



THE AIRE CENTRE

Advice on Individual Rights in Europe



I am not residing in the UK at the moment – can I and my family come to and reside in the UK after Brexit?

The EU Settlement Scheme will protect the rights of EEA nationals living in the UK prior to Brexit (in the event of a 'no deal') and EEA nationals living in the UK prior to Brexit and during the transitional period up to 31 December 2020 (in the event of a deal).

The EU Settlement Scheme will therefore not apply to EEA nationals who wish to come to and reside in the UK after the exit date (or after 31 December 2020, in the event of a deal).

What rights will I have to come to and stay in the UK immediately after Brexit?

The current immigration regime for EEA nationals will continue to apply until the government revokes free movement and passes its new immigration bill.

At the moment, it is unclear when free movement will be repealed by the government and there appear to be two possibilities:

- 1) Free movement will be repealed immediately after exit date – this is the government's new proposal publicised on 19 August 2019. If this happens, it is not clear what rules will apply to EEA nationals who wish to move to the UK to work or study here. However, tourists should be able to travel to the UK normally; or
- 2) There will be temporary transitional arrangementsⁱ – the government's previous intention was to put in place a temporary transitional arrangement before its new immigration regime starts operating. This transitional arrangement would operate from the exit date to 31 December 2020 and under the arrangement:
 - a) EEA nationals will be able to come to the UK and stay (regardless of their activity in the UK) for up to 3 months from each entry.
 - b) EEA nationals wishing to stay for more than 3 months will have to apply for European Temporary Leave to Remain. Subject to identity, criminality and security checks, this will be granted for 36 months and will allow the EU national to work or study. The leave to remain will be non-extendable, and in order to stay longer the EU national will have to apply under the new skills-based regime.
 - c) EEA nationals may be accompanied by their family members. If the family members are non-EU nationals, they must apply for a family permit in advance of arrival – this will only be provided to spouses / partners and dependent children under the age of 18.

What rights will I have to come to and stay in the UK after the end of the transition period?

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Once the transition period expires, the UK government plans to effect significant changes to the immigration regime for EU nationals. The following is a summary of the main changes planned under the [‘Future skills-based regime’](#):

- (A) EU nationals who are tourists will be allowed to spend up to 6 months in the UK without a visa, and short-term business activities will be permitted without a visa.
- (B) A single skills-based system will apply to all skilled workers. There will be no cap on the number of EU skilled workers, but they will need an employer to sponsor them. It is likely that skilled workers will be allowed to bring dependants, extend their stay and switch to other routes (and settle permanently).
- (C) No specific recommendation has been made for low skilled workers, but it has been proposed that they will be allowed to reside in the UK for up to 12 months (with no ability to enter for the subsequent 12 months and with no accessibility to public funds or extension of their stay).
- (D) EU students will need to obtain permission before arriving in the UK for study, but there will be no limit on the number of students from the EU. Following completion of their study, university and masters’ students will be granted 6 months’ post-study leave (with PhD students being granted one year’s post-study leave) in order to enable them to find permanent skilled work.

ⁱ Immigration (EEA Nationals) (EU Exit) Order 2019



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