



# THE RIGHTS OF UK NATIONALS LIVING IN THE EU IN THE EVENT OF “NO DEAL”

March 2019



## **I am a UK national living in an EU Member State. Will I still have the right to live in the EU after the UK withdraws from the EU?**

All EU Member States are preparing measures to ensure that UK nationals who are legally residing in their territories on the withdrawal date will continue to be considered as legally residing.

However, once the UK has left the EU, UK nationals will no longer be EU citizens and will become third country nationals. Therefore, you will in principle no longer be covered by EU free movement rules.

This means, for example, that even if you have acquired permanent residence in a Member State, this does not give you the right to move and live in another Member State.

Your residence rights as a third country national will be determined by national legislation and EU directives concerning legal immigration. (see also next question.)



## **What should I do as a UK national if I want to continue living in the EU?**

All Member States should be ready to issue residence permits as evidence of your right to stay in that Member State and your right to work. These permits may be temporary for an initial transition period, but should gradually be replaced by final permits in the uniform EU format. However, to receive such a residence permit you may have to take some administrative steps, depending on the approach chosen by the Member State where you live. Please check the constantly updated overview of specific Member States' measures on the European Commission's [Brexite preparedness website](https://ec.europa.eu/info/brexit/brexit-preparedness/residence-rights-uk-nationals-eu-member-states_en)<sup>1</sup>.

If you have already lived in a Member State legally and continuously for a period of five years or more and you fulfil the other relevant conditions, you may apply for the long-term resident status<sup>2</sup>. If you have lived in an EU Member State for less than five years, most Member States will count the periods of legal residence in that Member State towards the required five years. Some Member States may already accept applications for such residence permits before the withdrawal date.

<sup>1</sup> [https://ec.europa.eu/info/brexit/brexit-preparedness/residence-rights-uk-nationals-eu-member-states\\_en](https://ec.europa.eu/info/brexit/brexit-preparedness/residence-rights-uk-nationals-eu-member-states_en)

<sup>2</sup> Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents. Note that this Directive does not apply in Ireland and Denmark.



## As a UK national, what will the status of my non-EU family members<sup>3</sup> living in an EU Member State be?

Your non-EU family members will no longer benefit from the rights they enjoyed under the EU free movement rules<sup>4</sup>. They will not be able to rely on EU free movement rights even if they have acquired permanent residence in accordance with the EU Free Movement Directive before the withdrawal date. Their status will be determined by national legislation and the EU rules on family reunification<sup>5</sup>.

### Checklist for UK nationals and their non-EU family members:

- If you have not already done so, you should **register with the national authorities<sup>6</sup>** of the Member State where you live and obtain a registration certificate (for UK nationals, where applicable) or a residence card (for third country family members).
- **Inform yourself about the measures your Member State of residence** is putting in place **to ensure the continued residence rights of legally residing UK nationals** (and their family members) and about the timetable for their implementation. You can find an overview of ongoing preparations by EU Member States on the European Commission's [Brexit preparedness website<sup>7</sup>](#). For more information, contact the relevant national authorities of your Member State of residence.
- **Obtain the residence documents** as soon as these become available from the relevant national authorities. It is important to have these documents with you when travelling abroad.



## As a UK national, what will my rights as regards work and social security be in an EU Member State?

In the event of a “no deal”, you and your family members will no longer benefit from the rights you enjoyed under the EU free movement rules, when the UK was an EU Member State. Your situation will be governed by EU rules on third country nationals and national rules in the EU Member State concerned. While the situation will vary across Member States, many Member States are preparing to grant, for a certain period, a preferential status to UK nationals under national legislation. Where this is not the case, you will need to fulfil the specific conditions laid down by EU law and national law concerning third country nationals in order to continue to live and work in an EU Member State. Your social security rights may also change.

You will find more information on EU and national legal migration rules applicable to third country nationals in EU Member States on the [European Commission Website<sup>8</sup>](#) and on the [EU Immigration Portal<sup>9</sup>](#).

As a UK national in the EU, you are advised to:

- seek information about rules and procedures to continue living and working there from the authorities of the Member State where you live;

<sup>3</sup> Family members who are either UK nationals or who have the nationality of another third country.

<sup>4</sup> In one situation, non-EU family members of UK nationals can retain their right of residence in their host Member State under EU free movement rules after the withdrawal date: if their right of residence has been dissociated from the right of the UK national (then EU citizen) before the withdrawal date and is now an independent right to reside. This is possible in the event of the death of the UK national family member or in the case of divorce.

<sup>5</sup> Council Directive 2003/86/EC on the right to family reunification.

<sup>6</sup> [https://europa.eu/youreurope/citizens/national-contact-points/index\\_en.htm?topic=living-abroad](https://europa.eu/youreurope/citizens/national-contact-points/index_en.htm?topic=living-abroad)

<sup>7</sup> [https://ec.europa.eu/info/brexit/brexit-preparedness/residence-rights-uk-nationals-eu-member-states\\_en](https://ec.europa.eu/info/brexit/brexit-preparedness/residence-rights-uk-nationals-eu-member-states_en)

<sup>8</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration_en)

<sup>9</sup> <https://ec.europa.eu/immigration>

- obtain proof of the periods of work, residence, study and tax contributions in the Member State where you live;
- immediately apply for either temporary or permanent immigration status under national immigration rules.

For more information, please consult the [Questions and Answers on the consequences of the United Kingdom leaving the European Union without a ratified Withdrawal Agreement](#)<sup>10</sup>.



## What status will I have if I am both a UK national and a national of an EU Member State?

If you have a dual UK/EU Member State nationality, you will remain an EU citizen based on your nationality of an EU Member State. You will fully retain your right to move and stay freely under EU free movement rules.

*Example:* If you are a dual UK/Spanish national studying in France, you will continue to enjoy after the withdrawal date your right to live in France and study there under EU free movement rules because you are still an EU citizen.



## What status will I have as a UK national living in an EU Member State as a family member of an EU citizen?

That depends on whether the EU citizen of whom you are a family member (e.g. your spouse) resides in a Member State of which he or she is a national.

An EU citizen residing in a Member State other than that of which he or she is a national is a “mobile EU citizen”. If you are a family member of a “mobile EU citizen”, you will enjoy rights under EU free movement rules, which are derived from the rights of the mobile EU citizen<sup>11</sup>.

*Example:* A UK national is married to a Czech citizen. Both worked in Germany before the withdrawal date and enjoyed the right of residence under the EU Free Movement Directive in their own name. After the withdrawal date, the UK national can stay and continue working as any other non-EU family member of a mobile EU citizen.

This can, under certain circumstances, also apply in the Member State of which the EU citizen is a national, provided that the EU citizen has returned there from another Member State where he or she resided.

However, if you are a family member of an EU citizen who is a national of the Member State in which you live and who has never exercised free movement rights (i.e. a non-mobile EU citizen), then you will not enjoy rights under EU free movement rules. Your rights will be determined by EU and national immigration laws.

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<sup>10</sup> [https://ec.europa.eu/info/sites/info/files/contingency-qanda\\_en.pdf](https://ec.europa.eu/info/sites/info/files/contingency-qanda_en.pdf)

<sup>11</sup> The family relationship with the UK national must have already been established when the EU citizen was living in another Member State.



## **As a UK national living in an EU Member State, will I still be able to vote and stand as a candidate in local elections?**

As of the withdrawal date, you will no longer have voting rights in local elections in the Member State where you live based on EU law.

It is up to each EU Member State to determine whether and under what conditions you may participate in local elections as a third country national. The Member State where you live may thus decide to grant you electoral rights as to any other third country national or based on reciprocity. You should check in the Member State where you live whether you enjoy voting rights in local elections.

If you have been elected for a specific local government function in the Member State where you live, you should verify with the competent authorities of that Member State whether you are entitled to continue to serve until the end of the mandate on the basis of the national law of that Member State.

UK nationals who have been elected for a specific local government function in their Member State of residence should verify with the competent authorities of their Member State whether they are entitled to continue to serve until the end of the mandate pursuant to the national law of that Member State.



## **As a UK national living in an EU Member State, will I still be able to vote and stand as a candidate in the European Parliament elections?**

As a UK national, you will no longer enjoy the right to vote or stand in European Parliament elections under EU law as of the withdrawal date, but as for local elections, you may maintain that right if so provided for in national law.

