



Brexit Update

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Brexit – where are we now?

Brexit



Implementation period

- The Implementation Period is to run between the Exit Day (?????)^{*} and 31 December 2020
- Free movement of people within the EU will continue up to and during the Implementation Period, if not longer.

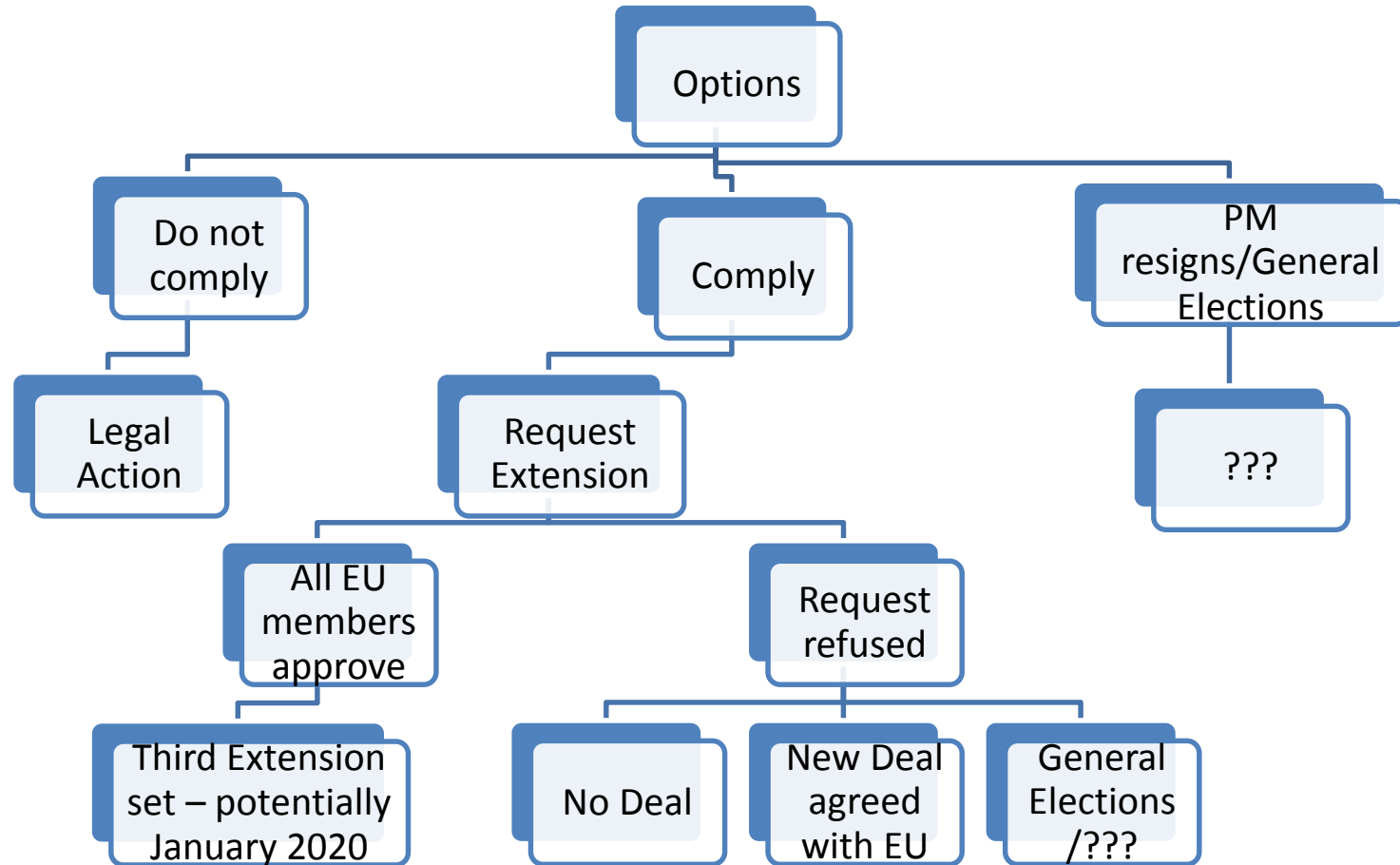
Extension to “Exit Day”

- ▶ Originally UK due to leave EU on 29th March 2019 at 11pm
- ▶ UK Govt has requested Article 50 extension twice:
 - ▶ Extended 22 May 2019 in the event that the Withdrawal Agreement was agreed, otherwise the UK will have until 12 April 2019 to indicate its intentions for proceeding.
 - ▶ “Flexible extension” to 31 October 2019 at 11pm* - The UK sought extension to 30 June 2019
- ▶ EU concerned with granting such an extension as this ***“would increase the risk of a rolling series of short extensions and emergency summits, creating new cliff-edge dates. This, in turn, would almost certainly overshadow the business of the EU27 in the months ahead. The continued uncertainty would also be bad for our businesses and citizens.....”***

Important Dates

- ▶ “Flexible extension” to 31 October 2019 at 11pm agreed.
- ▶ Theresa May formally resigned on 7th June 2019
- ▶ Boris Johnson becomes Prime Minister on 24th July 2019
- ▶ European Union (Withdrawal) (No. 2) Act 2019 given Royal Assent on 9th Sep 2019:
 - ▶ if a deal is not agreed between the UK and EU by 19 October 2019, and MPs vote again not to leave EU with no deal, then PM will be LEGALLY obliged to ask the EU for a further Brexit delay.
- ▶ The 2017-19 parliamentary session was prorogued at the end of the sitting on 9th September 2019.
 - ▶ Next session of Parliament will start with a Queen's Speech on 14 October 2019
- ▶ What happens to Brexit now?

What are the UK Government options?

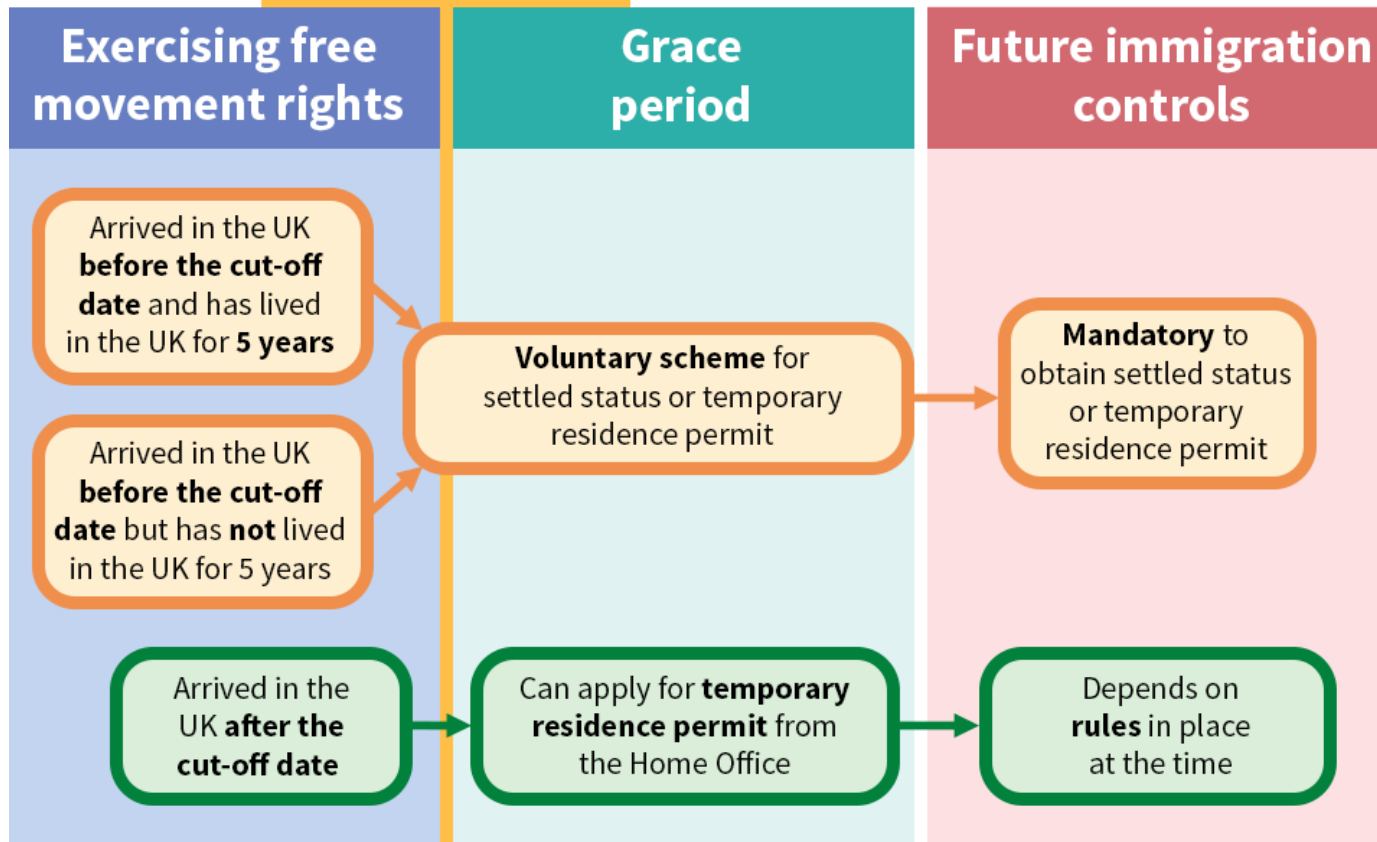


Brexit: Possible Outcomes...

- ▶ No deal
- ▶ New deal
 - ▶ Unlikely but PM has indicated that there is potential of a new deal
 - ▶ Approval from EU required
- ▶ Referendum
- ▶ New General Election
- ▶ No Brexit
 - ▶ ECJ Case C-621/18 Wightman
- ▶ Other possibilities

Brexit

UK leaves EU



No deal - What happens to EU citizens who move to the UK after Brexit?

EEA nationals and their “close” family members will be able to apply for European Temporary Leave to Remain (Euro TLR)

- 36 month temporary immigration status

- ▶ EEA nationals free to enter the UK until 31st Dec 2020 but will need to apply for EURO TLR or a new visa if they wish to stay in the UK beyond this date
 - ▶ liable to enforcement action, detention and removal as an immigration offender

- ▶ Non-EU Citizen family members (spouses/partners and dependent children under 18) can apply for EURO TLR
 - ▶ a valid national passport; and
 - ▶ an EEA family permit

Future Immigration System

Future Immigration System

Those arriving after 31 December 2020:

- ▶ Will be subject to a new immigration regime.
- ▶ Details of the regime have not been finalised.
- ▶ The Migration Advisory Committee report already published
- ▶ White paper - The UK's future skills-based immigration system

MAC Report

"The evidence presented in this report suggest that despite the significant scale of migration from EU countries over the past 15 years, the overall economic impacts have been relatively small with the main effect being an increase in population. EEA migration as a whole has not harmed the existing resident population overall, as has been claimed by some, but also has not had the significant benefit claimed by others. This does not mean that the impact of all migrants is the same."

MAC recommendations

- ▶ Employer sponsorship system
 - ▶ **A Sponsor licence**
- ▶ Skilled level lowered slightly
 - ▶ Seasonal agricultural worker scheme
- ▶ Salary levels maintained
- ▶ Formal advertising requirements (such as the Residence Market Labour Test)
- ▶ Widening of youth mobility scheme

Brexit White Paper

- ▶ Scrapping the current cap on the number of skilled workers such as doctors or engineers from the EU and elsewhere
 - ▶ current limit of 20,700 on workers classed as high-skilled coming to the UK using "Tier 2" visas to be scrapped
- ▶ No longer requirement for Residence Market Labour Test
- ▶ £30,000 Salary levels to be consulted
- ▶ The introduction of "unskilled workers" visa for a year
 - ▶ "low-risk" countries
 - ▶ Cooling off period

What are the options just now?

1. Register now
2. Register later



Registering Now

Options for registering in the UK:

1. Registration Certificate
2. Permanent Residence
3. Pre-settlement
4. Settlement
5. British Nationality

Registration Certificate

- Lived in the UK for less than 5 years; or 5 years, but not eligible for Permanent Residence
- Application can be made online or in paper form
- Cost - £65

Permanent Residence

- Lived in the UK for at least 5 continuous years as a 'qualified person'
- Application – can be made online or paper form
- Cost - £65

European Passport Return Service

- Online application form
- Book appointment separately
- Only for Registration Certificates & Permanent Residence
- 10 Locations in Scotland – Aberdeen, Clackmannanshire, East Ayrshire, Edinburgh, Falkirk, Glasgow, Scottish Borders, South Lanarkshire, Stirling, and West Lothian

British Nationality

- **Dual Nationality?**
- Obtained a permanent right of residence in the UK for at least 1 year
- 'Good character'
- Life in the UK and Language test
- Absences
- Cost - £1,330

Settlement Scheme

EU Settlement scheme

- ▶ For EU, EEA nationals (not all EEA nationals – Irish nationals do not need to apply)
- ▶ Separate agreements between UK and Norway, Iceland and Lichtenstein
- ▶ Separate agreement between UK and Switzerland

- ▶ Family members of EU, EEA or Swiss nationals in the UK can apply

EU Settlement Scheme

Application process fully up and running

- ▶ Scheme fully opened on 30th March 2019
- ▶ 'streamlined, quick and friendly' online application process
- ▶ Application deadline: 30th June 2021 (unless there is a no-deal scenario – 31st December 2020)

EU Settlement Scheme

- ▶ Proof of identity
 - ▶ EU, EEA and Swiss Nationals need a valid passport or national identity card
 - ▶ If you're not an EU, EEA or Swiss National, you can apply using your valid passport, biometric residence card or biometric residence permit.
- ▶ EU Exit: ID Document Check app used to verify identity (only available on android devices. NB. Other methods of ID verification now available - ID document scanning locations).
- ▶ www.gov.uk confirms the 'ID Document Check' app will be available for iPhone by the end of 2019.

EU Settlement Scheme

- ▶ Application then completed on that device or any smartphone or computer.
- ▶ Criminality Check completed by declaring any criminal convictions.
- ▶ Verification of residence – provide NINO / upload additional evidence of residence / provide proof of valid permanent residence document or ILR.

EU Settlement Scheme

- ▶ Free for applications made on or after 30th March 2019
- ▶ Status will be stored electronically by Home Office.
- ▶ Potential administrative issues

EU Settlement Scheme

Application outcomes:

- ▶ Pre-settled status
- ▶ Settled status
- ▶ Require further evidence

Rights of EU citizens

Obtaining settled or pre-settled status will allow you to:

- ▶ Work in the UK
- ▶ Use the NHS
- ▶ enrol in education or continue studying
- ▶ Access public funds – such as benefits and pensions
- ▶ Travel in and out of the UK

What if it is a no deal Brexit??

"To remove any ambiguity about their future, the UK Government wants to reassure EU citizens and their family members living in the UK that they are welcome to stay in the UK in the unlikely event of a 'no deal' scenario. The Government is adopting an approach based on the Withdrawal Agreement. We have been clear: EU citizens are our friends, our neighbours, our colleagues, and we want them to stay. EU citizens and their family members resident in the UK by exit day will be able to stay and carry on with their lives broadly as now. They will continue to be able to work, study, and access benefits and services in the UK on the same basis after we exit the EU as they do now."

- Department for Exiting the European Union.

Entitlements will be subject to any future domestic policy changes which apply to UK nationals

No Deal Brexit

- ▶ UK will continue to run the EU Settlement Scheme for those resident by “Exit Day” even in a ‘no deal’ scenario.
- ▶ Those here by “Exit Day” will have until 31 December 2020 to apply.
- ▶ No grace period beyond this.
 - ▶ **European Union (Withdrawal) Act 2018**
- ▶ New UK immigration system would be implemented from 1 Jan 2021.

Questions



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