

BRIEFING PAPER

EEA Nationals in the Humber

Numbers and options

FJL, AGL

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Executive Summary

Uncertainty continues surrounding the fate of the 3.5m ^[1] European Economic Area (EEA*) nationals currently living in the UK following the “Brexit” vote in June 2016.

In February 2017 MPs voted down an amendment to the European Union (notification of withdrawal) Bill which would have protected their right to remain. This leaves them with, on the surface, little certainty.

At the same time as the amendment was voted down, the then Permanent Secretary to the Home Office, Mark Sedwill, explained at a Parliamentary Select Committee that the rights of EEA nationals would be subject to Brexit negotiations and the “will of Parliament”. However, he also explained some EEA nationals “with a right to Permanent Residence” can stay in the UK after it leaves the EU.

Consequently, there are two positions which should be considered:

- What will happen to the rights of EEA nations when the UK leaves the EU?
- What are their existing rights?

The first question is a matter of speculation and best-guessing, the second can be answered.

The Numbers

From July to September 2016 ^[2], immediately after the Brexit vote, the number of EEA nationals working in the UK grew from 2.34m to 2.36m. The following three months saw the number decrease by around 50,000 to 2.31m.

However, in the first three months of 2017, the number of EEA nationals working in the UK rose by roughly the same number as the previous quarter decrease, reverting to there being 2.36m EEA-born workers active in the UK economy.

There are around 3.5m migrants in the UK and some 2.36m are in work, roughly two thirds.

While using a separate data set ^[4] we see there were an estimated 185,000 EEA citizens in Yorkshire and the Humber as of December 2015.

However, consider the age of this data set (new figures are available in August 2017) and that according to the latest labour market report from the ONS the total number of EEA migrants has risen from 2.12m to 2.36m across the time frame, we believe it is safe to assume an increase of around 11.5 per cent.

On that basis, there could well be more than 200,000 EEA citizens across Yorkshire and the Humber. This includes all constituent regions, north, east, south and west.

The Humber

If we consider the potential 11.5 per cent increase, and use the same data set as above, we estimate there are 14,300 EEA nationals in Hull, 7,700 in the East Riding, 7,700 in North Lincolnshire and 4,400 in North East Lincolnshire.

Extrapolating the figures on a basis of similar percentages (two thirds in employment) we suggest there are more than 22,000 EEA migrants working in this region. This is roughly five per cent of the total workforce across the Humber.

NB The figures come with a caveat that they are accurate as of June 14, 2017, and on the basis of having drawn together a number of different data sets there could be significant margins of error. However, we believe this represents an accurate picture of the issue facing the region. Also, the numbers are not broken down by sector, and we anticipate some sectors will be more significantly reliant upon EEA nationals than others, the NHS and manufacturing for example.

The existing rights?

There have been no changes, nor will there be any changes, to the rights and status of EEA nationals living in the UK, nor UK nationals living in the EU, while the UK remains in the EU. Only when the UK exits fully, which will be at the earliest March 2019, will there be any changes, if any are made.

However, the speculation as to what might change has created an atmosphere of uncertainty when in fact there is a great deal of certainty. EEA nationals and their family members who are already here in the UK can apply to have their rights recognised by the Home Office.

They can apply for Registration Certificates or Residence Cards to show temporary exercising of their rights, or Permanent Residence, to show usually five years of exercising their rights. Permanent Residence is by far the preferred option here; as this gives someone right to stay indefinitely if they wish.

This application consists of an 84-page document, which on the surface is vastly complex but is relatively simple.

There are several qualifying criteria and if individuals meet the criteria then success is guaranteed.

Potential applicants automatically gain PR status if they have lived in the UK for five years continuously as a 'qualified person'. The application is to recognise this and therefore to show employers, benefits agencies or to use to apply for citizenship in the future etc. There are numerous definitions under the Immigration (European Economic Area) Regulations 2006 for a qualified person but the type mainly dealt with at Pepperells are those:

- working
- self-employed
- self-sufficient with medical insurance
- students with medical insurance
- and/or dependants of the same.

Those who gain PR all but automatically qualify for British citizenship after 12 months and additional family members chances of qualifying increase. There are other routes to Permanent Residence for EEA nationals and their family members, which involve less than

five years of continuous residence as a qualifying person, though these are more complex but still regularly advised upon at Pepperells.

Footnotes

* EU countries

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

The European Economic Area (EEA)

The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market.

Switzerland is neither an EU nor EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

^[1] Migration Watch: Long-Term International Migration Flows to and from the UK (June 2017)

<http://www.migrationobservatory.ox.ac.uk/resources/briefings/long-term-international-migration-flows-to-and-from-the-uk/>

^[2] Office for National Statistics (ONS) UK labour market: (May 2017)

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/may2017#employment-by-nationality-and-country-of-birth-not-seasonally-adjusted>

^[2] Department for Business, Innovation and Skills (BIS) Press Release March 24 2016

www.gov.uk/government/news/governments-new-immigration-skills-charge-to-incentivise-training-of-british-workers

^[3] ONS Statistical Bulletin UK Labour Market: January 2017

www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/jan2017#employment-by-nationality-and-country-of-birth-not-seasonally-adjusted-first-published-on-16-november-2016

^[4] ONS data set: Population of the United Kingdom by Country of Birth and Nationality

www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationality