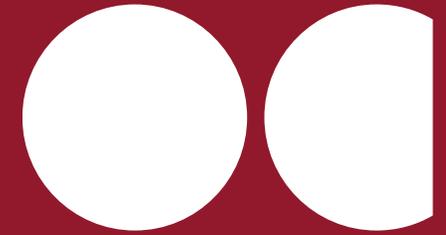


Brexit:

Rights of EU and British
Citizens in a Soft Deal and
Hard Deal Scenarios



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		Soft Deal	Hard Deal	Notes
ARRIVING PRE – 31 October 2019	Entering the UK	Free to live and work in the UK		<p>*A transition period of 21 months was previously agreed with the original 29 March 2019 deadline until end of 2020. It was also agreed for the chance to extend the transition period once, by mutual consent. The length of the extension is still to be finalised by negotiators.</p> <p>Any EEA national planning to move to the UK, would be wise to arrive on or before 31 October 2019 if possible so they can be sure of qualifying for the EU Settlement Scheme.</p>
	Transition Period*	1 November 2019 – 31 December 2020 (with the possibility of extension)	Unilateral transitional arrangements until 31 December 2020	
	After Transition Period (31 December 2020)	Those exercising right of residence in the UK by 31 Dec 2020 will be able to stay and apply for EU Settlement Scheme until June 2021.	Welcome to stay and have until 31 December 2020 to apply to the EU Settlement Scheme.	
EU Settlement Scheme 5 years' residence = settled status (indefinite leave to remain) Less than 5 years' residence = pre-settled status Trial period open to public 21 January 2019 if have access to an android phone, valid passport, NI number and UK address. £65 refundable fee.	Application availability period	Available for those arriving by 31 December 2020.	Available for those arriving on/or before 31 October 2019 but not after.	<p>Once received settled or pre-settled status, EU citizens will be able to continue to travel on national identity cards until 2025.</p> <p>Our recommendation to EU nationals who either have not exercised Treaty Rights for 5 years in the UK / do not have strong supporting evidence to show they have been exercising their Treaty Rights for 5 years / do not wish to apply or are not eligible for British citizenship, will find it more convenient to apply for pre-settled / settled status under the new scheme than under the current Citizens Directive EEA Regulations Scheme.</p>
	Application Deadline	30 June 2021	31 December 2020	
	Cost	Free	Free	
	Family members	Family members who live in a different country can join an EU citizen at any time in the future if the relationship existed before the end of the transition period and continues to exist at the time of the application.	Family members already resident in the UK by 31 October 2019 are welcome to stay and have until 31 December 2020 to apply to the EU Settlement Scheme. Family members not already in the UK by 31 October 2019 have until 31 October 2022 to join the EU national in the UK if the relationship existed before 31 October 2019. If the relationship is established after 31 October 2019, family members have until 31 December 2020 to join the EU national. EU nationals must be in the UK before 1 November 2019 for above scenarios.	

		Soft Deal	Hard Deal	Notes
	Unmarried Partners	There is no cut-off date for an unmarried partner to join the EU national in the UK provided they were in a durable partnership with the EU national by the end of the transition period and continue to be in one at the time of application.	An unmarried partner of the EU national can remain with the EU national provided they were residing in the UK with the EU national by 31 October 2019 with a valid residence card . Where the relationship between the unmarried partner and the EU national is established after 31 October 2019, the unmarried partner can join the EU national by 31 December 2020, if the EU national was in the UK before 1 November 2019.	
ARRIVING AFTER – 31 October 2019	Entering the UK	Those exercising right of residence in the UK by 31 Dec 2020 will be able to stay and apply for EU Settlement Scheme until June 2021.	Freedom of movement has ended. EEA nationals will be able to enter the UK on production of a valid EEA passport or identity card (if they have a biometric passport, they will be able to use e-gates as they do now) and they will automatically be granted leave to enter for three months . Will be able to bring non-EEA nationals who are their 'close family members' (meaning spouse or partner and dependent children under 18), who will need to apply in advance for a family permit.	DOES NOT APPLY TO IRISH CITIZENS
	Transition Period	1 November 2019 – 31 December 2020	1 November 2019 – 31 December 2020	
	Staying in the UK	Those exercising right of residence in the UK by 31 Dec 2020 will be able to stay and apply for EU Settlement Scheme until June 2021.	EEA nationals who want to stay for longer than three months will need to apply for European Temporary Leave to Remain (new status). Subject to criminality/security checks, EEA nationals will be granted leave to remain for 36 months with permission to work and study (this status cannot be extended) EEA nationals who want to stay beyond 36 months will need to apply under whatever Immigration System will be introduced from 1 January 2021.	

		Soft Deal	Hard Deal	Notes
UK Citizens Visiting EU Countries Post-Brexit	Visa's – UK citizens arriving into any Schengen country for a short stay will be granted visa-free travel for 90 days in any 180-day period.	Applies as of the end of the transition period (31 December 2020).	Applies as of 1 November 2019.	
	Driving and Insurance – Drivers may need an International Driving Permit (IDP) which are time limited. IDP's can be obtained over the counter from post offices and cost £5.50. Regarding insurance, in a hard deal scenario, drivers of UK-registered vehicles will need to get a Green Card from their insurer to prove they have insurance cover when driving abroad.			We advise travellers to check what arrangements are in place in the country they are visiting.
	Health Insurance – the European Health Insurance Card may not be valid anymore. The UK government says it is “seeking arrangements” with countries on healthcare arrangements for UK nationals after Brexit, but no agreements have been reached yet. Business visitors should take out separate travel insurance. Those with long-term health conditions should expect significant price rises.			
	Mobile Data – Surcharge-free roaming for mobile phones protections will no longer apply and mobile operators can increase their roaming charges. According to the UK government, 3, EE, O2 and Vodafone have said they have no current plans to do so, but business travellers should check with their mobile operators before travelling.			
Irish Citizens	Irish citizens will continue to have the right to enter and live in the UK, as now, under domestic Common Travel Area arrangements.			
EFTA Citizens	The Pre and Post 31 October 2019 arrangements described above will also apply to EFTA citizens (Switzerland, Norway, Iceland and Liechtenstein) arriving by 31 December 2020. EFTA nationals can be joined by family members who live outside the UK at any point in the future, provided the relationship existed by 31 December 2020.			
Employers Responsibility	Employers carrying out right to work checks will not have to distinguish between EEA nationals who arrived on or before 31 October 2019 and those who arrived afterwards (this also applies to third parties e.g. Landlords). A valid EEA passport or identity card will be enough to satisfy a right to work check. Once the new immigration system is introduced from 2021, employers and other third parties will need to check the status of EU nationals using the Home Office's Digital Status Checker from that year onwards, but not retrospectively.			
Frontier workers	Frontier Workers (EU citizens who reside in one state, and work in the UK) can enter the UK to work under current rules, if they started this work before the end of the transition period.			



Our Details:

London Office

10 John Street, London WC1N 2EB

Tel: +44 (0) 20 7067 4300

Fax: +44 (0) 20 7067 4301

Thames Valley Office

Herschel House, 58 Herschel Street, Slough SL1 1PG

Tel: +44 (0) 1753 551111

Fax: +44 (0) 1753 550544

Disclaimer: This note does not contain a full statement of the law and it does not constitute legal advice. Please contact us if you have any questions about the information set out above.

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