who are self-employed. In more recent years, the European Union has added the stipulation that anyone not working must have sufficient resources and sickness insurance to ensure they "do not become a burden on the social services of the host member State". (*European Parliament n.d.*)

Finally, European citizens now acquire the right to permanent residence after a five-year period of uninterrupted residence in a host member state. However, they will need to be able to prove this in some way or another and some states have no provision for registration of EU citizens (e.g. France).

So, we see that in fact Freedom of Movement is far more complicated and circumscribed than appears in our opening quote above. Indeed, in some situations the very confusions and contradictions – the dialectic of rules and practices that embrace both mobility and enclosure – around regulations, have led to the social exclusion of some who have embraced freedom of movement (O'Reilly 2007).

We will now turn to explore how British citizens have interpreted and enacted the notion of free movement. This report draws from our citizens' panel data. Our panel, which comprises 194 British citizens, living in 23 countries across Europe, have been in touch with us throughout this project, telling us their stories and responding to our requests for information as we go along. We are incredibly grateful for their time and commitment and we hope to be faithful to the richness and diversity of their stories.

How have British citizens used their freedom of movement rights?

Amongst our panel members, there are many and diverse ways of practicing freedom of movement. There are people who have started new lives in another EU country; people who have retired in the EU; people who have moved temporarily for work or study; people who have moved to join family or to start new families with someone they've met on the move; and people who live in one country and work, sell goods or provide services in another.

In common with most of the other findings in the project, the picture is complex and the experiences of British citizens in the EU vary greatly. Some people have moved permanently to one other country to live and work, and have remained there on a long-term basis, like Edward in Spain. In fact, as Edward writes:

'I moved here and worked here before Spain joined the EU therefore it was not so-called freedom of movement rights that 'enabled' me to do so.'

Others have moved between several countries for work, family, or lifestyle reasons, much as someone who lives in the UK might travel and relocate between counties, as in the cases of Molly and in particular Chris, who have both settled in Cyprus after a period of study and work across the EU:

'I studied at a university in Italy, completed post-grad studies in Athens, worked and raised a family in Greece' (Molly in Cyprus).

'Italy (in total about 16 months spread over 4 years); Spain (off and on over many years); Cyprus (2+ years); Estonia (6 months)' (Chris in Cyprus).

In theory, as Edward points out above, a number of the cross-border movements described above would still have been possible in the absence of freedom of movement rights, albeit in a form more complicated, time-consuming, and expensive to arrange. But not all:

'I have also worked for short (some very short) periods in Ireland, France, Germany, Belgium, Netherlands, Portugal, Denmark, Norway and Sweden - because movement and the ability to work was no obstacle' (Chris in Cyprus again).

Another example of the sort of cross-border movements that might not have been possible without freedom of movement is found in Graham's story. Graham stayed in Spain and Italy as 'trial runs' before settling in France and finding a job that he would never have known about if he hadn't been living there already. Another example is Anna, in Italy. Anna's Italian husband is an engineer and his work is based on contracts linked to projects. She writes that 'when the current [project] ends we thought to move where the best job opportunity might be, e.g. another European country.' If British citizens lose freedom of movement rights, Anna's husband would be able to move within the EU to look for work, but it would be more difficult for Anna to do the same.

More than the basic details of relocation across borders though, the stories our panellists have shared show how the idea of free movement – as opposed to the precise legal meaning of freedom of movement – has inspired them to embrace the concept as something like a symbolic idea about openness to new cultures and experiences.

Liam, for example, who has recently returned to the UK, travelled for education and for work, during which time he met clients he still does business with. He also travelled so he could experience 'dancing, hitchhiking, attending cultural festivals, visiting friends on Erasmus in Prague, watching football matches...' He made 'plans to start a business with some friends in Barcelona that [he] met while studying in the Netherlands.'

Lily in Tenerife's grandchildren hoped for experiences like Liam's. As Lily explains, they'd planned to:

'...travel within Europe, and to work as they move around, to widen their horizons and knowledge before settling on a career. The older ones may be able to do that still for a short period of time, but the younger ones are uncertain of that possibility existing so easily in the future.'

The potential for young people to miss out on these opportunities seems particularly troubling for Emma, who was from a Northern working-class background. In her response, she linked freedom of movement to social mobility:

'FoM gave me opportunities Britain didn't and still doesn't. Five people from my local comprehensive class took up this opportunity which Brexit is now going to put a stop to.' (Emma in Italy)

To summarise, many of our panel members have practiced free movement in exciting, imaginative, and diverse ways. They have taken freedom in an all-encompassing sense, to mean openness and future horizons. It includes people of all classes, it is economic as well as aspirational, and there are even social benefits.

What might the practical consequences of losing freedom of movement rights be for British citizens?

Will it be still be possible for British citizens to travel, work, and study in the EU after Brexit? The answer to this question seems likely to be a qualified 'yes', though the negotiations are still in progress. Current thinking (as reported in the British press in April 2018) is that, post Brexit, UK citizens wishing to travel to an EU country for business or on holiday may be subject to the same regulations as travellers from countries like Australia, the US, and Canada (<https://www.independent.co.uk/news/uk/politics/brexit-eu-traveller-charge-single-market-border-control-visa-european-union-a8321891.html>). This would mean that UK citizens would no longer be able to move to another EU country to look for work, and might need to comply with the new EU Travel Information and Authorisation System (ETIAS) regulations.

In the opinion of panellists like Edward (see the first quote in the last section) and Frank, both of whom live in Spain and are in their late sixties to early seventies, the loss of freedom of movement rights in favour of new systems governing movement for work or leisure will not have negative consequences, provided everyone follows the regulations correctly:

'Rights are irrelevant if you are TOTALLY legal within your adopted country. If you abide by the laws, rules and regulations of the Country - you conform to Tax regulations, property legalities, work laws, sign in to local health systems, buy into your adopted Country's Pension system, and other things then there are no problems. We are Immigrants in a foreign Country. UK leaving the EU is personally not a problem for legal persons.' (Frank in Spain)

However, for other UK citizens in the EU27 the picture is more complex. To take an illustration from outside our study, on the morning of 9th August, one Twitter user, '@ForrestLump1', sent the following Tweet:

'I applied for Swedish citizenship 11 montgs [sic] ago - still no answer (no reason for investigation). Now forced to also apply for PR, just in case. If I'm refused, I will die (severe medical issues)...'

None of our panellists has explicitly drawn attention to such urgent health issues as '@ForrestLump1', but several older panellists mention healthcare and pensions as a future concern, and for the younger panellists their concern is for their parents.

Liam's father lives in Portugal, and to date has been 'very well treated by the Portuguese health service. It is likely that he will need these services more in the future but it is not clear whether his access will change.' How does this relate to freedom of movement for Liam's family? Liam is concerned that should his father need additional care, post-Brexit, that he is not entitled to receive in Portugal, it might not be possible for Liam or one of his brothers to move there to help. Perhaps Liam's father could return to the UK, but as Liam explains, '...he's also not used to cold, in fact he has contracted pneumonia a couple of times when he's visited us..'

Even if there are no specific health issues to worry about for the moment, concern for older relatives was mentioned frequently. For example, John in Belgium writes:

'It's inevitable that you feel guilty that you can't visit as often as you'd like, or be more available as elderly parents need help. One solution is for parents to come and live with children in EU27. This won't be possible without FoM.'

Another prominent concern is for the future of relationships with spouses and partners. For instance, Allie in Spain and her partner are considering marriage to safeguard their right to stay together, even though they don't agree with the institution. In some cases, where one partner will retain their rights as an EU citizen and one may not, the fear is around what will happen to the family unit, as Scott's testimony shows:

'My German wife, me and our children had considered moving back to the UK at some point. This would be very difficult for my wife if the UK were to leave the EU, as only myself and our children possess British citizenship.' (Scott in Germany)

Grappling with similar concerns, one of John in Belgium's sons has just accepted a job in Britain (instead of the other options he had been considering in France or Switzerland) because it was unclear whether his British partner would be able to join him in the EU27 in the future. As a UK citizen with a Greek spouse, Molly in Cyprus writes:

'I will no longer be able to move freely between Greece and Cyprus, according to what is best for my family. This could mean either splitting up the family or [losing] important work contracts and reducing our income potential.'

While a number of concerns about moving are linked to family considerations, panellists also highlight the loss of future opportunities to work and study in a different country. Like Lily's grandchildren – mentioned in the previous section – Liam's plans to relocate to Germany for a PhD in Latin American Studies might not work out, and his hopes to live and work in countries he knows nothing about, and where he does not know anybody, out of pure curiosity, could be dashed if UK citizens lose these rights.

Rachel in Spain had planned to do a short EU internship in Luxembourg leading eventually, like Liam, to a PhD at a European university. Scott in Germany is worried about the impact on his freelance work if he can't easily make business trips across the EU27. Emily in Romania is worried that her husband could lose his job and they could be forced to return to the UK, unemployed. She writes, 'we potentially lose everything. Our careers, our rights, our future.' Alice in Italy's permit to work in Switzerland depends on her status as an EU citizen. If she loses her permit:

'I could lose my job, home, and possibly my children (if my ex-husband decided I wasn't keeping up a good family environment).'

Finally, Gordon lives in the Republic of Ireland, not far from the Northern Ireland border. Brexit, he says 'will be a nightmare' for those in the border regions. The complex topic of the British in Ireland is one that we will be exploring in greater depth in the future.

As this section has shown, there is a sense that opportunities are being needlessly thrown away; and that people's futures, especially young people's futures, will be restricted, their horizons narrower. There are concerns that families will face difficult choices, often having to balance finances with spending time with loved ones, and with providing care for those who need it. This is all the more frustrating for people who have previously experienced the benefits of being able to move and look for work in the EU without too much bureaucracy – those who, as we see below, have taken freedom of movement to mean the freedom to explore, to be free to make choices, to be open-minded and open-hearted.

What are the broader consequences of this loss for the British in the EU27?

The sections above have dealt with freedom of movement as defined in European law, and the effect of its anticipated loss on UK citizens' lives and future plans. But many of the comments made by our panellists suggest that they are experiencing a sense of loss that is qualitatively different to the consequences of any direct forfeiture.

A number of the panellists seem to be feeling what seems like shock: rights that had been, as John in Belgium writes, 'available to all British people' were to be removed, in many cases without consultation. Heléna in France expresses a common sentiment about rights and their loss when she says: 'There are not many agreements in the modern day that lead to people losing rights and erecting barriers.' Alice in Italy feels that it should be illegal to remove rights – such as freedom of movement – from people who have exercised them, 'especially as so many of those people did not have a vote in the referendum because of the 15-year rule,' as is the case with Molly in Cyprus:

'I was born with those rights. They are being removed. One would expect a loss of rights to be the result of some crime committed, some wrongdoing. I have followed all the rules, and as a result I have lost the right to vote, I had no say in Brexit, and now the rug is to be pulled from under my feet. My non-British husband retains those rights and this may result in tearing our family apart.'

In even broader terms, there is a fear among some panellists that the qualities they associate with freedom of movement may be less forthcoming in a post-Brexit Britain, qualities like interest in other cultures, openness to new ideas and experiences, compassion and understanding for other people:

'Freedom of movement [] not only provides economic benefits, but helps cement personal relationships between countries and their peoples which in turn reduces the scope for future conflict between member nations.' (Tom in Spain)

'...being able to travel abroad, study and work, and therefore learn and understand more about myself, my own culture and other cultures has helped me tremendously. I feel that this kind of experience makes us more compassionate, understanding and much better at communication as a whole...' (Allie in Spain)

Conclusion

In conclusion, then, while not all panellists thought that restricting freedom of movement was necessarily a bad thing, on the whole the testimonies suggested that the prospect of losing current rights would represent a significant loss with serious practical, social, financial and emotional consequences, the latter summed up in the testimonies of Matt and John:

'I totally love freedom of movement, it is one of the main obvious benefits that has come from being part of the EU, and I would be incredibly sad to lose it. I have made great friends in different parts of Europe and expect to continue to do so in the future. To have the ability to move around, work and form relationships with them restricted is a massive personal and emotional loss.'
(Matt in Germany).

'Having something so basic, so fundamental, taken away is painful.' (John in Belgium).

There has been a great deal of diversity in terms of the types of people who have taken up the opportunity to move and reside within the territory of the member states. Similarly, there has been a great deal of flexibility about what free movement means in terms of mobility patterns. Our research includes those who have retired, those who have moved permanently or temporarily for work, those studying in another EU-27 country, some who have moved to join families or to start a new family, and people who live in one country and work, sell goods or provide services in another. Some of those who have settled permanently are concerned about their future residence rights, effects on their financial situation, and access to Health services. But, for many, freedom of movement is not simply about settling in another country, it is about a future right to live, move, move again to somewhere else, and to combine travel and living throughout Europe in the true sense of free movement.

Many external commentators, such as politicians and journalists, appear, in their analyses of the effects of the loss of freedom of movement, to be stuck with the age-old distinction between a migrant and a traveller that Karen O'Reilly challenged in her early work in Spain (O'Reilly, 2000). For them, this loss will affect only travellers and tourists on the one hand, and those who have settled elsewhere, on the other hand. These misconceptions are partly informed by the stereotypes that abound with regard to Britons abroad, *as discussed here*. But the fundamental right to freedom of movement is about much more than movement. It blurs the distinction between travel and settlement both as an ideal and as a practice.

British people in Europe have embraced the concept of free movement far beyond its legal interpretation, as closer to something symbolising openness to new cultures and experiences. With that has come a European identity as well as European connections based around work, love, family formation, and political and social associations. Freedom of movement is as much about an outlook and future plans as it is about the here and now, and many of our panellists feel that they have not only lost a right but a sense of who they are, and who they can be.

For further information about this report, please contact the project lead, Dr Michaela Benson (michaela.benson@gold.ac.uk)

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