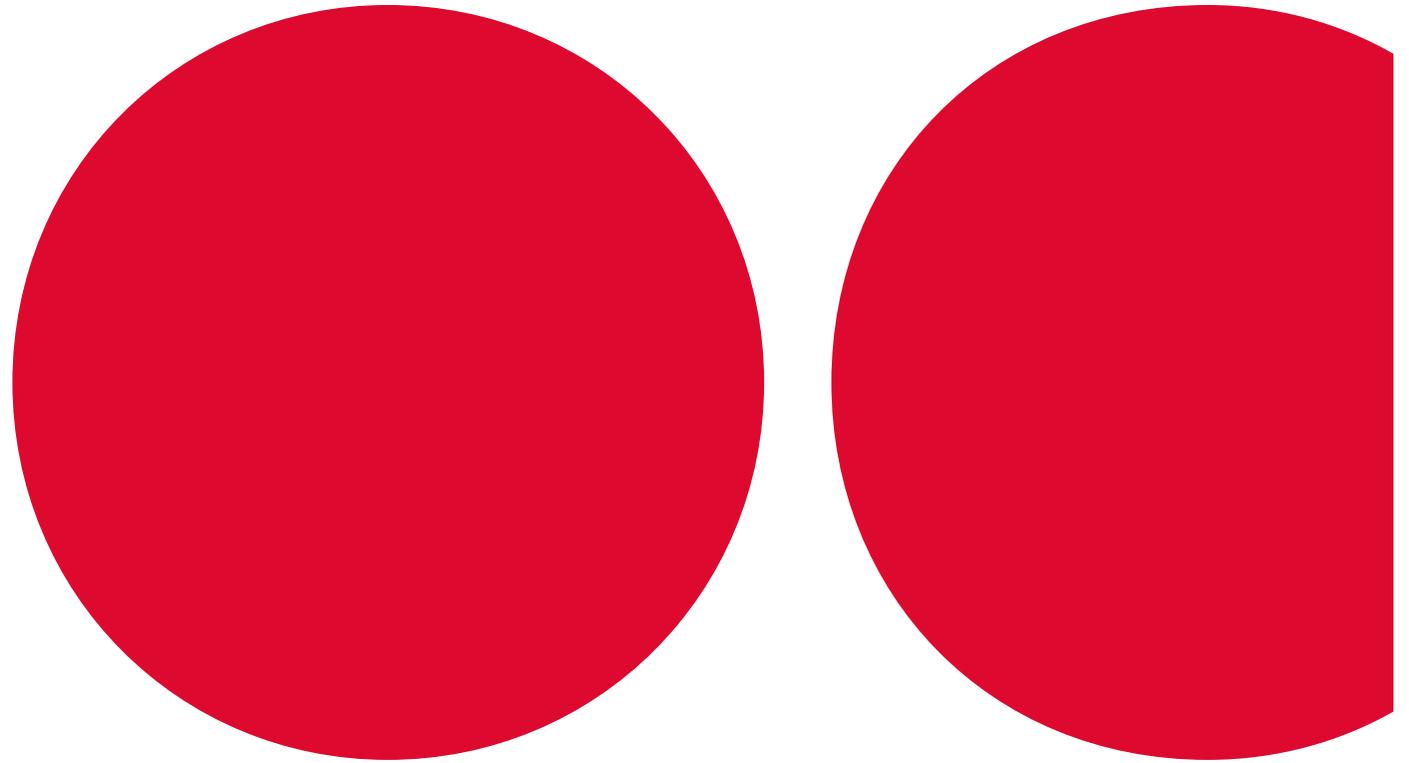


Brexit:

Rights of EU & British
Citizens Now the UK
Has Left the EU



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Introduction

The UK formally left the EU on 31 January 2020 and has now entered the Transition Period which lasts until 31 December 2020, while the UK and the EU negotiate additional arrangements. Given the current circumstances with the COVID-19 pandemic, there is a possibility that this will be extended. The current rules on trade, travel, and business for the UK and EU will continue to apply during the Transition Period.

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	Transition Period 31 January 2020 - 31 December 2020 (with the possibility of extension)	Post-Transition period (Deal or leave on terms of the Withdrawal Agreement) 1 January 2021 - the future	Notes
How will my rights to stay in the UK change in the coming months?	<p>EU citizens will be able to enjoy their EU free movement rights in the UK until 31 December 2020. The same will apply for UK nationals in the EU. *</p> <p>EU citizens arriving on or before 31 December 2020 will be able to remain after the Transition Period if they apply for EU Settlement Scheme, which will be open until 30 June 2021. **</p> <p>This is reciprocal to UK nationals in the EU, where any UK national must apply for residence status in the member state by the same deadlines. Please click here for country by country guidance.</p> <p>If you want to start a job or rent a flat in the UK and you are asked to prove your right to work or right to rent, it is enough to show your passport or national identity card in this period.</p>	<p>EU, EEA and Swiss citizens and other non-visa nationals will not require a visa to enter the UK when visiting the UK for up to 6 months. However, if someone began living in the UK before 31 December 2020 and has status under the EU Settlement Scheme, they will be able to use their national identity card to enter the UK until at least 31 December 2025.</p> <p>The UK is introducing a points-based immigration system from 1 January 2021 when freedom of movement with the EU has ended.</p> <p>The points-based system will treat EU and non-EU citizens equally and it aims to attract people who can contribute to the UK's economy.</p> <p>The new immigration routes will open from Autumn 2020 for applications to work, live and study in the UK from 1 January 2021. ***</p>	<p>* The period may be extended by 2 years if the UK requests an extension before 30th June 2020.</p> <p>** These rules also apply to other European Economic Area nationals (nationals of Norway, Iceland, and Liechtenstein) and Swiss nationals.</p> <p>*** Please see below for more information on the different visas and their requirements.</p>
UK Citizens Visiting EU Countries Post-Brexit	<p>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.</p>		
	<p>Driving and Insurance – During this transition period, UK citizens can continue to visit and drive in Europe. Negotiations between Westminster and Brussels will continue throughout 2020 to agree new, ongoing arrangements. It is important to note that nothing has been formally agreed until all sides have approved the plans.</p>		
	<p>Health Insurance – The UK is currently in a transition period until 31 December 2020, during which your European Health Insurance Card (EHIC) will remain valid. The EHIC may not be valid anymore after the transition period. 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.</p>		

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Mobile Data – Surcharge-free roaming for mobile phones protections will no longer apply and mobile operators can increase their roaming charges after the transition period. Three, EE, O2 and Vodafone have said they have no current plans to increase roaming charges, but it is advisable to check with your mobile operator before travelling.

Irish Citizens

Irish citizens' rights are unaffected by the new points-based immigration system. Irish citizens will continue to have the right to enter and live in the UK, as now, under domestic Common Travel Area arrangements.

Employers Responsibility

Employers carrying out right to work checks will not have to distinguish between EEA nationals who arrived on or before 31 January 2020 and those who arrived after (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. However, 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.

Frontier workers

Frontier Workers (EU citizens who reside in another 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.

EU Settlement Scheme

Pre-Settled Status

(Less than 5 years' residence in the UK)

Settled Status

(5 or more years' residence in the UK)

Notes

Application availability period

30 June 2021

30 June 2021

Cost of application?

Free

Free

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What is needed?	<ul style="list-style-type: none">• Started living in the UK by 31 December 2020.• Not lived in the UK for a continuous 5-year period (known as 'continuous residence')*	<ul style="list-style-type: none">• Started living in the UK by 31 December 2020• Lived in the UK for a continuous 5-year period (known as 'continuous residence')*	* Five years' continuous residence means that for 5 years in a row you have been in the UK, the Channel Islands or the Isle of Man for at least 6 months in any 12-month period. Please click here to see the exceptions.
How long can you stay for?	<p>You can stay in the UK for up to 5 years from the date you obtain pre-settled status.</p> <p>You can apply for settled status once you have 5 years' continuous residence. You must do this before your pre-settled status expires.</p>	Indefinite – You can stay in the UK for as long as you like if you obtain settled status. Subject to eligibility requirements, you may also apply for British citizenship.	
What are your rights?	<ul style="list-style-type: none">• Work in the UK• Use the NHS for free• Enrol in education or continue studying• Access public funds such as benefits and pensions.• Travel in and out of the UK		
What if you want to spend time out of the UK?	You can spend up to 2 years in a row outside the UK without losing your pre-settled status, however you will need to maintain continuous residence if you want to qualify for settled status.	You can spend up to 5 years in a row outside the UK without losing your settled status.*	* If you are a Swiss citizen, you and your family members can spend up to 4 years in a row outside the UK without losing your settled status.
Children?	Any children born in the UK to parents with pre-settled status will automatically be eligible for pre-settled status. They will only be a British citizen at birth if they qualify for it through a British parent or a parent with settled status.	Any children born in the UK to parents with settled status will automatically be British citizens.	

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EU Family members to the UK before 31 December 2020

Family members of EU citizens can join their family in the UK before 31 December 2020* and will need to apply through the EU settlement scheme once they are in the UK.

* Before 31 December 2025 for spouses and civil partners of Swiss citizens.

EU Family members to the UK after 31 December 2020

If you are a citizen of an EU country, Iceland, Liechtenstein, or Norway, you will be able to bring close family members to the UK after 31 December 2020*, if both of the following apply:

1. your relationship with them began before 31 December 2020; and
2. you are still in the relationship when they apply to join you.

“Close” Family Member means the EEA citizen’s spouse or civil partner, or related to them as their:

3. a child or grandchild under 21 years old, or dependent child or grandchild of any age; or
4. a dependent parent or grandparent.

* If you are a Swiss citizen, you will only be able to bring your spouse or civil partner to the UK until 31 December 2025.

EU Settlement Scheme family permit (for non-EEA nationals)

You can apply for an EU Settlement Scheme family permit to come to the UK if all the following apply:

1. you are from outside the European Economic Area (EEA);
2. you are the ‘close’ family member of an EEA or Swiss citizen (excluding UK nationals); and
3. the EEA citizen you are joining is in the UK already or travelling with you to the UK within 6 months of the date of your application.

The person you are joining must also either be:

4. an EEA or Swiss citizen with ‘settled’ or ‘pre-settled’ status under the EU Settlement Scheme;
 5. an Irish citizen; or
 6. a British citizen who also has EEA or Swiss citizenship and who lived in the UK as an EEA or Swiss citizen before getting British citizenship.
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New Points Based Immigration System Types of Visa Applications

Skilled workers

The points-based system will include a route for skilled workers who have a job offer from an approved employer sponsor.

From January 2021, the job offered will need to be at a required skill level of RQF3 or above (equivalent to A level), the applicant must speak English and the minimum general salary threshold will be reduced to £25,600.

Applicants who earn between £20,480 and £25,600 may still be able to apply by 'trading' points on specific characteristics against their salary. For example, if you have a job offer in a shortage occupation or have a PhD relevant to the job.

If you are an employer planning to sponsor skilled migrants from 2021, and are not currently an approved sponsor, you should consider getting approved now.

Global talent scheme

The global talent scheme will be opened to EU, EEA, and Swiss citizens. It will allow highly skilled scientists and researchers to come to the UK without a job offer.

Lower-skilled workers

There will not be an immigration route specifically for those who do not meet the skills or salary threshold for the skilled worker route.

The seasonal agricultural visa pilot scheme will be expanded, recognising the significant reliance this sector has on low-skilled temporary workers.

International students and graduates

Student visa routes will be opened to EU, EEA, and Swiss citizens. You will be able to apply for a visa to study in the UK if you:

1. have been offered a place on a course;
2. can speak, read, write, and understand English; and
3. have enough money to support yourself and pay for your course.

A new graduate immigration route will be available to international students who have completed a degree in the UK from summer 2021. You will be able to work, or look for work, in the UK at any skill level for up to 2 years.

Other visa routes

Short-term work visas in specific sectors (the current 'Tier 5') and investor, business development and talent visas (the current 'Global Talent') will be opened to EU citizens.

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.

Let us Introduce Ourselves



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