



# Department for Exiting the European Union

**Citizens' Rights - EU citizens in the UK and UK  
nationals in the EU**  
Policy Paper



## Summary

1. The UK and EU have agreed a good deal for citizens. If approved by Parliament, the final Withdrawal Agreement will ensure our smooth and orderly departure from the EU on 29 March next year, including securing the rights of over three million EU citizens in the UK and around one million UK nationals in the EU, so they can carry on living their lives as before.
2. We have been clear that our first priority in negotiations has been to protect the rights of EU citizens living in the UK and of UK nationals living in the EU. We have reached an agreement with the EU that delivers on this commitment. The Government is clear that the reciprocal deal with the EU, as set out in the Withdrawal Agreement, is the only way to protect the rights of both UK nationals in the EU and EU citizens in the UK. The Withdrawal Agreement gives these citizens certainty that they can go on living their lives broadly as now. However, it is our duty as a responsible government to prepare for all eventualities, including 'no deal'.
3. The UK is already taking steps to implement the agreement reached. The Home Office published the details of the EU Settlement Scheme in a Statement of Intent on 21 June 2018, and has opened the scheme on a live trial basis. The scheme will be opened fully by 30 March next year. We will continue working closely with our EU partners to understand how they will uphold their commitments to protect the rights of UK nationals in the EU.
4. To remove any ambiguity about their future, the UK Government wants to reassure EU citizens and their family members living in the UK that they are welcome to stay in the UK in the unlikely event of a 'no deal' scenario. The Government is adopting an approach based on the Withdrawal Agreement. We have been clear: EU citizens are our friends, our neighbours, our colleagues, and we want them to stay.<sup>1</sup> EU citizens and their family members resident in the UK by 29 March 2019 will be able to stay and carry on with their lives broadly as now. They will continue to be able to work, study, and access benefits and services in the UK on the same basis after we exit the EU as they do now.<sup>2</sup>
5. At the same time, the UK Government is calling on the EU and Member States to uphold their commitments to citizens and to protect the rights of UK nationals in the event of a 'no deal' scenario. The UK cannot act unilaterally to

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<sup>1</sup> For example, the Prime Minister's speech on 21 September, which can be read at: <https://www.gov.uk/government/news/pm-brexite-negotiations-statement-21-september-2018>.

<sup>2</sup> Entitlements will be subject to any future domestic policy changes which apply to UK nationals.

protect the rights of UK nationals in the EU, but will take necessary steps where possible to support UK nationals. The UK will continue to provide updates to UK nationals in the EU on gov.uk and through its network of Embassies, Consulates and High Commissions.

6. This policy paper sets out the details of our offer to EU citizens and calls upon the EU and Member States to take the same steps to reassure UK nationals in the EU that they can stay and have their rights protected, in the country where they have chosen to make their lives. This paper also sets out the support and assistance that the UK Government will make available to UK nationals in the EU in a 'no deal' scenario. This is without prejudice to the rights and privileges available to Irish citizens in the UK and UK nationals in Ireland under the Common Travel Area arrangements.

### **EU citizens in the UK in a 'no deal' scenario**

7. We have always been clear that we highly value the contributions EU citizens make to the social, economic and cultural fabric of the UK and that we want them to stay in the UK. To remove any ambiguity, the UK Government guarantees that EU citizens resident in the UK by 29 March 2019 will be able to stay and we will take the necessary steps to protect their rights even in a unlikely 'no deal' scenario.
8. To achieve this, the UK will continue to run the EU Settlement Scheme for those resident in the UK by 29 March 2019 in a 'no deal' scenario. The basis for qualifying for status under the scheme will remain the same as proposed in a 'deal' scenario and will be focused on residence in the UK. This means that any EU citizen living in the UK by 29 March 2019 will be eligible to apply to this scheme, securing their status in UK law.
9. The application system will continue to be streamlined and user-friendly, and will continue to draw on existing government data, to minimise the burden on applicants to provide evidence of their residence. Throughout, the Home Office will be looking to grant status, not for reasons to refuse. Those here by 29 March 2019 will have until 31 December 2020 to apply for status under the scheme. Until this time, EU citizens will continue to be able to rely on their passport (as a British citizen may) or national identity card if they are asked to evidence their right to reside in the UK when, for example, applying for a job, as they do currently.
10. The UK will continue to honour the right of those who obtain settled status under the scheme to be able to leave the country for up to five consecutive

years without losing their right to return. We are making the commitment that, once granted, status under the scheme is secure. More information on the EU Settlement Scheme can be found by following the links under the 'further information' section of this paper.

11. However, in a 'no deal' scenario there would be some necessary changes:
  - As there would be no agreed implementation period, this guarantee would only apply to EU citizens who are resident in the UK by 29 March 2019.
  - As there would be no agreed implementation period, those EU citizens and their family members resident here by 29 March 2019 would have until 31 December 2020 to apply for a status under the EU Settlement Scheme, but with no six-month 'grace period' beyond this. The new UK immigration system would be implemented from 1 January 2021 as planned.
  - EU citizens would have the right to challenge a refusal of UK immigration status under the EU Settlement Scheme by way of administrative review and judicial review, in line with the remedies generally available to non-EEA nationals refused leave to remain in the UK. There would be no preliminary reference procedure to the Court of Justice of the European Union, as it would not have any jurisdiction in the UK.
  - The EU deportation threshold would continue to apply to crimes committed before exit. However, we would apply the UK deportation threshold to crimes committed after 29 March 2019.
12. EU citizens with settled status would be able to be joined in the UK, by 29 March 2022, by existing close family members, such as children, spouses and partners, parents and grandparents living overseas at exit, where the relationship existed by 29 March 2019 (or where a child was born overseas after this date) and continued to exist when the family member applied. After 29 March 2022, such family members will be able to join EU citizens here by applying through the applicable UK Immigration Rules. EU citizens with settled status will be able to be joined by future spouses and partners (where the relationship was established after exit) and other dependent relatives until 31 December 2020, after which point the UK Immigration Rules would apply to such family reunion. Together this would bring the rights of EU citizens in line with the rights of UK nationals from 30 March 2022.
13. EU identity cards would remain valid for travel to the UK initially. Although there would be no immediate change, as we introduce the new UK

immigration system from 1 January 2021, we would no longer guarantee that EU citizens will be able to use a national identity card to enter the UK. This would support the Home Office's attempts to streamline border processes and better secure our borders.

14. We will also protect the rights of EU citizens who currently live in another state but travel regularly to and from the UK because they are employed or self-employed here, known as 'frontier workers'. Many of this cohort will spend enough time in the UK to qualify for status under the EU Settlement Scheme. Otherwise, they will be able to obtain a separate UK immigration status which will allow them to continue frontier working into the UK after exit.

### **In-country access to benefits and services**

15. In a 'no deal' scenario, EU citizens and their family members lawfully residing in the UK by 29 March 2019 will be able to continue to access in country benefits and services on broadly the same terms as now. This means that they will retain their entitlement to healthcare, education, benefits and social housing, including supported housing and homelessness assistance, on the same basis as now. These entitlements will be subject to any future domestic policy changes which apply to UK nationals. EU citizens will also continue to have their professional qualifications recognised in the UK post-exit, where they have applied for or received a recognition decision by 29 March 2019.<sup>3</sup>
16. The specific entitlements may vary across the UK where policy implementation is devolved. EU citizens resident in Scotland, Wales or Northern Ireland should consult the devolved governments of those nations where relevant.

### **UK nationals in the EU in a 'no deal' scenario**

17. The Government has engaged extensively with UK nationals in the EU over the last two years and we understand the uncertainty that would be faced by UK nationals in the event of a 'no deal' scenario. We have always acted to ensure that UK nationals can continue to live their lives broadly as they do now, and that remains our objective in a 'deal' and 'no deal' scenario. However the UK cannot act unilaterally to protect the rights of UK nationals in the EU and that is why we have always prioritised reaching a reciprocal agreement with the EU. The Withdrawal Agreement is the only way the UK

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<sup>3</sup> Further detail on the no deal policy for the recognition of professional qualifications can be found in the technical notice titled *Providing services including those of a qualified professional if there's no Brexit deal*.

Government can guarantee the rights of the one million UK nationals living in the EU.

18. The UK continues to call on the EU and Member States to uphold their commitments to citizens and to protect the rights of UK nationals in the EU in the event of a 'no deal' scenario. We want UK nationals to be able to stay in the Member States that they live in when we leave, and for their rights to employment, healthcare, education, benefits and services to be protected. We ask Member States to set out details of how they would do so as soon as possible.
19. UK nationals who went to the EU and EU citizens who came to the UK before the UK's exit from the EU did so on the basis that they would be able to settle permanently and build a life here, or in the EU. That is why the UK has taken steps to remove any ambiguity and provide complete reassurance for EU citizens in the UK. We ask that the EU and Member States do the same for our nationals.
20. We will continue to push the EU and Member States to secure these rights as soon as possible, which are in the mutual interest of all our citizens. Where it is in our control, the UK will also continue to preserve certain rights of UK nationals in the EU, for example by continuing to pay an uprated UK state pension to eligible UK nationals living in the EU.<sup>4</sup>
21. If, however, UK nationals were unable to continue to live their lives as they do now in a 'no deal' scenario and returned to the UK to live, there are a number of steps the Government would consider to address concerns that have been raised.
22. We understand that access to healthcare is vital and can confirm that UK nationals who returned to the UK permanently in a 'no deal' scenario would have access to NHS-funded healthcare on the same basis as UK nationals already living here. They would also be able to register to vote in local and national elections.
23. We understand the right to bring EU and non-EU citizen family members is an important concern. The Government is considering the support that could be offered and will set out further details in due course.

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<sup>4</sup> subject to reciprocity.

24. We recognise that an issue raised by UK nationals is their ability to access to benefits and housing quickly on return to the UK. Arrangements will be made to ensure continuity of payments for those who return and are already in receipt of UK state pension or other UK benefits while living in the EU. We are considering how support could be offered to returning UK nationals where new claims are made and will set out further details in due course. UK nationals will continue to be able to access education in the UK and details on where to find information on how to apply and any current eligibility criteria are provided below.
25. Regarding the rights of UK nationals and access to services in the EU, the UK will continue to provide information on its gov.uk websites and through its network of Embassies, High Commissions and Consulates. We recommend that UK nationals monitor the [UK nationals in the EU page](#), [Living in Guides](#) and [Travel Advice](#) on gov.uk where we will publish information on areas such as residency and employment rights, and access to healthcare, benefits and services for UK nationals in individual Member States, as it becomes available. Our Embassies, High Commissions and Consulates across the EU will also continue to hold outreach events for UK nationals in the EU, and provide information via their social media channels. For information on when the next event in your country is, please contact your nearest British embassy, Consulate or High Commission.
26. We will update our [Living in Guides](#) with the most up to date information including specific actions that UK nationals may need to take in order to secure their rights and access to services in the EU and EFTA states.
27. Our consular network will continue to provide professional, tailored assistance to vulnerable UK nationals overseas.

### **Reciprocal arrangements in case of a 'no deal' scenario**

28. Aspects of the reciprocal healthcare and social security coordination section of the Withdrawal Agreement require reciprocity from the EU or individual Member States and cannot be protected unilaterally. We are exploring options to protect past social security contributions, made in the EU and the UK, and reciprocal healthcare arrangements in the unlikely event of a 'no deal' scenario. We are in the early stages of discussions and will announce further details of such options prior to our exit to allow citizens to make appropriate arrangements.



29. We are already ensuring our legal system is able to deliver these. For instance, the Healthcare (International Arrangements) Bill was laid in Parliament on 26 October 2018. This Bill will establish the legal basis to fund and implement reciprocal healthcare schemes after we leave the EU, whether through an agreement with the EU, or agreements with individual Member States.
30. The UK will continue to pursue reciprocal agreements with Member States to secure the right to stand and vote in local elections for UK nationals in the EU, as it is doing in a 'deal' scenario.
31. In show of good faith, as we pursue these bilateral agreements, we can confirm that EU citizens in the UK will continue to be able to vote and stand in England and Northern Ireland's May 2019 local elections. The Scottish Parliament and Welsh Assembly are responsible for their own franchises. We can also confirm that in a 'deal' or 'no deal' scenario, any EU citizen elected to local government in these elections will be able to serve their full term.

#### **EFTA nationals in the UK and UK nationals in EFTA states**

32. The UK is seeking citizens' rights agreements with the EFTA states (Iceland, Liechtenstein, Norway and Switzerland) to protect the rights of citizens. In the event of 'no deal' with the EU, the UK would still pursue agreements with the EFTA states to ensure that EFTA nationals and their dependants resident in the UK and UK nationals and their dependants living or working in one of the EFTA states by 29 March 2019 will be able to carry on with their lives broadly as now. In any scenario EFTA nationals will be able to stay in the UK post-exit. The Prime Minister discussed this with her EEA EFTA counterparts at the Northern Future Forum in Oslo recently and they have all confirmed that UK nationals living in those states will be able to stay.
33. UK nationals in EFTA states should consult the [UK nationals in the EU page](#) and the relevant [Living in Guide](#) to access the most up to date information on their rights.

## Further information

### EU Settlement Scheme

- Details about the EU Settlement Scheme for EU citizens are published on [gov.uk](https://www.gov.uk).
- Questions about immigration policies should be directed to the [Home Office](#).

### Health and Social Care

- Questions about health and social care should be directed to the [Department of Health and Social Care](#).

### Benefits

- Questions about benefits should be directed to the appropriate government department: [Department for Work and Pensions](#) or [HM Revenue and Customs](#).
- Further information on benefits can be accessed on the benefits webpages at [gov.uk](https://www.gov.uk).
- The Scottish Government publishes details of benefits that they administer on the [mygov.scot](https://www.mygov.scot) website.

### Housing

- Applications for social housing and homelessness assistance in England are managed by local authorities. Information on how to contact your local authority about housing can be accessed at the [gov.uk](https://www.gov.uk) housing pages.
- Further information on social housing in Northern Ireland can be accessed at [nidirect.gov](https://www.nidirect.gov), in Scotland at [mygov.scot](https://www.mygov.scot), and in Wales from your local authority or [gov.wales](https://www.gov.wales).

### Education

- Information on applying for school places is published on [gov.uk](https://www.gov.uk). Applications are managed by local authorities.
- Information on applying for [early education and childcare](#) and [apprenticeships](#) is published on gov.uk or your local authority website.
- Information on applying for further and higher education is published by [UCAS](#). Universities and colleges also provide information on their own websites.
- Details of student finance for courses in England can be accessed at the [Student Loans Company](#) website, for Northern Ireland at [Student Finance Northern Ireland](#), for Scotland at [Student Awards Agency Scotland](#), and for Wales at [Student Finance Wales](#).

UK nationals in the EU

- Information for UK nationals living in the EU can be accessed at [gov.uk](https://www.gov.uk):
  - [UK nationals in the EU page](#)
  - [Living in Guides](#)
  - [Travel Advice](#)