

BBCA Practical Brexit II

Our second Practical Brexit event took place at the ING Auditorium at Ave. Marnixlaan 24, 1000 Brussels on the evening of Wednesday 25 October 2017 from 6pm. The event was organised by the Brussels British Community Association (BBCA) and the British Chamber of Commerce in Belgium (British Chamber) in collaboration with our generous hosts for the evening ING.

UK position

The event was introduced by BBCA Chairperson Caroline Laske who handed over to UK Ambassador Alison Rose to give an update on behalf of the UK government. HMA Rose reminded the audience that all her remarks should be seen in the context of an ongoing negotiation and that it was worth remembering that “Nothing is agreed, until all is agreed”. She promised that all issues and questions that she and her Embassy team noted during the evening would be fed back to London to ensure that they were aware of concerns.

She outlined the timetable for negotiations and said that approaching 100 UK civil servants were in Brussels during negotiation weeks. She noted the set of ‘Future Partnership’ papers that the UK had published and highlighted the progress on Citizen’s Rights that had already been made. In particular she urged the audience to consult the monthly updates – agreed by both parties – that showed the status of progress in this area.

The UK Government Partnership papers can be consulted here:

<https://www.gov.uk/government/collections/article-50-and-negotiations-with-the-eu>

The monthly Joint Technical Notes on Citizens Rights can be found here:

<https://www.gov.uk/government/publications/joint-technical-note-on-the-comparison-of-eu-uk-positions-on-citizens-rights>

Current guidance on UK Citizens Rights in the EU can be found here:

<https://www.gov.uk/guidance/advice-for-british-nationals-travelling-and-living-in-europe>

And the opportunity to sign up for email updates on Brexit issues can be found here:

<https://www.gov.uk/government/policies/brexit/email-signup>

HMA Rose spoke about the concept of ‘settled status’ in the UK that offered EU citizens in the UK the same benefits as UK citizens and said that the government was looking for a reciprocal status for UK citizens in the EU.

On pensions and social security, she emphasised that pensions were already covered by reciprocal arrangements and that social security payments should also be protected. On healthcare, again there was close agreement with UK nationals continuing to benefit from reciprocal healthcare under the EHIC until Brexit. This healthcare arrangement will continue for OAPs if resident in an EU country on Brexit day and the EHIC should also be Ok for cross border treatment.

On the work front recognition of professional qualifications should continue for UK residents. The right for UK citizens to run and establish a business in an EU member State was protected and if the UK citizen already was working cross-border then this should continue. EU citizens entering UK universities up to academic year 2018-2019 would also be treated as now rather than as

international students. HMA Rose also covered protection of voting rights for UK citizens in the EU and emphasised that she had relayed the sentiment that UK citizens in Belgium wanted faster progress on this.

Alison Rose concluded by saying that the negotiations on Brexit were “legal issues that required the use of legal language” but the government understood that “behind those words are real people with real lives and real anxieties” and that this was why both sides are committed to reach a workable agreement.

HMA Rose’s presentation will be available via the BBCA website: <http://www.britishinbrussels.com/>

A short Q&A session followed with questions on family reunification, the nature of settled status and clarification on pensions paid outside the UK.

Belgian citizenship

Belgian citizenship and associated issues were then presented by Karin Impens and Amelie Bovy from the Commissioner Brussels office. The office was created in 2014 to establish a formal point of contact for people working with international institutions – especially the EU Institutions – and to develop a host region policy. One of its core areas of work was its Expat Welcome Desk that dealt not only with issues re residence and citizenship but could also help with items such as checking lease agreements etc. There had been a distinct increase in requests to the office since Brexit.

Karin and Amelie outlined the main procedures to gain Belgian citizenship. There was a process available after five years of residence, which was a strict procedure, and another much more flexible procedure for people with ten years continuous residence. If a person was retired or disabled, then the conditions for acceptance were much less rigorous.

The five-year procedure required proof of social integration such as participation in the Belgian social security system and proof of integration with Belgian society which might include a certificate of participation in an integration class or evidence of active involvement with community associations.

They also covered issues around the Special Residence card that many people working in EU and other Institutions had. This card was not recognised as counting to residence in terms of citizenship. It was stated that the primary object of the Belgian law was to grant nationality to persons showing stable residence in Belgium – there was no other purpose.

Kari and Amelie highlighted some issues in the processes including the fact that integration classes were oversubscribed and the disparity between the way different communes interpreted the law on citizenship. They advised that there was a growing dossier of positive Belgian case law indicating that Special Residence card holders could succeed in gaining citizenship.

They also highlighted the significance of an ‘E+’ card which meant that the holder was on the files of the general Belgian population rather than the files of the foreigners/ étrangers office. All residents should be eligible for an E+ card after five years of continuous residence, however not all communes issued the E+ card unless requested.

The Brussels Commissioners Office presentation will be available via the BBCA website:

<http://www.britishinbrussels.com/>

Round Table

The round table session was moderated by Tom Parker, Chairperson of the British Chambers Brexit Working Group, and included on the panel Ambassador Alison Rose, Karin Impens and Amélie Bovy from the Brussels Commissioner's Office, Ed Read-Cutting EDC of The Fry Group, Marc Verbeek, Chairperson of the British Chamber's Tax, Finance and Legal task force, and David Skinner a retired EU Commission official.

A lively Q&A session took place and was followed by a reception, sponsored by ING, during which further one-to-one interaction took place. Amongst the important points made during these sessions were the following:

- Belgian nationality for children could be sought by parents if the child is under 12 and one parent is Belgian.
- Inheritance issues may change if you become Belgian – you need to understand the rules and can elect your country of nationality with respect to a will. Best to consult a notary conversant with the commune where you live.
- It was not certain if European School diplomas were accepted as proof of education/integration in Belgium.
- Voluntary national insurance contributions were possible in the UK for pensions, there was no similar system in Belgium.
- UK has no problem citizens holding dual nationality.
- Onward rights, i.e. the ability to move to work from one EU state to another, was one of the issues of dispute between the EU and UK.
- The E+ card provides several benefits compared to E: you don't have to give any reasons if you lose your job, you have rights to benefits etc, and the right to return to Belgium within two years of departing.
- If your dossier to apply for citizenship is rejected, you have 15 days to appeal.
- It was confirmed that EU children applying for UK university places after 2018-19 academic year would be treated (and charged) as international students unless it was agreed otherwise in the Brexit negotiations.
- Alison Rose emphasised that the government was working to get the equivalent of settled status for UK citizens living in the EU including the right to work and study etc, at the operative date (see later) and that obtaining Belgian nationality should not be the only solution for people.
- Marc Verbeek warned that if there was a 'no deal' Brexit the UK citizens would need to apply for a residence visa and a work permit.
- A significant issue between the UK and EU, with major impact on citizens eventual rights, is the 'operative date' for implementation of Brexit. The EU sees the operative date as the date of Brexit (i.e. currently 29 March 2019) while the UK says the operative date could be any time from the activation of Article 50 (29 March 2017) up to 29 March 2019!

- No disadvantages to gaining dual nationality other than an obligation to vote in Belgian elections

Final comments

At the end of the debate Ambassador Alison Rose urged participants to read the documents that she had referred to in her presentation that were available for Embassy team members on the way out.

Karin Impens and Amélie Bovy urged people to consult the Brussels Commissioner's Office website and reminded everyone that the help desk was available for free advice.

Ed Read-Cutting stated that issues re state pensions were clear and uncomplicated post Brexit but personal and company pensions may need advice. He also highlighted that the presentations for the meeting would be available on the BBKA website and Facebook page.

Marc Verbeek said that there were many open questions still on tax for businesses. He also reminded people that Belgian law re tax deductions required mortgage agreements and other contracts for assurance etc to be with EU organisations.

Dave Skinner thanked everyone for their participation and noted that he was part of an initiative in Tervuren commune where a group of ex-pat volunteers in cooperation with the municipality helped newcomers to facilitate integration and to answer any questions.