

The rights of EU citizens in the UK after Brexit

In December, the UK Government reached preliminary agreement with the EU on a number of issues. In respect of EU citizens' rights the current position is as follows:

- The status of EU citizens changes on the 'specified date' when Britain leaves the EU, probably 29 March 2019
- At that point EU citizens with five years' continuous and lawful residence in the UK can qualify for 'settled status' and continue to live here
- EU citizens with less than five years' residence, who can prove they were resident before the specified date, can apply to stay in the UK with 'temporary status' until they build up five years' residence and then apply for settled status
- Applications for settled status will open later this year online. They are subject to criminal conviction and security checks and will attract a fee (free if the applicant already has permanent residence)
- People with settled status will lose it if they leave the UK for more than five years continuously
- The UK courts can refer issues arising from the Withdrawal Agreement to the Court of Justice of the European Union, but only for eight years after the specified date
- The right to equal treatment means those with settled status will retain benefits and entitlements they enjoyed before the specified date

These matters may be subject to change before the Withdrawal Agreement is signed. Other matters are still to be decided, including:

- Whether residents with settled status will be required to carry and produce ID cards
- What, if any, voting rights they will have in local and regional elections
- How far rights to family reunification will extend
- Whether migrants from the EU during the transition period (up to two years from the specified date) will have the right to apply for settled status

For further updates email me at andy@andyslaughter.com

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