

# Guaranteeing the rights of EU citizens in Britain

## The Lords are correct to demand protection for European expats

Ever since Theresa May started leading Britain down the road to Brexit, she has wanted to do so at speed, and without the slightest detour. Britain's House of Lords has put up an obstacle in her path, by voting overwhelmingly to amend the Article 50 bill which enables the prime minister to set EU divorce proceedings in motion. The amendment, which now passes back to the House of Commons, immediately and unilaterally guarantees the residency rights of EU citizens already living in the UK.

Understandably, Mrs May and her government would prefer to see the EU reciprocate by simultaneously guaranteeing the rights of the 1.5m Britons living in Europe. Indeed, other EU states would do well to offer guarantees before the talks.

Even if this is impossible, however, the prime minister should not turn EU nationals in the UK into bargaining chips. There are three reasons why this poses a problem. The first is moral. The 3.2m EU nationals in Britain built lives in the country in good faith when the free movement of people applied. Failure to honour that good faith, after the UK took a unilateral decision to leave the EU, would be regrettable.

The second reason is economic. The UK is — and will remain — more dependent on its ability to attract and retain high-quality European workers than vice versa (this is true in part because the remaining EU states will retain access to each other's labour supplies).

It is important that UK-based employers in areas like construction, farming and hospitality know they will be able to retain employees who play a vital role that is not easily or quickly replicated by UK citizens. David Davis, the Brexit secretary, agrees on this point. Evidence suggests that thousands of EU nationals working in the National Health Service are already considering leaving as a result of uncertainty. The onus is on the UK to convince talented foreigners — and not just those from the EU — that they should commit themselves to living and working in the country. Making the choice easier for EU citizens already here is a good way to start.

The third factor is diplomacy. The government faces a gruelling negotiation with the EU, in which the cards are stacked heavily against the UK. There is more to be gained by taking this vexed issue off the table, and restoring some of the goodwill destroyed by intemperate statements directed at Brussels, than by using EU residents in the UK as leverage.

The government will nevertheless push the Commons to override the Lords amendment, arguing that a “one-sided guarantee” would remove any urgency in resolving the status of British citizens living in the EU.

If the opposition is unable to rally enough Tory rebels to win the day in the Commons, then the matter will unfortunately have to be dropped. Given that there has been a referendum, and given that the bill was passed without amendments by the elected Commons, any attempts at further stalling by the Lords would raise questions about their democratic legitimacy. It might also damage the chances of an arguably more important amendment that is up for debate next week: ensuring that parliament will have a meaningful vote on the final Brexit deal.

The Lords have nonetheless acted with wisdom. They do not have the authority of an elected house. But they are conducting the debate on Article 50 with dignity and a searching examination of the issues. Mrs May is likely to win this battle. But the Lords were right to make the Commons think again.

## Reader's Letters:

Lords may have set up UK expats for a very bad deal

Sir, I am a Remainer and a Democrat disillusioned by recent election results. I am also an expat and a pragmatist, willing to adopt sensible ideas irrespective of authorship. Donald Trump's mantra, a “good deal”, is logical and sensible, if set by a moral compass. Theresa May's refusal to tip her hand on expat rights before negotiations begin

in earnest is logical and sensible. The Lords defeat of the Brexit bill, while gratifying conceptually, is a stupid gesture (in Trump terms) because it potentially removes a UK bargaining chip in the negotiations for a “good deal” for the 2m British expats in Europe. If the Lords’ version prevails it will guarantee a very bad deal indeed.

**Peter Breese**

*Simorre, France*

LSE is well out of it

Sir, Jonathan Ford’s brilliant analysis (Inside Business, February 27) of the complexities, tensions and potential squabbles associated with the merger of the London Stock Exchange with Deutsche Börse was remarkably prescient, given that whole deal fell over on the same day, thank goodness. If there was ever a case for the UK to keep its capital markets out of the EU, we need look no further.

**Stella Fearnley**

*Professor in Accounting, Bournemouth University, UK*