EU Settled Status guidance

THE NUJ has issued guidance, with Thompsons Solicitors, explaining the current legal rights of our EU-national colleagues living in the UK.

This covers the possible rights which might be conferred on if the Withdrawal Agreement is ratified; the Government’s current plan for EU nationals and their families to have the right to apply for “Settled Status”; and proposed changes to the settled status scheme in the event of a “no-deal Brexit” – the UK leaving the EU without any agreement on the terms of its withdrawal.

It also looks briefly at the Government’s proposed new immigration system.

Please take the time to study its 20 pages. It outlines the EU Settled Status application procedure. There is currently a voluntary trial of this, but it’s probably best to wait until the bugs in it are ironed out and for the full EU Settled Status applications programme to open on 30 March this year.

The briefing confirms that a “qualified person” eligible for EU Settled Status does include “a self-employed person working in the UK” as well as the retired, those off work due to illness and those actively seeking work with a “realistic chance of getting it.” The advice warns that the Common Travel Area allowing freedom of movement between the UK and the Republic of Ireland may not be legally binding.

There is UK legislation on the shelf that would give Irish nationals the right to “remain in the UK without restriction” in the event of no deal, but this will have to pass the UK Parliament.

The NUJ’s guidance also goes into the arrangements for an Administrative Review if your EU Settled Status is rejected – there’s still a fee for this review.

The Guidance for EU workers on applying for Settled Status is linked from www.londonfreelance.org/fl/1903sett.html

What fate for UK expats?

ANNOUNCEMENTS have been made by most EU member states on the rights of UK citizens to work and reside in the event of a no deal Brexit. See our January update online covering UK nationals in Belgium, Czech Republic, Denmark, Estonia, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and Switzerland – at www.londonfreelance.org/fl/1901luekan.html

Since then, Malta has announced UK nationals there will have a “special immigration status” giving them access to the labour market for the next decade. The Prime Minister of Cyprus had pledged to safeguard UK nationals “rights of residence and access to benefits on the same terms as they presently enjoy” even in the event of no deal. Portugal has announced a 21-month grace period to apply for a residency permit.

UK nationals in Austria face the strictest post-Brexit conditions that we’ve heard of – they’ll need to apply for a Residence Declaration as soon as possible and they risk being treated as non-EU “third country nationals” in the event of the UK Brexitting with no deal.

UK nationals in the Netherlands can expect letters from the Immigration and Naturalisation Service soon. These will serve as temporary residence permits: people have 15 months to apply for a longer-term version or the permit.

Swedish employment lawyers warn that most UK nationals won’t be eligible for Sweden’s work permits for non-EU workers once these come into force.

In the event of a withdrawal agreement being concluded between the EU and the UK, the package of citizens’ rights for our UK nationals in the EU is likely to be better (and clearer) than those detailed above. It’s probably a good idea for UK nationals living in any of the EU27 member states to ensure they have up-to-date details on the population register (except in France and Ireland, which don’t have registers).

There is now a reciprocal deal with European Economic Area countries Norway, Liechtenstein and Iceland on citizens’ rights.

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• Watch for updates on the Freelance website www.londonfreelance.org/fl and note the Freelance is not qualified to give legal advice.

No deal Brexit scenario travel advisory

JUST BECAUSE you’re a UK national-based in the UK, it doesn’t mean a possible no-deal Brexit won’t affect you as well.

The Freelance understands that the UK Government’s Operation Yellowhammer – the name for embassies planning for a no-deal Brexit – includes dealing with UK nationals whose debit cards might not work in the EU on 29 March: we just don’t know. They may also have to help UK nationals who are not allowed to cross a border because their passports have less than six months validity left on them.

UK nationals in the EU, and UK nationals thinking of travelling for any length of time to the EU for work, should ensure that their UK passport is valid for at least six months after 29 March. Renew it now if it’s going to expire any time soon. You might just have time to renew your passport in time for the 29 March UK exit from the European Union if you get a move on.

And maybe take some euro in cash as well if you plan to be out of the UK on that date.