

Brexit – partial reprieve for free movement

10 SEPTEMBER 2019

CATEGORY:
ARTICLE



Last week the UK Government stepped back from its position that free movement would end at the stroke of 11pm on 31 October 2019 and published a policy paper on immigration for EEA and Swiss citizens arriving after Brexit.

It conceded that primary legislation is needed to repeal free movement rights enacted under UK law, even if the EU law which underpins them will no longer apply after Brexit.

EEA and Swiss citizens moving to the UK after Brexit are excluded from the EU Settlement Scheme, but can apply for European Temporary Leave to Remain ('Euro TLR'). The new Home Secretary has made changes to the proposed terms of the Euro TLR:

- It will no longer be obligatory to apply for Euro TLR, however, "EU citizens who move to the UK for the first time after Brexit and who do not apply for Euro TLR will need to leave the UK by 31 December 2020" unless they have an alternative immigration status;
- Euro TLR will be valid for a maximum of 3 years and cannot be renewed;
- Time spent in the UK with Euro TLR can now be counted towards settlement (ie indefinite leave to remain or residency) in other immigration categories;
- It will be a "digital only" status, like the EU Settlement Scheme, where no documents are issued, and individuals, Government agencies and third parties such as employers, banks and landlords will be able to verify status online.

There are concerns that these measures will perpetuate uncertainty for EEA and Swiss citizens and leave many of them without status on 31 December 2020. We are advising our clients who live in the UK, who lived in the UK recently, or who are thinking of moving to the UK, to contact us so that we can protect their rights to live and work in the UK in the future.

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