

# Modernising the relationship between Britain and its citizens living abroad.



Policy proposals presented by:  
 Liberal Democrats Overseas Local Party  
 Liberal Democrats In Europe Local Party

Endorsed by Federal International Relations Committee in July 2019

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The working group wishes to thank Dr Susan Collard, Senior Lecturer in French Politics & Contemporary European Studies at the University of Sussex, for sharing her expertise on voting overseas and the principles of overseas constituencies.

The working group also thanks Sarah Page for her contribution to the discussions, especially on emergency healthcare.

## Executive Summary

- I. The aim of this paper is to propose for the first time a Liberal Democrats policy which will positively engage the millions of British citizens who live outside the United Kingdom.
- II. For generations, many of the rights of this group have been ignored and often degraded. These proposals seek to repair that unfairness and neglect.
- III. When these proposals are adopted by conference, the Lib Dems will be the first UK party to create a specific policy for British citizens overseas. By promoting these policies, the Liberal Democrats will reinforce their position as the natural party for Brits living abroad after the Brexit debacle has destroyed any trust in the Conservative party amongst potential voters abroad.
- IV. The proposals are based on and elaborated from responses to an online enquiry which identified key deficits in the rights of British citizens living abroad.
- V. The Liberal Democrats must ensure that all Brits whether at home or abroad are treated equally, honestly and fairly.
- VI. This will be achieved by:
  - Reconfirming the Manifesto pledge to introduce Votes for Life for elections and referendums for all Brits who have been registered previously to vote in a UK constituency, but currently live overseas;
  - Extending that pledge to all British citizens of voting age limit;
  - Reconfirming the Manifesto pledge to introduce overseas constituencies for Brits living abroad;
  - Improved accessibility of voting overseas, finding alternatives to using the unreliable international postal network;
  - Unfreezing state pension annual increments to retirees abroad;
  - Improving access to healthcare support, especially in emergency cases;
  - Giving all British students 'home' status for their UK university fees;
  - A refreshed approach to government services for Britons living abroad;
  - Promoting liberal values as part of our relationship with British Overseas Territories;
  - Enabling children of British citizens born abroad to become British citizens automatically in their own right.

We aim to submit these proposals to a future party conference for debate.

# 1. A New Progressive Policy for Brits Abroad

- 1.1. Around five million Britons live outside the United Kingdom (UK)<sup>1</sup>. However, the British diaspora is neglected by the UK in that few reliable records are maintained of their whereabouts and, consequently, their well being and security is not sufficiently looked after. Indeed the disparity between the rights and responsibilities of the British diaspora is unaligned to those citizens who reside in the UK. The benefits of a British passport are not fully realised; representation in the UK Parliament is time limited to 15 years, accrued State Pension rights vary and are often frozen, Government Pensions are taxed at source irrespective of residency and UK dependents pay foreign student fees are but some of the anomalies which have arisen and have become embedded in the disillusionment felt by so many Britons living abroad towards their home country, especially in the context of the Brexit debacle.
- 1.2. The fact that so many Brits abroad were disenfranchised by the Tory government in the 2016 referendum on an issue on which they had the most to lose has meant that the Lib Dems have much to gain by extending the vote to all Brits living abroad and by endorsing a set of policies which brings long overdue justice to them equally. And funnelling those votes into a small number of overseas constituencies will give Brits abroad their own say in Westminster whilst ensuring UK-based MPs are not distracted from dealing primarily with the local needs of their constituents.
- 1.3. That is why the Party committed in its 2017 General Election Manifesto to “enable all UK citizens living abroad to vote for MPs in separate constituencies and to participate in UK referendums” (page 90).
- 1.4. Despite all the good efforts of the Liberal Democrats’ demand for the UK public to have a say in remaining or leaving the EU in a new referendum now the true extent of the Brexit disaster is evident, a no-deal Brexit is a real and looming danger. The Lib Dems must put in place already the best policies we can to try and mitigate the worst effects of a disorderly departure from the European Union which will at a stroke deprive an estimated 2.2 million Brits living within the EU outside the UK of the rights they have enjoyed as EU citizens and reduce them to the status of foreigners in countries they may have lived in for decades.
- 1.5. Brits abroad are composed of citizens from all walks of life. In many ways, they are representative of those who live in the UK - ordinary families with children, pensioners, students, professionals. Many continue to pay taxes to the UK Government, not least on their pensions. There is no reason why they should be treated any differently to those who continue to live in the UK.
- 1.6. Lib Dems in Europe and Lib Dems Overseas conducted online surveys on key areas where Brits inside and outside Europe demand change (see annex). Respondents to the survey were almost unanimous in demanding votes for life and the ability to elect their own MPs in overseas constituencies to represent their interests. For those outside Europe, protecting their residency rights and unfreezing their pension were high priorities. A majority of those outside the EU felt they should pay local rather than overseas fees at UK university.
- 1.7. We must ensure that all Brits, whether at home or abroad, are treated equally, honestly and fairly. The British diaspora represents an extension of the reach of Britain’s people and is part of its soft power. These policies play to Liberal Democrats core values of openness, tolerance and unity and reflect the Liberal Democratic great record in the human rights arena; fairness is at the heart of Liberal Democrats’ credentials. British citizens abroad deserve better.

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<sup>1</sup> The government does not keep official statistics of the number of British nationals overseas, but typical estimates are between four and six million, the majority of whom live in European Economic Area (EEA) countries.

## 2. Definition

- 2.1. This paper relates to the rights and responsibilities of the British citizen<sup>2</sup> abroad, the first of the six types of British nationality recognised by the UK Government, except the section on Overseas Territories.

	Hold UK passport	Live & work in UK	Free of immigration controls	UK diplomatic advice / protection	Considered UK national by EU	Pass status to children
<b>British citizen</b>	✓	✓	✓	✓	✓	✓ can depend if citizenship is 'by descent'
<b>British overseas territories citizen</b>	✓	no automatic right	-	✓	-	✓
<b>British overseas citizen</b>	✓	no automatic right	-	✓	-	not normally
<b>British subject</b>	✓	no automatic right	-	✓	-	not normally
<b>British national (overseas)</b>	✓	no automatic right	-	✓	-	-
<b>British protected person</b>	✓	no automatic right	-	✓	-	-

<sup>2</sup> <https://www.gov.uk/types-of-british-nationality>

### 3. Votes for Life

- 3.1. Liberal Democrats believe that British citizens have a right to take part in the democratic processes of the UK wherever they live in the world.
- 3.2. Those who have the right to vote in UK elections via previous registration should maintain their franchise for the rest of their lives or until they give up their British citizenship. These rights should also apply to children who moved abroad with their parents before they could register to vote but otherwise would have been entitled to do so when reaching majority age.<sup>3</sup>
- 3.3. Liberal Democrats support 'Votes for Life' for all such qualifying individuals and reject all arbitrary time limits on their franchise, including the current '15 year rule'. The Lib Dem Party committed to Votes for Life in its 2017 General Election manifesto<sup>4</sup>.
- 3.4. Currently, once British citizens have lived overseas for more than 15 years, they lose their right to vote in UK general elections and referendums. In the run up to the June 2017 General Election the Cabinet Office told the New Europeans campaign group that it estimated up to 3 million British citizens living overseas would be unable to register to vote because of the 15-year rule.
- 3.5. British citizens living overseas must renew their voter registration annually, like UK residents. If registration lapses a new application has to be made. Their vote will be tied to the UK constituency where they last lived and voted. Awareness amongst British citizens of registration and re-registration procedures is poor. Overseas Declaration Renewals must be made every year to the relevant Local Authority Electoral Services. Existing declarations can be renewed by completing the Overseas Declaration Renewal form and returning it to Electoral Services in the voter's constituency or by making a fresh online application<sup>5</sup>.
- 3.6. In July 2017 a Private Members' Bill - the 'Overseas Electors Bill' (OEB) - was introduced to parliament which had the focused aim of removing the 15 year time limit for Britons overseas wishing to vote in UK elections. Unfortunately the Bill was killed at the committee stage by filibuster on 22 March 2019 by the European Research Group (ERG) in collaboration with the Labour Party. If the OEB, or a new version of it, were to pass, this Liberal Democrats objective would be satisfied. In case of its failure, Liberal Democrats should adopt the same objective as federal policy, whilst addressing concerns raised during the OEB's Committee stages.
- 3.7. Recent estimates used in the OEB Impact Assessment<sup>6</sup> acknowledge that by no means all of those newly enfranchised by removal of the 15-year rule would actually register to vote. Based on contemporary overseas registration of 225,000 the OEB's mid-range predictions suggest that efforts to simplify registration could result in an additional 110,000 registrations from those overseas for less than 15 years plus around 517,000 registrations from those

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<sup>3</sup> Current rules allow children to register to vote only if they left the UK within the last 15 years

<sup>4</sup> 2017 General Election manifesto (page 90): "Enable all UK citizens living abroad to vote for MPs in separate overseas constituencies, and to participate in UK referendums."

<sup>5</sup> [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

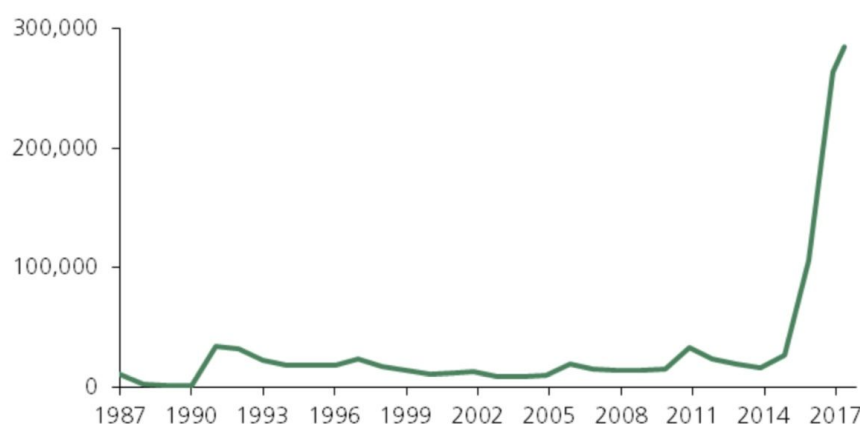
<sup>6</sup> Overseas Electors Bill, Impact Assessment:

<https://publications.parliament.uk/pa/bills/cbill/2017-2019/0016/Impact%20Assessment%20for%20Overseas%20Electors%20Bill%20Final%2010.10.18.pdf> - (especially points 59-64). Estimates of the number of British citizens living abroad and who would be eligible to vote if the 15 year limit were removed have estimated the number at almost 5 million (1.4m currently eligible within 15-year-rule limits plus 3.5m newly enfranchised), although the government does not keep official records. During the Second Reading of the OEB, the Cabinet Office Minister said that the number of registered overseas voters at the June 2017 General Election, just over 285,000, represented about 20% of the number likely to register. This gives an estimated potential [but not likely] overseas electorate of around 1.4 million.

newly enfranchised by removal of the cap. This scenario would lead to a total of around 852,000 overseas voters.

- 3.8. The 2017 registration of over a quarter of a million overseas electors represented a dramatic increase on the figures from a few years earlier, suggesting that there is appetite for British citizens to take part in national elections and referendums, perhaps piqued by many others not having been permitted to register for the referendum on exiting the European Union.

**Overseas electors on the UK electoral register**  
1987 - 2017



**Source:** ONS, Electoral Statistics; General Registrar Office for Scotland; Electoral Office for Northern Ireland; OPCS; and House of Commons Library communication, Electoral Commission electoral data 2017.

- 3.9. Research conducted by the Electoral Commission in 2016<sup>7</sup> found it difficult to collect a representative sample of overseas electors but did observe that 78% of potential voters in its sample group were aware of the current 15 year rule, while awareness dropped to 58% of those who had already been overseas for more than 15 years. Whilst 74% understood that registration on a UK electoral register within the last 15 years is the criteria for continued overseas voting, around one-third believed that receipt of a UK state pension would be sufficient and almost one-quarter thought that owning property in the UK would qualify them. The general lack of awareness points to a neglected group of voters and an under-promoted right of franchise.
- 3.10. The current situation deters British citizens overseas from keeping strong links to the UK. Without Votes for Life, many Britons who have a deep interest in the prosperity and future of their home country and despite having obligations to families, maintaining assets and paying taxes in the UK are unable to exercise their democratic rights once the current arbitrary 15 year time limit has been crossed. Further, those who are unable or unwilling to register as voters in their host country (usually requiring them to switch nationality or adopt permanent residency) may find that they have lost their right to vote on government issues anywhere - a situation that must be intolerable for nationals from one of the world's oldest democracies.
- 3.11. Liberal Democrats believe that the maintenance of overseas voters' registration should belong to a central voter registration list rather than placing the onus on Electoral Returning Officers (EROs) in local government. The costs of this would essentially be the creation and maintenance of a small team of EROs within central government (four employees) who will use the same database software already in place for managing elections.

<sup>7</sup>[www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0004/215788/Electoral-Commission-Survey-of-UK-citizens-living-overseas-summary-of-findings-Sep-2016.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/215788/Electoral-Commission-Survey-of-UK-citizens-living-overseas-summary-of-findings-Sep-2016.pdf)

- 3.12. This change will have a number of advantages, including:
  - 3.12.1. bringing the voter registration arrangements in line with the actual voting rights (national elections only)
  - 3.12.2. enabling consolidated counts and locations of overseas voters
  - 3.12.3. clarifying the point of contact for all British citizens living overseas, including during the period following the introduction of Votes for Life
  - 3.12.4. relieving local government of administration that is better provided centrally
  - 3.12.5. preparing the infrastructure for Overseas Constituencies (see separate section)



## 4. Accessibility of voting overseas

- 4.1. Liberal Democrats believe that exercising the right to vote should be both reliable and practical. To achieve this for overseas voters, the UK should learn from the experience of other nations and introduce alternative methods for those living overseas including the ability to cast their votes at local UK Embassies, Consulates and High Commissions. Voters should also, subject to the development of secure identification controls, be able to vote electronically.
- 4.2. Currently, those who live overseas and are registered to vote in UK elections have often found themselves practically prevented from voting for a number of reasons, including:
  - 4.2.1. failure of postal votes - the reliance on timely postage and the international mail system often means that ballot forms arrive after an election, arrive too late also to be returned by post or are never received at all. Some post offices abroad do not recognise the franking on the envelopes and discard them.
  - 4.2.2. impractical proxy votes - voting by proxy provides an important means of accessing polls but also requires extra administration, surrendering the privacy of your vote and depends on your proxy actually attending or organising a postal vote if they live far from the voter's constituency.
  - 4.2.3. difficulty of in-person ballots - the financial and time costs of travelling to the UK are an obstacle to voting.
- 4.3. Several other countries already enable their nationals to vote at diplomatic centres, including Australia, Poland, Singapore and Brazil (for presidential elections)<sup>8</sup>. The voter's decision to use these locations will depend on their proximity (e.g. only practical if they live in a capital or major city) and should be able to be selected as their preferred method when they register as an overseas voter.
- 4.4. To remove the postal risks of ever receiving the papers, it should be possible for Electoral Return Officers to allow download and printing of ballot forms for overseas voters.
- 4.5. In addition to using international post for returning completed ballot forms, there should also be an option to return papers to UK government offices in the host country in time for them all to be securely transported to the UK for counting or to be counted under the supervision of a Returning Officer nominated at that diplomatic centre rather than depend on the international postal service. Italy for instance adopts this method, carrying the ballots back to the home country.

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<sup>8</sup> [https://en.wikipedia.org/wiki/Right\\_of\\_expatriates\\_to\\_vote\\_in\\_their\\_country\\_of\\_origin](https://en.wikipedia.org/wiki/Right_of_expatriates_to_vote_in_their_country_of_origin)

## 5. Overseas Constituencies

- 5.1. Liberal Democrats believe that, following the introduction of Votes for Life which will enable lifelong participation in the UK's national government elections, Overseas Constituencies should be established to exclusively represent the interests of British citizens living overseas. The Lib Dems committed to this policy in its [2017 General Election manifesto](#)<sup>9</sup>.
- 5.2. Overseas voting rights were originally granted on the basis that voters living abroad retained a link to their former constituency. The British parliamentary system of domestic constituencies assumes that all Britons will be represented by their local MP - a position which works when the Briton's locality matches the constituency but is nonsensical when the voter may live thousands of miles away in a different country with the different needs, connections and relationships that living abroad entails. Most MPs do not have the understanding or capacity necessary to effectively represent British citizens living outside the UK in addition to their home constituency.
- 5.3. The new Overseas Constituency (OC) will be the exclusive point of representation for the overseas voter and replaces the link to their previous UK constituency. MPs elected to serve the OC would have the same status and role as any other UK MP albeit their purpose is to represent the interests of British citizens living outside of the UK. The MP may not necessarily live overseas themselves as they will be required to attend Parliament regularly. Representation by MPs dedicated to overseas constituencies should increase the quality of service and is much more relevant for both the constituent and MP than maintaining the voters' links to their former constituency (the current approach).
- 5.4. Given that a typical UK constituency currently has one MP for around 60,000 to 80,000 population there will need to be a different ratio for OCs<sup>10</sup>. International examples include the addition of one MP to represent all expatriates, the addition of several MPs who represent all expatriates or the creation of several OCs whose elected MPs represent expatriates in a geographical region (for example, in 2012 France introduced 11 OCs each representing a group of countries defined by estimated populations of French nationals; there is one OC for the USA and Canada and another for the 33 countries of Central/South America).
- 5.5. Liberal Democrats will assess the best approach for implementing OCs based on the recommendations of a dedicated Parliamentary Commission which should be set up to review and make recommendations in a number of areas including:
  - 5.5.1. the benefits of a short-term (next General Election) implementation of two OCs (one for Europe and one to represent those overseas) in order to 'start up' and quickly enable more focused parliamentary representation of British citizens;
  - 5.5.2. a study of the issues reported by overseas British citizens and which are best resolved by an MP or via a new politically-neutral agency that could be recommended to serve the interests of Britons abroad;
  - 5.5.3. the most suitable deployment of OCs, ratio of nationals per MP, the impact on existing UK constituencies, local administration of ballots, appointment of Returning Officers and the form of proportional representation best suited to appointing OC representatives.

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<sup>9</sup> 2017 General Election manifesto (page 90): "Enable all UK citizens living abroad to vote for MPs in separate overseas constituencies, and to participate in UK referendums."

<sup>10</sup> In 2017, the Cabinet Office Minister suggested that the potential overseas electorate was around 1.4 million which, on the current basis for Westminster, would result in almost 20 overseas constituencies - a high count that is neither practical nor necessary.

## 6. Unfreezing State Pensions

- 6.1. Liberal Democrats believe that British citizens who are entitled to state pensions should receive it in full, including annual uprating, regardless of where they choose to live. This means that uprating will apply to all UK state pensions from the moment it becomes law, without retrospective application.<sup>11</sup>
- 6.2. Currently, British citizens who retire overseas are entitled to receive a state pension if they would have been eligible to it whilst still resident in the UK. In countries where there is a legal agreement in place between that country and the UK government, these pensions are uprated each year to match cost of living increases.
- 6.3. In 2014 it was estimated that there are 1.24 million people in receipt of a UK state pension outside of Great Britain. Just under half of these (c.550,000, around 4% of all state pension claimants) were in countries where uprating is not currently enabled<sup>12</sup>.
- 6.4. The 48 countries where agreements exist<sup>13</sup> to enable annual uprating are (at February 2019):
  - 6.4.1. All EU countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden. This uprating would disappear if there were to be a no deal Brexit unless and until the UK would make new provisions with the individual countries concerned under the current system.
  - 6.4.2. EEA countries not in the EU: Iceland, Liechtenstein and Norway.
  - 6.4.3. Gibraltar, Switzerland.
  - 6.4.4. Countries that have a social services agreement with the UK: Barbados, Bermuda, Bosnia-Herzegovina, Jersey, Guernsey, Isle of Man, Israel, Jamaica, Kosovo, Macedonia, Mauritius, Montenegro, the Philippines, Serbia, Turkey, USA.
- 6.5. In other countries where no reciprocal legal agreement is in place, the pension is paid but without any uprating. Effectively, the pension value is forever frozen at the point it was initially claimed (if already overseas) or when the claimant moved overseas. Notably for Britons entitled to a state pension living in Australia, New Zealand or Canada, uprating is not available and so their pensions have been frozen - based on the 2014 estimates this affects around 450,000 British citizens.

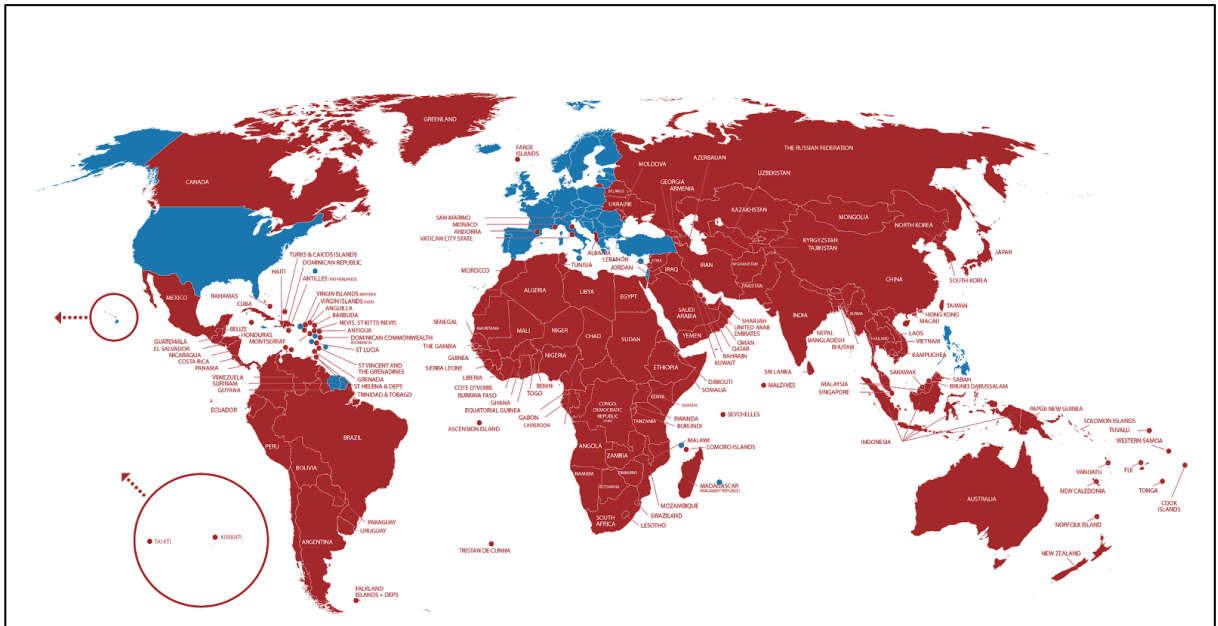
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<sup>11</sup> Liberal Democrats MPs who are reported as supporting the unfreezing of pensions include Wera Hobhouse and Layla Moran (<https://endfrozenpensions.org/supporters/>)

<sup>12</sup>[http://www.legislation.gov.uk/uksi/2016/199/pdfs/uksiem\\_20160199\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/199/pdfs/uksiem_20160199_en.pdf)

Uprating is currently blocked for countries without an agreement via the 'Social Security Benefit Up-Rating Regulations'.

<sup>13</sup><https://www.gov.uk/government/publications/state-pensions-annual-increases-if-you-live-abroad/countries-where-we-pay-an-annual-increase-in-the-state-pension>



The majority of countries (coloured red) do not have reciprocal legal agreements with the UK to cover pension uplifiting.

- 6.6. The reasons for not providing an uprated state pension for those not already entitled to it have been consistent for decades. Essentially, they are absence of legal requirement, cost and irrelevance of the uprating percentage.
- 6.7. The absence of a legal requirement that covers uprating state pensions technically justifies freezing pensions. However, a reciprocal social security agreement with a country is not necessary to enable uprating. The government can decide to 'switch on' uprating for all British citizens through domestic legislation.
- 6.8. Providing an annual uprating for all eligible to a UK state pension will increase social security costs. Based on the recommended approach of the All-Party Parliamentary Group on Frozen British Pensions<sup>14</sup> - to unfreeze from current values - the upfront cost would be a relatively small £37 million.
- 6.9. The uprating value is linked to the performance of the UK economy which may not be directly relevant to the country where the claimant lives. Inflation at some level applies to all countries and it is fair that a state pension should provide for it. The UK uprating value will not be a perfect proxy for all other countries but it is the most practical available.
- 6.10. Pension values must keep pace with the rate of inflation otherwise they diminish in value and may quickly leave the pensioner with insufficient funds for their retirement. The need to uprate pensions is recognised by the government and delivered for state pensions through mechanisms such as the 'triple-lock' (since 2011) and via the agreements with other countries described above. The government knows that annual uprating is necessary and the right thing to do yet chooses not to uprate for pensioners living in countries without agreements because it is financially and legally convenient to exclude them. All people who have contributed sufficiently to claim a state pension should be entitled to that pension in full, including the inflation-linked increments.

<sup>14</sup> <http://frozenbritishpensions.org>

- 6.11. Arguments that pensioners choosing to move or remain abroad during retirement do so accepting that their pensions will be frozen do not take account of the wider picture:
- 6.11.1. People who work within the UK economy and make National Insurance contributions do so on the expectation of receiving a state pension upon retirement age - they do not expect to be penalised by having the value of their pensions reduced due to the location of their home during retirement.
  - 6.11.2. The government's own estimates suggest that the UK saves about £3,800 a year<sup>15</sup> for each pensioner that moves abroad due to reduced health and social care costs. Those who move abroad are reducing costs to the UK and more might feel encouraged to do so if they were assured that their pensions might increment for inflation.
  - 6.11.3. The Brexit negotiations illustrate that Brits who make life-choices based on apparently reliable agreements are not necessarily assured of their continuity (in early 2019 it was still not clear whether uprating would continue to apply for pensioners based in EU countries beyond 2020).
- 6.12. Liberal Democrats should implement the recommendations of the The All-Party Parliamentary Group on Frozen British Pensions. At the core of the recommendation is the annulment of the Social Security Benefit Up-Rating Regulations<sup>16</sup> which currently limits (removes) the annual uprating order for those living in countries without specific agreements. This policy is recommended because it:
- 6.12.1. is a straightforward method of enabling the unfreezing and uprating of pensions;
  - 6.12.2. would bring the UK into line with other OECD countries who automatically uprate their citizens' pensions irrespective of where they live or whether any bilateral social security agreements are in place;
  - 6.12.3. is affordable at a relatively modest starting cost of £37 million and does not require retrospective payment to be made - increments would be applied to unfrozen pensions from the next uprating date;
  - 6.12.4. enables future retirees to make decisions on where they can live with clarity on the future values of their state pension - possibly encouraging more to move abroad and relieving pressures on the NHS.

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<sup>15</sup> <http://frozenbritishpensions.org>

<sup>16</sup> 2018 regulation: <http://www.legislation.gov.uk/uksi/2018/332/made>

## 7. Healthcare access and emergency support

- 7.1. Liberal Democrats believe that British citizens should be free to choose where they live in the world and, when deciding to live outside of the UK, they should be well informed about the possible changes to their healthcare provision.
- 7.2. Liberal Democrats believe that the reciprocal healthcare arrangements established with European countries, such as the European Health Insurance Card (EHIC) and S1 forms for pensioners have been valuable and sensible and should be restored in the event of changes caused by a possible Brexit. People made choices in good faith based on the prospect that the UK stays in the EU and the continuation of EU rights and privileges that bestows on them. British Citizens should not be worse-off due to the changes caused by a possible Brexit.
- 7.3. People who live away from their home country must understand and make suitable provisions for healthcare cover. In EU countries prior to a possible Brexit, the reciprocal agreements between the UK and host country have been clear and wide-ranging. Outside of the EU, reciprocal agreements are not normal and British citizens must maintain suitable insurance cover to ensure access to health systems. The individual responsibilities are clear. However, when an individual is not able to take this responsibility and has no one with effective Power of Attorney (PoA) to act for them, they are vulnerable and in danger. This is especially the case with people who develop mental illnesses and frailties, a situation that sadly affects many as they age. For example, the French do not recognise the British PoA especially when the person concerned is alive and suffering from dementia. The French will apply their own PoA to safeguard the UK citizen's life which can cause problems for the UK, such as when issuing passport renewals. In addition the French PoA may not always be recognised by British financial institutions.
- 7.4. Some countries, including Spain, have clear and agreed protocols in place to allow for healthcare to be delivered to vulnerable British citizens in emergency situations. Other countries have no defined processes and depend on regional or local institutions to step-in. In some unfortunate cases, these gaps have had fatal results.
- 7.5. Managing death abroad can be complex. For example, the French bury their dead within three days and French officials will seal the coffin after the face of the deceased has been checked against their identity card or passport. However, several UK citizens have failed to renew their passports during the UK's membership of the EU and have died without up-to-date of proof of whom they are.
- 7.6. The UK's Foreign and Commonwealth Office (FCO) advise travellers and migrating UK citizens on a range of topics but they will not help with mental health issues or intervene on behalf of British citizens to access specific healthcare or medicines. It may be appropriate for the FCO to maintain an arms-length relationship to these issues but the gap in care for Britons overseas is dangerous and needs covering.
- 7.7. Liberal Democrats believe that effective healthcare is a human right. Whilst a British citizen may have chosen to live outside of the UK, they do not choose incapacitating mental illnesses or to manage their situation without necessary support. In order to assist healthcare agencies to provide suitable assistance, the FCO should establish a helpline facility that can advise callers and link UK and overseas systems to ensure that healthcare is enabled for the vulnerable. This service will:
  - 7.7.1. provide a facility for Britons (or those with PoA) to register as a potentially vulnerable person living overseas. This will enable the FCO to understand the

- international relationships that may be necessary to support them and to have basic information about registrants in the event of an emergency situation;
- 7.7.2. be available by telephone and the Internet to UK callers who are trying to take care of overseas friends or family and to foreign legal and healthcare organisations who have discovered a Briton in need of assistance but who lacks proper records or cover;
  - 7.7.3. advise on the legal responsibilities and options for the parties involved, including whether a reciprocal agreement exists between the nations that will enable support;
  - 7.7.4. make introductions between UK and overseas institutions (healthcare, insurance, legal) so that they can then determine next steps;
  - 7.7.5. in extreme circumstances, escalate the case for consideration of emergency handling including the option of returning the vulnerable individual back to the UK for support.
- 7.8. Access to the NHS for British citizens who live abroad or who return to the UK is already reasonably well defined. Liberal Democrats strongly support these arrangements and will oppose cuts to them. Here is a summary of what is already available:
- 7.8.1. Britons who decide to live abroad for work or lifestyle reasons must prepare for changes to their healthcare arrangements. Government web pages are available (NHS and FCO) to help inform these preparations. In Europe (EEA/Switzerland) before Brexit, there has been a reciprocal healthcare arrangement in place via the European Health Insurance Card (EHIC) and, for pensioners, the S1 forms. These have enabled British citizens access to healthcare in those countries on a reduced cost or possibly free basis.
  - 7.8.2. Britons who return to the UK on a settled basis will be classed as ordinarily resident, and will be eligible for free NHS care immediately.
  - 7.8.3. Arrangements for those 'not ordinarily resident'<sup>17</sup> in the UK to access the NHS were revised in 2015. British citizens who are not ordinarily resident but are visiting the UK are not entitled to free care by the NHS unless covered by EHIC, S1 or equivalent reciprocal arrangements. Britons in this situation should ensure they have suitable insurance in place as otherwise will be charged at 150% of the NHS national tariff for any care they receive.<sup>18</sup>
  - 7.8.4. For visitors who have no expected need for healthcare, the NHS continues to provide free-at-point-of-use service for a range of services irrespective of residency status. These include accident and emergency services (excluding subsequent hospital treatment), family planning services (excluding termination of pregnancy or infertility treatment), treatment for most infectious diseases, including sexually transmitted infections, treatment required for a physical or mental condition caused by torture, female genital mutilation (FGM), domestic violence or sexual violence.

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<sup>17</sup><https://www.gov.uk/government/publications/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care>

<sup>18</sup> <https://www.nhs.uk/using-the-nhs/nhs-services/visiting-or-moving-to-england/>

## 8. UK University access

- 8.1. Liberal Democrats believe that British citizens living overseas should qualify as 'home students' at UK universities. Access to UK higher education for British citizens should be based on their citizenship rather than residency status. This will enable British citizens who have lived overseas for family reasons to access UK higher education as home students - paying the same fees as British citizens resident in the UK and having access to the official student loan schemes.
- 8.2. The lack of official statistics describing the number of Brits living overseas makes assessment of the number who might wish to return to the UK for their Higher Education difficult. In addition, Higher Education statistics reference the domicile of incoming students rather than their nationality or citizenship. In the 2017/18 academic year, the Higher Education Statistics Agency (HESA) report an enrollment of 161,620 first year undergraduate students<sup>19</sup> from outside of the UK/EU. We use 2.5% of this number (4,040) to represent the affected group of British citizens returning from overseas to join UK universities<sup>20</sup>.
- 8.3. Students at UK universities are charged course fees. In 2018/19, undergraduate students in England are typically charged £9,250 per year if they are UK residents<sup>21</sup>, this is known as the 'home student' fee. If students cannot demonstrate UK or EU residency (prior to Brexit), they pay an overseas rate that is typically £4,000 to £10,000 a year more than the annual home student fee.

Student's home region	Studying in England	Studying in Scotland	Studying in Wales	Studying in Northern Ireland
England	Up to £9,250	Up to £9,250	Up to £9,000	Up to £9,250
Scotland	Up to £9,250	No fee	Up to £9,000	Up to £9,250
Wales	Up to £9,250	Up to £9,250	Up to £9,000	Up to £9,250
Northern Ireland	Up to £9,250	Up to £9,250	Up to £9,000	Up to £4,160
EU (subject to Brexit outcome)	Up to £9,250	No fee	Up to £9,000	Up to £4,160
Other international <sup>22</sup>	£9750-£46000	£11500-£49600	£10200-£32250	£12890-£34830

**Table of Undergraduate annual course fees, starting 2019<sup>23</sup>**

- 8.4. The criteria for accessing student loans in England is broadly the same as that defining a home student.

<sup>19</sup> <https://www.hesa.ac.uk/data-and-analysis/students/where-from>, table 'HE student enrolments by domicile'

<sup>20</sup> This is a reasonable estimate given the lack of published data. If the 76,000 Chinese enrollments are removed from the total of 161,620 the estimate conservatively suggests that one-in-20 overseas enrollment is a returning British citizen.

<sup>21</sup> At the start of 2019, the 'home student' fees also applied to those demonstrating EU, EEA or Swiss residency.

<sup>22</sup> Highest international fees are for medical/clinical courses

<sup>23</sup> <https://www.ucas.com/finance/undergraduate-tuition-fees-and-student-loans> and

<https://www.thecompleteuniversityguide.co.uk/university-tuition-fees/reddin-survey-of-university-tuition-fees/foundation-undergraduate-tuition-fees-2016%E2%80%93overseas/>



- 8.5. For Britons to qualify for 'home' fees, you must meet all of the following criteria<sup>24</sup>:
- 8.5.1. you must be settled in the UK on the first day of the first academic year of the course; and
  - 8.5.2. you must be ordinarily resident in the UK on the first day of the first academic year of the course; and
  - 8.5.3. you must also have been ordinarily resident in the UK and Islands for the full three year period before the first day of the first academic year of the course. For example, if your course begins in October 2018 you must have been ordinarily resident in the UK and Islands from 1 September 2015 to 31 August 2018; and the main purpose for your residence in the UK and Islands must not have been to receive full-time education during any part of that three-year period.
- 8.6. These criteria mean that a British citizen, perhaps living with parents who have been working overseas for a number of years, is unlikely to qualify as a home student. Therefore, they will likely be subject to the higher overseas fees and will not have access to student loans schemes.
- 8.7. British citizens live overseas for a wide variety of reasons. Children of overseas workers may complete their schooling in their host country with the aim of attending a UK university for their undergraduate studies (or other qualifications). They should be able to access British universities on the same terms as all other British citizens, irrespective of where they have lived in recent years.
- 8.8. There are a number of benefits to modifying the system to allow equivalent university access for all British citizens:
- 8.8.1. Children would not be financially penalised for the career decisions of their parents. The student has their own British citizenship recognised and the access to universities should not be based on the residency status chosen by the parent.
  - 8.8.2. British citizens (those with a passport status of 'British citizen') have right of residency in the UK without restriction. It makes no sense to degrade those rights with respect to higher education if they have been unable to reside in the UK for three years prior to university due to wider family commitments.
  - 8.8.3. As Britain seeks to maintain and grow its international diplomatic and economic status it must use all of its resources, including the British diaspora. The current approach based on residency discourages attendance at UK universities when the UK should be encouraging its nationals to share experiences, develop bonds and launch careers from the UK.
  - 8.8.4. British families living overseas will no longer need to consider sending their children to live apart from them in the UK so that they can meet residency qualifications. Today some utilise boarding schools or send them to live with extended-family or friends so that their children become UK residents.
- 8.9. The regulations determining the rights of access and fee types permissible are determined by the national governments of the UK (England, Wales, Scotland, Northern Ireland). Each of these may take a different approach to fees. For example, in England, a relevant statutory instrument is 'The Education (Fees and Awards) (England) Regulations 2007'.<sup>25</sup> This document

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<sup>24</sup> *Home student criteria (England):*

<https://www.ukcisa.org.uk/Information--Advice/Fees-and-Money/England-fee-status#layer-6082>

*In 2019, there are some variations for EEA residents that may allow recognition as a home student.*

<sup>25</sup> [http://www.legislation.gov.uk/uksi/2007/779/pdfs/ukxi\\_20070779\\_en.pdf](http://www.legislation.gov.uk/uksi/2007/779/pdfs/ukxi_20070779_en.pdf)

explains (section 4) that “It shall be lawful for the institutions...to charge higher fees in the case of a person who does not fall within Schedule 1...”. Schedule 1 describes a range of criteria all of which depend on some kind of settled status within the UK, EEA and Switzerland and having been ordinarily resident in those countries for the three years prior to the first day of the first academic year of the course. In early 2019, these criteria excludes British citizens who have been resident outside of the UK, EEA and Switzerland.

- 8.10. This policy proposes that the relevant statutory instruments are updated to include British citizens irrespective of their current or recent country of residence. This will enable students of this category to be classified as ‘home students’ for fee payments and will enable them to access student loan facilities.
- 8.11. There are costs associated with this change, aside from the standard administrative costs of implementing them.
- 8.11.1. The universities will no longer be able to charge higher fees to British citizen students who have come to the UK to study without three years of UK residency. Based on our estimate of 4,040 students in this category and assuming that overseas fees are currently 50% higher than home fees, this will reduce income to UK universities by around £18.7m. There are 160 Higher Education establishments with non-UK/non-EU enrollments included in HESA’s report<sup>26</sup>, indicating an average of around 25 students and a financial impact on each university of £115,000 for an academic year. This drop in income may be mitigated by a higher application rate from British citizens currently dissuaded from attending UK universities because they cannot access home student fees. In any case, a government provision of £25m should be budgeted to compensate UK universities for the change.
- 8.11.2. The Student Loans Company will need to adapt their systems to accommodate the expanded group of home students. However, there will also be the additional costs of financial support provided to newly incorporated home students requesting a loan. The loans will be repaid by graduates in the normal way (via HMRC instructions to payrolls or alternative arrangements if working overseas<sup>27</sup>). As above, assuming 4,040 increase in applications (100% of British overseas students arriving from outside the UK take up a student loan), the effect will be to grow the number of loan-subscribers by 0.32%<sup>28</sup>.

This policy proposes no retrospective application of home student status for those who have already completed their studies. Students who are part-way through their courses when this policy is implemented will be entitled to have their home student status revised for the following and remaining academic years.

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<sup>26</sup> <https://www.hesa.ac.uk/news/17-01-2019/sb252-higher-education-student-statistics/location>

<sup>27</sup> [http://www.studentloanrepayment.co.uk/portal/page?\\_pageid=93,6678653&\\_dad=portal&\\_schema=portal](http://www.studentloanrepayment.co.uk/portal/page?_pageid=93,6678653&_dad=portal&_schema=portal)

<sup>28</sup> Based on SLC statistics:

<https://www.slc.co.uk/official-statistics/full-catalogue-of-official-statistics/student-support-for-higher-education-in-england.aspx>. January 2019 figures indicate 1,249,100 recipients of loans in the current academic year.

## 9. Serving Brits abroad

- 9.1. Liberal Democrats believe that British citizens who have been living overseas should have the right to return to the UK with partners and children even if the other family members are also not registered as British citizens: legally-recognised partners should be enabled to work or study without further qualification and there should be no financial threshold test for the family to return together. Access to NHS services and schooling should be available to the family as though ordinarily resident.
- 9.2. Of the six different types of British nationality<sup>29</sup> several of which can acquire a British passport<sup>30</sup>, only one classification, 'British citizen', has an automatic right to live and work in the UK.
- 9.3. For children born to British citizens overseas, British citizenship is automatic but the child is given the classification 'British citizen by descent'. Children born overseas to a parent/parents whose status is 'British citizen by descent'<sup>31</sup> do not have automatic right to British citizenship (but they may apply for it depending on their circumstances).
- 9.4. This arrangement means that some British families, who live in countries where adopting the host's nationality is not possible or desirable, find that the British citizenship is not available to the second generation born overseas. This may leave some people stateless or forced to adopt a nationality that is undesirable or does not match their practical circumstances.
- 9.5. In 2018, international news<sup>32</sup> reported on the case of a five-month old baby struggling to maintain affordable life-saving medical care as they had been rendered stateless - a situation frustrated by their father's 'British citizen by descent' classification.
- 9.6. Liberal Democrats believe that the children of British citizens are also British citizens irrespective of the geographical location of their birth. By definition, children do not choose their place of birth and so prohibiting them citizenship that is available to their parents and wider family is unfair and impractical. The classification of British citizen by descent should be revoked.
- 9.7. The UK Foreign and Commonwealth Office (FCO) provides a wide range of consular services to British Citizens overseas. In recent years it has developed comprehensive emergency response capabilities allowing it to liaise with local authorities and organisations to protect British Citizens when their well being or lives are imperilled. This is often undertaken on a case by case basis and required levels of invention very country by country. Liberal Democrats fully support the hard work of our diplomatic staff in this area, work that is sometimes done in difficult circumstances.
- 9.8. For example, significant work has been done in recent years to help, often young, British Citizens escape from arranged marriages; many cases have concluded successfully. The issues involved in dealing with these young women are often very complex and have to be skillfully handled by trained staff. As discussed in our section on healthcare access and emergency support, at the other end of the age spectrum there is an increasing problem of elderly British citizens overseas beset by failing physical and mental health. They often find themselves alone and unable to seek assistance, and the FCO does not necessarily possess the skills, or legal powers to help. Liberal Democrats support the FCO's efforts and see this

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<sup>29</sup><https://www.gov.uk/types-of-british-nationality>

<sup>30</sup><https://www.gov.uk/government/publications/passports-issued-under-the-6-british-citizenship-categories-2007-to-2012/passports-issued-under-the-6-british-citizenship-categories-2007-to-2012>

<sup>31</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/461318/children\\_born\\_outside\\_the\\_uk\\_sept\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/461318/children_born_outside_the_uk_sept_2015.pdf)

<sup>32</sup><https://www.khaleejtimes.com/nation/abu-dhabi/parents-in-limbo-as-stateless-babys-hospital-bills-mount-in-uae-->

as an issue worth investigating further and engaging aging and mental health charities in the UK to further understand the issues and investigate if and how more assistance should be provided. One possible model for further investigation is the charity Prisoners Abroad, which provides specialised assistance for UK citizens serving prison sentences overseas often in conditions that would not allow them to survive without outside help. It is possible a similar body could be tasked with dealing with the complex problems faced by our aging overseas citizens.

- 9.9. Our survey has found that respondents living overseas did not feel that the FCO did enough. This feeling was held more strongly by respondents living outside of the EU. This criticism may reflect frustration over issues such as long recommended passport processing times (especially now passport issuance has been centralised) and possibly a lack of engagement with the wider British community. We believe the FCO should be looking to engage more widely with the local British population especially as it may open up new opportunities for trade, and provide the FCO with a better view of the resources available within the community to promote wider British interests.
- 9.10. Liberal Democrats believe that government gateway online services should be available equivalently for all users, irrespective of whether they live outside of the UK. The introduction of these services has modernised the submission of information and requests between government and citizens making them more efficient and accessible. Gaps in those services undermine their wider value.
- 9.11. As an example, hundreds of thousands of people living overseas are required to submit an annual tax return to HMRC to declare recent UK income. In order to complete a tax return that describes status as a non-resident supplementary pages SA109 must be completed in addition to the core return SA100. Form SA109 is not available via the internet as an electronically processed form and so the whole return needs to be completed on paper and returned by post. There are alternatives but they require use of commercial software or hired consultancy which add costs to the submitter.

## 10. Relationship with the Overseas Territories

- 10.1. When looking at British citizens overseas, we believe it is important to consider British Overseas Territories Citizens (BOTCs). These are a unique group of individuals who are citizens of the British Overseas Territories (OTs).
- 10.2. Liberal Democrats believe that OTs and BOTCs are a vital part of British cultural and economic identity. We recognise the diverse and individual nature of each OT and also that the ties that bind the UK with all OTs need careful management that combines consistent expectations for the UK to ensure security, access to resources and human rights with the requirement for OTs to be self-governing and to further develop their own cultures. The relationship is embedded in the UK's obligation under article 73 of the United Nations Charter<sup>33</sup> to provide for the wellbeing of the inhabitants of OTs.
- 10.3. BOTCs have the right to vote and stand for UK elections if living in the UK, can hold a British passport, and can get consular assistance and protection from UK diplomatic post<sup>34</sup>. In addition, BOTCs automatically became British citizens on 21 May 2002<sup>35</sup>. If an individual became a BOTC after this date and meets certain criteria they can apply to become a British citizen (BOTCs are subject to UK immigration controls, British citizens are not).
- 10.4. The total population of the OTs is only about 250,000, but the territories themselves encompass some of the greatest biodiversity in the world. Primarily islands, they cover nine time zones from the Atlantic to the Pacific, the Antarctic to the Caribbean<sup>36</sup>.
- 10.5. Liberal Democrats support for the OTs and the BOTCs builds on a February 2019 report from The House of Commons Foreign Affairs Committee report on 'Global Britain and the British Overseas Territories: Resetting the relationship'<sup>37</sup>. The Liberal Democrats acknowledge the scale and value of input the OTs provided into this committee review, and have listened to the OTs / BOTCs needs through this channel. The outcome of this report was "On the whole, OT-UK relations are stable but there is some appetite for reform in a number of areas." The Liberal Democrats take the following reforming positions:
- 10.6. The OTs should be treated as partners within the UK government and not foreign countries, and it should be identified if the UK's direct relationship with the OTs should move from the Foreign and Commonwealth Office (FCO) to another area(s).
- 10.7. It is essential for the Government to ensure sustainable funding for the OTs. This requirement is aggravated by the potential effects of a likely Brexit (reduced EU financial support) and climate change. UK funding for the OTs was estimated to be just over £152 million for the financial year 2018-2019, not including a one-off figure of £70 million pledged to help territories impacted by Hurricanes Irma and Maria in 2017.
- 10.8. The OTs should introduce public registers of beneficial ownership as a matter of national security. Whilst acknowledging that some OTs see this solely as a financial services matter which is a devolved area, the Liberal Democrats view the lack of publicly available and transparent information on OT-registered companies as having foreign policy and national security implications.

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<sup>33</sup> <http://legal.un.org/repertory/art73.shtml>

<sup>34</sup> <https://www.gov.uk/types-of-british-nationality/british-overseas-territories-citizen>

<sup>35</sup> Excludes the Sovereign Base Areas

<sup>36</sup> The OTs are: Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, St Helena (with Ascension Island and Tristan da Cunha), South Georgia & the South Sandwich Islands, the Sovereign Base Areas, and the Turks & Caicos.

<sup>37</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmfa/1464/1464.pdf>

- 10.9. The British Nationality Act should be amended, to enable fathers with BOTC to pass it on to their children born outside the OTs between 1948 and 2006, if they were not married to the child's mother at the time of birth. In May 2018, the Joint Committee on Human Rights described this anomaly as an unacceptable form of discrimination.
- 10.10. The Government should remove quotas on the number of people in the OTs that can access NHS services in the UK when their own health systems cannot provide the care and treatment they need. As a result of current quotas (Anguilla's quota is currently 4 referrals per year), a British citizen's life chances could be diminished simply by residing in an OT.
- 10.11. All UK and BOTCs who have made the OT their permanent home, should have a pathway to be able to vote and hold elected office in territory. While we recognise that the OTs are small communities with unique cultural identities, we do not accept that there is any justification to deny legally-resident Brits or BOTCs who have made the OT their home the right to vote and to hold elected office, as this elevates one group of British people over another.
- 10.12. All OTs should legalise same-sex unions (as in England, Scotland and Wales), and should fulfil their international obligations on the issue of LGBT equality.

## Annex: Liberal Democrats Abroad public consultation

### A. British citizens in Europe resident outside the UK.

The survey was conducted online by Lib Dems in Europe via NationBuilder, shared on its Facebook page and promoted during the period 07.04.2019 – 06.05.2019. The **575 responses** came from 23 EU countries, Norway, Switzerland and Turkey, and were mainly from Spain (27%), Greece (9%), France (9%) and Germany (7%). Nine percent did not state their country.

Question-wording (in order of asking):

1. Do you agree that the Liberal Democrats should support "Votes for Life"?
2. In the 2017 election manifesto, the Liberal Democrats supported the establishment of overseas constituencies. Do you think that there should be separate overseas constituencies for UK citizens living abroad?
3. Does the UK Foreign Office do enough to support UK citizens living abroad?
4. Do you agree that young Britons should pay local fees for studying in the UK, even if they were brought up abroad?

	Agree	Neither Agree / Disagree	Disagree	No Answer
Votes for Life	95%	2%	3%	0%
Overseas Constituencies	89%	5%	3%	3%
Pay UK Fees at British Universities?	57%	22%	17%	5%
Does FCO do enough? *	12%	48%	37%	3%

## B. British citizens living overseas

The survey was conducted online without being promoted via Facebook by Lib Dems Overseas during the period 09.11.2018–23.05.2019. The 56 responses came from 20 countries, including those in Asia-Pacific (50%); North America (32%); Africa (5%); and the Caribbean (5%).

Question-wording (in order of asking):

“Do you agree with the Liberal Democrats adopting the following policies (for further information on these proposed policies, please visit the Lib Dems Overseas [website](#)<sup>38</sup>): Votes for Life; Overseas Constituencies; Full UK Pension; Improved Foreign Office Support; Access to UK Universities; Protect UK Residency Rights?”

This was followed by the question: “Are these policies the most important six issues to British people living abroad?”

	Agree	Neither Agree / Disagree	Disagree	No Answer
Overseas Constituencies	94%	5%	2%	0%
Votes for Life	89%	5%	5%	0%
Protect Residency Rights	84%	2%	2%	12%
Full Pensions	84%	9%	7%	0%
Pay UK Fees at British Universities	77%	7%	2%	14%
Improve FCO Support *	75%	16%	0%	9%
Are the above six issues the most important?	84%	11%	5%	0%

\* Note the FCO question needs to be interpreted the opposite way in the two surveys

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<sup>38</sup> [https://www.libdemsoverseas.com/policy\\_consultation](https://www.libdemsoverseas.com/policy_consultation)