

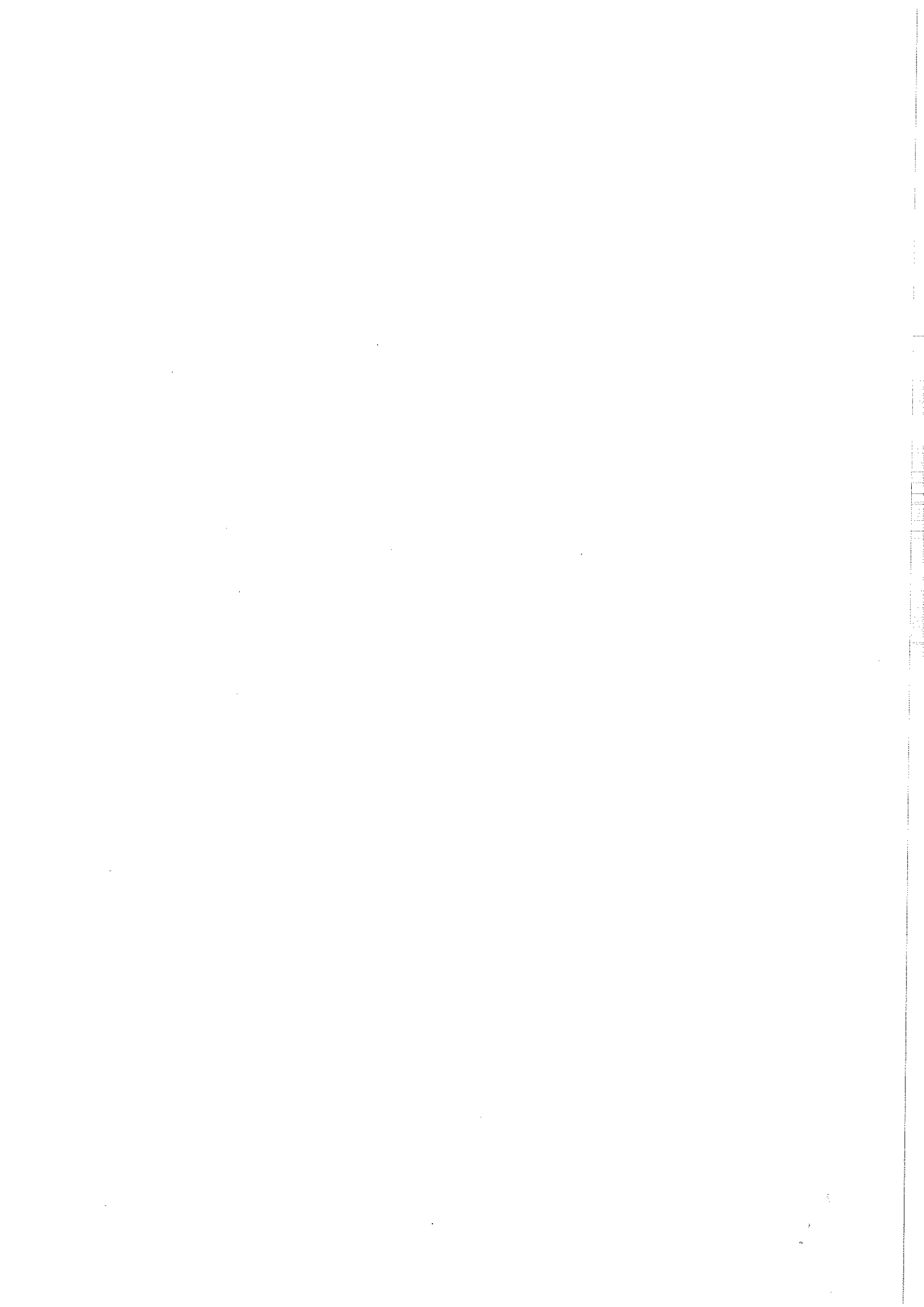


POLISH BRITISH INTEGRATION CENTRE  
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# EU Migrants after Brexit

The Government's "Fair & Serious Offer"

Implications for Advice



Teresa May's statement on 26<sup>th</sup> June

"First, we want certainty. I know there has been some anxiety about what would happen to EU citizens at the point we leave the European Union.

Today I want to put that anxiety to rest. I want to completely reassure people that, under these plans, no EU citizen currently in the UK lawfully will be asked to leave at the point the UK leaves the EU. We want you to stay."

Current Situation

- EU Migrants are not covered by UK Immigration Legislation
- They are not 'subject to immigration control'
- They do not have to meet income thresholds to sponsor family members, even where the family members are non-EU nationals
- They can access Welfare Benefits and Local authority Housing if they have the appropriate 'Right to Reside' status (worker/self-employed/student/self sufficient/primary carer/family member of same
- They acquire permanent residence status after 5 continuous years activity in one (or more) of the above categories

### What is the offer?

1. EU nationals with 5 years residence, still resident in UK will be entitled to "settled status", equivalent to indefinite leave to remain under Immigration Act 1971.
2. All EU nationals, including those with confirmed permanent residence, will have to apply, for a fee, (yet to be determined).
3. Those who arrived before a "cut-off date" but without 5 years residence, will be allowed to stay with "temporary status", until they reach 5 years, when they will be given "settled status".
4. Those arriving after the "cut-off date" will be allowed to stay for a temporary period but if they want to stay longer will have to apply under UK immigration rules. This includes students, who will be eligible to apply for permission to stay to complete their course only.
5. EU nationals in the UK with 'self-sufficient' status will no longer need to show comprehensive medical insurance.
6. The "cut-off date" (to be negotiated) will be between 29/03/2017 (when A.50 was triggered), and the date of Brexit. This means that those who have arrived after 29/03/17 could conceivably be forced to leave the UK.
7. Automatic "grace period" of up to 2 years between the date UK leaves the EU and the date all EU citizens will need to have a "residence document" confirming their status in the UK.

### Fair & Serious?

- The offer falls well short of the EU's offer, previously sent to the Govt, which suggested that all EU migrants and their family members would retain all EU rights for their lifetime
- During and since the Referendum campaign, assurances were repeatedly given that Brexit would 'not affect' EU migrants already here, that rights would be protected etc. The gov't's only proviso was that they could not do this unilaterally, for the sake of UK nationals in the EU
- The government's offer is, in reality, little more than what would have to happen if we Brexit with no agreement (deliberate?)

### What rights would be lost?

- No longer able to bring family members (EU or non EU) except through UK Immigration rules (found to be the most restrictive of 38 developed nations (Migrant Integration Policy Index) eg £5,500 cost to bring a spouse, must be earning £18,000 p.a. for at least 6 months
- Settled status would be lost after a 2 year absence
- No right to WB, to work or to rent if no application for settled or temporary status made/granted
- 30% of PR applications currently rejected
- No mention of appeal rights

### Even worse deal for UK nationals in Europe

- If this proposal were reciprocated it would leave UK nationals living in the EU subject to the local/national immigration rules of each state of residence, including rules around being joined by family members.
- Lack of EU-wide consistency – straightforward in some states, complex and expensive in others (Netherlands in particular).

## What do we advise EU Nationals

- This is a negotiating position – it is very possible it will change!
- Hold fire on PR applications (£65 per applicant, horribly complex) as these are effectively worth nothing as things stand
- Beyond these 2 points it is almost impossible to advise clients on what may or may not happen.
- The anxiety and uncertainty look set to continue for EU nationals in the UK, and for UK nationals in the EU