

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



March 2019

In the case of ‘no deal’ after the withdrawal date, the rights of EU<sup>1</sup> citizens in the United Kingdom will be governed by UK law, which will need to be interpreted taking into account the UK’s obligations under the European Convention on Human Rights. Most of the information provided in this factsheet is based on announcements made by the United Kingdom.



## I am an EU citizen living in the UK. Will I still have the right to live in the UK after the UK withdrawal?

The UK Government has stated that it “wants to reassure EU citizens and their family members living in the UK that they are welcome to stay in the UK in the unlikely event of a ‘no deal’ scenario.”

See the UK Government’s [Policy paper on citizens’ rights in the event of a no deal Brexit](#)<sup>2</sup>.



## What should I do as an EU citizen if I want to continue living in the UK?

If you are an **EU citizen who arrived in the UK before the withdrawal date** and you intend to continue living in the UK after 31 December 2020, you will have to apply for a new UK immigration status, called Settled Status or pre-settled Status. You will have to apply for this new immigration status even if you had obtained permanent residence status before based on the applicable rules at the time. For more information on the new immigration status please check the [UK Government’s website](#)<sup>3</sup>.

If you are an **EU citizen arriving after the withdrawal date**, you will be admitted under UK immigration rules and will have to require permission to enter or remain in the UK. For more information, see the UK Government’s [Policy paper on Immigration from 30 March 2019 if there is no deal](#)<sup>4</sup>.

Please note that if you are an Irish citizen, you may not need to apply for that new immigration status, if you are covered by the Common Travel Area regime.

<sup>1</sup> In the context of this factsheet “EU” means the 27 EU Member States after the UK leaves the EU.

<sup>2</sup> <https://www.gov.uk/government/publications/policy-paper-on-citizens-rights-in-the-event-of-a-no-deal-brexite>

<sup>3</sup> <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

<sup>4</sup> <https://www.gov.uk/government/publications/eu-immigration-after-free-movement-ends-if-theres-no-deal/immigration-from-30-march-2019-if-there-is-no-deal>





## As an EU citizen, what will the status of my (non-UK) family members living in the UK be?

As an EU citizen, your family members (except for UK nationals) will face a cut-off point to join you in the UK. Close family members need to apply to join you by 29 March 2022. New spouses and civil partners (i.e. related as such after the withdrawal date) and other dependent relatives, must apply by 31 December 2020. If your family members do not apply by these dates, they will need to seek permission under the more restrictive UK immigration laws that will be in place at the time they apply.



## As an EU citizen, what will my rights as regards work and social security be?

As of the withdrawal date, your right to work will depend on UK law. You are advised to check with the relevant authorities in the UK what rights you will have, after the withdrawal date, to social security benefits such as sickness benefits, family benefits, pension, invalidity and unemployment benefits.

The [UK government has announced](#)<sup>5</sup> that EU citizens and their family members in the UK will continue to be able to live, work and access social security benefits in the UK broadly as they do now. The Commission expects the reassurances given to be formalised soon.

You are advised to:

- Check the conditions to continue working in the UK. You may need a work permit, for instance. If you are working in the UK and living in the EU, you may also need a specific document in order to enter the territory of the UK;
- Check the conditions for your family members to continue to live and work in the UK;
- Check the conditions for your children to continue their education in the UK;
- Check with the institution with which you are insured about your social security rights.

If you have worked, lived or been insured in the UK in the past, you are advised to:

- Obtain proof of these periods of work, residence or insurance from social security institutions in the UK, such as National Insurance;
- Immediately apply for either temporary or permanent immigration status under UK immigration rules.
  - > For additional information and assistance, please contact [Questions and Answers on the consequences of the UK leaving the EU in the event of no deal](#)<sup>6</sup>.
  - > For additional information and assistance, you should contact [your national embassy in the UK](#)<sup>7</sup>.



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

As an EU citizen who also has British citizenship you will be able to live in the UK based on your British nationality.

<sup>5</sup> <https://www.gov.uk/government/publications/policy-paper-on-citizens-rights-in-the-event-of-a-no-deal-brex-it>

<sup>6</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>7</sup> <https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>



## What status will I have as an EU citizen living in the UK and a close family member (i.e. spouse, children) of a UK national?

As an EU citizen who is also a family member of a UK citizen, you will have to apply for a new UK immigration status called “Settled Status” or “pre-settled Status” if you intend to continue living in the UK.



## As an EU citizen living in the UK, will I still be able to vote and stand as a candidate in local elections?

As of the withdrawal date, your right to vote or stand in local elections in the UK will depend on UK law.

The [UK Government has announced](#)<sup>8</sup> that EU citizens in the UK will continue to be able to vote and stand in England and Northern Ireland’s May 2019 local elections. The Scottish Parliament and Welsh Assembly are responsible for their own franchises. Any EU citizen elected to local government in these elections will be able to serve their full term.



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

As of the withdrawal date, as a mobile EU citizen who has registered to vote for European Parliament elections in the UK, you will need to register to vote for the electoral roll in your Member State of origin if you want to continue to vote in the European Parliament elections. Whether you will have the right to vote as a citizen living abroad depends on the national law of your Member State of origin.

As an EU citizen living in the UK, you should check in your Member State of origin if you are eligible to vote in the upcoming European Parliament elections, which take place between 23 and 26 May 2019. To help voters, the European Parliament has produced a set of [country factsheets](#), which provide an overview of voting conditions and national contacts points<sup>9</sup>.

As an EU citizen, you can only stand as candidate in the European Parliament elections if you live in an EU Member State. Therefore, following the UK’s withdrawal, as an EU citizen living in the UK, you will not be able to stand as candidate in European Parliament elections.

For more information on whether and how you can vote from the UK in your Member State of origin, see [‘How to vote abroad’](#)<sup>10</sup>.

<sup>8</sup> <https://www.gov.uk/government/publications/policy-paper-on-citizens-rights-in-the-event-of-a-no-deal-brexite>

<sup>9</sup> [http://www.europarl.europa.eu/unitedkingdom/en/your-meps/european\\_elections.html#shadowbox/1/](http://www.europarl.europa.eu/unitedkingdom/en/your-meps/european_elections.html#shadowbox/1/)

<sup>10</sup> <https://www.european-elections.eu/how-to-vote/from-abroad>



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