

**Home Office**

**Department for Work and Pensions**

# **Review of the Balance of Competences: Free Movement of Persons.**

**Response form**

**May 2013**

Please use this form to answer the questions contained within the call for evidence published at <https://www.gov.uk/government/publications/review-of-the-balance-of-competences--2>

The closing date for the submission of responses is **midday 5<sup>th</sup> August 2013**.

Responses can be returned by email to  
[FreeMovementofPersonsBoC@homeoffice.gsi.gov.uk](mailto:FreeMovementofPersonsBoC@homeoffice.gsi.gov.uk)

Your evidence should be objective, factual information about the impact or effect of the competence in your area of expertise.

A summary of the evidence received will be published alongside the final report in late 2013 and will be available on the Government website [www.gov.uk](http://www.gov.uk)

We will share your responses with other Government departments if your evidence is relevant to other balance of competences reports.

We expect to make available all evidence alongside our report, unless there is a good reason not to do so. In the meantime we may use section 22 of the Freedom of Information Act (FOIA) to exempt such material from any FOIA requests. Please note that, even if you ask us to keep your contribution confidential, we might have to release it in response to an FOIA request. We will publish the name of your organisation unless you formally ask us not to, but will not publish your own name unless you wish it included.

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<b>Organisation Type (if applicable)</b>	<i>Please mark / give details as appropriate</i>	
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Note: on the form below, please leave the response box blank for any questions that you do not wish to respond to. All boxes may be expanded as required.

## Questions in relation to the UK Experience of the Free Movement of Persons

**1. What evidence is there that the ability to exercise free movement rights in another member state impacts either positively or negatively on a) UK Nationals; and b) the UK as a whole?**

Free movement rights provide UK and other EU nationals with access to a wider job market and wider cultural and social experience. That has to be good in a globalised world.

There are claims that this 'overloads' the UK public services and infrastructure. Whilst there may well be pressure points, in my view they are overplayed by politicians and the media.

There are (according to your own figures) 4 countries where there are more UK citizens living there than their citizens living here (Spain, Ireland, France and Germany); if there were any restrictions on free movement, these UK citizens would, arguably have to come back. Would they want to? Would the UK benefit from this? The free movement of students opens up a wide range of educational opportunities for UK (and other) students which will no doubt enhance their career prospects.

**2. What evidence is there that EU competence in this area makes it easier for UK nationals to work and access benefits and access services in another member state?**

My own experience of living in another EU country (Belgium) for 10 years was that the fact that there is EU competence made some things easier; but there were also areas where this was not well developed enough.

For example my experience with the double taxation agreement (not an EU competence if my experience is anything to go by) was both difficult to understand and seemed to me to impact negatively on my income, as there were areas where I was taxed in both countries on the same income.

In fact, my own view is that taxation, voting rights, and access to benefits and service could be far more streamlined so that they derive from the country of residence in all cases. That's what I understand by European citizenship.

**3. What evidence is there of the impact on welfare provision and access to public services in the UK?**

I have no doubt that some public services are impacted by the demands of potential or actual clients who do not speak English well. That said, the more recent migrants (and those who are the subject of this consultation who are coming from European countries) do tend to speak some English and in my experience do as much as they can to get better at English when they are here. My experience of British expats in other EU countries isn't that positive in terms of willingness to learn the language. There have been studies that indicate that EU migrants use the health service less than UK citizens because of their age profile; clearly, where EU migrants have children, they will make demands on schools and in areas where this is a significant issue there needs to be provision made for them.

The fact that probably many of the UK migrants to France and Spain are older and do not have school age children will mean that this is different there. But in turn, they will make more demands on health and social care services. So it's really swings and roundabouts. But the information in the media obfuscates this.

**4. What evidence is there that a) more EU action; or b) less EU action would improve the situation of UK nationals exercising free movement rights in other member states? What obstacles, if any, do UK nationals face when exercising their free movement rights in other member states?**

In my experience of living in other EU Member States there was both less hostility and less hassle than there is in the UK vis-à-vis EU nationals from other Member States. There was much more of an acceptance that this is the norm.

I think the action that is necessary (and that has to be at EU level through either cooperation or through EU legislation) is to sort out some of the issues about double taxation and some of the issues about benefits.

There are, in my view, some anomalies in the eligibility of people to UK benefits whilst not residing here. This is as much of an anomaly for UK citizens as for other EU citizens who have had periods of residence in the UK.

I do not see why for example, anyone not resident in the UK should be entitled to child benefit from the UK. I do not see why UK pensioners should be entitled to winter fuel allowance whilst resident in another country in the EU. There are no doubt other examples. But if the benefits systems of all Member States were scrutinised in a systematic way, these anomalies could be rectified, I am sure.

## Questions in relation to the labour market.

### **5. What evidence do you have of the impact on the UK economy of EU competence on the free movement of persons.**

My experience since returning to the UK in 2012 is that in certain occupations there is a predominance of people who, on the face of it, are likely not to be UK born/UK citizens.

This is borne out by your own figures. However, from my point of view this is a very good thing. If we did not have these people working in the industries that apparently UK-born people are less likely to want to work in, then this would have significant impact on those industries (agriculture, food, services, and the health service in particular). The arguments often put forward that 'they are pricing 'us' out of jobs' only reveals that the minimum wage (and this is not even enough, it should be a living wage) is not being enforced rigorously enough.

No doubt, foreign-born workers would like to get the 'rate for the job'; it is up to employers to pay that and it is up to the government to enforce that. If that were to lead to more UK-born citizens wanting to work in these industries: good on them and they would no doubt be able to compete fairly with others.

### **6. What is the impact of this area of EU competence on employment sectors, such as 'distribution, hotels and restaurants', 'banking and finance', agriculture, or other sectors?**

See my response above. In my experience, the proportion of Belgians working in these areas in Belgium was higher than UK citizens in the UK; that may well be because in Belgium wages are higher and more attractive even for jobs that aren't very glamorous.

We live in a society that prides itself on being a market economy where the market is unfettered. In many areas this goes far too far in my view. But why should there be shackles on the employment market (in the form of barriers to migration within the single market) that are not evident or even thought about in terms of goods and capital.

It's ok to sell our water to French companies who can then profit from our water bills; but it's not ok for a Polish plumber to come here and provide a decent, efficient and pleasant plumbing service?

I recently wanted a small job doing in my flat; I tried several 'local' people to give me a quote: no joy!

### **7. What evidence do you have of the impact on UK nationals and non-UK nationals in the UK in terms of employment opportunities, wages, employment conditions or other factors?**

This question is completely unanswerable because it is far too wide. There is something quite wrong with the wage structure in this country. The government subsidises businesses by giving low-paid workers tax credits; but this has nothing to do with immigration.

Where EU citizens offer services (such as building and construction services) as self-employed businesses, then their prices and pay is their business from the customer's point of view; however, there should be - in all small and large businesses and irrespective of the nationality of either the owner or the employees - strict controls regarding minimum wages - at least - and transparency in terms of tax and VAT.

In my experience of dealing with companies especially in small domestic services (gardening, constructions, minor repair and servicing) there are those who do the right thing and those who don't. If customers are tempted to support the wrong approach because it's cheaper, don't blame immigrants.

**9. How would these sectors and UK nationals benefit from the EU doing a) more or b) less in this area?**

I don't think that the EU needs to do much more; we have freedom of movement; what is now important is to make sure it works. That's about implementation and improving the rules where they don't achieve the desired results.

That makes sense for all Member States and so it makes sense to do it together.

The only way to make fundamental changes to the free movement of people would be to stop it; in other words, to put limitations on the freedom of movement - which is to reintroduce migration controls for EU nationals.

This would be tantamount to undermining one of the basic principles and freedoms of the EU; but it would also lead to a reinforcement of nationalism; and nationalism has been catastrophic for Europe (including the UK). So we should be very careful to lose something that has contributed to peace in the Europe for over 60 years.

## Questions in relation to social security coordination.

### **9. What evidence is there of the extent to which the current EU provisions on social security coordination are necessary to facilitate and effective EU labour market?**

I think it is very important that there is coordination because people move between countries and they need to make sure their social security contributions and benefits work the way they are meant to work.

For example, if a UK citizen works in another EU country and earns a state pension, it is important that they can access this without undue fuss when they get to pension age; the easiest way to do this is by pension services working effectively together.

Similarly, if someone moves to another country, works there and pays into the system through their taxes, then they should be entitled to the benefits that that system provides.

Nobody says (anymore) that if someone from Scotland works in England they should go back to Scotland for their JSA when they become unemployed; in a globalised world, the same should be the case right across the EU. To make that fully acceptable, the safety net in all EUMS should be comparable and that takes coordination and cooperation.

### **10. What evidence is there that changes to the current balance of competences are needed to ensure that rules on social security coordination do not have a disproportionate impact on the UK benefits system, or undermine public confidence in that system?**

There is no evidence that the current balance of competences is having a disproportionate impact on the UK. The numbers of people from EUMS living here and the numbers of UK citizens living in other EUMS don't bear it out. The reason public confidence in that system is undermined is because of the way in which this is portrayed both by the government (and other political parties) and by the media. So the way to address the public confidence issue is to publish some hard evidence that shows what the true situation is.

That means that the government has to come out clearly to show the benefits of migration: the benefits to the UK economy of having people here from other EU countries that contribute to the economy and that are prepared to do jobs which UK citizens often aren't prepared to do; and the benefits to UK citizens who can move freely to other EU Member States and pursue their careers and lives there.

And where there is a real impact on public services, solutions need to be found that do not vilify migrants.

## Questions in relation to Immigration.

### **11. What evidence do you have of the impact of EU competence in this area on immigration in the UK?**

First of all in my view the graphs in your document are incredibly confusing and misleading. Especially the second graph (by excluding UK citizens: I presume both in the immigration - i.e. UK citizens coming back having lived in other EUMS and in the emigration - i.e. UK citizens moving to other EUMS) this is quite misleading.

The fact that there are quite a number of UK citizens who move to other EUMS has to be part of the discussion.

Other EUMS have systems of registration for their own citizens and UK citizens (and other citizens of EUMS) have to comply with that system. That allows them to keep track of where people are. The fact that the UK does not have such a system is not a result of EU competence.

Within reason (and without making an ID card a complete profile of the person including their health records and their library borrowing) I am in favour of an ID card system for everyone.

### **12. What evidence do you have of the impact on local communities and their economies, including rural areas?**

There is much talk about 'Britain being full'; but in terms of population density, the UK ranks 53 in the world and Malta (rank 8), the Netherlands (rank 24), and Belgium (rank 34) are all more densely populated than the UK.

One of the key issues for the UK is that certain parts of the country are grossly overpopulated but this isn't because of immigration but because of the concentration of economic activity there; this is a long -term failure of successive UK governments to ensure that the country as a whole had economic activity commensurate with the needs of society and not only in the South East. The fact that there are large numbers of seasonal migrants in certain parts of the country has to do with the distribution of agricultural activity and the need for seasonal workers.

One of the key problems for rural communities has been - and that has been the case for decades - the cost of homes and the restrictions on building with the effect that local people can't get into the housing market without inheriting. That is a failure of housing and planning policy, and has little to do with migration.

### **13. What evidence is there that a change in the balance of competence is needed to minimise abuse of the free movement rights afforded to citizens under EU law?**

I don't think that there is any need for a change in the balance of competence. What is needed is competent administration of the systems that are said to be subject to abuse.

The rules are all there; they need to be enforced. If the NHS can't claim back money it is entitled to from other EU health services, then that is not the fault of EU citizens requiring urgent medical care when here. If people do abuse the system that should be addressed. But there is little evidence that there is any large scale systematic abuse.

The media create scare stories and then that becomes accepted wisdom. The government shouldn't pander to this but it does so because that wins votes.

### **Questions relating to future options and challenges.**

#### **14. What future challenges and/or opportunities might we face in relation to EU competence in the area of free movement of persons and what impact these have on the UK national interest?**

I think all this will settle down over time; there is clear evidence that many of the people who have come here from Eastern Europe want to go back when the economies there are better - and they already are; the hype about Romania and Bulgaria is ill-founded.

On the basis of even your own figures, even if Romanian and Bulgarian citizens came here in the proportions reflected in the figures for EU citizens resident in the UK in 2011 for Poland, for example, then that would be under half a million people; and of course, at the same time, some of the ones already here will go back.

#### **15. What impact would any future enlargement of the EU have on the operation of free movement?**

Croatia has just joined; the other accession states are: Montenegro, Serbia, Bosnia & Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Albania, Turkey and Iceland. The total population of all of these except Turkey is: 22.8 million. That is a relatively small number and of course, there is no suggestion that 'they will all flock to the UK'; indeed, Croatia is now a Member State and has 4.3 million inhabitants.

As for Turkey, that would be a much bigger issue; Turkey has a population of 75.5 million (somewhere between Germany and the UK); but of course, the Ankara Agreement - which the UK has been bound by since 1973 - already allows Turkish citizens access to the UK and other EUMS on a more preferential basis than other third country nationals. And whilst there are Turkish citizens in the UK now, this isn't a major problem. Accession would open up the UK and other EUMS labour market a little more. But as the UK has been a keen supporter of Turkish accession, there appears little concern with regard to this on the part of successive governments.

### **General questions**

#### **16. Do you have any evidence of any other impacts resulting from EU action on free movement of persons that should be noted?**

I am very keen to underline the beneficial impact that the experience of living in other countries has on the cultural and social awareness and tolerance of most people. This also applies in the same way to experiencing people from other countries who come to live in our country. So anything that encourages people to move, to experience other cultures and getting to know people from other countries beyond just tourism better is a good thing.

Rather than restricting immigration from other EUMS, would it not be better to encourage - especially at school level - more awareness of the rich cultural heritage that people from different countries bring into a community?

There are many examples where schools have, for example, festivals where pupils and teachers from different backgrounds share their songs, their dances, their food and their national costumes. Such programmes should be supported and become part of the main programme of the annual school timetable.

#### **17. Are there any general points you wish to make which are not captured above?**

**18. Are there any published sources of information to which you would like to draw to our attention for the purposes of this review?**