



# THE AIRE CENTRE

Advice on Individual Rights in Europe



## Right to reside in the UK after Brexit

If you are an EEA national<sup>1</sup> currently residing in the UK, you will understandably be concerned about your right to remain in the UK after Brexit.

As part of the withdrawal negotiations with the EU, the UK government has agreed to safeguard the rights of EEA nationals and their family members residing in the UK.

To this purpose, the UK government has developed the EU Settlement Scheme under which EEA nationals and their family members can apply for 'settled' (indefinite leave to remain) or 'pre-settled' (limited leave to remain) status.

The EU Settlement Scheme will apply whether the UK leaves the EU with or without a deal.

### **What rights will I have immediately after Brexit day?**

Until the UK government repeals the right to free movement and passes its new immigration bill, the current regime will remain in place for those who are already residing in the UK.

This means that at least until December 2020 (or longer, if the UK and EU reach a deal or Brexit day is postponed), EEA nationals and their family members will continue to have the same rights to reside and work, study etc. in the UK as under the current legislation.

### **How can I protect my right to reside in the UK?**

In order to remain in the UK after December 2020 and to easily show entitlement to reside, work and study in the UK even prior to this date, EEA nationals and their family members should apply for 'settled' (indefinite leave to remain) or 'pre-settled' (limited leave to remain) status.

EEA nationals and their family members with settled and pre-settled status will have the right to:

- (a) work in the UK;
- (b) use the NHS;
- (c) enrol in education or continue studying;



Participatory Status

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- (d) access, if eligible, public funds such as benefits and pensions (although persons with pre-settled status will only be able to do so if they show that they have an EU right to reside, such as being a worker); and
- (e) travel in and out of the UK.

Those with settled status will also be able to apply, if eligible, for British citizenship after one year of having settled status.

The settled status will effectively replace the current permanent residence status, and anyone who is not eligible for settled status due to insufficient length of residence in the UK, will acquire pre-settled status. Settled or pre-settled status must be applied for, it will not be granted automatically.

## How can I apply for settled or pre-settled status?

EEA nationals and their family members that fall within one of the eligible categories for settled or pre-settled status can apply online. Further information about the eligibility criteria and the application process can be found in our information notes on [Who can apply under the EU Settlement Scheme? Information sheet].

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<sup>i</sup> For the purposes of the EU Settlement Scheme and this note, EEA nationals include the citizens of the 28 member states of the EU and Iceland, Liechtenstein, Norway and Switzerland.

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