

Brexit: UK nationals take EU citizenship case to ECJ

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News

Anti-Brexit campaigners have welcomed the decision of Dutch judges to refer a landmark case brought by British expats demanding clarification over their rights as European citizens after Brexit to the EU's top court.



European Court of Justice | *Photo credit: Press Association*

In a written verdict issued by the Amsterdam District Court, judge Floris Bakels said, “We refer the questions to the European Court of Justice.”

The case could have far-reaching implications for the estimated 1.3 million British citizens living in Europe.

The judges have called for the Luxembourg-based ECJ to answer two preliminary questions about their futures after Brexit.

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The questions are, “Does Brexit mean that Britons automatically lose their European citizenship or do they maintain their rights, and if so, under what conditions?”

The court decision on Wednesday was welcomed by Roger Casale, a former Labour MP in the UK who is now leading a campaign to defend citizens’ rights after Brexit.

On Thursday, he told this website, “We have always maintained that it is illegitimate to hold a referendum which has the effect of stripping citizens of their rights. The EU missed an opportunity to show its human rights credentials when it failed to guarantee the rights of UK citizens in Europe unilaterally.

“Now the EU may be required to give such guarantees by law. The moral and political case we have been making since 24 June 2016 is as resonant as ever and we are continuing to make it pending a positive outcome of the court case.”

Five British expats and two expat organisations - Hear our Voice and the Commercial Anglo Dutch Society - took the Dutch government to court in January.

The plaintiffs argued they have independent rights as EU citizens, over and above being citizens of any specific EU member country - including Britain.

They insist their legal rights as EU citizens - including freedom of movement - should therefore remain and be protected by The Netherlands even after Britain withdraws from the EU on 29 March 2019.

They asked the Dutch judges to refer the matter to the European court for clarification “as to what exactly being a European citizen means.”

Observers say that should the ECJ rule that Britons have separate implicit rights as EU citizens it could have massive implications.

A spokesperson for the plaintiffs said, “It could also throw a spanner in the current Brexit negotiations. But we have to realise that this is just the first step to eventually getting clarity about our status.”

Judge Bakels gave lawyers a week to comment on the decision and to add any other preliminary questions to be put to the ECJ.

About the author

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