

Information sheets provide general information only, accurate as at the date of the information sheet. Law, policy and practice may change over time.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not do so.

The ILPA information service is funded by the Joseph Rowntree Charitable Trust.

An archive of information sheets is available at www.ilpa.org.uk/infoservice.html

Paul Erdunast, ILPA Legal and Parliamentary Officer paul.erdunast@ilpa.org.uk

Immigration Law Practitioners' Association www.ilpa.org.uk 020-7251 8383 (t) 020-7251 8384 (f)

4 January 2019

The impact of a no-deal Brexit on the immigration of EU nationals to the UK and the rights of UK nationals living in the EU

The information in this sheet is up-to-date as at 4/1/18 but is provisional and dependent on the Government's Brexit policy. Please check the ILPA website regularly for updates. This sheet will be updated when further information is available.

On 6 December 2018 the Government published a [policy paper](#) outlining their plans concerning in the case of a no-deal Brexit.¹ The main points in the paper are as follows.

Provisions pertaining to EU citizens resident in the UK by 29 March 2019 and their family members

- EU citizens will be able to work, study, access benefits and services in the UK on the same basis post-Brexit as before.
- The EU settlement scheme will continue to run under the same rules as in a 'deal' scenario, although it will only be open to those resident in the UK by 29 March 2019. Settled status, once gained, will operate the same way as in a 'deal' scenario.
- EU citizens will be able to continue to use their passport or national ID card as evidence of right to reside in the UK for the purposes of right to work and right to rent checks.
- The settled status scheme will end on 31 December 2020 without the six-month 'grace period' beyond this, which would exist under a deal.
- EU citizens would not get a right of appeal for refusals under the scheme, but merely administrative review and judicial review.

¹ For ILPA's response to the policy paper, please see our [briefing](#) published on 7 December 2018.

- The UK deportation threshold will apply to crimes committed after 29 March 2019, although the EU deportation threshold will apply to those committed before then.
- EU citizens with settled status can be joined by their non-extended family members by 29 March 2022, where the relationship existed by 29 March 2019 and still continues. Children born after 29 March 2019 may in any event join their parent in the UK. After 29 March 2022 the Immigration Rules will apply to such individuals.
- In the case of other dependent relatives and future spouses and partners where the relationship was established post-Brexit, they may join the relevant EU national with settled status until 31 December 2020, after which the Immigration Rules will apply to them.
- Frontier workers will be protected either by the settled status scheme or by a separate immigration status which, so far as ILPA understands, will be created to allow them to continue frontier working post-Brexit.
- EU citizens and their family members residing in the UK by 29 March 2019 will be entitled to healthcare, education, benefits and social housing, including supported housing and homelessness assistance on the same basis as now.
- EU citizens in the UK will be able to vote and stand in the May 2019 local elections, while any EU national elected will be able to serve their full term.

Provisions pertaining to UK nationals in the EU

- The UK has called other EU member states in the absence of a deal to set out details of how they will guarantee UK nationals' rights in a reciprocal manner to what is set out in the present document.
- UK nationals returning to the UK permanently will access the NHS and register to vote in local and national elections on the same basis as UK nationals currently living here, and they will be able to access education in the UK upon their return from the EU.
- Arrangements will be considered relating to bringing EU and non-EU family members back to the UK, access to benefits and housing.
- Arrangements will be made regarding continuity of payments for those in receipt of UK state pension or other UK benefits while living in the EU.
- Discussions are taking place as regards reciprocal healthcare and social security arrangements with other EU member states. The Government laid the Healthcare (International Arrangements) Bill in Parliament on 26 October 2018 in order to establish the legal basis to implement such arrangements.

Provisions pertaining to EFTA nationals in the UK and UK nationals in EFTA states

- EFTA nationals (Iceland, Liechtenstein, Norway and Switzerland) will be able to stay in the UK post-Brexit, as these states have reciprocally agreed to allow UK nationals to stay. EFTA nationals will be treated the same as EU citizens and be eligible for settlement under Appendix EU, so far as ILPA is aware.