

Plans for EU Citizens after Brexit

In the know

From the outset, control over the UK's borders would always be a pivotal factor in the EU Exit. The UK Government's negotiations with the EU on this point are likely to be complicated and sensitive while the Prime Minister attempts to balance the wishes of the UK public with the need for continuing trade agreements with the EU. Here's what we know so far.

New immigration system for new entrant

- We know there will be a new immigration system in place for EU citizens who want to come to the UK after Brexit. We also know that the Government does not now intend to release those plans until shortly before the Exit takes place;
- It has been confirmed that freedom of movement for EU citizens will end on the day of the Exit but the format of any authorisation process will not be known until the Government's whitepaper is released;
- A draft of the document, leaked earlier this year, indicated that lower skilled migrants would be granted residency for a maximum of two years, with higher skilled migrants being granted up to five years.

What about EU Citizens already in the UK?

The Government document "Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the EU" sets out the following plans:

- Until the UK's Exit, EU citizens resident in the UK will continue to enjoy the rights they have under EU Treaties;
 - Qualifying EU citizens will have to apply for their residence status via a modernised system which will be kept as simple and smooth as possible;
 - All qualifying EU citizens will be given adequate time to apply for their new residence status after the Exit;
- Qualifying individuals are guaranteed "settled status" (indefinite leave to remain). They will be free to reside in any capacity, undertake any lawful activity, access public funds and services and apply for British Citizenship;
 - To qualify, the EU citizen must have five years' continuous residence by a cut-off date (date to be negotiated) and still be living in the UK;
 - Those living in the UK who do not have five years' continuous residence by the cut-off date will be able to apply for temporary status until they have reached the five year mark, after which they can apply for settled status;
 - Those who arrive after the cut-off date will be allowed to remain in the UK for at least a temporary period and may become eligible to settle permanently depending on their circumstances but should not expect that they will achieve guaranteed settled status;
 - EU citizens will be granted a two year grace period after the Exit to obtain their authorisation;
 - Those without the authorisation at the end of the grace period will not be entitled to remain in the UK.

The content of this briefing is correct at the time of publishing.

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