

Technical factsheet

Freedom of movement to live and work in the EU or UK during the transition period and beyond

EU nationals living and working in the UK

Transition period and beyond

The UK is due to leave the EU at 11pm on 31 January 2020. Following this there will be a time-limited transition period which is due to end on 31 December 2020. Most freedom of movement laws will continue to apply until the end of the transition period (currently set to end 31 December 2020). During this period, EU nationals would be able to move to the UK to live and work on the same terms as pre-Brexit arrangements.

EU nationals with residency in the UK before 11pm, 31 January 2020 will have until 31 December 2020 to apply to the EU Settlement Scheme (<http://bit.ly/2Gxtykf>). Their right to rent, take up employment or offer services and access public services in the UK will remain unchanged until 31 December 2020.

EU nationals moving to the UK after 31 January 2020 and intending to stay beyond 31 December 2020 will need to apply for a new 36-month temporary immigration status, called European Temporary Leave to Remain or 'Euro TLR'. Applications should be made before 31 December 2020. Eligible applicants will be granted a secure digital status to evidence their right to live and work in the UK but passports and identify cards will continue to be valid.

Alternatively, EU Nationals may apply for a legal immigration status under the new points-based system that will apply to all third-country nationals from January 2021.

No Deal

The UK government has stated that in the event of no deal, EU citizens legally living and/or working in the UK by 31 December 2020 would be able to remain. The roll-out of the EU Settlement Scheme (bit.ly/eu-settled) will continue as planned, and eligible EU nationals in the UK should apply by 31 December 2020.

EU nationals would be able to use their EU passport or national identity card to evidence their right to live in the UK until they have applied for settled or pre-settled status under the scheme. EU nationals would also continue to be able to claim private overseas pensions and UK government welfare payments.

For those arriving after the deadline, a recent UK government white paper (bit.ly/gov-imm) states that a new route will be given to highly skilled EU workers who can acquire sponsorship from an employer to work in the UK. A salary threshold for these workers is subject to ongoing discussion and the government has said that this will be subject to further consultation.

In many cases frontier workers (those who live in an EU state and travel to the UK to work) would be eligible to apply to the EU Settlement Scheme based on the proportion of time spent in the UK. Those not eligible would be able to apply for a separate immigration status to prevent disruption.

UK nationals living and working in the EU

Transition period and beyond

The UK is due to leave the EU at 11pm on 31 January 2020. Following this there will be a time-limited transition period which is due to end on 31 December 2020. Most freedom of movement laws will continue to apply until the end of the transition period. During this period, UK nationals would be able to move to Switzerland, EU and EAA member statesⁱ to live and work on the same terms as pre-Brexit arrangements and should be broadly unaffected.

However, UK citizens and family members living in the EU may need to apply directly for residency status from the EU member state, to evidence the fact you were a legal resident before the end of the transition period (31 December 2020). EU member states may have different deadlines (<http://bit.ly/2O5qno4>) for this application so applications should be made promptly. Those with existing valid permanent residency documents from an EU member state will be able to exchange these for new documents before the end of the implementation period.

UK Citizens may seek further information under the UK Government's 'Living In' Guides (<http://bit.ly/314bZSg>).

No deal

In a no deal scenario UK workers and citizens may become 'third country nationals' and are likely to be treated in the same way as other non-EU third-country citizens and should check individual member state visa entry and work permit requirements.

The member state may need to issue them with a residence permit which documents their right to continued residence. UK nationals with an EU family member may be able to apply for a 'Residence card of a family member of a Union citizen'.

The EU has urged member states to comply with EU law, ensuring that UK nationals legally living or working in an EU state by the end of the transition period would see no interruption to their right to stay under no deal. Most EU countries have introduced measures (<http://bit.ly/2O5qno4>) to protect the rights of those living and working in the member state before the end of the transition period.

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ⁱ Freedom of movement between the UK, EEA states and Switzerland will continue throughout the transition period on the basis of separate agreements that mirror the terms of the Withdrawal Agreement between the UK and the EU.