



Is there still a future for Europeans in Wales post Brexit?

Michael Arapis

One of the cornerstones of the European Union edifice is the freedom of movement of EU citizens which allows citizens to move legally and live/settle to another member state in order to travel, study, work or retire. There is an estimated 1.8m of UK nationals living and working in other European Union member states and an estimated 2.1m of EU citizens living and working in the UK. According to a study from the Centre for Research and Analysis of Migration (CReAM) at UCL, EU citizens made a net contribution of £20bn to UK public finances between 2000 and 2011.

The advisory referendum of the 23rd June may lead the UK to trigger Article 50 of TFEU (Lisbon Treaty) in order to leave from the EU. If Article 50 is enacted then there is a 2 year arduous process of negotiations between the UK and the remaining 27 member states. It should be stressed that until the 2 year period expires then the legal status of the EU citizens in the UK should remain unaffected since the UK has to fully comply with EU law.

What would be the most likely relation between the four component nations of the UK (including Wales) and the EU following Brexit?

It is highly unlikely and economically disastrous for the UK to choose to discontinue its ongoing trade relationship with its biggest export market. According to various statements from senior EU officials, it would appear that in order for the UK to maintain its access to the Single Market and to secure a free trade agreement with the EU it will have to adhere to the principles of free movement as well as enforce EU social and employment regulation. Arguably the most common scenario is that the UK will join countries that are not in the EU but are members of the European Economic Area (EEA), such as Norway and Switzerland. Nevertheless, it should be stressed that these countries have to accept several aspects of EU law such as EU employment law while they do not have a say in the EU decision-making process. Even more importantly in terms of sovereignty and jurisdiction, the EFTA court which interprets EEA rules, is also bound by the decisions of the European Court of Justice (ECJ).

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How will EU citizens be treated in Wales and the UK as a whole, following Brexit?

Several experts argue that both UK and EU citizens living abroad respectively would have “acquired rights” under the 1969 Vienna convention on the Law of Treaties and thus will be protected. However, while it is understood that the convention covers residency and property rights, it is up to interpretation if well entrenched rights such as healthcare, pensions and social benefits will be excluded. While it is possible that a number of changes may take place to the legal status of EU citizens following an exit, as Mark Sedwill, the Home Office permanent secretary, told the Commons Home Affairs committee: “Until the UK leaves the EU all EU citizens have exactly the same rights they had on the 22nd of June (the day before the referendum).”

One of the biggest questions that have to be addressed in the occasion of an actual Brexit is the status of the EU citizens in the UK which will undoubtedly, due to the principle of reciprocity, be mirrored from the other EU member states towards the

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UK citizens living there. Since it is not in the benefit of the businesses and obviously the employees involved, to require them to leave from the respective countries of residence, it is unlikely that the UK will initiate such an unprecedented action that will damage its economy and no-doubt spawn an endless number of legal actions concerning infringement of human rights.

One scenario is that a two tier system will be introduced where the rights of the citizens that have settled here will be upheld and introduce tighter requirements for newcomers from EU countries that arrived in the aftermath of the referendum in order to satisfy public opinion since one of the reasons that people reportedly voted in favour of Leaving from the EU is immigration. In hindsight, it would appear that the outcome would defeat the purpose since this ambiguity and climate of fear for millions of people in the UK have led, according to the authorities, to a surge in applications for Permanent Residency Cards and Citizenship from EU and non-EU citizens as well. The system for newcomers is expected to be similar to the existing system for citizens outside the EU, under which students and skilled workers can gain permission to enter but could stay only for a limited period.

Wales – The Writer’s Personal Experience

What are the concerns and fears for the future of EU citizens in the UK?

Despite the disappointment for the outcome of the referendum I and my fellow campaigners took solace from the fact that our personal campaign in Cardiff and the Vale of Glamorgan was utterly successful in view of the overall picture across Wales. Here in Wales our community which comprises people from Greece and Cyprus have always felt welcome and we have excellent relations with the other communities for almost 150 years. A lot of members of our community have businesses or are professionals (doctors or academics) and they contribute a lot to the economy. Nevertheless, in the aftermath of the negative climate towards EU

citizens that was created from the xenophobic rhetoric that was prevalent during the referendum campaign there is widespread concern if not anxiety for our livelihoods and the future in general. This is a sense that we get from discussions with other EU citizens in Cardiff and in other areas of the UK and is echoed from the media as well. There have been numerous reported and unreported incidents of verbal and physical abuse towards EU citizens and UK citizens from ethnic and religious minorities because they belong in these groups or because they are perceived to be foreign nationals. A very distressing tragic incident that is characteristic of the danger posed to EU citizens is the appalling attack against two Polish citizens in Essex on 27/08/16 that led to the brutal murder of one and left with serious injuries the other following a suspected hate crime attack from a group of teenagers simply because they were speaking in another language. Unfortunately, this was not an isolated incident but one of a string of attacks like the one that took place on the 16/09/2016 where a student from Poland was stabbed in the neck with a smashed drinks bottle and was left needing several stitches "because he was speaking Polish" on a night out with friends. The Police are treating the attack as a racially aggravated hate crime. The latter attack took place a few days after the Prime Minister Theresa May called her counterpart in Poland to express "deep regret" over a series of race-hate attacks on Polish citizens living in the UK (including the aforementioned which left a man dead) in the aftermath of the referendum and to state that "hate crime has no place in UK society". The sad reality is that the climate of harmony and safety that we enjoyed for many years is rapidly vanishing in various areas across the UK and is being replaced by uncertainty and fear.

There have been numerous incidents of verbal and physical abuse towards EU citizens

Hope for the future?

Throughout the campaign there was a widespread feeling that it is allowed to make discriminatory comments against EU citizens because they do not enjoy specific protection. Despite the fact that their lives would have been affected immensely due to a withdrawal from the EU which would have altered their legal status, they were not consulted or were significantly underrepresented in public discussions or in the media. The general sensation among EU citizens is that nobody spoke or even worse cared about their protection or their rights and this was enhanced from the lack of official condemnation towards the vitriolic statements and portrayals of EU citizens in some media, especially some newspapers. This shocking demonization of EU citizens, especially those from eastern Europe, that has been taking place for over a decade and peaked during the election period would have been unthinkable for any other group. The worst outcome from the hostile rhetoric of some people from the Leave Campaign is the political legitimisation of such views and illegal behaviour, that while it existed, it was kept under the carpet for years. Thus, during the campaign it was suddenly led to the surface since a segment of the population that secretly supported such views and tendencies tragically felt that it has the right

and permission to commit such heinous crimes. The greatest concern that is shared among EU citizens is that it would not be possible to return to the previous situation that existed before the campaign.

It would be a great step towards equality and diversity if the Welsh Government decides to take some steps, if not necessarily by legislation but at least by initiating a public awareness campaign against discrimination in order to safeguard the rights of EU citizens. Will the Welsh Government be prepared to do that?

Since Wales remains a very welcoming and friendly country for ethnic and religious minorities there is hope that the Welsh Government will take steps to safeguard and enhance that sentiment so that more young professionals will come and work in the various academic institutions and health services. Thus, will the Welsh Government actively consult with EU citizens in Wales in order to ensure that they have an input into the process and are kept aware of any likely changes?

Moreover, is the Welsh Government prepared to pressure the UK Government in that direction so that the feeling of safety will progressively be restored across the UK?

Questions to for discussion

Will the Welsh Government be consulting directly with EU citizens within its borders and taking aboard their concerns?

Is the Welsh Government working closely with the Home Office in order to ensure that the fears and concerns of its EU citizens in a Welsh context are addressed?

Biography - Michael Arapis LLB LLM was born in Athens and lives in Cardiff since 2002 where he studied for a bachelors and a masters in law at the University of South Wales and is currently working towards qualifying as a commercial lawyer. He is the Vice-President (& Public Relations Representative) of the Greek Community of South Wales. A keen pro-European, he is the Campaign and Fundraising Officer of the Welsh Council of the European Movement (WCEM) and founder and Chair of Cardiff Young European Movement.

Note: This article solely represents the personal views of Michael Arapis and not those of Gorwel or any other institution or body in which he is employed or represents.