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## British-European families after Brexit

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### Key Findings

*British-European families after Brexit* reports on responses to the survey 'Migration and Citizenship after Brexit' of 418 British, EU/EEA and non-EU/EEA nationals, living in the UK or EU, who identified that they were part of families where at least one close member held a different citizenship or migration status from other family members. It explores how Brexit transformed statuses within families, and how these individuals and their families experienced the changes to citizens' rights, including the related emotional and legal impacts, as well as its consequences for their future plans for where to live.

Since the Brexit referendum, differences in citizenship and migration status within families have become an issue of concern, with half of those in such families identifying that it has affected their decisions about whether to move on or stay put. Family was identified as a central motivation when deciding where to live, both when such decisions had resulted in migration in the past and when it came to thinking about future residential mobility.

A major theme in their accounts was that of Brexit-constrained future mobilities. The loss of, or risk of losing, the freedom of movement attached to EU citizenship dominated the concerns of respondents in mixed-status families that included at least one British citizen. The impact of differences of status within families on their present and future right to mobility, and to a lesser extent the COVID-19 pandemic, also emerged as significant sources of concern.

These concerns were often accompanied by strong negative feelings, as a consequence of finding themselves, since Brexit, questioned for the first time about their entitlement to live and move in and out of their country of choice based on will and/or need.

Overall, for some, Brexit has introduced new borders into their lives, with families whose members had previously shared a single status remade as mixed-status families. For other families, where members already had mixed migration statuses, Brexit has deepened the impacts of borders on their lives. This further reveals the impacts of Brexit at the level of the family, making, fracturing and reconstituting family ties within one or more country, and affecting their own and their family members' mobility and settlement options *as a family*.

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## Introduction

The nature and extent of family formation within the former EU28 citizen community are overlooked aspects of European integration. In this report, we examine the impact of Brexit on the intimate relations that people make and sustain both within and across borders. We draw from the responses to the survey ‘Migration and Citizenship after Brexit’ of 418 British, EU/EEA and non-EU/EEA nationals who identified themselves as part of what we define below as a ‘mixed-status family’ living in the UK or EU.

Under the term ‘family’ we group a variety of intimate formations. Partners of any gender may be in opposite- or same-sex relationships, and the families they create and are part of may be formally recognised by the state (e.g. through a marriage or civil partnership contract) or just by their constitutive members; they may be rooted in one, or two or more countries; they may or may not be multigenerational (e.g., including parents and children, or couples only) or have changed shape over time (e.g., following divorce or separation). By ‘mixed-status’ we mean that within these families there is at least one member who holds a different citizenship or migration status from the others. In our survey, we specifically asked respondents to highlight the presence of any such difference among ‘close’ family members residing in the same country.<sup>1</sup>

Brexit has had a heavy impact on the sphere of family mobilities and migration. Under EU law, EU citizens and their qualifying family members of any nationality enjoy similar freedom of movement rights, enabling them to live jointly in their country of choice and/or to sustain transnational family lives with little to no border friction. The UK’s departure from the EU marked British citizens’ loss of their EU citizenship and, with it, of the intra-EU mobility rights it bestowed. The Withdrawal Agreement ‘protects those EU citizens lawfully residing in the United Kingdom, and UK nationals lawfully residing in one of the 27 EU Member States at the end of the transition period’.<sup>2</sup> However, for mixed-status families including members of the directly-affected populations, the consequences of Brexit stretch beyond the rights individually retained or lost, and the survey responses revealed the extent to which their members’ positions, feelings, orientations, choices and constraints are deeply intertwined:

*I wish to leave, but am stuck here because my children refuse to leave the UK. I intend to move when the youngest turns 18 - after that they are adults and have to take care of their own affairs. As my husband is a British citizen, he does not want to leave if it means that he has to become a third country family member, meaning that our marriage (since 2003) will have to end.* (White female German citizen in the UK, 50s)

*Husband and daughter cannot return to UK and live there with me.* (White female British citizen in France, 40s)<sup>3</sup>

*One of us is a UK citizen and one is a citizen of the EU. And we have lost the right to migrate as a family.* (White male British citizen in Belgium, 70s)

Addressing this entanglement demands moving beyond an analysis pivoting on discrete individual status characteristics, such as citizenship/nationality, to advance a relational analysis that can account for the multiple ways in which borders traverse, make and remake families along a migrant-citizen continuum.

In this report, we draw from respondents’ answers to closed and open-ended questions concerning the impact of Brexit on their migration and settlement experiences, orientations and decisions, to highlight how changes in the UK-EU/EEA migration and border regimes have affected the mixed-

status families they are part of.

The report is structured as follows. We first provide key sociodemographic information on the respondents in mixed-status families, constituting the sample for this report. We next present their migration and settlement trajectories, focusing on changes in their country of residence and legal status and their migration drivers. After this, we discuss whether and how differences in citizenship and/or migration status among close family members have constituted a source of concern since Brexit.

## Mixed-status families: Sample description

In this report, we draw from the survey responses of the 418 British, EU/EEA and non-EU/EEA nationals living in the UK or EU who identified that they were part of mixed-status families. Of a total sample of 2,024 respondents, 21% were in such relationships at the time of the survey – a significant proportion, which may have been even greater at the moment of Brexit, considering the high number of respondents who had changed their legal status since then (see the section ‘Staying put but changing legal status’). From the open text answers, we know that they largely consisted of (at least) one British and one EU/EEA citizen, while a few consisted of a combination of either one or both these categories with (one or more) non-EU/EEA national(s). More than 7 in 10 respondents in mixed-status families (71%) were British citizens – an outcome reflecting the high survey uptake among this group overall<sup>4</sup> – followed by nationals of an EU/EEA (27%) or non-EU/EEA (2%) country. Approximately 8 out of 10 (78.6%) respondents in the sample self-identified as white; a significant proportion (15.1%) identified by their nationality or continent of origin; a few identified as mixed ethnicity/race (1.9%), Asian/South Asian (0.6%), Arab and Middle Eastern (0.3%), or other (0.3%).<sup>5</sup> Some people offered answers that reflected their discomfort with, or objection to, the question itself (3.3%).

A total of 76% of respondents in mixed-status families resided in an EU/EEA country. Respondents lived across most parts of the EU/EEA, with significant numbers residing in France (13%) and Germany (11%), followed by Denmark and the Netherlands (7% each) and Spain (6%). Approximately a quarter (24%) resided in either the UK or its overseas territories.

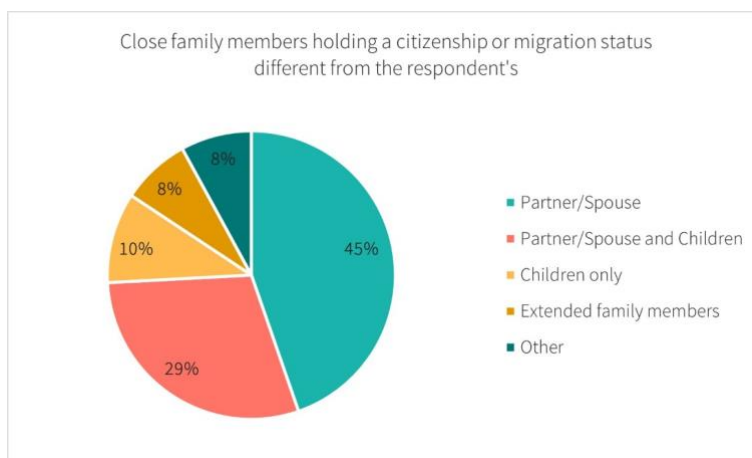


Figure 1: Close family members living in the same country as the respondent with a citizenship or migration status different from their own

Three quarters of survey respondents were married (73%) and had children (75%). Respondents were overwhelmingly in a relationship, and were either married (73%), or partnered and living together (16%) or apart (1%), or in a civil union (1%). About 10% in total were not in a relationship, and were

either separated or divorced (4%), widowed (3%) or single (2%). Among respondents with children, almost half (45%) had two, while a total of 46% had either one (24%) or three (22%). A significant proportion (8%) had four or more children.

Approximately 9 in 10 survey respondents in mixed-status families (89%) identified as heterosexual. This was followed by respondents identifying as bisexual (5%), gay or lesbian (4%), asexual (1%), pansexual or queer (1% each). A small proportion of respondents (1%) preferred not to answer this question.<sup>6</sup>

Figure 1 shows that more than 7 in 10 respondents (74%) held a citizenship or migration status different from their partner or spouse. Of these, a total of 29% of respondents held a different citizenship or migration status from their children as well as their partner or spouse.

We also see that 10% of respondents held a status different from just their children. Significant proportions of respondents indicated that there were differences in migration/citizenship status within their extended family (8%) or at other levels (8%).

## Migration and settlement trajectories

At the time of our survey, most respondents appeared to live in sedentary and stable conditions. Approximately two thirds had neither changed nor contemplated changing country of residence. For the remaining third, 'family' was presented as the predominant reason why they had moved or were thinking of doing so. Two thirds had changed their legal status in their country of residence. Perhaps, we hypothesise, some had done so to secure their right to stay. While most said that Brexit has affected their migration and settlement trajectories, the COVID-19 pandemic has had a less direct impact on their orientations and decisions.

### Staying put but changing legal status

Since June 2016, more than one third of respondents in mixed-status families (35%) had changed their country of residence. This proportion is identical to what was recorded in the overall survey sample, suggesting that our survey respondents' mobility at that point in time was similarly low. The two population groups also displayed a primarily sedentary orientation, with more than two thirds of respondents indicating that a change in their country of residence in the next five years was either 'extremely' or 'somewhat' unlikely (respectively 50% and 19% for respondents in mixed-status families compared with 48% and 19% for the sample as a whole). Nevertheless, a significant difference between these two groups arises when looking at changes in respondents' legal status in their countries of residence. Among respondents in mixed-status families, the proportion of those who had changed country of residence (62%) was higher than in the sample overall (57%). This may indicate a more strongly-felt need to obtain a secure legal status, among other possible reasons.

### Moving first and foremost for the family

As already highlighted in our survey report on British citizens in the EU and EU citizens in the UK,<sup>7</sup> intimate relations are the most significant factor underpinning respondents' decisions to change their country of residence. Figure 2 shows that 'family' and 'partner/spouse' jointly constitute the overarching reasons given by respondents for having changed their country of residence since 2016, both among mixed-status families (33%) and among the sample as a whole (19%). This means that since 2016 almost twice as many respondents in mixed-status families as in the sample overall had changed their country of residence. In contrast, family as a driver of migration was given as a reason

by only 19% of the total number of survey respondents, making it similar in importance to work and retirement (at 17% each) as reasons for moving.

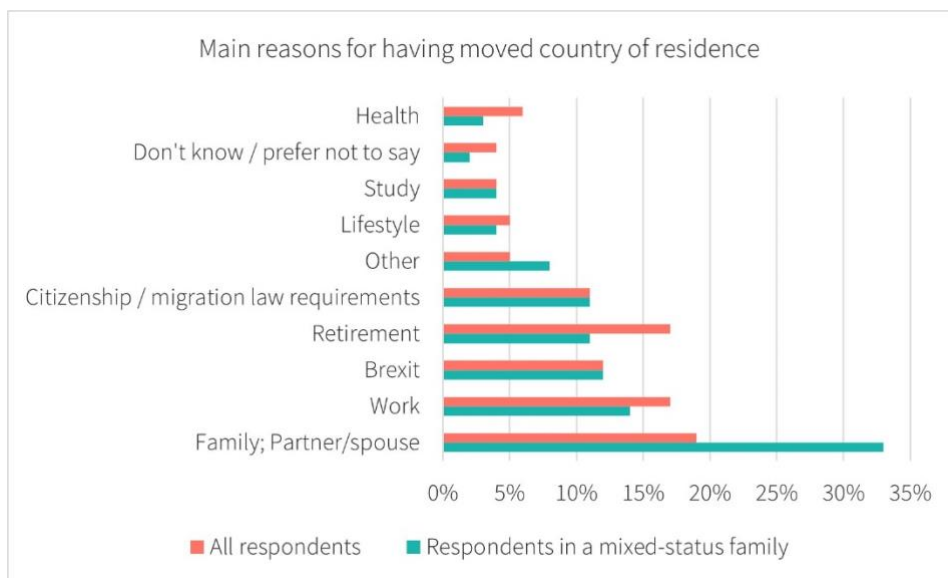


Figure 2: Main reasons for having moved country of residence since 2016

The salience of family in respondents' migration and settlement journeys emerges clearly in the following quote, where changes in the country of residence are linked to the respondent's desire to reunite with her family of origin whilst securing the status of her (British and/or non-EU/EEA) family members under the Withdrawal Agreement:

*We were originally in Luxembourg but decided to move to Germany before the end of 2020 to ensure we were all settled before the cut-off date in the same country as my elderly mother and sister, so we wouldn't have problems later.* (White female German-British dual citizen in Germany, 50s)

Similarly, 'family' and 'partner/spouse' together constituted the primary reason why respondents in mixed-status families may contemplate changing their country of residence during the next 5 years (27%) – a significant proportion, and very similar to that recorded for the sample as a whole (26%).

## Brexit has changed migration plans; COVID-19 not so much

Almost three quarters of respondents in mixed-status families (73%) reported that Brexit has affected their migration plans, albeit in different ways. For some, the UK no longer felt a welcoming environment, triggering their decision to leave and reunite with family members in the EU:

*I moved to be with my partner and child since the environment in the UK for foreigners had become toxic since Brexit.* (White male Italian-British dual citizen in Czechia, 50s)

For others, changes in their own and/or family members' settlement and mobility rights prompted the decision to move to the EU and stay as immobile as possible for the foreseeable future:

*We both had the same rights when moving out of the UK but given that I was to lose mine in the next couple of years we moved quickly to the EU. Now I would be a little more reluctant to move without good reason, as I will lose my withdrawal agreement rights.* (White female British citizen in Denmark, 30s)



When compared with the overall sample, the impact of Brexit on the migration plans of respondents in mixed-status families appears to have been smaller in both quantity (having an impact on 33%, or 4% fewer than in the whole sample) and intensity (3% fewer selected either ‘a great deal’ or ‘a lot’ respectively). This difference suggests that more mixed-status families may have made their migration and settlement choices independently from (and even possibly before) Brexit. This higher level of sedentariness may also contribute to explaining the lower share of respondents in mixed-status families who reported that the COVID-19 pandemic had had an impact on their migration plans (33%, or 4% fewer).

## Difference as a cause for concern

Differences in migration or citizenship status among close family members had constituted a significant source of concern since Brexit, but did not affect their migration and settlement decisions to a similar extent. For three quarters of respondents (75%), these differences had emerged as an issue of concern since Brexit, albeit in different degrees of intensity (Figure 3), ranging from ‘a great deal’ (22%) to ‘a little’ (21%). A significantly smaller proportion, however, reported that Brexit had had no impact on their decision to move or stay put (50%), indicating that for half of our survey respondents in mixed-status families, changes to the UK-EU/EEA mobility and migration regimes had had no effect on their residential choices.

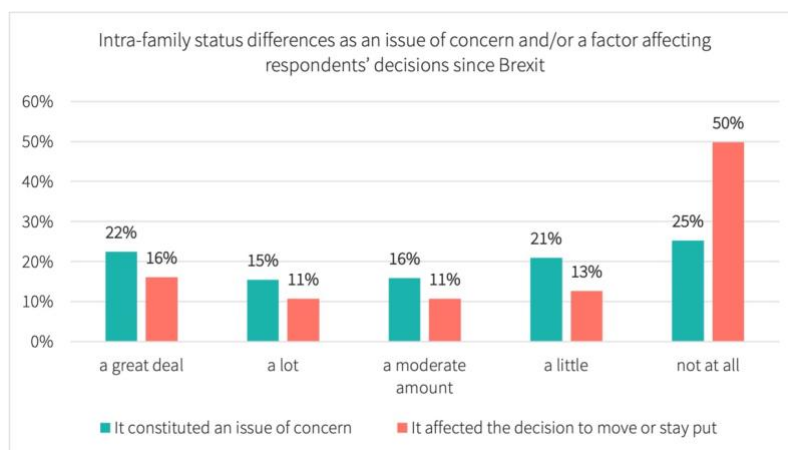


Figure 3: Intra-family difference/s in migration/citizenship status as an issue of concern and/or a factor affecting respondents' migration or settlement decisions since Brexit

Respondents who reported that intra-family differences in citizenship or migration status had become salient since Brexit were offered the option to provide more information on why and how. It was notable that most took this opportunity to elaborate.<sup>8</sup> In the following subsections, we analyse qualitatively the main areas of concern they highlighted.

## Constrained mobility horizons

Whether actual, anticipated or dreaded, the loss of the freedom of movement attached to EU citizenship dominated the concerns of survey respondents in mixed-status families that included at least one British citizen. Responses show the ways in which the enjoyment of intra-EU mobility had been central to the lives and aspirations of many of them, as *inter alia* it enabled them to either follow one another in pursuit of their own work and career pathways or to fulfil their retirement projects in the EU/EEA country of their choice. To avert such loss, some respondents relayed having applied to

become, and/or successfully naturalised as citizens of an EU member state – including via ancestry:

*After Brexit we realised my onward movement for retirement or work within the EU would be impossible, so I became a Belgian citizen.* (White female British-Belgian dual national in Belgium, 50s)

*My wife is an EU citizen (not Dutch), she had freedom of movement, I don't. In order to restore my rights to work in other EU countries I have applied for registration on the Irish foreign births register (via an Irish born grandfather) to try and get an Irish passport.* (White male British citizen in the Netherlands, 50s)

Decisions about status acquisition were not necessarily straightforward, and some respondents narrated them as difficult trade-offs which could not resolve but only defer in time the impact of Brexit-induced intra-family status differences. For example, depending on the EU27 country of residence, naturalisation may imply renunciation of one's nationality at birth and, with that the bundle of entitlements it gives:

*Two of my children have dual nationality and can live work and move anywhere in Europe. The third only has British nationality and will have to apply for Spanish nationality to have the same freedom of movement as his siblings, but will have to give up his British nationality in the process.* (White female British citizen in Spain, 60s)

For respondents based on either side of the Channel who had successfully secured their status under the Withdrawal Agreement, a British family member's loss of EU citizenship was often narrated as a hurdle and sometimes a deterrent to onward family migration to or within the EU, and reflected in feelings of 'involuntary sedentarisation' and/or stuckness:

*I feel more tied to staying where I am living now as it's not so easy for us to move elsewhere.* (White female British female in Netherlands, 40s)

*My husband and I met in a third country where we had equal status. I am now a limiting factor in where we can move to work as I need to obtain my Italian (EU) citizenship. [...] I am concerned that if I do not obtain citizenship then aspects of life in the future could become more difficult e.g., accessing health care, pensions etc. Particularly in the case that I were to find myself in Italy without my husband. Moving and travelling has become much more difficult.* (White female British citizen in Italy, 50s)

For UK-based respondents, British family members' loss of EU citizenship was similarly narrated as a family-level mobility constraint, albeit in the opposite direction (i.e., towards the EU/EEA), while for their family members with EU Settlement Status (EUSS), leaving the UK and settling in the EU/EEA carried the risk of losing the bundle of rights just secured:

*My husband is British, and I am Swedish. He has lost his EU freedom of movement. My children have both British and Swedish citizenship. If we move to the EU, I will now have to show I can support my husband. If I leave the UK for over five years, I will lose my EU settled status.* (White female Swedish citizen in the UK, 50s)

At times, the Brexit-borne trade-offs in status were not of immediate concern, but they were in sight and narrated as lingering in a distant yet foreseeable future:

*I am an EU citizen with settled status in the UK, but my partner is a British citizen. This means he has more rights in the UK (or more secure rights anyway) than I do, but he doesn't have as many rights in the EU. It's not an issue of immediate concern but [...] it probably will factor into our*



*future migration decisions to some extent.* (White female Dutch citizen in the UK, 50s)

## Bordered temporalities, (re)bordered families

Intra-family differences in present and future mobilities caused by Brexit and, to a lesser extent, the COVID-19 pandemic, emerged as significant sources of concern. These were factors in mixed-status families' decisions to move or stay put. Some respondents had brought forward their onward or return family migration plans to get ahead of the intra-family status inequalities caused by Brexit. Indeed, some relayed feeling compelled to stay in their country of residence to secure as many of their prior rights as possible for themselves and/or their family members – enacting, that is, another form of involuntary sedentarisation. In a handful of cases, respondents relayed doing so to cope with the exclusionary effects of citizen-migration regimes that preceded Brexit (for example the UK's so-called 'Hostile Environment'):

*We feel we need to stay here until we are at least able to apply for my oldest daughter's British citizenship - bizarre, since she is the daughter of a British national and granddaughter of two.* (White Italian-Jamaican dual national in the UK, 40s)

For some, the 'wicked synergy' between Brexit and the COVID-19 pandemic<sup>9</sup> engendered or exacerbated their own or a family member's status precarity, jeopardising the viability of their family migration or settlement projects. This risk materialised, for example, in prolonged separations, as well as in the risk of being unable to continue living in the country of choice: My wife has not yet achieved permanent residence under the withdrawal agreement and as a result is still subject to Schengen rules, she is currently outside the EU in her home country of South Africa but cannot return because of Covid and in particular Omicron. (White male British citizen in Greece, 60s)

*We moved to the UK just before Brexit in order to ensure the father of my child (an EU citizen) would have access to pre-settled status and therefore be able to live and work freely in the same country as me and my daughter (both UK citizens). We would not have moved at this time had it not been for Brexit. [...] The pandemic began a matter of months after we arrived in the UK. My partner was not able to find work before the onset of the pandemic and therefore returned to Italy for an extended period to work in his previous job. We are concerned this period will have invalidated his right to settled status and therefore do not know whether we can rely on continuing to live freely in the UK as a family unit once his pre-settled status expires.* (White female British citizen in the UK, 40s)

The impending closure of the Surinder Singh route was highlighted as a further cause for concern among some EU-based British respondents.<sup>10</sup> As a consequence of the UK's exit from the EU, the Surinder Singh EU case law will no longer apply to them and thus British citizens returning to the UK with their non-British family members after 29 March 2022 can no longer avail themselves of this route and will be subject instead to domestic immigration controls relating to family reunification.<sup>11</sup> Their responses indicated that they understood this as losing their 'right of return' to the UK:

*Right of return ending March 2022.* (White female British citizen in Ireland, 40s)

*We were planning to return to the UK on my husband's retirement (around 2041) but now think it is more likely we will stay in NL for the rest of our lives.* (Female British citizen in the Netherlands)

Brexit has brought borders into the lives of mixed-status families in many different ways, making, fracturing and reconstituting their ties within one or multiple countries and affecting their own and their family members' mobility and settlement options *as a family*. Responses reveal some of the

multi-faceted effects of respondents' status transition from being members of *mobile* families to members of *migrant* families, encompassing mainly the spheres of cross-border mobilities and affects and relations across multiple countries and generations.

*Me: British (and American), therefore previously EU, now non-EU; Husband: Brazilian, therefore originally "third country national and family member of EU citizen", now just straight up non-EU. Child1: British / Brazilian - combination of the above. Child2: Portuguese / British / Brazilian - EU AND non-EU citizen, so he is the only one of us with EU free movement rights AND the ability to go live unhindered in the UK. But at 6 months old he's a bit young to do that on his own.* (White female British-American dual national in Portugal, 40s)

Borders hardened by Brexit featured as sites where respondents' family unit(y) is fractured, albeit temporarily, with parents in particular expressing bitterness or dread at the thought of letting their children cross them on their own, in a different queue:

*I worry about travelling with my child who is an EU citizen. I am not.* (White female British citizen in Denmark, 30s)

*We are meant to leave the children on their own in a different passport queue to ours - ridiculous concept.* (White female German citizen in the UK, 50s)

Some respondents expressed disappointment and frustration with the status dependency engendered by Brexit, especially among partners. This tightrope may be experienced as a burden of responsibility that, in narrowing the mobility landscape, effectively functions as an onward family migration constraint or deterrent:

*My wife is a Russian citizen. Her residency and right to live and work depend upon my status under article 18 of the withdrawal agreement. The uncertainty delayed moving and even now, she fears a potential move to Germany as her residency rights are totally dependent upon those of me.* (Male British citizen in Italy, 60s)

Others, and especially British citizens in the EU/EEA, described their loss of EU citizenship in terms of diminished subjecthood and especially personal autonomy:

*Unless I apply for Spanish citizenship, I believe that my ability to realise future plans is no longer autonomous. I will be able to do certain things only in my capacity as the spouse of a Spanish national.* (White male British citizen in Spain, 50s)

*I am now dependent on my spouse's status to reside in my home.* (Female British citizen in Malta, 50s)

For some, Brexit appeared to have created a fissure within their family sphere, engendering negative emotions such as a sense of being 'different' in front of one another and/or under the law, as well as risks of drifting apart from each other:

*I'm still an EU citizen, but they are not. But also, I'm now more of a 'migrant' than I was before. So, my migration status and their nationality have become much more of a dividing issue, not in our personal relationship but in our formal status as citizens/residents of the UK.* (White male Dutch citizen in the UK, 60s)

*Just don't feel I belong to the same nucleus anymore.* (White male Italian citizen in the UK, 60s)

*I wish to leave but am stuck here because my children refuse to leave the UK. I intend to move*

*when the youngest turns 18 - after that they are adults and have to take care of their own affairs. As my husband is a British citizen, he does not want to leave if it means that he has to become a third country family member, meaning that our marriage (since 2003) will have to end.* (White female German citizen in the UK, 50s)

The ‘border within’ was sometimes narrated as a source of trade-offs between one another’s opportunities and status, and difficult decisions about whose should be sacrificed over whose:

*Brexit has limited their freedom of movement and forces me to make impossible decisions about where I want my principal residence to be.* (Dutch male citizen in the UK, 60s)

*Forced to choose between me being a second-class citizen or my husband risking not being able to get permanent residency and risk being unable to receive pension.* (Hungarian female citizen in the UK, 40s)

Trade-offs may also be intergenerational, as in the case of parents choosing between staying put in order to secure their children’s rights and opportunities and returning to their country of origin to care for their elderly:

*We would have moved back to the UK to be closer to grandparents if our children had had the right to return to [their current EU country of residence] (for work/to apply for jobs here) in the future as they would have done before Brexit.* (White female British-Australian dual citizen in the EU)

Indeed, loss of intra-family mobility equality was a recurrent theme, linked to respondents’ ability to sustain transnational family lives as and when needed. In particular, some – especially, but not exclusively, British women – raised concerns about their spouse or partner’s capacity to stay with them in their country of origin for prolonged periods of time whilst providing in-person elderly care:

*Unfortunately, after March 2022 it is no longer possible for my husband to move back to the UK despite being married to me as the UK has very terrible laws surrounding family migration. This is worrying as I have elderly parents that may need support [...] This means that although me and my daughter are dual nationals it is no longer an option for us to return to the UK as he wouldn't be able to come. I feel very sad and frustrated to have lost this right.* (White female British-German dual national in Germany, 30s)

*It means I can't leave for more than a few months if something happens to family overseas. My partner can't come to the UK without applying for a visa even to care for a relative. We're worried we'll get separated at the airport.* (White female British citizen in France, 30s)

## Costly papers and negative emotions

As has become evident, for survey respondents in mixed-status families the prospective loss, pursuit of, and/or restoration of status equality within the family were major sources of concern and/or action. For many respondents, Brexit has for the first time in their lives put them in the position of feeling questioned about their entitlement to live and move in and out of their country of choice based on will and/or need. For some, this has triggered their reckoning with the precarity embedded in their newly migrantised status, and its family-level reverberations:

*After Brexit I feel acquiring citizenship of my host country is necessary to be on equal footing with my family. Before this, I didn't need to consider this issue at all.* (White male British citizen in Denmark, 30s)

*I'm still an EU citizen, but they are not. But also, I'm now more of a 'migrant' than I was before. So, my migration status and their nationality have become much more of a dividing issue, not in our personal relationship but in our formal status as citizens/residents of the UK. (White male Dutch citizen in the UK, 60s)*

Addressing these intra-family status differentiations brought respondents and/or their family members into contact with Brexit bureaucracies-in-the-making – an experience that many described as complex, burdensome and/or stressful. Complaints about the time and effort required to secure the necessary papers abounded, especially among EU-based respondents:

*Married to a French man but needed to obtain a residency permit after Brexit then a different one after the withdrawal agreement. Plus exchanging my driving licence for a French one. Lots of time, lots of admin, some money involved (translations etc). The 'botheration factor'. Will now apply for French citizenship via marriage. (White female British citizen in France, 60s)*

*We had to ensure that my British husband gained the appropriate status as a retiree in Germany, S1 health care, etc, which was very stressful as everything had to be in place by end Dec 2020. (White female German-British dual national in Germany, 50s)*

Whilst there is some evidence that 'for many, the EUSS is an achievable, relatively easy application',<sup>13</sup> the frequency of survey responses such as those above may indicate that British citizens in the EU/EEA have possibly encountered more bureaucratic hurdles than EU citizens in the UK.<sup>14</sup> Nonetheless, EUSS applications may have still felt challenging for the latter, especially when family members included one or more non-EU/EEA national:

*My wife is non-EU and obtaining pre-SS [Settled Status] took over one year. (Male Italian-British dual national in the UK, male, in his 40s)*

Acquisition of residence permits/cards under the Withdrawal Agreement did not necessarily resolve mixed-status families' Brexit-borne anxieties and insecurities. Indeed, responses suggest that some felt fundamentally unsettled and looked with suspicion at the durability of the rights that these permits/cards afforded them and/or their family members. It was often EU citizens in the UK who raised these negative feelings, which may be a reflection of their mistrust in the political entity responsible for their transition from mobile citizens to (im)migrants in the first place:<sup>15</sup>

*Concern about the rather insecure nature of my own Settled Status compared to rest of family. (British and British/German nationals) (White female German citizen in the UK, 50s)*

*We do not trust settled status. My son and I have gained citizenship, my wife and my daughter (16) will follow in the next 2 years before my daughter becomes an adult. (German-British male dual national in the UK, 50s)*

## Key findings and outstanding issues

*British-European families after Brexit* reports on responses to the survey 'Migration and Citizenship after Brexit' of 418 respondents who identified as being part of a mixed-status family; of these, approximately a quarter resided in the UK and overseas territories and more than three quarters in an EU/EEA country. Below, we list our key findings, which largely concern (1) their family migration and settlement trajectories, orientations and underpinning drivers; and (2) when, how and for whom the

intra-family differences in status engendered by Brexit have come to constitute a source of concern and/or action.

Respondents in mixed-status families who participated in our survey appeared to live in conditions of sedentariness and stability. Approximately two thirds had neither changed their country of residence since 2016 nor were contemplating changing their country of residence during the next five years—‘family’ constituting the predominant reason why the remaining third had or would move country. A similarly high proportion had changed their legal status in their country of residence, which for some may have been a way to secure their future status in it. Whilst Brexit has affected the migration and settlement trajectories of most, the COVID-19 pandemic has had a less direct impact on their orientations and decisions.

Sedentariness, nonetheless, does not in itself tell us how people feel in the country where they live. Indeed, three quarters of respondents (75%) reported that since the Brexit referendum intra-family differences in citizenship/migration status had been an issue of concern, whilst half (50%) relayed that these had played a role in their decisions to move or stay put.

The loss or risk of losing the freedom of movement attached to EU citizenship dominated the concerns of respondents in mixed-status families that included at least one British citizen and residing in the UK or in the EU/EEA. The effects of this status transition, which many reported having averted or at least buffered via naturalisation, were visible in several domains. For many, Brexit has affected the temporalities of their family migration and/or settlement projects, ranging from involuntary sedentarisation, to postponements or resignation to the loss of the automatic ‘right of return’ as a family to the UK. Encounters with Brexit bureaucracies and the complexity of the agreement itself often engendered negative emotions, such as anxieties, stress and mistrust in the long-term durability of the rights secured under the Withdrawal Agreement, as well as uncertainty about the rights it covered. Overall, this report shows some of the complex and multi-faceted ways in which Brexit (re)bordered European families, making, fracturing and reconstituting their ties within one or multiple countries, and affecting their own and their close family members’ mobility and settlement options (past, present, and future) *as a family*.

Looking forward, some of the tensions highlighted in this report may become more salient as respondents move to different stages in their lives. In particular, issues of status dependency, elderly care and retirement may become sources of frustration, regret and/or division among spouses and partners. For British citizens in the EU who have secured temporary residence and EU citizens in the UK who have secured pre-settled status under the Withdrawal Agreement, there remain lingering uncertainties about what will happen when it lapses and what effects it will have on the mixed-status families they are part of.

## Notes

1. We did not define a priori the meaning of either ‘close family member’ or ‘family’; while we offered a multiple-choice menu, respondents also had an open text option.
2. European Commission, Citizens’ Rights. [https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-withdrawal-agreement/citizens-rights\\_en](https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-withdrawal-agreement/citizens-rights_en).
3. In a few instances, such as here and in the next quote, respondents’ presentation or view of their rights under the Withdrawal Agreement may appear to be incomplete or partly incorrect. For example, in this first case, the daughter should be entitled to British citizenship (except where the mother was herself born outside the UK); nonetheless, she may face other obstacles to her mobility that we are not aware of. In the quote below this one, the right that the respondent has lost, from a strictly legal point of view, is to his individual intra-EU mobility (in fact, he can still move as the family member of an EU citizen). We have nonetheless chosen to report these quotes in respondents’ original words to convey their lived perceptions of their own rights and condition from their own positions, as well as to convey the widespread misunderstanding and confusion about this matter.
4. Michaela Benson, Elena Zambelli, Nando Sigona and Catherine Craven, British Citizens in the EU after Brexit, MIGZEN Research Brief ([Online], 2022), <https://doi.org/10.5281/zenodo.6515640>.
5. Specifically, as ‘deaf British sign language community’.
6. Whilst these responses do not necessarily map onto the type of couple that respondents may be part of (as, for example, their sexual orientation may have changed over time), the prevalence of marriage in a population primarily constituted by respondents aged 50 and above (66%) makes it plausible to suggest that opposite-sex couples prevailed in our sample. Respondents’ age was distributed across the following brackets, as indicated in parenthesis: 19-29 years (2%); 30-39 years (10%); 40-49 years (21%); 50-59% (30%); 60-69% (23%); 70-89% (14%).
7. Benson, Zambelli, Sigona and Craven, British Citizens in the EU after Brexit. Nando Sigona, Catherine Craven, Michaela Benson and Elena Zambelli, EU Citizens in the UK after Brexit, MIGZEN Research Brief ([Online], 2022), <https://doi.org/10.5281/zenodo.6620739>.
8. Out of the respondents who reported that the difference in status had been a source of concern since Brexit, 80% offered an open-ended response, whilst this number went down to 63% among respondents who reported that it had in any way affected their decisions to stay put or migrate.
9. Russell King, On Europe, Immigration and Inequality: Brexit as a ‘Wicked Problem’, *Journal of Immigrant and Refugee Studies* 19, no. 1, SI (January 2, 2021): 25–38, <https://doi.org/10.1080/15562948.2020.1821275>.
10. The Surinder Singh route takes its name from the Court of Justice of the European Union judgement in which it was first established. Court of Justice of the EU (CJEU), *The Queen v Immigration Appeal Tribunal and Surinder Singh, ex parte Secretary of State for Home Department*, No. Case C-370/90 (CJEU July 7, 1992). The process envisages that ‘[c]itizens moving to another Member State can utilise EU family reunification laws that are more accommodating than national laws and can then return to their own member state with their family member, still using EU law’ Helena Wray, Eleonore Kofman, and Agnes Simic, Subversive Citizens: Using EU Free Movement Law to Bypass the UK’s Rules on Marriage Migration, *Journal of Ethnic and Migration Studies* 47, no. 2, SI (January 25, 2021): 448, <https://doi.org/10.1080/1369183X.2019.1625140>. The judgement was based on the principle



that ‘the right in European Union law for a person to move from one EU member state to another must include a right to return, otherwise a person would be deterred from moving in the first place’. Colin Yeo, The Surinder Singh Immigration Route: How Does It Work?, Free Movement (blog), August 31, 2018, <https://freemovement.org.uk/surinder-singh-immigration-route/>.

11. Provisions are in place for late applications based on ‘reasonable grounds’. Chris Benn, Late Applications under the Surinder Singh Immigration Route, Free Movement (blog), March 29, 2022, <https://freemovement.org.uk/surinder-singh-deadline-29-march-2022-reasonable-grounds-for-late-application/>. However, the exact scope of these provisions and how they will be applied in specific cases is unclear.
12. The survey included an optional, open-ended question on respondents’ ethnic and/or racial self-identification. Whenever, as in this case, we do not indicate any racial/ethnic descriptor, it means that respondents did not provide any.
13. Catherine Barnard, Sarah Fraser Butlin and Fiona Costello, The Changing Status of European Union nationals in the United Kingdom Following Brexit: The Lived Experience of the European Union Settlement Scheme, 31, no. 3 (2021): 366, <https://doi.org/10.1177/09646639211032337>.
14. Personal communications by MIGZEN project partner organisations and Advisory Board members.
15. Sigona, Craven, Benson and Zambelli, EU Citizens in the UK after Brexit

## About the Survey

The online survey on which this report is based was the first stage of the research in this mixed-methods project. The survey was directed at: (a) British citizens or nationals who are currently living/have lived in an EU/EEA country (excluding UK); (b) EU/EEA citizens or nationals who are currently living/have lived in the UK, and (c) Foreign-born, non-British and non-EU/EEA citizens or nationals who are currently living / have lived in the UK. More specifically, the survey aimed to understand whether and how Brexit and the COVID-19 pandemic have affected respondents' perceptions, plans and decisions on whether to stay put, migrate, or repatriate, and how these events have changed, if at all, attitudes towards the EU, country of residence and origin, and understandings of citizenship, identity and belonging.

The survey, which was administered via Qualtrics, contained 96 questions, organised into 6 modules, exploring: current residency and migration/legal status; citizenship and migration trajectories; relationships; identities and belongings; social, political and community participation; socio-demographic information

The survey was open for five weeks (13 December 2021 - 16 January 2022). In this time, we collected 2,024 unique and valid responses. Data was exported from Qualtrics, anonymised, and analysed both quantitatively and qualitatively, using STATA and NVivo software respectively.

## About the Authors

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Professor [Nando Sigona](#) is Chair of International Migration and Forced Displacement at the University of Birmingham and Director of the [Institute for Research into International Migration and Superdiversity \(IRiS\)](#). He is Principal Investigator for the research project *Rebordering Britain and Britons after Brexit (MIGZEN)*. His research portfolio includes the ESRC-funded [EU families and Eurochildren in Brexiting Britain](#), which examined how these families responded to and were impacted by Brexit. He is also Research Associate at the [Refugee Studies Centre](#) at the University of Oxford and Senior Research Associate at [ODI](#).

## About MIGZEN

Rebordering Britain and Britons after Brexit (MIGZEN) explores the long-term impacts of Brexit and Britain's shifting position on the world stage on migration to and from the UK. It is funded by the ESRC through the Governance after Brexit scheme [ES/V004530/1]. It is a collaborative research project involving academics at the Universities of Birmingham and Lancaster, and partners The 3 Million, British in Europe and Migrant Voice. It aims to produce new and timely knowledge on how the changing legal and political relationship between the UK and EU in consequence of Brexit shapes migration and migrant experience - including settlement and questions of identity, citizenship and belonging. It adopts a unique approach to understanding Britain's migration story, which brings together emigration with immigration, and considers British citizens, EU citizens and Third Country Nationals alongside one another.

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