Brexit and freelances

HOW WILL Brexit affect our members who are EU nationals and who are also what EU law defines as ‘self-employed persons’? Adrian Berry, barrister and chair of the Immigration Law Practitioners’ Association, updated us on the LFB meeting. We also heard from Claudia Delpero of Europe Street News (below).

The current body of EU law remains in force in the UK until 31 December 2020: then ‘settled status’ kicks in for EU nationals in the UK. Those who’ve been ‘economically active’ for five years are eligible to apply. While UK nationals will get the right to live and work in an EU member state where they currently reside, there is ‘no freedom of movement’ to the other 26.

Current EU law recognises that ‘self-employed persons’ go through ‘periods of feast and famine,’ notes Adrian. So you can ‘aggregate’ – your five years of economic activity in the UK needn’t be consecutive and you can ‘cut out inactive periods’ when applying.

The most important advice from Adrian for EU nationals is to ‘start keeping a rough chronology of your movements’ in and out of the UK and ‘keep records of activity’ (economic or otherwise) in the UK: start doing it now. Since you can’t get an EU passport stamped at the UK border, you’ll need to start organising and assembling your bank records, plane tickets, bills, invoices and so on.

Paying taxes offers a very good record of economic activity in the UK, so do fill in your UK tax return. Many freelance journalists based in the UK aren’t earning enough to pay taxes, but as long as you’re ‘registered (with a Unique Tax Reference number) and sending in tax returns’ you’re doing well. The test of being ‘economically active’ is an EU test, not an HMRC test.

If you receive tax relief, for example, or live off savings for a while, or are in any way ‘self-sufficient’ – not a burden on the state – you qualify. Precedents in EU law recognise ‘preparatory work’ that you do that you can’t bill a client for but that contribute towards fitting self-employed ‘economic activity’ criteria.

Being ‘self-sufficient’ does require having health insurance – but for many the cover offered in another country counts for this. An ‘EHIC’ card issued in that country helps.

A case currently before the courts is, in Adrian’s opinion, likely to set a precedent that self-employed women on maternity leave ‘maintain the status of worker’ for a twelve-month period that counts towards their five years.

You can get a Permanent Residency (PR) certificate now: while it’s ‘just evidence’, the plan is that

Brexit – a million different stories

WHAT happens to our many EU national colleagues after Brexit? That was the question posed at the June LFB meeting – roughly two years after the EU referendum, and on the eve of Parliament’s EU Withdrawal Bill amendments omnishambles. Our speakers included Claudia Delpero, founder of Europe Street News (www.europestreetnews.com) and a former European Parliament press officer on constitutional affairs. We also heard from barrister Adrian Berry (see above.)

Claudia described in the weeks immediately after the EU referendum an atmosphere of ‘disbelief’ around her. People were being asked, ‘What is happening now?’ Since then, there has been a largely ‘dehumanised debate’ on our relationship with the EU, about trade, for example, but ‘not so much about the people involved’ – the 3.2 million EU nationals in the UK and the 1.2 million UK nationals in the EU, plus families, friends, employers and colleagues, who add up to ‘a large group of people’.

There was a lot of reporting on ‘agreements on paper… when it meets reality there are a million different stories.”

There quickly emerged a big ‘demand for information’ said Claudia, which wasn’t initially being fulfilled except by some Facebook groups in the mountain of cash. One recent example is a reported offer to support Finnish journalists in developing ‘micro-payment’ – that is, pay-per-read – systems.

And the International Federation of Journalists – representing around 600,000 journalists in 140 countries worldwide, North and South – continues to represent our interests on the global stage. At a UN meeting in Geneva at the end of May it reminded which EU nationals in the UK shared information, including information and articles sourced from other EU countries. People felt a need to be “aware of what is happening to them… how it affects their rights and their families”. So Europe Street News started, with a mission to focus on people, “what is happening to people in real life”. It is independent and has no political affiliation.

A year on, there are now 40,000 unique users. Claudia is proud of the fact that its readership is roughly “50/50 men and women”.

Brexit – a million different stories

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pointing out in another context, nothing is agreed until everything is agreed. It remains to be seen how the EU Commission and the Council that represents member states’ governments respond to whatever changes the Parliament proposes.

In other news, Google continues its campaign to butter up the publishers and authors whose business it’s flaying, by offering tiny fractions of its mountain of cash. One recent example is a reported offer to support Finnish journalists in developing ‘micro-payment’ – that is, pay-per-read – systems.

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