

Freedom of Movement in the EU should not be the issue

Freedom of Movement within the EU is right that all EU citizens - **including all UK citizens** - currently enjoy. Ending it removes rights from UK citizens to travel, live, work, study or retire in 27 other countries that we have enjoyed for decades.

Ending it will also have negative social and economic costs in Britain, as we rely on EU workers in many sectors, including the NHS. And ending it excludes remaining in the single European market, so crucial for our economy.

The government's intention to end Freedom of Movement is based on the **fallacy** that it means 'uncontrolled' immigration.

Apart from the fact that **most migration to Britain is from outside the EU, entirely under national rules and nothing to do with the EU**, there are many things the government could do within the EU rules if it wanted to more closely regulate internal EU migration to Britain.

Freedom of Movement is **not an unconditional right**. The government could better **enforce existing EU rules** (as many other member states do) which say that after three months, EU citizens in an EU country other than their own must:

- be in employment; or have a genuine chance of being gaining employment; or
- be able to show that they have sufficient resources **not to be a burden on public funds**
- lose their right to remain if expelled for abuse or fraud, and other serious criminal offences.

EU migrants are **not** automatically entitled to claim benefits in the UK:

- An EU member state is entitled to withhold basic benefits from EU migrants if they have come with no intention of finding a job.
- EU law gives incomers absolutely no extra rights to social housing.
- EU law gives migrants no right to just pitch up in the UK and claim unemployment benefits.
- The entitlement to social security benefits (like child benefit, invalidity benefit or JSA) only applies if someone passes the **habitual residence test** (having resided in the UK for an 'appreciable period' and having a settled intention to remain).
- The UK could, if it so wished, classify more benefits in the social assistance category and review its rules on habitual residence.
- Social security could therefore be made to require further qualifying conditions, such as a certain length or minimum number of years of National Insurance payments.

Concerns about so-called 'health tourism' have been deliberately exaggerated:

- Short term visitors **are not entitled to NHS non-urgent treatment** for pre-existing medical conditions
- EU citizens are **not entitled** to come to the UK **specifically to obtain NHS treatment**
- Use of the European Health Insurance Card (a reciprocal arrangement for travellers, such as people on holiday) is supposed to be **charged back** to their country of residence, which **the UK frequently fails to do**.

The UK government could better enforce or enact domestic policies to tackle unwanted consequences of immigration:

- **Prevent undercutting of UK wages** (and exploitation of EU nationals by abusive employers) by properly enforcing the national minimum wage and going rates.
- **Tighten up rules on self-employment**, which currently allow anybody to declare themselves as "self-employed" with minimal evidence.
- **Stop bogus self-employment**, where companies pretend there is no employment relationship with their workers, often to undercut local workforce rates.
- Reduce the need for foreign recruitment by boosting training, including the numbers of nurses and doctors we train at home.
- Prohibit companies from only advertising jobs abroad and not locally.
- Reintroduce the **Migrant Impact Fund**, which directed income to the Treasury from EU migrants, to areas where higher levels of migration put pressure on public services.
- Reverse the **spending cuts on the Border Force** to ensure that serious criminals are deported or refused entry to UK.