



EUROPEAN COMMISSION

MEMO

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Questions and Answers – the rights of EU and UK citizens, as outlined in the Withdrawal Agreement, published on 14 November 2018

This document provides information on the rights of EU citizens in the UK, and UK nationals in the EU, as set out in Part Two of the Withdrawal Agreement, and published jointly by the EU and the UK on 14 November 2018.¹ This present document is for information purposes only. Please note that the Withdrawal Agreement needs to be ratified by both the UK and the EU for its entry into force.

The description of UK laws and the UK's intended approach on implementing the Withdrawal Agreement is based on the information that we have currently available.

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¹ https://ec.europa.eu/commission/files/draft-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community-agreed-negotiators-level-14-november-2018_en



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1. Transition period

Transition period: what is it and what does it do?

[EU law on free movement of EU citizens](#) will continue to apply during a transition period (or as the UK Government calls it an "implementation period").

If the Withdrawal Agreement is ratified, the transition period will start on the day of the UK's withdrawal (i.e. 30 March 2019 – the Brexit day) and end in principle on 31 December 2020 [*].

From the perspective of free movement, all rights will continue until the end of 2020 as if the UK were still a member of the European Union. This means that EU citizens will be able to enjoy their EU free movement rights in the UK until the end of 2020. The same will apply for UK nationals in the EU.

[*] *The Withdrawal Agreement allows for the extension of the transition period with the EU and UK's mutual consent.*

Will those arriving in the host State during the transition period be treated in the same way as those who arrived before the 30 March 2019?

They will enjoy exactly the same rights under the Withdrawal Agreement as those who arrived in the host state before Brexit. Their rights will be subject to the same restrictions and limitations, too.

Will it be possible to require those arriving in the host State during the transition period to register their residence?

This is allowed under [EU law](#). All Member States and the UK can decide to require people to register after three months of their arrival.

Is Brexit delayed by the transition period?

No. The UK will cease to be a member of the EU on Brexit day. But as agreed, [EU free movement law](#) will nevertheless continue to apply during the transition period. This period will end in principle on 31 December 2020.



2. Personal scope

Who will be covered by the Withdrawal Agreement?

EU citizens and UK nationals must be lawfully residing in the host state at the end of the transition period, in accordance with [EU law on free movement of EU citizens](#).

The substantive conditions of residence are the same as those under [current EU law](#). Decisions for obtaining the new residence status under the Withdrawal Agreement will be made with the objective criteria established therein (*i.e. no discretion*), and on the basis of the exact same conditions set out in [the Free Movement Directive](#) (*Articles 6 and 7 confer a right of residence for up to five years on those who work or have sufficient financial resources and sickness insurance. Articles 16 – 18 confer a right of permanent residence on those who have resided legally for five years*).

The Withdrawal Agreement does not require physical presence in the host state at the end of the transition period – temporary absences that do not affect the right of residence, and longer absences that do not affect the right of permanent residence, are accepted. For more details on absences, see [below](#).

EU law on free movement of EU citizens – what does it cover?

Under current EU law, EU citizens (*and their family members*) enjoy the right of residence in a Member State other than that of their nationality under several instruments of EU law:

- a) the [Treaty on the Functioning of the European Union](#) itself (*Articles 21, 45, 49 or 56*);
- b) [the Free Movement Directive](#);
- c) [the Regulation on Freedom of Movement for Workers](#);

In a vast majority of cases, detailed rules applicable to mobile EU citizens are to be found in [the Free Movement Directive](#). This should be your starting point for learning more about:

- your rights and entitlements;
- rights of your family members;
- conditions attached to the right of residence;
- administrative procedures; or
- safeguards protecting the right of residence.



- *Conditions of residence that have to be met in order to be covered by the Withdrawal Agreement*

I am Czech and I arrived in the UK two years ago. I work in a local hospital. Can I stay after the UK leaves the EU?

Yes. [EU free movement law](#) will continue to apply until the end of the transition period. Afterwards, the Withdrawal Agreement provides that you will be able to stay in the UK if you continue to work (or if you, for example, involuntarily stop working in accordance with [Article 7\(3\) of the Free Movement Directive](#), become self-employed, a student or a job-seeker).

You will continue to have residence rights after the end of the transition period: you will keep your residence under essentially the same substantive conditions provided by [EU free movement law](#), although to this effect you will need to make an application to the UK authorities for your new UK residence status. Once you have accumulated five years of legal residence in the UK, you will be able to apply for your residence status in the UK to be upgraded to a permanent one that offers more rights and better protection.

I am British living and working in Luxembourg. Do I have to keep working to retain my rights there?

The Withdrawal Agreement protects those EU citizens and UK nationals who were residing in a state other than that of their nationality in accordance with the conditions which [EU free movement law](#) attaches to the right of residence. In essence, EU citizens and UK nationals meet these conditions if they:

- are workers or self-employed; or
- have sufficient resources and sickness insurance; or
- are family members of some other person who meets these conditions; or
- have already acquired the right of permanent residence (*that is no longer subject to any conditions*).

It is possible to switch between these categories (*for example leaving your job to start studying*). You will keep your rights as long as you meet the conditions for at least one category.

Will EU citizens arriving in the UK to look for a job several months before the end of the transition period be protected in any way?

Yes. EU citizens looking for jobs in the UK before the end of the transition period will be allowed to stay, like today, for six months after their arrival (*or longer if they have a genuine chance of being hired*). After that, they will have to leave unless they have found a job or have sufficient financial resources to support themselves.



I am a Danish citizen. I arrived in the UK two years ago but did not find a job. I am currently out of money. Will I be able to stay after the end of the transition period?

The Withdrawal Agreement protects those EU citizens and UK nationals who were residing in a state other than that of their nationality in accordance with the conditions which [EU free movement law](#) attaches to the right of residence. In essence, EU citizens meet these conditions if they:

- are workers or self-employed; or
- have sufficient resources and sickness insurance; or
- are family members of some other EU citizen who meets these conditions; or
- have already acquired right of permanent residence (*that is no longer subject to any conditions*).

Those EU citizens who do not meet these conditions at the end of the transition period will have no legal entitlement to stay in the UK under the Withdrawal Agreement and their situation will depend on whether the UK authorities decide to treat them more favourably than required by the Withdrawal Agreement.

The UK's commitment to waive the comprehensive sickness insurance requirement is unilateral and non-binding. What is its worth?

The Withdrawal Agreement seeks to protect the rights as they stand under [current EU law](#).

The comprehensive sickness insurance is clearly a requirement for the lawful residence of self-sufficient persons, as set out in in [Article 7\(1\)\(b\) of the Free Movement Directive](#). The UK has indicated that they will apply neither the comprehensive sickness insurance condition, nor the "*genuine work test*" in the application for the new residence status.²

I am a UK citizen residing in Spain. Will I need sickness insurance to be able to stay after the transition period?

To continue your residence, Spain is entitled, in accordance with [EU law](#), to require that UK self-sufficient persons (*pensioners included*), and students who have not yet acquired the right of permanent residence, have sickness insurance.

² See point 11 of the UK's technical note of 8 November on admin procedures, available at <https://www.gov.uk/government/publications/citizens-rights-administrative-procedures-in-the-uk/technical-note-citizens-rights-administrative-procedures-in-the-uk>.



I am a British citizen living in London but commuting to Paris for work. Will I be able to continue working in France after the end of the transition period?

Yes. The Withdrawal Agreement also protects so-called frontier workers. A frontier worker is someone who works or is self-employed in one country and resides in another country. You will be able to continue working in Paris while residing in London. You will be able to apply to the French authorities for a new document that certifies that you are a frontier worker protected by the Withdrawal Agreement. This document will make it easier to travel to France, continue working there and return to the UK.

I am a citizen of one of the 27 Member States and have lived in the UK since 2005. I acquired a UK permanent residence document. Will anything change for me after the end of the transition period?

You will have to apply for a new permanent residence status under UK law (*called settled status*). However, as you have already obtained a permanent residence document in the UK under existing [EU free movement law](#), the administrative procedure will be simple. You will just have to present your valid passport or identity card, show that you continue to reside in the UK and declare any criminal convictions that appear on your records. The procedure will be free of charge.

I am a UK citizen. Two years ago, I arrived in Germany to work in construction. Unfortunately, I recently had an accident at work and I am permanently incapacitated. I hope I will not have to leave after the end of the transition period!

You won't. Those who had to stop working as a result of permanent incapacity to work caused by an accident at work obtain a right of permanent residence under [EU free movement law](#). That right will be protected after the end of the transition period.

I am British and have worked in the Netherlands since 1995. I plan to retire in 2023. I am looking for advice on whether I will be able to stay after my retirement.

Yes. As somebody who has worked in the Netherlands for at least five years, you have already obtained a right of permanent residence there that is no longer subject to any conditions (*such as having to continue working*).



- Specific cases

Years ago, I came to the UK to work, relying on my Slovak nationality. Recently, I have obtained British citizenship. As a dual Slovak/British national, what will my status be?

Your British nationality gives you an unconditional right of residence in the UK. Since your naturalisation, your residence in the UK is no longer under [the Free Movement Directive](#). Because your residence was under EU free movement law by virtue of your Slovak nationality, on the other hand, this ensures that you continue to be covered by the Withdrawal Agreement. You will therefore be able to rely on the Withdrawal Agreement, for example, for family reunion rights.

I am British and I live with my family in Italy. I understand that my right to stay in Italy will be protected – but what about my right to return to the UK with my family, based on the *Surinder Singh* line of case law of the Court of Justice?

The Withdrawal Agreement protects the rights of those who have made use of their free movement and live in a state other than that of their nationality.

It does not protect those who reside in the state of their nationality, regardless of whether they have returned home before or after the end of the transition period. Relevant UK domestic law will determine whether your family members will be able to live with you in the UK.

I am Portuguese and arrived in the UK many years ago to join my British wife. She has a disability and I care for her and assist her. I think that my residence in the UK is legal but I am concerned whether I will be able to get any protection under the Withdrawal Agreement after the end of the transition period.

Only those EU citizens who were residing in the UK at the end of the transition period in accordance with the conditions which [EU free movement law](#) attaches to the right of residence are guaranteed to be protected by the Withdrawal Agreement.

If you meet all the conditions of residence as a self-sufficient EU citizen you may stay under the rules of the Withdrawal Agreement after the transition period.

If you reside in the UK under domestic laws (*exclusively as a family member of a UK national*) you will be able to stay under these domestic laws, which are not affected by Brexit.



I am Mexican and live in the UK with my five year old British daughter as her primary carer under the so-called *Ruiz Zambrano* rule. Will I be able to stay after the end of the transition period?

Only those who were residing in the UK at the end of the transition period in accordance with the conditions which [EU free movement law](#) attaches to the right of residence are guaranteed to be protected by the Withdrawal Agreement.

Those who reside in the UK exclusively on the basis of EU citizenship of their British family members do not fall under the Withdrawal Agreement. Their residence status after the end of the transition period will be determined by UK domestic laws.

- *Rules on absences to be covered by the Withdrawal Agreement*

I am from Greece and arrived in the UK two years ago to study. Last year I studied in Italy on Erasmus+ for five months and then returned to my UK university. I hope this move has no negative impact on my residence in the UK!

It will have no impact on your rights in the UK. Today's [EU free movement law](#) says that periods of absence of less than six months in a year do not affect continuity of residence. These safeguards are included in the Withdrawal Agreement as well.

As a British citizen, I acquired the right of permanent residence in Finland under EU free movement laws in 2010. I left Finland in March 2017 to study in Greece. Do I have to return to Finland before the end of the transition period in order not to lose my rights there?

No. As you had permanent residence in Finland before your departure, you will be covered by the Withdrawal Agreement if you return within five years of your departure (*so before March 2022*). However, you may have to apply for a new permanent residence status under the Withdrawal Agreement in Finland. Such an application should be done at the latest by 30 June 2021 (6 months after the end of the transition period). See section 7 on administrative procedures below.



3. Family members

I am British and my dad, who is also British, works in Portugal. I live with him and study at a local school. Will I be allowed to stay in Portugal?

Yes. You will be able to stay with your dad. The Withdrawal Agreement makes sure that all family members, irrespective of their nationality, who were lawfully residing at the end of the transition period with an EU citizen in the UK or a UK national in the EU can stay under the same conditions that existed before the end of the transition period, as long as you comply with any requirement to apply for residence status in Portugal.

I am Korean. I came to the UK to live with my Latvian husband but the marriage hit a rough patch recently. I want to file for divorce but I am afraid what it will mean for my right of residence after the end of the transition period.

The Withdrawal Agreement replicates [EU free movement law](#) which, under certain conditions, already protects non-EU spouses who divorce from an EU citizen. If you have been married for at least three years before you divorce and have lived in the UK for at least one of those years, you can continue to reside in the UK after the end of the transition period, as long as you apply for the new UK residence status. Once your divorce becomes final, there are conditions which [EU law on free movement](#) attaches to the right of residence, as if you were an EU citizen yourself. Once you accumulate five years of continuous lawful residence, you will be able to apply for a permanent residence status in the UK.

I live and work in the UK with my Slovak partner. We plan to have a baby soon. Should we accelerate our plans and have the baby before the end of the transition period?

You do not need to rush. The Withdrawal Agreement makes sure that children born to EU families residing in the UK before or after the end of the transition period will be able to stay as long as you apply for the new UK residence status.

I live in the UK with my Romanian spouse. I was issued with an EU residence card. Can I stay after the end of the transition period?

Yes, you can stay as long as you apply for the new UK residence status. The Withdrawal Agreement protects all those family members who have lawfully resided with an EU citizen in the UK before the end of the transition period. They will be allowed to stay but will have to apply for the new UK residence status.



I am German and live in the UK with the child I adopted. Will we be able to stay together?

Yes, you will be able to stay together. The Withdrawal Agreement protects all those family members who have lawfully resided with an EU citizen in the UK before the end of the transition period. Adopted children are treated in the same way as biological children.

For children born after the end of the transition period, the Withdrawal Agreement requires that the parent residing in the host State has custody of the child. Does it only protect divorced couples?

No. Custody is defined very broadly in the Withdrawal Agreement. It includes rights of custody acquired by operation of law, by court judgment or even by an agreement between parents.

Several years ago, I applied to the UK authorities to be able to join my Swedish cousin living in Edinburgh because I was financially dependent on her. The UK authorities accepted that and issued me with an EU residence card. What will happen to me?

You can stay as long as you apply for the new UK residence status. The Withdrawal Agreement protects all those family members who have lawfully resided with an EU citizen in the UK before the end of the transition period. They will be allowed to stay but will have to apply for a new UK residence status.

I have been granted an entry visa to join my British aunt living in Sweden. My aunt is providing me with financial support after my parents died. My application for residence was still pending at the end of the transition period. What will happen to me?

In accordance with [EU free movement law](#), your application will be decided under national Swedish legislation and your entry and residence should be facilitated. Should the Swedish authorities decide to grant you residence, you will be covered by the Withdrawal Agreement. Any refusal must be fully justified and is subject to appeal.

I am the unmarried partner of a Bulgarian citizen residing in the UK. I plan to join him there but I can do it only in four years because of existing work commitments in my country, Canada. Will I be able to join him even after the end of the transition period?

Yes. The Withdrawal Agreement protects partners who had been in a durable partnership with an EU citizen at the end of the transition period but were not residing with that partner in the UK. You will be able to join your partner in the UK, provided that you remain in a durable



partnership with him at the point you seek to come to the UK and he has obtained the new UK residence status.

I am the nephew of a Czech citizen living in the UK. I plan to join him there but I can do it only in four years because of existing study commitments in my country. Will I be able to join him even after the end of the transition period?

The Withdrawal Agreement does not protect extended family members of EU citizens (*except those in durable partnerships*) who were not residing with their relative at the end of the transition period. If you decide to join your relative after the end of the transition period, you will be subject to UK immigration law.

I am a Danish student in Cardiff. My wife lives abroad, together with our little baby. They would like to join me once the studies are over and I have found a job. Will they be able to do so after the end of the transition period or had they better hurry?

They will be able to join you after the end of the transition period. The Withdrawal Agreement protects not only those close family members who have lawfully resided with an EU citizen in the UK before the end of the transition period, but also those close family members who were related to an EU citizen at the end of the transition period but were not residing in the UK. They will be able to join you after the end of the transition period, provided you are still married at the point your wife seeks to come to the UK and you have obtained the new UK residence status.

I live and work in the UK. I am single but, hopefully, one day I will marry. Realistically, it will be after the end of the transition period. Will my future spouse be able to join me in the UK? What if we have a baby?

Your future spouse will not be able to join you under the Withdrawal Agreement, as it does not protect those who will marry an EU citizen after the end of the transition period. Any such future spouse will have to comply with UK immigration rules. Any future child will be able to join an EU citizen resident in the UK before the end of the transition period if that parent has legal custody of the child.

I am an Argentinian working in the UK where I live with my 6-year old Croatian son and 2-year old Argentinian daughter. Will we be able to stay after the end of the transition period?

All of you can stay provided you and your Croatian son meet the conditions for lawful residence and you have obtained the new UK residence status. The Withdrawal Agreement ensures that it



is not only EU citizens (*i.e. your son*) who can stay in the UK after the end of the transition period, but also those non-EU family members (*i.e. you and your daughter*) whose presence is required in order not to deprive your son's right of residence granted by the Withdrawal Agreement.

I live in the UK as the primary carer of my Polish son studying there. My Polish partner who worked in the UK has left us. Will I be able to stay?

The Withdrawal Agreement gives you the right to reside in the UK until your son completes his education. You will keep this right at least until your son reaches the age of majority, and possibly afterwards for as long as he continues to need your presence and care in order to pursue his studies. Please be aware that you may not be able to stay permanently in the UK.



4. Residence rights

I am Cypriot and live in London with my mum who works as an engineer. I go to school but I hope to open my own flower shop. Will I be able to stay and start working once I have finished school?

Yes. You will not only be able to stay in the UK, but you will also keep all the options [EU free movement law](#) currently confers on EU citizens. You will be able to work, study, run a business or stay at home and care for your family members. Your rights will not be affected once you start working.

I am from Slovenia. I arrived in the UK three years before the end of the transition period and have been self-employed since. Will I be able to get permanent residence there and, if so, under what conditions?

Once you have completed five years of legal residence in the UK (*including periods of residence before and after the end of the transition period*), you will be able to apply for the new UK permanent residence status.

The Withdrawal Agreement protects those EU citizens who were residing in a Member State other than that of their nationality in accordance with the conditions which [EU free movement law](#) attaches to the right of residence. In essence, residence of EU citizens is legal if they:

- are workers or self-employed; or
- have sufficient resources and sickness insurance (including students); or
- are family members of an EU citizen who meets these conditions.

Once you have five years of continuous and legal residence, you will be able to apply for a new permanent residence status in the UK.

I am British and have lived in Finland with my parents for nine years. They both work. Do I have any residence rights in Finland after the end of the transition period?

Yes. As somebody who has lived in an EU Member State for at least five years, you have already obtained a right of permanent residence that is no longer subject to any conditions (*such as having to continue being a family member*). This right is preserved under the Withdrawal Agreement as long as you comply with any requirement to apply for residence status in Finland.



I am Estonian and I study at a UK university. If all goes well, my studies will finish in 2022. Will I be able to stay in the UK and look for a job there?

Yes. You will be able to stay in the UK after the end of the transition period, like now, as a student, worker or self-employed person as long as you apply for the new UK residence status. After five years of residence you will be able to apply for a new UK permanent residence status under UK law. EU citizens will continue to be able to 'switch': students will be able to start working (*and become workers*), workers will be able to retire (*and become self-sufficient persons*), self-sufficient persons will be able to start studying and so on.

I am Maltese and I have permanent residence in the UK where I was born and raised. My university studies are well underway and I already have a great job offer in Slovakia. They are offering me a three-year contract but I am afraid that if I leave the UK I will not be able to return. Please, dispel my doubts!

Once you have applied for and obtained your new permanent residence status from the UK authorities you will be able to leave the UK for up to five years and then return without that status lapsing. The five-year rule also protects those citizens who are absent from the host State at the end of the transition period provided they have made an application for the new UK residence status.

I am from Hungary and I have been living and working in the UK for 15 years. I hope that I will be able to remain in the UK after the end of the transition period. Could you please reassure me that I will be able to keep my rights and entitlements indefinitely?

There is no 'expiry date' by which rights expire. All those protected under the Withdrawal Agreement will keep their rights and entitlements, once acquired, for life.

However, some rights may lapse in certain circumstances. For example, the new UK permanent residence status lapses if a person is absent from the host state for a continuous period exceeding five years.



I am from Austria and I have lived in the UK for the last twenty years. I receive social assistance benefits. I guess I will be able to stay in the UK after the end of the transition period but will I still get the benefits I need?

Yes. All EU citizens resident in the UK who qualify for a new UK permanent residence status after the end of the transition period will keep their right of residence and their right of equal treatment. This means that where they were entitled to a benefit, entitlement or advantage before the end of the transition period, they will continue to enjoy the same treatment.

I am from Lithuania and I study at a university in the UK. Will I have to pay higher tuition fees after the end of the transition period? Will I have access to student loans?

All EU citizens resident in the UK who qualify for a new UK residence status after the end of the transition period will keep their right of residence and of equal treatment.

For students who started their studies in the UK before the end of the transition period, this means that they will continue to pay the same tuition fees as British citizens. As regards access to maintenance aid for studies, such as student grants or student loans, EU students covered by the Withdrawal Agreement will continue to enjoy the same rules as they enjoy today. These entitlements will be subject to any future domestic policy changes that apply to UK nationals.

I am a UK national residing in Portugal and protected by the Withdrawal Agreement. Will I enjoy further free movement rights within the EU after the end of the transition period?

UK nationals protected by the Withdrawal Agreement in one Member State will not be able to invoke the Withdrawal Agreement to obtain the right to move freely to another Member State, to establish themselves or to provide services or cross-border services to persons established in other Member States.

This does not affect any rights UK nationals may enjoy under other instruments of EU or national law.

It is not fair that the rights of UK nationals are limited to the EU Member State where they resided at the end of the transition period as the Withdrawal Agreement does not include the right to intra-EU mobility after the end of the transition period.

UK citizens will – if they comply with EU legal migration legislation applicable to third country nationals – still be able to move to other Member States, on a temporary or permanent basis.



For example, UK nationals issued with a residence document under the Withdrawal Agreement by a Member State applying the Schengen acquis in full will be allowed to move freely within the Schengen Area for a period up to 90 days in any 180 days period. Today, the Schengen Area encompasses most EU Member States, except for Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom (*Bulgaria and Romania are currently in the process of joining the Schengen Area*). Of non-EU States, Iceland, Norway, Switzerland and Liechtenstein have joined the Schengen Area.

You can find more details about EU rules on legal migration at https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration_en or <http://ec.europa.eu/immigration>.

- *Governance of the Withdrawal Agreement*

What will prevent the UK authorities from modifying their laws on the new residence status in the future?

The Withdrawal Agreement makes it very clear that once the new UK residence status is granted to individual citizens, it will not be possible to withdraw it from individual EU citizens on grounds other than those expressly allowed in the Withdrawal Agreement (*such as a result of committing a crime*).

Rights under the Withdrawal Agreement will be binding under international law and EU citizens will be able to directly rely on their rights under the Withdrawal Agreement in the UK. The UK will legislate so that citizens' rights under the Withdrawal Agreement are incorporated into UK domestic law.

The UK legislation enacting EU citizens' rights provided for in the Withdrawal Agreement will prevail over other UK legislation. This means that UK laws cannot 'accidentally' take away rights protected by the Withdrawal Agreement. If the UK Parliament decides in the future to repeal the legislation giving effect to EU citizens' rights in UK law, this repeal would violate the Withdrawal Agreement, and would trigger consequences of this violation in accordance with the rules of the Withdrawal Agreement itself and international law.

Will there be an independent national authority to monitor the Withdrawal Agreement?

In the UK, the implementation and application of the citizens' right Part of the Withdrawal Agreement will be monitored by an independent national authority.

The powers and functions of this UK authority, including the competence to conduct inquiries based on citizens' complaints, are established in the Withdrawal Agreement and are equivalent to the Commission's powers under the Treaties. This authority will also have the right to bring legal action before competent UK courts in connection with citizens' complaints with a view to seek adequate remedies.



The authority, as well as the Commission, will each report annually to the specialised committee on citizens' rights set up by the Withdrawal Agreement on their activities related to the implementation of citizens' rights under the Agreement, including the number and nature of complaints received.

The competence of the Court of Justice of the European Union will expire in eight years. Does it mean that my rights will expire as well after the end of the transition period?

Your rights under the Withdrawal Agreement are life-long (*but they may lapse in certain circumstances, for example a long absence from the host state*).

While the ability of UK courts to ask the Court of Justice for its interpretation of the Withdrawal Agreement is limited to eight years, it will be long enough to ensure that the Court of Justice can rule on the most significant issues.

Other aspects of the Withdrawal Agreement are not limited in time, such as the ability of individuals to rely directly on the Withdrawal Agreement that prevail over incompatible national legislation or measures or the obligations for UK administrative and judicial authorities to align themselves to the relevant case-law of the Court of Justice of the European Union handed down before the end of transition and to have due regard to future case law pronounced after the end of the transition.

I note that the criteria for residence will be based on concepts of EU free movement law, as interpreted by the Court of Justice of the European Union but what if the UK has not correctly enacted EU free movement law so they use the wrong interpretation?

The Withdrawal Agreement is clear: where the criteria for residence are based on concepts of EU free movement law, they must be interpreted in line with decisions given by the Court of Justice of the European Union before the end of the transition period.

Where the UK relies on an incorrect interpretation of the concepts of EU law that conflicts with such a decision, it is the Court of Justice's interpretation that must ultimately prevail.

In addition, UK courts must have due regard to the interpretations of the Court of Justice of the European Union in case law handed down after the end of the transition period.



5. Entry and exit rules

After Brexit, will I be able to travel to the UK?

Until the end of the transition period, EU citizens and UK nationals will continue to be able to travel freely, with just a valid passport or identity card.

After the end of the transition period, those EU citizens or UK nationals who have resided in the host State before the end of the transition period will be able to leave the host State and come back with their valid passport or identity card. Their non-EU family members will have the same rights with a valid passport.

Please note that after five years following the end of the transition period, the host State will be entitled to no longer accept ID cards that do not comply with applicable international standards related to biometric identification.

Entry rules to the UK for other EU citizens (*those who have not resided in the UK at the end of the transition period*) and to the EU for UK nationals fall outside the scope of the Withdrawal Agreement.

As a Lithuanian citizen residing in the UK, can I be subject to entry visa requirements in the future?

No – as long as you hold a valid UK document evidencing your new residence status under the Withdrawal Agreement.

I am from Luxembourg. I do not reside in the UK but I regularly visit the UK, will I need an entry visa?

Whether or not will you need an entry visa after the end of the transition period will depend on the future rules that will be put in place in the UK.

I am British and I live in Bulgaria. My Chinese spouse just started her university course in Melbourne. Which visa rules will apply to her in 2025, when she joins me in Bulgaria?

Assuming that Chinese nationals will be subject to visa requirements in 2025, your spouse will still enjoy the safeguards of the Withdrawal Agreement that ensure that her entry visa should be issued free of charge and on a basis of an accelerated procedure.



6. Criminality & abuse

I have lived and worked in the UK for 11 years. A couple of years ago I was convicted of a criminal offence and sentenced to a five-month term of imprisonment. Will this imprisonment affect my rights?

Criminal conduct may have consequences for the right of residence, be it under today's [EU free movement law](#) or under the Withdrawal Agreement. For crimes committed before the end of the transition period, the current rules of [the Free Movement Directive](#) will apply (*Chapter VI*).

This means that all decisions affecting the right of residence taken on the grounds of crimes committed before the end of the transition period will have to be taken on a strict case-by-case basis and only those offenders whose personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society can be removed.

What will happen to EU citizens allowed to stay in the UK under the Withdrawal Agreement who commit a crime?

Any crime committed after the end of the transition period will be subject to national law.

In the UK, this currently means that those who commit a crime which has resulted in a sentence of imprisonment of 12 months or more will be considered for deportation. They will have the right to appeal against such a decision and have an independent court review their case.

I am worried that many will try to cheat their way in by pretending to be covered by the Withdrawal Agreement. What safeguards will the authorities have?

All the current safeguards which Member States have at their disposal under [EU free movement law](#) to guard against abuse and fraud will be replicated under the Withdrawal Agreement. States will be able to adopt the necessary measures to refuse, terminate or withdraw any right conferred by the Withdrawal Agreement in the case of abuse of rights or fraud, such as marriages of convenience, forgery of documents or false representation of a material fact crucial for the right of residence. Any such measure will have to be proportionate and will be subject to judicial redress.

Will decisions of the UK authorities based on abuse of rights rules result in loss of the appeal rights?

Abuse or fraud can result in loss of residence but never in loss of appeal rights. The host state can restrict free movement rights of those EU citizens who are proven to be abusing [EU law](#) (*such as marriages of convenience*). Once abuse or fraud is proven by national authorities, the



affected persons have full appeal rights against a decision restricting their rights of residence on those grounds, including the right to stay while the appeal is pending within the limits of Article 31(2) of [the Free Movement Directive](#).

The Withdrawal Agreement says that the UK authorities will be able to carry out systematic criminal and security checks on all applicants for a new residence status in the UK. Is this possible?

Yes. The context of Brexit is a very special one, because the UK authorities will need to take a fundamental decision whether the persons in question should have a new UK residence status in the UK under the Withdrawal Agreement for the rest of their lives.

In that context, it is appropriate for the UK to establish a new procedure for those seeking to obtain that new residence status in the UK, or rather be exclusively subjected to UK immigration rules. This means that after the end of the transition period, the UK will be able to remove those EU offenders – who committed their offences before the end of the transition period – only where they would be able to remove them now.

I have speeding fines and parking tickets in the UK, and they do not appear on my criminal record. Do I need to disclose them to the UK authorities?

No, you will only need to declare those UK criminal convictions that appear in your UK criminal record.



7. Administrative procedures

There is a new UK residence status called "settled status". Will it apply to EU citizens after the end of the transition period and what will it mean?

All EU citizens and their family members residing in the UK will have to apply for a new UK residence status within six months following the end of the transition period in order to be able to stay in the UK.

The UK authorities provide information for EU citizens and their family members on their dedicated website <https://www.gov.uk/settled-status-eu-citizens-families>.

As an EU citizen residing in the UK, I do not have to apply for a residence document now. Will I be obliged to do so after the end of the transition period? And why?

Unlike today, all EU citizens and their family members residing in the UK will be required to obtain the new residence status under UK law as the legal precondition for their continued residence in the UK. You will be able to prove your residence status not only to the UK authorities or police, but also to employers, banks, landlords or anyone else.

Will having the new UK residence status mean that EU citizens will be losing current rights?

The substantive conditions on which citizens will obtain new UK residence status essentially correspond to those laid down in today's [EU free movement law](#) for obtaining or losing the right of residence. There will be no discretion for the UK authorities to refuse an application on grounds not allowed under [current EU rules](#). Nobody entitled to protection will be left behind.

The conditions for losing the new UK residence status will be, on the one hand, more beneficial compared to those in today's [EU free movement law](#) as EU citizens and their family members will be given an option to leave the UK for five years without losing their new permanent residence status (*current rules provide only for two years*). On the other hand, as now, EU citizens can lose their new residence status if they commit a crime in the UK. Where the crime takes place after the end of the transition period, the decision will be taken in accordance with UK national law and all the constraints coming from domestic and international law instruments applicable in the UK.



It is not clear to me which criteria the UK authorities will use to decide on the new residence status for EU citizens. Can you please explain?

The substantive criteria for EU citizens to obtain a new residence status in the UK will be essentially the same as those laid down today in [EU free movement law](#). This will ensure that all EU citizens who would qualify for a right of residence under [EU free movement law](#) will qualify for a new residence status in the UK and that EU citizens who would qualify for a right of permanent residence under [EU free movement law](#) will qualify for a new permanent residence status in the UK.

Until when do I have to apply for "settled status" or "pre-settled status"?

Those who have lawfully resided in the UK before the end of the transition period, and those close family members joining their EU citizen sponsor between 1 January and 30 March 2021 have until 30 June 2021 (*6 months after the end of the transition period*) to apply for the new UK residence status.

Those family members who are covered by the Withdrawal Agreement and are joining to live with their relatives in the UK following 31 March 2021 have 3 months from the time of their arrival to the UK to register for one of the new residence statuses.

During this time period and until their applications are decided, they will enjoy their current residence rights.

What is going to happen if the UK authorities take ages to decide on my application for the new residence status?

Once the applications are lodged and you are issued with a certificate of application, you will be able to reside and maintain all current rights in the country until the decision is taken. Should the application be refused, you will be entitled to appeal and stay until the appeal is finally decided.

Will there be any safeguards for those who miss the deadline?

The UK authorities will take a proportionate approach to those who miss the deadline. They will accept applications where there were reasonable grounds for missing the deadline. Out-of-time applicants not accepted by the UK authorities will still be able to ask an independent UK court to look into the rejection.



What is the deadline for family members who arrive after the end of the transition period when applying for the new status?

They will have three months after their arrival to apply for a new residence status. Those whose applications from abroad includes an application for a new UK residence status together with their entry visa do not, if the applications are successful, need to re-apply once in the UK.

Are there any safeguards that protect those wishing to apply for a new residence status but being unable to do so because the UK system does not work?

Yes. The Withdrawal Agreement ensures that the six month deadline after the end of the transition period (*during which you are required to apply for a new residence status*) should be extended automatically by one year where the UK notifies that technical problems prevent it either from registering the application or from issuing the certificate of application. During this extended period, all residence rights would be fully preserved.

I already have a document certifying permanent residence issued to me by the UK authorities last year. I sincerely hope that persons like me will be allowed to stay without any hassle.

Yes. You will have to apply for a new permanent residence status in the UK but, as you have already obtained permanent residence in the UK under existing [EU free movement law](#), the administrative procedure will be simple and you will just have to present a passport or identity card, declare any unspent criminal convictions which appear in your criminal record in the state of conviction and show that you continue to reside in the UK. Your new UK residence status will be issued free of charge.

I am eligible for permanent residence in the UK but I never applied for a document certifying permanent residence. Should I apply before the end of the transition period?

You do not need such a document in order to have a right of permanent residence in the UK before the end of the transition period. But if you simply want to confirm your right to reside in the UK after the end of the transition period, the UK authorities advise you to wait for the new residence status scheme, which they expect to open before 29 March 2019.



I am really afraid that the new administrative procedure the UK authorities are designing for EU citizens will be a nightmare. How has the EU protected my rights in the negotiations?

The UK has committed to designing a new scheme in which administrative procedures for applications for new residence status will be transparent, smooth and streamlined, so as to avoid any unnecessary administrative burdens. It will not replicate the current permanent residence procedures.

Application forms will be short, simple, user-friendly and adjusted to the context of the Withdrawal Agreement.

The Withdrawal Agreement specifies that the UK cannot require anything more than is strictly necessary and proportionate to determine whether the criteria for residence have been met. The Withdrawal Agreement contains provisions that follow a similar approach to the provisions on evidential requirements in [EU free movement law](#).

Looking at today's application of EU free movement law in the UK, I am concerned that the new system is not going to work in practice.

The UK has provided detailed information on the steps they will take to deliver on the Withdrawal Agreement (see <https://www.gov.uk/settled-status-eu-citizens-families>). Details are set out in the Withdrawal Agreement. This administrative system will be smooth, transparent, simple, and should not result in unnecessary administrative burdens.

To offer concrete safeguards to citizens, the Withdrawal Agreement makes sure that all the procedural safeguards of [the Free Movement Directive](#) will apply. This means the right to appeal any decision restricting residence rights. It also means that the citizen in question maintains all rights under the Withdrawal Agreement, until a final decision has been taken, i.e. including final judicial decision after an appeal procedure.

I applied for an EU registration certificate in the UK two years ago. I compiled almost one hundred pages of documents to make sure that the UK authorities understood that I met the conditions. I do not want to have to undergo the same again. Will it be different this time?

Yes. The new residence status will not require anything more than is strictly necessary and proportionate to determine whether the criteria for residence have been met. The Withdrawal Agreement contains provisions that follow a similar approach to the provisions on evidential requirements in [EU free movement law](#). At the same time, the UK authorities will seek to use evidence already available to them (*such as records on taxes paid on wages*) to reduce the evidence applicants will need to provide.



In other words, applicants will only have to provide the minimum evidence necessary to show that they qualify for the new UK residence status (*for a worker this means a passport or identity card, proof that he or she has worked in the UK for five years in the past and proof that he or she continues to reside in the UK*), declare unspent criminal convictions which appear in your criminal record in the state of conviction and nothing else.

I believe that the UK administrative immigration procedures are too cumbersome. Will there be some rules or safeguards to help me with the application?

The UK authorities will work with applicants for the new UK residence status to help them prove their eligibility for it and to avoid any errors or omissions that may impact on the decision on the application. The UK authorities will give applicants the opportunity to furnish supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place. A principle of evidential flexibility will apply, enabling the UK authorities to exercise discretion in favour of the applicant where appropriate.

The UK authorities will work with the applicants to help them prove their eligibility for the new UK residence status. Disadvantaged applicants will be able to rely on assistance services of the sort that currently operate in the UK, for example in local libraries.

Since I travel a lot I really do not want to submit my original passport with my application for the new UK residence status and be without it. What can I do?

While the Withdrawal Agreement guarantees that many supporting documents can be submitted in copies, national authorities will still be able to require presentation of a valid passport or identity card with the application. However, where the IDs are usually retained while the application is pending, you are entitled to request return of your ID before the decision on the application is taken.

Can I submit copies – and not originals – of supporting documents?

Yes. Supporting documents other than passports or identity cards can be presented in copies. National authorities can require, in specific cases, that certain documents can be provided as originals where there is reasonable doubt as to their authenticity.



Some immigration applications are very costly in the UK. How much will the UK authorities charge EU citizens and their family members applying for a new residence status after the end of the transition period?

The new UK residence status will be issued free of charge (*for those relying on a valid permanent residence document issued under [EU free movement law](#) before the end of the transition period*) or for a charge not exceeding that imposed on nationals for the issuing of similar documents. The UK has announced that it will charge a fee of £65 to applicants for settled status who are 16 or over. Applicants under 16 will be charged £32.50. (<https://www.gov.uk/settled-status-eu-citizens-families>).

I am married and we have three children. Will our applications be decided separately or together?

The Withdrawal Agreement guarantees that applications made by families at the same time will be considered together.

I have heard that the UK would issue residence documents under the Withdrawal Agreement in a digital form. Ummm?

Residence documents under the Withdrawal Agreement may be issued as a physical document (*for example, as a plastic card with security features*) or in a digital form. The digital document will be based on a record kept in a digital database operated by the UK authorities.

Today, EU citizens can appeal against decisions of the UK authorities. Will this right be protected after the end of the transition period as well?

Yes, this right is fully replicated in the Withdrawal Agreement.

What will happen to those EU citizens whose applications for a new residence status are refused by the UK authorities? Will they be able to stay while their appeal is pending?

EU citizens whose applications for a new UK residence status after the end of the transition period are refused will be able to seek judicial redress against the refusal. They will keep their right of residence until the decision – *or appeal* – becomes final. As is currently the case under [EU free movement law](#), the UK authorities will in exceptional cases (*such as when the decision is based on imperative grounds of public security*) be able to remove rejected applicants even before a final judgment has been handed down, but they must not prevent the individual from



submitting his defence in person except in exceptional circumstances when the person's presence in the UK may cause serious troubles to public policy or public security.

Will I have to wait until the end of the transition period to apply for a new residence status in the UK?

No. You will be able to apply for a new residence status and a document evidencing it even before the end of the transition period. The UK authorities expect that a voluntary application scheme will open before 29 March 2019. You will be able to apply and get your application processed in accordance with all the safeguards of the Withdrawal Agreement.

What is the difference between the voluntary scheme and the mandatory scheme?

The mandatory scheme will formally kick in only after the end of the transition period when obtaining the new residence status will be a precondition for the right to reside under the Withdrawal Agreement. EU citizens and their family members who arrive before the end of the transition period will have six months after the end of the transition period to apply for the new residence status.

The voluntary scheme will be available even before Brexit. EU citizens and their family members will be able to be granted with the new residence status, but it won't interfere with your free movement rights during the transition period.

What happens if my application under the voluntary scheme is granted?

While – *technically speaking* – the decision to grant your application will have no legal effect under the Withdrawal Agreement until the end of the transition period (*think of it as a deferred decision taken in 2019 that guarantees that you will have rights as of 2021*), you will get the legal certainty that once the end of the transition period comes, you will have a new residence status in the UK. During the transition period, the UK authorities will only be able to withdraw your deferred residence status on public order grounds.

What happens if my application under the voluntary scheme is refused?

You will still be able to remain in the UK until the end of the transition period as long as you meet the conditions of [the Free Movement Directive](#). You will be able to apply again under the voluntary scheme until the end of the transition period or even during the six month period after the end of the transition period.

Can I appeal against the refusal of my application made under the voluntary scheme?

Yes, all redress procedures will be available.



I am a British national residing in an EU Member State. Which administrative procedure will I need to follow?

This will depend on the Member State where you are residing. Some Member States will apply a "constitutive" system similar to that applied by the UK: that is, the persons concerned will need to submit an application for a new residence status under the Withdrawal Agreement as a condition for legal residence. Other Member States will apply a "declaratory" system, similar to the existing situation under [the Free Movement Directive](#): that is, there will be no obligation to apply for a new residence status as a condition for legal residence under the Withdrawal Agreement.

You are advised to contact the authorities of the Member State where you are residing for details on the relevant procedure.



8. Professional qualifications

- *Professional qualifications under current EU law*

What are professional qualifications?

Professional qualifications are specific qualification requirements that a person needs to possess by law in order to access or pursue a regulated profession or to engage in regulated activities in a given country.

Qualification requirements vary between professions. They may also vary for the same profession or activities between countries.

Professional qualifications may be particular studies, trainings and/or professional experience. They may be evidenced through, for instance, relevant diplomas, certificates as well as attestations of competence and/or professional experience.

What happens today to qualifications recognised in one Member State if you settle in another Member State?

EU citizens have the right to pursue a regulated profession, on an employed or self-employed basis, in a Member State other than the one in which they obtained their qualification.

Professionals (*for example, physiotherapists*), who have been trained and obtained their qualifications in one Member State and who decide to move and work in another Member State which regulates access to and pursuit of this profession would have to obtain in that second Member State the recognition of their qualifications before being able to work there.

Under the EU regime Member States regulating particular professions are obliged to consider, under strict conditions, the qualifications obtained in other Member States with a view to granting recognition and allowing access to their profession.

In a few professions (*doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects*) there is an automatic recognition system based on common minimum training conditions. In addition, a number of professions mainly in the craft, industry and trade sectors may benefit from automatic recognition based on experience, if certain conditions are met.

For other professions, the receiving Member State may impose compensation measures on the incoming professional, on condition that there are objectively substantial differences between the professional's qualifications and the qualifications required in the receiving Member State.



The Member State where recognition is sought must issue a relevant decision within strict deadlines. Such decisions are subject to appeal under national law, they cannot be arbitrary and have to be fully compliant with EU law.

Finally, some specific rules may be applicable to professions covered by the Withdrawal Agreement, such as lawyers.

This EU regime does not apply to recognition applications made by non-EU nationals, unless specific arrangements provide for such assimilation, e.g. arrangements applicable to EEA and Swiss nationals.

Qualifications acquired by EU citizens in non-EU countries are only covered by the EU regime if they are assimilated to EU qualifications. This is done after three years of exercise in the Member State which first recognised them.

What happens today to qualifications recognised in one Member State if you provide a service temporarily or occasionally in another Member State?

For most professions, EU law only allows the Member State where the service is to be provided to request a prior declaration by the professionals concerned. The declaration may be submitted once a year (*or once every 18 months in the case of the European professional card*) and could be accompanied by a limited number of certificates.

No prior check of qualifications by the Member State where the service is to be provided is permitted, with the notable exception of professions involving risks of serious damage to the health or safety of the recipient of the services. Any such check should not go beyond what is necessary for this specific purpose.

In addition, for professions such as doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects etc., which are covered by the automatic recognition system, no prior check of qualifications may be imposed. Only a prior annual declaration can be required.

- *Professional qualifications under the Withdrawal Agreement*

Will the UK's withdrawal from the EU affect this situation?

UK nationals will no longer be EU citizens and UK qualifications will no longer be EU qualifications.

The EU legal regime explained above will no longer be applicable to the affected persons and it will no longer apply in the UK.



All issues linked to the recognition of their qualifications and the possibility to provide professional services in any EU Member State or the UK will be dealt with under national rules and conditions without the benefit of the rights provided by EU law.

What does the Withdrawal Agreement do?

The main purpose of the Withdrawal Agreement is for EU citizens and UK nationals lawfully residing in a host State at the end of the transition period and having previously obtained the recognition of their qualifications in that State under a specific list of EU instruments that they should not be affected by Brexit as regards the validity of the recognition of their qualifications and their licence to practice there.

The same would be necessary for professionals who, at the end of the transition period, are frontier workers and may have obtained recognition of their qualifications and a licence to practice in the State in which they are frontier workers.

The Withdrawal Agreement also covers pending applications for recognition made by those persons.

The Withdrawal Agreement does not guarantee UK professionals established in any EU Member State the right to rely on EU law in order to obtain additional recognitions of their qualifications after the end of the transition period, be it at their Member State of residence or in any other EU Member State, or to provide temporary or occasional services in any of them.

The Withdrawal Agreement does not grandfather the validity in the rest of the EU of licences delivered by UK authorities in some sectors, in particular the transport sector, which have pan-European value within the internal market, or the validity in the UK of such types of licences delivered by authorities of the EU Member States.

I am a British architect living and working in Estonia. Will I be able to continue to practise my profession?

Yes. If you have had a professional qualification recognised in the country where you currently reside or, for frontier workers, where you work, you will be able to continue to rely on the recognition decision there for the purpose of carrying out your professional activities.

The same would apply to an Estonian architect living and working in the UK.



I am a British physiotherapist living in Belgium and working as physiotherapist in Luxembourg where I have my qualifications recognised. Will I be able to benefit from EU law and continue providing my services as a frontier worker in Luxembourg?

Yes. If you have had a professional qualification recognised in the country where you currently reside or, for frontier workers, where you work, you will be able to continue to rely on the recognition decision there for the purpose of carrying out your professional activities.

The same would apply to a Belgian physiotherapist living in Ireland and working as a physiotherapist in the UK, where she/he has her/his qualifications recognised.

I am a British veterinary surgeon living and working as such in Belgium. Will I be able to benefit from EU law and continue providing temporary or occasional services in other EU Member States after the end of the transition period?

No. You will not be able to rely on EU law to provide, or continue providing, such services.

The possibility to provide such services and particular conditions for doing so will be determined by the law and policies of the EU Member State concerned.

I am an Irish national. I have applied for recognition of my qualifications in the UK. What will happen if I do not receive a decision before the end of the transition period?

If you have applied for recognition, before the end of the transition period, in the country where you currently reside or, for frontier workers, where you work, the procedure for the recognition of those qualifications should be completed under the EU rules applicable before the end of the transition period. This should guarantee the smooth completion of the procedure and a positive outcome, so long as your request was justified.

The same would apply to a UK national who has applied for recognition of her/his qualifications in an EU Member State.

I am an English solicitor resident in Belgium and registered with the Brussels Bar before the end of the transition period. What will be my situation after the end of the transition period?

Your situation will depend on the type of registration you have.

If you are currently registered as an EU lawyer, i.e. under your home (*England and Wales, Scotland or Northern Ireland*) title, you will no longer be able to rely on EU law to provide



services in the EU, including Belgium. Your situation will depend on the rules Member States apply in relation to establishment and services provided by non-EU lawyers in their territories.

If, on the contrary, you are registered as a Belgian lawyer (*either having obtained recognition of your qualifications in Belgium under either the Professional Qualifications Directive or the specific rules in the Lawyers Establishment Directive*) and you reside in Belgium or work as a frontier worker there at the end of the transition period, your registration, membership and practice rights will be guaranteed in Belgium. Nonetheless, you will no longer be able to rely on the above Directives as regards your presence and provision of services in another EU Member State.

The same result would apply to a Belgian lawyer in the UK.

I am a Finnish citizen and I reside in Finland. I am currently following a course in a local institution which has a franchise agreement with a UK university. Upon completion of my studies I will obtain a UK diploma. What will be the status of my qualifications if my diploma is obtained after the end of the transition period?

To the extent that your diploma will be issued by a UK institution (*a UK university or a UK professional institute*), your qualification will be a non-EU qualification and will not benefit from the EU recognition regime.

The conditions for a possible recognition of your qualifications will depend on the national law of the EU Member State where you will seek recognition, whether Finland, in this case, or another EU Member State where the EU citizen would move.



9. Social security

I am Spanish and I work in the United Kingdom. What will happen to my social security cover after the end of the transition period?

When it comes to social security rules, the objective of the Withdrawal Agreement is to ensure that everything will be as now. [The current EU rules](#) will continue to apply. This means, for example, that:

- the United Kingdom will continue to be competent for your **social security benefits** – you pay contributions in the UK and are entitled to UK benefits without any discrimination;
- you have **access to healthcare in the UK** under the same conditions as United Kingdom nationals;
- **if you go on holidays in the European Union**, you will be able to use your British European Health Insurance Card;
- **if your children reside in Spain** and you are entitled to UK family benefits, you will continue to receive them without any reduction, as if the children resided with you in the United Kingdom (see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en> for more details);
- **if you have children after the end of the transition period** and you are entitled to family benefits under the United Kingdom legislation, you will receive the benefits even if the children would reside in, for instance, Spain (for more details see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en>);
- **if you become unemployed** after the end of the transition period, you will be entitled to UK unemployment benefits and you will be able to export these benefits for the period of time permitted, to search for a job in a EU Member State (see <http://ec.europa.eu/social/main.jsp?catId=862&langId=en> for more details);
- **when you retire** after the end of the transition period, you will be entitled to a UK pension under the conditions provided in national legislation:
 - if you do not have enough periods of insurance in order to be entitled to a UK pension, the United Kingdom will take into consideration the periods you completed in other EU Member States to the extent necessary;
 - if you decide to go back to Spain:
 - you will continue to receive the UK pension without any reduction;
 - your UK pension will continue to be updated;



- the responsibility for paying for your healthcare cover will be determined depending on the other pensions you receive and your residence;

For more details, see <http://ec.europa.eu/social/main.jsp?catId=860&langId=en>;

- **if your survivors are entitled to UK survivors' benefits**, they will be able to ask and receive these benefits without any reduction even if they reside in Spain.

For how long will I continue to be protected by the Withdrawal Agreement?

You will be protected for as long as you remain without interruption in a situation linked to the United Kingdom and any Member State.

For example: as a Polish citizen, residing in the United Kingdom and working there for a British employer at the end of the transition period, you will continue to be covered by the Withdrawal Agreement if a 'cross-border link' still exists.

This 'cross-border link' between the UK and an EU Member State exists for as long as you continue residing in the United Kingdom and working there for a British employer.

It can also continue to exist when your situation changes – you will be protected provided that you continue to have a 'cross-border link' with the United Kingdom. So, you will still be covered if, for example:

- you continue working for the British employer and take an additional job in Ireland;
- you continue working for the British employer, but move your residence to Ireland;
- you cease to work for the British employer and start to work in Ireland, while continuing to reside in the United Kingdom;
- your employment contract ends and you conclude another one with an Irish employer – but the work continues to be performed in the United Kingdom;
- you become unemployed without receiving unemployment benefits and continue to reside in the United Kingdom;
- you become unemployed, receive unemployment benefits and export these benefits to Poland trying to search for a job there for the period of time permitted (see <http://ec.europa.eu/social/main.jsp?catId=862&langId=en> for details);
- after having searched unsuccessfully for work in Poland, you come back to the United Kingdom and continue to search for a job there;



- when your employment contract ends and you become inactive while waiting to reach the retirement age and continuing to reside in the United Kingdom;
- you retire in the United Kingdom or return to your home country;

However, you will no longer be covered by the full social security coordination rules if your employment contract ends and you change your residence to Poland (*or any other Member State*). In that case, the Withdrawal Agreement makes sure that your past periods of insurance are not lost. When you fulfil the conditions under national legislation (for instance, you reach the retirement age), you will be able to claim the benefits based on these periods.

Please note that if you have acquired a permanent right of residence in the United Kingdom before moving back to Poland (or any other Member State) and you return to the United Kingdom before that right is lost, you will, nevertheless, still benefit there from the full social security protection provided by the Withdrawal Agreement.

I am a French citizen, residing in France and working in the United Kingdom. Will I still be covered by the social security coordination rules after the transition period?

Yes, for as long as you continue to be in a situation linked to the United Kingdom (*for more details see the answer to the first question on social security*).

The United Kingdom will continue to be competent for your social security cover, meaning for example:

- you have to pay UK **social security** contributions and you are entitled to UK benefits without any discrimination;
- you have **access to healthcare cover** in France, where you reside, at the expense of the United Kingdom;
- **if you go on holidays in the European Union**, you will be able to use your British European Health Insurance Card;
- **if your children reside in France** and you are entitled to family benefits, you will continue to receive them without any reduction, as if the children resided with you in the United Kingdom (see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en> for more details);
- **if you have children after the end of the transition period**, and you are entitled to family benefits under the United Kingdom legislation, you will receive them even if the children would reside in France; for more details on the rules applicable (see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en> for more details);



- **if you become unemployed** after the end of the transition period, you will be protected by the social security coordination rules (*for more details see <http://ec.europa.eu/social/main.jsp?catId=862&langId=en>*);
- **when you retire** after the end of the transition period, you will be entitled to a United Kingdom pension under the conditions provided in UK national legislation:
 - if you do not have enough periods of insurance in order to be entitled to a pension in the United Kingdom, the United Kingdom will take into consideration the periods you completed in other EU Member States to the extent necessary;
 - you will receive the UK pension without any reduction even if you reside in France;
 - your UK pension will continue to be updated;
 - the responsibility for paying for your healthcare cover will be determined depending on the other pensions you receive and your residence;

For details, see <http://ec.europa.eu/social/main.jsp?catId=860&langId=en>;

- **if your survivors are entitled to UK survivors' benefits**, they will be able to ask and receive these benefits without any reduction even if they reside in France.

I am a Bulgarian citizen, residing in Bulgaria and working both in Bulgaria and in the United Kingdom. Will I still be covered by the social security coordination rules after the transition period?

Yes, for as long as you continue to be in a situation linked to the United Kingdom (*for more details see answer to the first question on social security*).

You will continue to be subject to only one social security legislation at a time. This legislation will be determined depending on the work you perform and your residence (*for more details see <http://ec.europa.eu/social/main.jsp?catId=851&langId=en>*).

I am an Italian citizen, working as an Italian civil servant in the United Kingdom. Will I still be covered by the social security coordination rules after the transition period?

Yes, for as long as you continue to be in a situation linked to the United Kingdom (*for more details see answer to the first question on social security*).

Italy will continue to be competent for your social security cover, with all the consequences deriving therein (see <http://ec.europa.eu/social/main.jsp?catId=851&langId=en> for more details).



I am a Czech citizen, working and residing in Czech Republic. I am on holidays in the United Kingdom at the end of the transition period. Will I still be covered by the European Health Insurance Card?

Yes, for your whole holiday period. You may use your European Health Insurance Card in the United Kingdom both if you already receive the healthcare cover necessary during your holiday but also even if the need for healthcare service appears after the end of the transition period.

I am a British citizen, working and residing in the United Kingdom. I am on holidays in Italy at the end of the transition period. Will I still be covered by the European Health Insurance Card?

Yes, for your whole holiday period, but only in Italy. You may use your UK European Health Insurance Card in Italy both if you already receive the healthcare cover necessary during your holiday but also even if the need for a healthcare service appears after the end of the transition period. However, if you continue your holiday to another Member State, you will no longer be allowed to use your European Health Insurance Card.

I am a Maltese citizen, working and residing in Malta. I plan to go on holidays in the United Kingdom after the end of the transition period. Can I use my European Health Insurance Card?

No. The Withdrawal Agreement does not provide for the use of the European Health Insurance Card for future holidays in the United Kingdom.

I am an Italian citizen, studying in the United Kingdom for three years. Can I use my European Health Insurance Card even if my period of studies goes beyond the end of the transition period?

Yes, you will continue to use your European Health Insurance Card for as long as your stay in the United Kingdom is not interrupted. Temporary visits to Italy (such as holidays) do not interrupt your stay as a student in the United Kingdom.

I am a Croatian citizen, working and residing in Croatia. I began a course in special healthcare treatment in the United Kingdom before the end of the transition period. Will I be entitled to continue receiving my treatment after the end of the transition period?

Yes. The Withdrawal Agreement ensures that persons who already started the course of planned healthcare treatment in the United Kingdom before the end of the transition period will continue to be entitled to follow the treatment.



I am British and I work in Spain. I will soon reach my retirement age. What will happen with my UK and Spanish pension rights after the end of the transition period?

Nothing will happen to your UK and Spanish pension and everything will be as now. You will be entitled to your pension under the conditions provided in national legislation. The amount will be calculated according to the same rules and, depending on the situation, EU rules, and you can even have them exported and uprated to another EU state should you decide to settle elsewhere.

I have retired and now receive a pension from both the UK and Slovenia, where I used to work before. Will something happen to my pension after the end of the transition period?

Nothing will happen to your pension. You will continue receiving a pension both from the UK and Slovenia as you were before.

In the past, I worked for 12 years in the UK. I have moved and now work in Austria. Once I retire (around 2035), what will happen with the periods of work – and insurance – in the UK and Austria?

Your periods of work will still count and once you retire, you will receive your UK pension (*or, rather, its part corresponding to the 12 years of employment*) and your Austrian pension (*the part corresponding to the number of years you have worked in Austria*) under the same conditions that apply currently in the EU.

I worked all my life in the UK and have now retired in France. I am worried that my UK pension will no longer be uprated after the end of the transition period.

The Withdrawal Agreement makes it clear that all social security benefits, such as old age pension, will continue to be uprated in accordance with national rules.

Should I decide to leave the UK in the future, will I be able to take my social security benefits with me?

If you are protected by the Withdrawal Agreement, all relevant social security benefits will continue to be exportable both to EU states and the UK, under the same conditions as under the [current EU rules](#).



After working all my life in Belgium, I have retired to live in the UK. Today, I am able to get healthcare in a local hospital without any hassle. Will this change?

There will be no change after the end of the transition period. Belgium will continue to reimburse the costs of your future healthcare, as it does today.



10. Useful links

This document makes a number of references to EU law. You can find more details and download consolidated versions of EU law in English at these websites:

Withdrawal Agreement

https://ec.europa.eu/commission/files/draft-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community-agreed-negotiators-level-14-november-2018_en

EU Treaties

The Treaty on the Functioning of the European Union

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

Current EU rules on residence formalities for EU citizens and their family members

<https://europa.eu/youreurope/citizens/residence>

Directive 2004/38/EC ('the Free Movement Directive')

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1523871765223&uri=CELEX:02004L0038-20110616>

Regulation (EU) No 492/2011

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011R0492-20180513>

Current EU rules on freedom of movement for professionals

https://europa.eu/youreurope/citizens/work/professional-qualifications/index_en.htm

https://ec.europa.eu/growth/single-market/services/free-movement-professionals_en

Directive 2005/36/EC ('the Professional Qualifications Directive')

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1524471207123&uri=CELEX:02005L0036-20171201>

Current EU rules on co-ordination of social security schemes

<https://europa.eu/youreurope/citizens/health>

<https://europa.eu/youreurope/citizens/work>

<http://ec.europa.eu/social/main.jsp?langId=en&catId=849>

Regulation (EC) No 883/2004

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1523864958846&uri=CELEX:02004R0883-20170411>

Regulation (EC) No 987/2009



<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1523865037085&uri=CELEX:02009R0987-20180101>