

Further update on EU immigration in the event of No-Deal

The Government has recently provided new guidance for EU nationals coming to the UK in the event of a no-deal Brexit.

31 January 2019

The Government has recently provided new guidance for EU nationals coming to the UK in the event of a no-deal Brexit. In such circumstances, the Government will seek to end free movement as soon as possible. Whilst those already resident in the UK as at 29 March 2019 will be able to apply for pre-settled/settled status under the EU Settlement Scheme, the guidance provides some much needed clarity on the position for EU citizens entering the UK after the cut off.

Essentially, the guidance confirms that:

- any EU (or EFTA) national coming to the UK after 29 March 2019 who wants to continue living and working here for longer than 3 months, will need to apply online for European Temporary Leave to Remain within 3 months
- this will enable them to live and work here for a further 3 years maximum
- there will be a fee for the application (yet tbc)
- after the 3 year period they will be required to apply under the new immigration system in place at that time (the current proposals for which suggest that they may well need to be sponsored by a UK employer and be doing a skilled role here)
- EU identity cards/passports will remain valid for travel (and to evidence right-to-work) until the new immigration system is introduced (currently planned for early 2021).

Of note, is that time spent in the UK with European Temporary Leave to Remain will not count towards settlement/indefinite leave to remain.

With a no-deal Brexit still on the table, this guidance provides some welcome reassurance that a transition period of sorts will be in place for EU migrants if they are coming here after 29 March 2019. However, given that the long-term prospects are subject to consultation/legislation and that this could be more burdensome for some employers, eligible EU workers that are resident here as at 29 March 2019 may wish to apply under the EU Settlement Scheme.

Contact

Hannah Payne

Senior Associate

hannah.payne@brownejacobson.com

+44 (0)330 045 2371

Related expertise

Immigration