

## **POLICY PAPER**

### **IMMIGRATION FROM 30 MARCH 2019 IF THERE IS NO DEAL**

1. In the event the UK leaves the EU in a no deal scenario, the UK will not be bound by the implementation period arrangements agreed with the EU and set out in the draft Withdrawal Agreement. Instead, we will seek to end free movement as soon as possible through the Immigration and Social Security Co-ordination (EU Withdrawal) Bill introduced to Parliament on 20 December. The Bill, once enacted, will repeal the Immigration (European Economic Area) Regulations 2016, which currently implement free movement in UK law.
2. All provisions outlined in this policy paper are subject to parliamentary approval of the necessary legislation, where relevant. In particular, before these proposals can be implemented, Parliament will need to have enacted the Immigration and Social Security Co-ordination (EU Withdrawal) Bill to end free movement.

#### **Resident EU citizens**

3. As has been previously been made clear, in the event of no deal, EU citizens and their family members already resident in the UK by 29 March 2019 will be welcome to stay and we want them to do so. They are part of our community, and part of our country and we welcome the contribution that they make. If there is no deal, they will have until 31 December 2020 to apply to the EU Settlement Scheme to protect their status.
4. Further information about the arrangements for resident EU citizens can be found in the Secretary of State for Exiting the EU's Written Ministerial Statement and the accompanying policy paper issued on 6 December 2018<sup>1</sup>. The information below is concerned with those EU citizens who arrive in the UK after exit, not those residing here before the UK withdraws from the EU.

#### **Ending free movement**

5. Once free movement has ended from 30 March 2019<sup>2</sup> EU citizens and their family members arriving in the UK will be admitted under UK immigration rules and will require permission (leave to enter or remain). Unlike EU free movement, this will not be a rights-based system so those who do not hold valid immigration permission to be in the UK will be here unlawfully and may be liable to enforcement action. This is a crucial difference between UK immigration law and EU free movement law, which does not require permission from the Home Office for a person to be here lawfully.
6. The details of the UK's future skills-based immigration system are set out in a white paper published on 19 December 2018<sup>3</sup>. It will take some time to

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<sup>1</sup> <https://www.gov.uk/government/publications/policy-paper-on-citizens-rights-in-the-event-of-a-no-deal-brexite>

<sup>2</sup> Or as soon as possible thereafter, subject to parliamentary approval

<sup>3</sup> <https://www.gov.uk/government/publications/the-uks-future-skills-based-immigration-system>

implement this new system, and for EU citizens already resident in the UK to obtain their status under the EU Settlement Scheme. It is important that we allow sufficient time for granting status to resident EU citizens before we start to implement the new skills-based immigration system because until the resident population have been granted status, it will not be possible for employers, universities, landlords and others to distinguish between pre-exit residents who are eligible to remain in the UK on broadly the same terms as now, and later arrivals. Therefore, temporary transitional arrangements will apply from 30 March 2019 to provide some continuity for EU citizens and businesses in the UK. The transition period will be in place until 31 December 2020.

### **Visiting the UK**

7. Arrangements for tourists and business visitors will not look any different. Although the underlying legal framework will change, EU citizens coming for short visits will be able to enter the UK as they can now, and stay for up to three months from each entry.

### **Crossing the border**

8. Ensuring a frictionless border from day one will be a priority. Therefore, EU citizens will continue to be able to enter the UK as now, using e-gates when travelling on a biometric passport. They will also be able to enter the UK for short-term visits without a visa.
9. They will be subject to security checks, as now, but we will apply the UK deportation threshold in the case of criminality and conduct committed after the UK's exit. They will be automatically granted leave to enter by order, which will mean they can stay for up to three months and will be permitted to work and study, which will mean they can start those activities on arrival.
10. Until 31 December 2020, EU citizens will be able to enter the UK by showing either a valid national identity card or a passport.

### **Applying for permission to stay**

11. EU citizens who wish to stay longer than three months will need to apply to the Home Office for leave to remain within three months of arrival. Subject to identity, criminality and security checks, leave to remain will be granted for 36 months which will include permission to work and study. This will be non-extendable, temporary leave so those who wish to stay longer-term will need to apply in due course under the future border and immigration system arrangements. There may be some who do not qualify under the new arrangements and who will need to leave the UK when their leave expires.

### **Compliance**

12. Until all resident EU citizens and their family members who are eligible for the EU Settlement Scheme have had a reasonable opportunity to apply for and be granted status, which will be by the end of December 2020, we will not ask

employers or other third parties, such as landlords, to start distinguishing between EU citizens who were resident before exit and post-exit arrivals.

13. Once the new border and immigration system is introduced from 2021, employers and others will need to check EU citizens' status using the Home Office's Digital Status Checker<sup>4</sup>, but not retrospectively. Until 2021, EU citizens will continue to be able to evidence their rights to work and to rent property using a passport or national identity card, and non-EU family members will use a biometric residence document.

### **Accompanying third country national family members**

14. EU citizens who arrive on or after 30 March 2019 may be accompanied by their EU citizen family members using the arrangements described above. They may also be accompanied or joined by close family members (spouse, partner, dependent child under-18) who are third country nationals. However, third country national family members who wish to accompany an EU citizen under these arrangements will need to apply in advance for a family permit.

### **Fees**

15. The initial three months' leave to enter for EU citizens will be free of charge, but otherwise application fees will be payable. The precise amounts will be set out in fees regulations in due course.

### **Irish citizens**

16. Irish citizens will continue to have the right to enter and live in the UK, as now, under domestic Common Travel Area arrangements.

### **EFTA citizens**

17. The arrangements described here will also apply to citizens of EFTA states (Switzerland, Norway, Iceland and Liechtenstein) arriving on or after 30 March 2019.

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<sup>4</sup> A simple online means by which an individual can share, for example, their current right to rent or right to work status with their landlord or employer.