



EUROPEAN COMMISSION

## MEMO

Situation as of 1 July 2022

# Questions and Answers – the rights of EU citizens in the United Kingdom after the end of the transition period

This document provides information on the rights of EU citizens in the UK as of 31 December 2020, as set out in Part Two of the Withdrawal Agreement that entered into force on 1 February 2020.

This document focuses on the legal situation as it applied as of 1 January 2021. It has been updated to reflect that the grace period (*deadline for applications for a new status under the Withdrawal Agreement*) ended.

The description of UK laws and the UK's implementation of the Withdrawal Agreement is based on the information that we have currently available.

## Table of contents

|     |                                                                         |    |
|-----|-------------------------------------------------------------------------|----|
| 1.  | Transition period.....                                                  | 2  |
| 2.  | Who is protected by the Withdrawal Agreement?.....                      | 3  |
| •   | <i>Residence conditions in more detail</i> .....                        | 5  |
| •   | <i>Rules on absences</i> .....                                          | 8  |
| •   | <i>Specific cases</i> .....                                             | 9  |
| 3.  | Family members .....                                                    | 11 |
| 4.  | Residence rights.....                                                   | 16 |
| •   | <i>Governance of the Withdrawal Agreement</i> .....                     | 19 |
| 5.  | Entry and exit rules .....                                              | 22 |
| 6.  | Criminality & abuse .....                                               | 24 |
| 7.  | Administrative procedures.....                                          | 26 |
| •   | <i>Late applications</i> .....                                          | 32 |
| 8.  | Professional qualifications.....                                        | 37 |
| •   | <i>Professional qualifications under current EU law</i> .....           | 37 |
| •   | <i>Professional qualifications under the Withdrawal Agreement</i> ..... | 38 |
| 9.  | Social security.....                                                    | 41 |
| 10. | Useful links.....                                                       | 49 |



## **1. Transition period**

### **1.1. Transition period: what was it and what did it do in terms of citizens' rights?**

The UK left the European Union on 31 January 2020.

However, both parties agreed on a transition period from 1 February 2020 to 31 December 2020. During the Transition Period, the United Kingdom was no longer a Member State of the European Union, and no longer participated in the EU's decision-making processes.

However, all EU law, across all policy areas, still applied to, and in, the UK. The UK remained in the EU Customs Union and in the Single Market with all four freedoms.

EU law on free movement of EU citizens therefore continued to apply fully during the transition period (or "*implementation period*") despite the UK no longer being an EU Member State.

This means that EU citizens were able to enjoy their EU free movement rights in the UK until the end of 2020.

### **1.2. Does EU law on free movement of EU citizens still apply in the UK?**

No, EU law on free movement of EU citizens ceased to apply on 31 December 2020 with respect to EU citizens in the UK and UK nationals in the EU.

### **1.3. Were those who arrived in the UK during the transition period treated in the same way as those who had arrived before 1 February 2020?**

Yes. They enjoyed exactly the same rights under EU law on free movement of EU citizens as those who arrived in the UK before its withdrawal from the EU. Their rights were subject to the same restrictions and limitations, too.



## **2. Who is protected by the Withdrawal Agreement?**

### **2.1. Who is covered by the Withdrawal Agreement in the UK?**

To benefit from the Withdrawal Agreement, EU citizens and their family members mentioned in the Withdrawal Agreement had to be lawfully residing in the UK in accordance with EU law on free movement of EU citizens on 31 December 2020 when the transition period ended.

The Withdrawal Agreement did not require physical presence in the UK at the end of the transition period – temporary absences that do not affect the right of residence, and longer absences that do not affect the right of permanent residence, were accepted. For more details on absences, see below.

It was enough to have resided lawfully in the UK on 31 December 2020. Even if an EU citizen did not reside in the UK for any given period of time before 31 December - arriving on that day was enough.

To be able to stay, EU citizens and their family members had to also reside lawfully after the end of the transition period. The substantive conditions of residence under the Withdrawal Agreement are essentially the same as those under EU law.

EU citizens and their family members who fulfilled the conditions, must apply for a new residence status in the UK before the end of the grace period. Failure to apply in time may lead to a loss of any entitlement under the Withdrawal Agreement.

The conditions for obtaining the new residence status under the Withdrawal Agreement should mirror the conditions set out in the Free Movement Directive (*Articles 6 and 7 confer a right of residence for up to five years on those who work or have sufficient financial resources and sickness insurance. Articles 16 – 18 confer a right of permanent residence on those who have resided legally for five years*).

EU citizens and their family members must apply for residence status under the EU Settlement Scheme. For the purposes of granting a residence status under the EU Settlement Scheme, the UK has decided not to assess whether applicants for residence status meet all the conditions that are required by the Withdrawal Agreement.

The UK provides detailed information on the EU Settlement Scheme on <https://www.gov.uk/settled-status-eu-citizens-families>.

### **2.2. In short, what is needed to stay in the UK?**

Three things! To be eligible to stay, EU citizens and their family members need to:

- 1) have a right of residence in the UK on 31 December 2020 in accordance with EU law;
- 2) also meet the residence conditions after 31 December 2020; and



- 3) apply for a new UK residence status under the EU Settlement Scheme before the end of the grace period.

### **2.3. What is the grace period?**

The Withdrawal Agreement protects the rights of EU citizens and their family members who resided in the UK in accordance with EU law on 31 December 2020.

They do not have to apply for a new residence status under the EU Settlement Scheme before the end of the transition period. The Withdrawal Agreement ensures that they have at least another six months to submit their applications.

This period, after the end of the transition period and before the application deadline, is called grace period. UK domestic laws set this application deadline to 30 June 2021.

During the grace period, protected EU citizens and their family members (those who resided in the UK in accordance with EU law on 31 December 2020) enjoy a right of residence that is deemed to exist (so called legal fiction). They cannot be removed, except when they commit a crime.

Applications for new residence status under the EU Settlement Scheme after the end of the grace period might not be considered anymore. Those who missed the application deadline should see here.

### **2.4. EU law on free movement of EU citizens – what does it cover?**

Under EU law, EU citizens and their family members have the right of residence in all Member States other than that of their nationality under several instruments of EU law:

- a) the Treaty on the Functioning of the European Union itself (*Articles 21, 45, 49 or 56*);
- b) the Free Movement Directive;
- c) the Regulation on Freedom of Movement for Workers.

For the vast majority of cases, detailed rules applicable to mobile EU citizens are to be found in the Free Movement Directive. This should be your starting point for learning more about:

- your rights and entitlements;
- the rights of your family members;
- conditions attached to the right of residence;
- administrative procedures; and
- safeguards protecting the right of residence.

EU citizens and their family members who reside in the UK and meet the conditions of EU law before and after the end of the transition period are protected by the Withdrawal Agreement.



- *Residence conditions in more detail*

## **2.5. I am Czech and I arrived in the UK in 2017. I work in a local hospital. Can I stay after 31 December 2020?**

Yes. If you to continue to work (*or if you, for example, involuntarily stop working in accordance with Article 7(3) of the Free Movement Directive, or become self-employed, a self-sufficient student or a job-seeker*) then you can stay in the UK after the end of the transition period.

You have the right to reside in the UK under the Withdrawal Agreement after the end of the transition period. To keep your residence, you must comply with essentially the same substantive conditions as were applicable before the end of the transition period by EU law on free movement of EU citizens.

You need to make an application to the UK authorities for your new UK status before the end of the grace period. Once you have accumulated five years of legal residence in the UK, you will be able to apply for your residence status in the UK to be upgraded to a permanent one that offers more rights and better protection. Those who missed the application deadline should see [here](#).

## **2.6. I am Polish living and studying in the UK. Do I have to start working to retain my rights there?**

The Withdrawal Agreement protects those EU citizens who reside in the UK in accordance with the conditions which EU law on free movement of EU citizens attaches to the right of residence. In essence, EU citizens meet these conditions if they:

- are workers or self-employed; or
- have sufficient resources and sickness insurance; or
- are family members of some other person who meets these conditions; or
- have already acquired the right of permanent residence (*that is no longer subject to any conditions*).

To reside as a student, you need to have sufficient resources and sickness insurance. It is possible to switch between the above categories (*for example finishing your studies to start working*). You will keep your rights as long as you meet the conditions for at least one category.

Please note that the UK has decided to waive some of these conditions and does not require EU citizens or the families living in the UK to show they are workers or have sickness insurance.

However, as a pre-condition for keeping your rights, you will have to make an application to the UK authorities for your new UK status under the EU Settlement Scheme before the end of the grace period. Those who missed the application deadline should see [here](#).



## **2.7. Are EU citizens who arrived in the UK to look for a job several months before the end of the transition period protected in any way?**

Yes. EU citizens looking for jobs in the UK before the end of the transition period are entitled to stay for six months after their arrival (*or longer if they have a genuine chance of being hired*). They have to apply for a new residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#). Those who missed the application deadline should see [here](#).

## **2.8. I am a Danish citizen. I arrived in the UK in 2019 but did not find a job. I am currently out of money. Can I stay now?**

The Withdrawal Agreement protects those EU citizens who were residing in the UK in accordance with the conditions which [EU law on free movement of EU citizens](#) attaches to the right of residence. In essence, EU citizens meet these conditions if they:

- are workers or self-employed; or
- have sufficient resources and sickness insurance; or
- are family members of some other EU citizen who meets these conditions; or
- have already acquired right of permanent residence (*that is no longer subject to any conditions*).

Those EU citizens who do not meet these conditions at the end of the transition period have no legal entitlement to stay in the UK under the Withdrawal Agreement and their situation depends on the UK domestic law.

## **2.9. The UK decided to waive the comprehensive sickness insurance requirement. What does it mean?**

The Withdrawal Agreement protects the rights as they stood under [EU law](#). The comprehensive sickness insurance is clearly a requirement for the lawful residence of self-sufficient persons, as set out in [Article 7\(1\)\(b\) of the Free Movement Directive](#).

The UK has decided not to require EU citizens to have the comprehensive sickness insurance condition or meet the "*genuine work test*" for the purpose of granting a new residence status under [the EU Settlement Scheme](#).

## **2.10. I am a French citizen living in Paris but commuting to London for work. Can I continue working in the UK?**

Yes. The Withdrawal Agreement also protects so-called frontier workers. Under the Withdrawal Agreement, a frontier worker is someone who works or is self-employed in one country and resides in another country. You can continue working in London while residing in Paris. You must apply to the UK authorities for a new document that certifies that you are a frontier



worker protected by the Withdrawal Agreement. This document will make it easier to travel to the UK, continue working there and return to France.

**2.11.I am an EU citizen and acquired a UK permanent residence document in 2017. What changes for me?**

You have to apply for a new permanent residence status under the EU Settlement Scheme before the end of the grace period. However, as you have already obtained a permanent residence document in the UK under EU law on free movement of EU citizens, the administrative procedure is simple. You just have to present your valid passport or identity card, show that you have not been outside the UK for five years and declare any criminal convictions that appear on your records. The procedure is free of charge and you will be granted indefinite leave to remain in the UK (called "settled" status).

**2.12.I came to the UK in 1964 from France and married my wonderful British husband. We are still going strong. Surely, I do not have to do anything to be able to stay!**

If you are certain that you have a permanent right to reside under UK domestic laws (Indefinite Leave to Remain) and that these laws will not be amended in the future, you may forego the application for a new residence status under the Withdrawal Agreement.

However, it is strongly recommended to apply for a residence status under the EU Settlement Scheme before the end of the grace period. This will provide you with a robust right to reside in the UK that cannot be taken away by changes in UK laws. Those who missed the application deadline should see here.

**2.13.I am a Maltese citizen. In 2018, I arrived in the UK to work in construction. Unfortunately, I recently had an accident at work and I am permanently incapacitated. I hope I will not have to leave!**

You won't. Those who had to stop working as a result of permanent incapacity to work caused by an accident at work obtain a right of permanent residence under EU law on free movement of EU citizens. That right is protected after the end of the transition period.

You have to apply for a new permanent residence status under the EU Settlement Scheme before the end of the grace period. Those who missed the application deadline should see here.



**2.14. I am Dutch and have worked in the UK since 1995. I plan to retire in several years. I am looking for advice on whether I will be able to stay after my retirement.**

Yes. As somebody who has resided and worked in the UK for at least five years, you have already obtained a right of permanent residence there that is no longer subject to any conditions (*such as having to continue working*). However, you will have to apply for a new permanent residence status under UK law before the end of the grace period. Those who missed the application deadline should see here.

- Rules on absences

**2.15. I am from Greece and arrived in the UK in 2018 to study. In 2020 I studied in Italy on Erasmus+ for five months and then returned to my UK university. I hope this move has no negative impact on my residence in the UK!**

It has no impact on your rights in the UK. EU law on free movement of EU citizens says that periods of absence of less than six months in a year do not affect continuity of residence. These safeguards are included in the Withdrawal Agreement as well.

**2.16. According to the Withdrawal Agreement, I can be absent for up to six months a year without endangering my residence status in the UK. What does “six months a year” mean?**

The “six months a year” rule in the Withdrawal Agreement copies the same rule of the Free Movement Directive. It has the same interpretation. Under the EU Free Movement Directive EU citizen may be temporarily absent for periods not exceeding a total of six months within each year. Each year starts on the anniversary of the date when the EU citizen commenced residence in the host country.

**2.17. As a Finnish citizen, I acquired the right of permanent residence in the UK under EU free movement laws in 2010. I left the UK in March 2017 to study in Sweden. Did I have to return to the UK before the end of the transition period in order not to lose my rights there?**

No. As you had permanent residence in the UK before your departure, you are covered by the Withdrawal Agreement if you return within five years of your departure (*so before March 2022*). However, you have to apply for new permanent residence status under the EU Settlement





Scheme. Such an application should be done before the end of the grace period. Those who missed the application deadline should see here.

**2.18. I have enrolled at the University of Manchester to start my studies in academic year 2020/2021. Unfortunately, I was unable physically to travel to the UK due to all coronavirus-related travel restrictions. I attend my studies remotely. Does the Withdrawal Agreement still protect me?**

Unfortunately, only those EU citizens who arrived in the UK before the end of the transition period are guaranteed the Withdrawal Agreement's protection. The UK can be more flexible to take into account all the extraordinary circumstances.

**2.19. I arrived in the UK just before the end of the transition period but I had to leave shortly afterwards to take care of an important family matter. Am I still protected?**

Yes, it is important that you arrived in the UK before the end of the transition period. Once present in the UK under EU law on free movement of EU citizens, you can be absent for up to six months for any reason (or longer, in certain cases) without affecting your rights. However, you have to apply for new residence status under the EU Settlement Scheme. Such an application should be done before the end of the grace period. Those who missed the application deadline should see here.

- Specific cases

**2.20. Back in 2006, I came to the UK to work, relying on my Slovak nationality. Recently, I have obtained British citizenship. As a dual Slovak/British national, what is my status?**

Your British nationality gives you an unconditional right of residence in the UK. Since your naturalisation, your residence in the UK is no longer under the Free Movement Directive. Because your residence was under EU free movement law by virtue of your Slovak nationality, on the other hand, this ensures that you continue to be covered by the Withdrawal Agreement.

Your British nationality gives you an indefinite right to reside in the UK and you can also rely on the Withdrawal Agreement, for example, for family reunion rights.

**2.21. I am Portuguese and arrived in the UK many years ago to join my British wife. She has a disability and I care for her and assist her full time. I think that my residence in the UK is legal**



**but I am concerned whether the Withdrawal Agreement protects me.**

Only those EU citizens who were residing in the UK at the end of the transition period in accordance with the conditions which EU law on free movement of EU citizens attaches to the right of residence are guaranteed to be protected by the Withdrawal Agreement.

If you meet all the conditions of residence as a self-sufficient EU citizen, your right to stay after the transition period is protected by the Withdrawal Agreement.

**2.22. I am Italian and I live with my Brazilian family in the UK since 2011. I understand that my right to stay in UK is protected – but what about my right to return to Italy with my family, based on the *Surinder Singh* line of case law of the Court of Justice?**

The Withdrawal Agreement protects the rights of those who have made use of their free movement and live in a state other than that of their nationality. It does not protect those who reside in the state of their nationality, regardless of whether they have returned home before or after the end of the transition period.

However, the *Surinder Singh* line of case law will apply to you, given that you will be returning to the Member State of your nationality after having exercised your right to move and reside freely in another EU Member State. It does not matter that your country of residence in the meanwhile withdrew from the EU.

Your right to stay in the UK will only be protected if you apply for a new residence status under the EU Settlement Scheme before the end of the grace period. After you return to Italy, you will lose your rights under the Withdrawal Agreement, and your residence rights in the UK, if you stay away from the UK for longer than five years. Those who missed the application deadline should see here.

**2.23. I am Mexican and live in the UK with my five year old British daughter as her primary carer under the so-called *Ruiz Zambrano* rule. Can I stay?**

Only those who were residing in the UK at the end of the transition period in accordance with the conditions which EU law on free movement of EU citizens attaches to the right of residence are guaranteed to be protected by the Withdrawal Agreement.

Those who reside in the UK exclusively on the basis of EU citizenship of their British family members do not fall under the Withdrawal Agreement. UK domestic laws currently allow such



persons to obtain a new residence status under the EU Settlement Scheme. We recommend you seek legal advice.

### **3. Family members**

#### **3.1. I am Portuguese and my dad, who is also Portuguese, works in the UK. I live with him and study at a local primary school. May I stay in the UK?**

Yes. You have the right to stay in the UK with your dad. The Withdrawal Agreement makes sure that all family members, irrespective of their nationality, who were lawfully residing at the end of the transition period with an EU citizen in the UK can stay under the same conditions that existed before the end of the transition period.

You will need to make sure that you apply, or that your dad applies on your behalf, for a new residence status before the end of the grace period. Those who missed the application deadline should see here.

#### **3.2. I am Korean. I came to the UK to live with my Latvian husband but the marriage hit a rough patch recently. I want to file for divorce but I am afraid what it will mean for my right of residence.**

The Withdrawal Agreement replicates EU law on free movement of EU citizens which, under certain conditions, already protects non-EU spouses who divorce from an EU citizen. If you have been married for at least three years before you divorce and have lived in the UK for at least one year before the initiation of divorce proceedings, you can continue to reside in the UK after the end of the transition period, as long as you apply for the new UK residence status. Once your divorce becomes final, there are conditions which EU law on free movement of EU citizens attaches to the right of residence, as if you were an EU citizen yourself.

In any event, you have to apply to receive a new residence status under the EU Settlement Scheme before the end of the grace period. If you do not have five years of continuous residence in the UK, you will obtain limited leave to remain in the UK (called “pre-settled” status). Once you accumulate five years of continuous residence in the UK, you will be able to apply for a permanent residence status in the UK. Those who missed the application deadline should see here.



**3.3. I live and work in the UK with my Slovak partner. We plan to have a baby soon. Should we have accelerated our plans and have had the baby before the end of the transition period?**

There is no need to rush. The Withdrawal Agreement makes sure that children born to EU families residing in the UK before and after the end of the transition period are able to stay. Do not forget to apply for your new UK residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#). Your baby may be British from birth, but if not, you will also need to apply for the new residence status for your baby within three months of their birth. Those who missed the application deadline should see [here](#).

**3.4. I am Russian and live in the UK with my Romanian spouse. I was issued with an EU residence card back in 2018. Can I stay?**

Yes, you can stay. The Withdrawal Agreement protects all those family members who have lawfully resided with an EU citizen in the UK before the end of the transition period. They are allowed to stay but have to apply for a new residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#). Those who missed the application deadline should see [here](#).

**3.5. I am German and live in the UK with the child I adopted. Can we stay together?**

Yes, you can stay together. The Withdrawal Agreement protects all those family members who have lawfully resided with an EU citizen in the UK before the end of the transition period. Adopted children are treated in the same way as biological children. However, you have to apply for a new residence status under [the EU Settlement Scheme](#) for yourself and your child (unless the child is British) before the end of [the grace period](#). Those who missed the application deadline should see [here](#).

**3.6. For children born after the end of the transition period, the Withdrawal Agreement requires that the parent residing in the host State has custody of the child. Does it only protect divorced couples?**

No. Custody is defined very broadly in the Withdrawal Agreement. It includes rights of custody acquired by operation of law, by court judgment or even by an agreement between parents.

**3.7. Several years ago, I applied to the UK authorities to be able to join my Swedish cousin living in Edinburgh because I was financially dependent on her. The UK authorities accepted that**



**and issued me with an EU residence card. What happens to me now?**

You can stay. The Withdrawal Agreement protects all those family members who have lawfully resided with an EU citizen in the UK before the end of the transition period. You are allowed to stay but have to apply for a new residence status under the EU Settlement Scheme before the end of the grace period. UK laws require your EU residence card to be valid when you apply under the EU Settlement Scheme. Those who missed the application deadline should see [here](#).

**3.8. Recently, I was granted an entry visa to join my Hungarian aunt living in the UK. My aunt is providing me with financial support after my parents died. I arrived in the UK but my application for residence was still pending at the end of the transition period. What will happen to me?**

In accordance with EU law on free movement of EU citizens, your application is to be decided under national UK legislation and your residence should be facilitated. Should the UK authorities decide to grant you residence, you will be covered by the Withdrawal Agreement and be able to apply for a new residence status under the EU Settlement Scheme before the end of the grace period. Any refusal must be fully justified and is subject to appeal. Those who missed the application deadline should see [here](#).

**3.9. I am the unmarried partner of a Bulgarian citizen residing in the UK. I plan to join him there but I can do it only in four years because of existing work commitments in my country, Canada. Will I be able to join him?**

Yes. The Withdrawal Agreement protects partners who had been in a durable partnership with an EU citizen at the end of the transition period but were not residing with that partner in the UK. You will be able to join your partner in the UK, provided that you remain in a durable partnership with him at the point you seek to come to the UK and he has obtained a new UK residence status, for which he has to apply before the end of the grace period. You will yourself have to apply for a new residence status under the EU Settlement Scheme within three months after your arrival in the UK. Those who missed the application deadline should see [here](#).

The requirement of durability of the relationship must be assessed in the light of the objective to maintain the unity of the family in a broad sense. National rules can refer to a minimum amount of time as a criterion for whether a partnership can be considered as durable. However, in this case national rules must ensure that other relevant aspects (such as for example a joint mortgage to buy a home) are taken into account.



**3.10. I am the nephew of a Czech citizen living in the UK. I plan to join him there but I can do it only in four years because of existing study commitments in my country. Will I be able to join him?**

The Withdrawal Agreement does not protect extended family members of EU citizens (*except those in durable partnerships*) who were not residing with their relative at the end of the transition period. If you want to join your relative in the UK, you would need to qualify under UK immigration law which may not be possible as it will depend on the rules in place at the time you want to join them.

**3.11. I am a Danish student in Cardiff. My wife lives abroad, together with our little baby. They would like to join me once the studies are over and I have found a job. Will they be able to do so?**

They will be able to join you, even after the end of the transition period. The Withdrawal Agreement protects not only those close family members who have lawfully resided with an EU citizen in the UK before the end of the transition period, but also those close family members who were related to an EU citizen at the end of the transition period but were not residing in the UK. They will be able to join you, provided you are still married at the point your wife seeks to come to the UK and you have obtained a new UK residence status, for which you have to apply before the end of the grace period. Your wife and child will have to apply for a new residence status under the EU Settlement Scheme within three months after their arrival in the UK. Those who missed the application deadline should see here.

**3.12. I live and work in the UK. As an EU citizen, I hold a residence status under the EU Settlement Scheme. I am single but, hopefully, one day I will marry. Will my future spouse be able to join me in the UK? What if we have a baby?**

Your future spouse will not be able to join you under the Withdrawal Agreement, as it does not protect those who will marry an EU citizen after the end of the transition period. Any such future spouse will have to comply with UK immigration rules.

Any future child will be able to join an EU citizen resident in the UK before the end of the transition period if that EU parent has legal custody of the child and was granted a new UK residence status, for which the EU citizen must apply before the end of the grace period. You will also have to apply for a new residence status under the EU Settlement Scheme for your child within three months of arrival in the UK or birth in the UK. Those who missed the application deadline should see here.



**3.13. I am an Argentinian working in the UK where I live with my 6-year old Croatian son and 2-year old Argentinian daughter. Can we stay?**

All of you can stay provided you and your Croatian son meet the conditions for lawful residence and all of you have obtained a new residence status under the EU Settlement Scheme, for which you have to apply before the end of the grace period. Those who missed the application deadline should see here.

The Withdrawal Agreement ensures that it is not only EU citizens (*i.e. your son*) who can stay in the UK after the end of the transition period, but also those non-EU family members (*i.e. you and your daughter*) whose presence is required in order not to deprive your son's right of residence granted by the Withdrawal Agreement.

**3.14. I am from Australia. I live in the UK as the primary carer of my Polish son studying there. My Polish partner who worked in the UK has left us. Am I able to stay?**

The Withdrawal Agreement gives you the right to reside in the UK until your son completes his education. You keep this right at least until your son reaches the age of majority, and possibly afterwards for as long as he continues to need your presence and care in order to pursue his studies. The Withdrawal Agreement does not guarantee you any right to stay permanently in the UK but UK laws may do so. However, you and your son have to apply for a new residence status under the EU Settlement Scheme before the end of the grace period. Those who missed the application deadline should see here.



## **4. Residence rights**

### **4.1. I am Cypriot and live in London with my mum who works as an engineer. I go to school but I hope to open my own flower shop. Will I be able to stay and start working once I have finished school?**

Yes. You will not only be able to stay in the UK, but you also keep all the options EU law on free movement of EU citizens confers on EU citizens. You will be able to work, study, run a business or stay at home and care for your family members. Your rights will not be affected once you start working. However, you have to apply for a new residence status under the EU Settlement Scheme before the end of the grace period. Those who missed the application deadline should see here.

### **4.2. I am from Slovenia. I arrived in the UK in 2017 and have been self-employed since. Can I get permanent residence there and, if so, under what conditions?**

You have to apply for a new residence status under the EU Settlement Scheme before the end of the grace period. Those who missed the application deadline should see here. Having resided in the UK for less than five years, you should receive limited leave to remain in the UK (called "pre-settled" status). Once you have completed five years of continuous and legal residence in the UK (*including periods of residence before and after the end of the transition period*), you will be able to apply for a permanent residence status under the EU Settlement Scheme (so-called "settled" status).

The Withdrawal Agreement protects those EU citizens who were residing in the UK in accordance with the conditions which EU law on free movement of EU citizens attaches to the right of residence. In essence, residence of EU citizens is legal if they:

- are workers or self-employed; or
- have sufficient resources and sickness insurance (including students); or
- are family members of an EU citizen who meets these conditions.

### **4.3. I am Finnish and have lived in the UK with my parents for nine years. They both work. Do I have any residence rights in the UK?**

Yes. As somebody who has lived in the UK for at least five years, you have already obtained a right of permanent residence under EU law on free movement of EU citizens that is no longer subject to any conditions (*such as having to continue being a family member*). This right is preserved under the Withdrawal Agreement as long as you comply with the requirement to





apply for a new residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#). Those who missed the application deadline should see [here](#).

**4.4. I am Estonian and I study at a UK university. If all goes well, my studies will finish in 2022. Will I be able to stay in the UK and look for a job there?**

Yes. You can stay in the UK as long as you apply for a new residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#). Those who missed the application deadline should see [here](#).

If, at the date of application, you do not yet have five years of continuous residence in the UK, you will receive limited leave to remain in the UK (called "pre-settled" status). After five years of continuous residence in the UK, you will be able to apply again to [the EU Settlement Scheme](#) to obtain indefinite leave to remain in the UK (so-called "settled" status).

EU citizens can 'switch': students can start working (*and become workers*), workers can retire (*and become self-sufficient persons*), self-sufficient persons can start studying and so on. There is no need to reapply under [the EU Settlement Scheme](#).

**4.5. I am Maltese and I have permanent residence in the UK where I was born and raised. My university studies are well underway and I already have a great job offer in Slovakia. They are offering me a three-year contract but I am afraid that if I leave the UK I will not be able to return. Please, dispel my doubts!**

Once you have applied for and obtained your new permanent residence status from the UK authorities under [the EU Settlement Scheme](#), you can leave the UK for up to five years and then return without that status lapsing. The five-year absence rule also protects those citizens who were absent from the UK at the end of the transition period provided they made an application for a new residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#). Those who missed the application deadline should see [here](#).

**4.6. I am from Hungary and I have been living and working in the UK for 15 years. I hope that I can remain in the UK. Could you please reassure me that I can keep my rights and entitlements indefinitely?**

There is no 'expiry date' by which rights expire. All those protected under the Withdrawal Agreement keep their rights and entitlements, once acquired, for life. However, you have to apply for a new permanent residence status under [the EU Settlement Scheme](#) (so-called



“settled” status) before the end of the grace period. Those who missed the application deadline should see [here](#).

Some rights may, however, lapse in certain circumstances. For example, the new permanent residence status lapses if a person is absent from the UK for a continuous period exceeding five years.

**4.7. I am from Austria and I have lived in the UK for the last twenty years. I receive social assistance benefits. I guess I can stay in the UK but will I still get the benefits I need?**

Yes. All EU citizens resident in the UK who qualify for protection by the Withdrawal Agreement keep their right of equal treatment. This means that where they were entitled to a benefit, entitlement or advantage before the end of the transition period, they will continue to enjoy the same treatment.

However, you have to apply for a new permanent residence status under the EU Settlement Scheme (so-called “settled” status) before the end of the grace period. Those who missed the application deadline should see [here](#).

**4.8. I am from Lithuania and I study at a university in the UK. Do I have to pay higher tuition fees now, after the end of the transition period? Do I have access to student loans?**

All EU citizens resident in the UK who qualify for a new UK residence status keep their right of residence and of equal treatment.

For students with a residence status under the EU Settlement Scheme, this means that they continue to pay the same tuition fees as British citizens. These entitlements will be subject to any future domestic policy changes that apply to UK nationals.

As regards access to maintenance aid for studies, such as student grants or student loans, EU students covered by the Withdrawal Agreement continue to enjoy the same treatment as they enjoy.

**4.9. I am a Portuguese national residing in the UK and protected by the Withdrawal Agreement. Do I still enjoy free movement rights within the EU?**

As an EU citizen, you have the right to move and reside freely within the EU under EU law on free movement of EU citizens. Brexit does not affect this right.



- *Governance of the Withdrawal Agreement*

#### **4.10. Is there an independent national authority to monitor the Withdrawal Agreement?**

In the UK, an independent national authority, called the “Independent Monitoring Authority”, monitors the implementation and application of the citizens’ right Part of the Withdrawal Agreement. Its website is at <https://ima-citizensrights.org.uk/>.

The powers and functions of this UK authority, including the competence to conduct inquiries based on citizens' complaints, are established in the Withdrawal Agreement and are equivalent to the Commission's powers under the EU Treaties. This authority will also have the right to bring legal action before competent UK courts in connection with citizens' complaints with a view to seek adequate remedies.

The authority, as well as the Commission, will each report annually to the specialised committee on citizens' rights set up by the Withdrawal Agreement on their activities related to the implementation of citizens' rights under the Agreement, including the number and nature of complaints received.

#### **4.11. I believe that my rights under the Withdrawal Agreement have been violated. What can I do to remedy that?**

The first step should be explaining your complaint to the UK authority that you believe made a mistake and asking it to remedy the problem.

If this does not help or if you think it is futile, you can make an appeal and ask UK courts to examine your case.

You can also report the breach of your rights to the Independent Monitoring Authority at <https://ima-citizensrights.org.uk/report-a-complaint/>. A complaint to the Independent Monitoring Authority will help identify, and remedy, potential structural problems. It may not, however, lead to the resolution of your individual problem.

As an EU citizen, you can also write to the Commission to complain but note that the Commission, unlike the Independent Monitoring Authority, the UK authorities and courts, cannot directly force any remedy.

#### **4.12. Where can I find more information about the implementation of the Withdrawal Agreement?**

The best source of information are joint EU-UK reports on the implementation of residence rights that are regularly updated. The reports can be found at



[https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights_en).

#### **4.13. What prevents the UK authorities from modifying their laws on the new residence status in the future?**

The Withdrawal Agreement makes it very clear that once the new residence status is granted to individual EU citizens and their family members, it will not be possible to withdraw it on grounds other than those expressly allowed in the Withdrawal Agreement (*such as through absences, or as a result of committing a crime*).

Rights under the Withdrawal Agreement are binding under international law and EU citizens and their family members are able to directly rely on their rights under the Withdrawal Agreement in the UK. The UK has to ensure that citizens' rights under the Withdrawal Agreement are properly incorporated into UK domestic law.

The UK legislation enacting EU citizens' rights provided for in the Withdrawal Agreement prevails over other UK legislation. This means that UK laws cannot 'accidentally' take away rights protected by the Withdrawal Agreement. If the UK Parliament decides in the future to repeal the legislation giving effect to EU citizens' rights in UK law, this repeal would violate the Withdrawal Agreement, and would trigger consequences of this violation in accordance with the rules of the Withdrawal Agreement itself and international law.

#### **4.14. The competence of the Court of Justice of the European Union will expire in eight years. Does it mean that my rights will expire as well?**

Your rights under the Withdrawal Agreement are life-long (*but they may lapse in certain circumstances, for example an absence of more than five years from the host state*).

While the ability of UK courts to ask the Court of Justice for its interpretation of the Withdrawal Agreement is limited to eight years, it will be long enough to ensure that the Court of Justice can rule on the most significant issues.

Other aspects of the Withdrawal Agreement are not limited in time, such as the ability of individuals to rely directly on the Withdrawal Agreement that prevails over incompatible national legislation or measures, or the obligations for UK administrative and judicial authorities to align themselves to the relevant case-law of the Court of Justice of the European Union handed down before the end of the transition period and to have due regard to future case law pronounced after the end of the transition period.

#### **4.15. I note that the criteria for residence are based on concepts of EU free movement law, as interpreted by the Court of Justice of**



**the European Union but what if the UK has not correctly enacted EU free movement law so they use the wrong interpretation?**

The Withdrawal Agreement is clear: where the criteria for residence are based on concepts of EU free movement law, they must be interpreted in line with decisions given by the Court of Justice of the European Union before the end of the transition period.

Where the UK relies on an incorrect interpretation of the concepts of EU law that conflicts with such a decision, it is the Court of Justice's interpretation that must ultimately prevail.

In addition, UK courts must have due regard to the interpretations of the Court of Justice of the European Union in case law handed down after the end of the transition period.



## **5. Entry and exit rules**

### **5.1. After Brexit, can I travel to the UK as an EU citizen?**

Before the end of the transition period, EU citizens were able to travel freely with just a valid passport or identity card.

After the end of the transition period, those EU citizens who have resided in the UK before the end of the transition period can leave the UK and come back with their valid passport or identity card. Their non-EU family members have the same rights with a valid passport. Please note that as of 2026, the UK will be entitled to no longer accept ID cards that do not comply with applicable international standards related to biometric identification.

Having a new residence status under [the EU Settlement Scheme](#) can facilitate crossing the border as it assures the UK authorities that the traveller has a right of residence in the UK.

Entry rules for other EU citizens (*those who have not resided in the UK at the end of the transition period*) who fall outside the scope of the Withdrawal Agreement are governed by UK domestic laws. The UK Government has indicated that from 1 October 2021 only passports can be used as travel documents to enter the UK.

### **5.2. As a Lithuanian citizen residing in the UK, can I be subject to entry visa requirements in the future?**

No – as long as you hold a valid UK document evidencing your new residence status under [the EU Settlement Scheme](#). The UK issues a digital document to EU citizens under [the EU Settlement Scheme](#).

### **5.3. I am from Luxembourg. I do not reside in the UK but I regularly visit the UK, do I need an entry visa?**

UK rules determine whether you need an entry visa. Currently, there is no visa requirement for EU citizens visiting the UK.

### **5.4. I am Bulgarian and I live in the UK. My Chinese spouse just started her university course in Melbourne. Which visa rules will apply to her in 2025, when she joins me in the UK?**

Assuming that Chinese nationals will be subject to visa requirements in 2025 under the applicable UK laws, your spouse will still enjoy the safeguards of the Withdrawal Agreement that ensure that her entry visa should be issued free of charge and on a basis of an accelerated procedure.



**5.5. I am Italian living in the UK with my Egyptian husband. We both have the new settled status. Will he need a visa when we visit France?**

Yes, he will need a visa when you visit France, as he will no longer have a valid residence card issued under the EU Free Movement Directive or a residence document issued by an Schengen Member State. However he will enjoy the safeguards of the EU Free Movement Directive that ensure that his entry visa to France should be issued free of charge and on a basis of an accelerated procedure.



## **6. Criminality & abuse**

### **6.1. I have lived and worked in the UK for 11 years. In 2019, I was convicted of a criminal offence and sentenced to a five-month term of imprisonment. Can this imprisonment affect my rights?**

Criminal conduct may have consequences for the right of residence, be it under EU law on free movement of EU citizens or under the Withdrawal Agreement. For crimes committed before the end of the transition period, the current rules of the Free Movement Directive apply (*Chapter VI*).

This means that all decisions affecting the right of residence taken on the grounds of crimes committed before the end of the transition period have to be taken on a strict case-by-case basis and only those offenders whose personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society can be removed.

### **6.2. What happens to EU citizens allowed to stay in the UK under the Withdrawal Agreement who commit a crime?**

Any crime committed after the end of the transition period is subject to UK domestic law.

In the UK, this currently means that those who commit a crime which has resulted in a sentence of imprisonment of 12 months or more will automatically be considered for deportation. They have the right to appeal against such a decision and have an independent court review their case.

### **6.3. I am worried that many can try to cheat their way in by pretending to be covered by the Withdrawal Agreement. What safeguards the authorities have?**

All the safeguards which Member States have at their disposal under EU law on free movement of EU citizens to guard against abuse and fraud are replicated under the Withdrawal Agreement. The UK is able to adopt the necessary measures to refuse, terminate or withdraw any right conferred by the Withdrawal Agreement in the case of abuse of rights or fraud, such as marriages of convenience, forgery of documents or false representation of a material fact crucial for the right of residence. Any such measure must be proportionate and subject to judicial redress.

### **6.4. Can decisions of the UK authorities based on abuse of rights rules result in loss of the appeal rights?**

Abuse or fraud can result in loss of residence but never in loss of appeal rights. The UK can restrict free movement rights of those EU citizens who are proven to be abusing EU law (*such*





*as marriages of convenience*). Once abuse or fraud is proven by the UK authorities, the affected persons have full appeal rights against a decision restricting their rights of residence on those grounds, including the right to stay while the appeal is pending within the limits of Article 31(2) of the Free Movement Directive.

**6.5. The Withdrawal Agreement says that the UK authorities can carry out systematic criminal and security checks on all applicants for a new residence status in the UK. Is this right?**

Yes. The context of Brexit is a very special one, because the UK authorities need to take a fundamental decision whether the persons in question should have a new residence status in the UK for the rest of their lives.

In that context, it is appropriate for the UK to establish a new procedure for those seeking to obtain that new residence status in the UK, or rather be exclusively subjected to UK immigration rules. This means that after the end of the transition period, the UK can remove those EU offenders – who committed their offences before the end of the transition period – only where they would be able to remove them now.

**6.6. I have speeding fines and parking tickets in the UK, and they do not appear on my criminal record. Do I need to disclose them to the UK authorities in my application under the EU Settlement Scheme?**

No, you only need to declare those UK criminal convictions and speeding fines and parking tickets are not criminal offences. In any event, you must only declare those criminal convictions that appear in your UK criminal record.



## **7. Administrative procedures**

### **7.1. Where can I find best information about my rights and the procedure?**

The UK authorities provide information for EU citizens and their family members on their dedicated website at <https://www.gov.uk/settled-status-eu-citizens-families>.

The best EU sources of information can be found at [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights_en), <http://www.eurights.uk> and [https://europa.eu/youreurope/citizens/residence/brexit-residence-rights/eu-nationals-living-in-uk/index\\_en.htm](https://europa.eu/youreurope/citizens/residence/brexit-residence-rights/eu-nationals-living-in-uk/index_en.htm).

You can also read leaflets on various topics: [What you need to know as an EU citizen living in the UK](#), [what you need to know as a senior EU citizen living in the UK](#) and [what you need to know as a non-EU citizen living in the UK if you have, or had, a family connection to an EU citizen](#).

You can always ask your country's embassy or consulate for assistance and advice.

### **7.2. There is a new UK residence status called "settled status". Does it apply to EU citizens and what does it mean?**

All EU citizens and their family members residing in the UK must apply for a new residence status under [the EU Settlement Scheme](#) before the end of [the grace period](#) in order to be able to stay in the UK. This corresponds to a right of permanent residence under the Withdrawal Agreement. Those who missed the application deadline should see [here](#).

The UK authorities provide information for EU citizens and their family members on their dedicated website at <https://www.gov.uk/settled-status-eu-citizens-families>.

### **7.3. As an EU citizen residing in the UK, I did not have to apply for a residence document before the end of the transition period. Am I obliged to do so now?**

During the transition period, EU free movement rights continued to apply as if the UK were still a member of the European Union. EU citizens were able to enjoy their full rights in the UK until the end of the transition period and there was no obligation to apply for any residence document.

However, EU citizens can now remain in the UK only if they apply for a new residence status under [the EU Settlement Scheme](#). This is a legal precondition for their continued residence in the UK. The application has to be made before the end of [the grace period](#). The new UK



residence document is digital and should help EU citizens and their family members to prove their residence status not only to the UK authorities or police, but also to employers, banks, landlords or anyone else.

If you do not apply for a new residence status before the end of the grace period, you will seriously endanger your right to stay in the UK. Those who missed the application deadline should see here.

#### **7.4. Does having the new UK residence status mean that EU citizens lose old rights they enjoyed under EU law?**

After the end of the transition period, EU law on free movement of EU citizens no longer applies in the UK.

Leaving aside that the UK has decided not to require EU citizens to meet all the conditions, the substantive conditions under the Withdrawal Agreement on which citizens must obtain a new residence status under the EU Settlement Scheme essentially correspond to those laid down in EU law on free movement of EU citizens for obtaining or losing the right of residence.

There is no discretion for the UK authorities to refuse an application on grounds not allowed under EU law. Nobody entitled to protection is left behind.

The conditions for losing the new residence status are, on the one hand, more beneficial compared to those in today's EU law on free movement of EU citizens as EU citizens and their family members can leave the UK for five years without losing their new permanent residence status (*current rules provide only for two years*).

On the other hand, EU citizens can lose their new residence status more easily if they commit a crime in the UK after the end of the transition period. Where the crime takes place after the end of the transition period, the decision will be taken in accordance with UK national law (that has lower deportation thresholds).

#### **7.5. It is not clear to me which criteria the UK authorities use to decide on the new residence status for EU citizens. Can you please explain?**

The substantive criteria for EU citizens to obtain a new residence status in the UK are essentially the same as those laid down today in EU law on free movement of EU citizens. The UK has decided to check only the duration of residence and the outcome of the criminality and security check for granting EU citizens and their family members leave to enter and remain in the UK under the EU Settlement Scheme.



## **7.6. What is the deadline for applying for "settled status" or "pre-settled status"?**

Those who have lawfully resided in the UK before the end of the transition period have until the end of the grace period to apply for the new UK residence status. Those who missed the application deadline should see [here](#).

Those family members who are covered by the Withdrawal Agreement and are joining to live with their relatives in the UK only after the end of the transition period have to apply for the new residence status within 3 months from the time of their arrival to the UK. They can also apply before the end of the grace period, if this is more beneficial for them.

Until the end of the grace period and until their applications, once submitted, are decided, they enjoy their residence right in the UK that is 'deemed' to exist.

## **7.7. What is going to happen if the UK authorities take ages to decide on my application for the new residence status?**

Once the applications are made, you can reside and you maintain all current rights in the country until the decision is taken. Should the application be refused, you will be entitled to appeal and stay until the appeal is finally decided.

## **7.8. What is the deadline for family members who arrive after the end of the grace period when applying for the new status?**

The Withdrawal Agreement ensures that they will have at least three months after their arrival to apply for a new residence status.

## **7.9. Are there any safeguards that protect those wishing to apply for a new residence status in time but being unable to do so because the UK system did not work?**

Yes. The Withdrawal Agreement ensures that the grace period (*by its end all EU citizens are required to apply for a new residence status*) should be extended automatically by one year where the UK notifies that technical problems prevent it either from registering applications or from issuing certificates of application. During this extended period, all residence rights would be fully preserved.



**7.10. I already have a document certifying permanent residence issued to me by the UK authorities in 2014. I sincerely hope that persons like me can stay without any hassle.**

You still have to apply for a new permanent residence status in the UK under the EU Settlement Scheme before the end of the grace period. But, as you have already obtained permanent residence in the UK under existing EU law on free movement of EU citizens, the administrative procedure is simple. You just have to present a passport or identity card, declare any unspent criminal convictions which appear in your criminal record in the state of conviction and show that you have not been absent from the UK for more than five continuous years. Your new residence status should be issued free of charge.

**7.11. I was eligible for permanent residence in the UK under EU law but I never applied for a document certifying permanent residence. Could this affect me?**

It affects you a bit. Presenting a permanent residence document issued before the end of the transition period could have made your application under the EU Settlement Scheme more straightforward. In any event, you are still entitled to indefinite leave to remain in the UK (called "settled" status) but your application procedure under the EU Settlement Scheme will be a bit more demanding.

**7.12. I am worried that the new administrative procedure the UK authorities have designed for EU citizens is a nightmare. How has the EU protected my rights in the negotiations?**

The UK has committed to designing a new scheme - the EU Settlement Scheme - in which administrative procedures for applications for new residence status are transparent, smooth and streamlined, so as to avoid any unnecessary administrative burdens.

Application forms under the EU Settlement Scheme are supposed to be short, simple, user-friendly and adjusted to the context of the Withdrawal Agreement. The new UK residence status granted under the EU Settlement Scheme is issued free of charge.

The Withdrawal Agreement specifies that the UK cannot require anything more than is strictly necessary and proportionate to determine whether the criteria for residence have been met. The Withdrawal Agreement contains provisions that follow a similar approach to the provisions on evidential requirements in EU law on free movement of EU citizens.



**7.13. Looking at how EU free movement law was applied in the UK, I am concerned that the new system is not guaranteed to work in practice in all cases.**

The UK provides detailed information on the EU Settlement Scheme on the following dedicated website <https://www.gov.uk/settled-status-eu-citizens-families>.

The administrative system established under the EU Settlement Scheme is supposed to be smooth, transparent, simple, and should not result in unnecessary administrative burdens. The new UK residence status granted under the EU Settlement Scheme is issued free of charge.

To offer concrete safeguards to citizens, the Withdrawal Agreement makes sure that all the procedural safeguards of the Free Movement Directive apply. This means the right to appeal any decision restricting residence rights. It also means that the citizen in question maintains all rights under the Withdrawal Agreement, until a final decision has been taken, i.e. including final judicial decision after an appeal procedure.

**7.14. I applied for an EU registration certificate in the UK in 2018. I compiled almost one hundred pages of documents to make sure that the UK authorities understood that I met the conditions. I do not want to have to undergo the same again. Is it different under the EU Settlement Scheme?**

Yes. The new residence status granted under the EU Settlement Scheme does not require anything more than is strictly necessary and proportionate to determine whether the criteria for residence have been met. The Withdrawal Agreement contains provisions that follow a similar approach to the provisions on evidential requirements in EU law on free movement of EU citizens. At the same time, the UK authorities seek to use evidence already available to them (*such as records on taxes paid on wages*) to reduce the evidence applicants need to provide.

In other words, the Withdrawal Agreement sets out a limit to what the UK authorities can require. The UK authorities cannot ask applicants to provide more than the minimum evidence necessary to show that they qualify for the new UK residence status under the EU Settlement Scheme, declare unspent criminal convictions which appear in your criminal record in the state of conviction and nothing else.

However, under the EU Settlement Scheme, the UK authorities decided to check only the outcome of a criminality and security check, together with a verification of the residence duration. There are no conditions on having worked, or having had comprehensive sickness insurance.



**7.15. I believe that the UK administrative immigration procedures are too cumbersome. Are there be some rules or safeguards to help me with the application?**

The UK authorities have to work with applicants to help them prove their eligibility and to avoid any errors or omissions that may affect the decision on the application. The UK authorities must give applicants the opportunity to furnish supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place. A principle of evidential flexibility applies, enabling the UK authorities to exercise discretion in favour of the applicant where appropriate.

**7.16. Since I travel a lot I really do not want to submit my original passport with my application for the new UK residence status and be without it. What can I do?**

Most applications to the EU Settlement Scheme can be done by scanning your travel document with an app rather than having to submit it. You have to submit your travel document with your application only in limited circumstances. While the Withdrawal Agreement guarantees that many supporting documents can be submitted in copies, national authorities can require presentation of a valid passport or identity card with the application. However, where the travel documents are retained while the application is pending, you are entitled to request return of your travel document before the decision on the application is taken.

**7.17. Can I submit copies – and not originals – of supporting documents?**

Yes. Supporting documents other than passports or identity cards can be presented in copies. The UK authorities can require, in specific cases, that certain documents can be provided as originals where there is reasonable doubt as to their authenticity.

**7.18. Some immigration applications are very costly in the UK. How much do the UK authorities charge EU citizens and their family members applying for a new residence status?**

The new UK residence status granted under the EU Settlement Scheme is issued free of charge.

**7.19. I am married and we have three children. Are our applications decided separately or together?**

The Withdrawal Agreement guarantees that applications made by families at the same time are considered together. Under the EU Settlement Scheme this means that your applications need to be 'linked'.



### **7.20. I have heard that the UK issues residence documents under the Withdrawal Agreement in a digital form. Ummm?**

Residence documents under the Withdrawal Agreement may be issued as a physical document (*for example, as a plastic card with security features*) or in a digital form.

The UK grants a digital residence status under the EU Settlement Scheme. The digital status is based on a record kept in a digital database operated by the UK authorities. It can be viewed at <https://www.gov.uk/view-prove-immigration-status>.

### **7.21. Before the end of the transition period, EU citizens were able to appeal against decisions of the UK authorities. Is this right still protected?**

Yes, this right is fully replicated in the Withdrawal Agreement.

### **7.22. What happens to those EU citizens whose applications for a new residence status are refused by the UK authorities? Can they stay while their appeal is pending?**

EU citizens whose applications for a new residence status under the EU Settlement Scheme are refused after the end of the transition period can seek judicial redress against the refusal. They keep their right of residence until the decision – *or appeal* – becomes final. As is the case under EU law on free movement of EU citizens, the UK authorities may in exceptional cases (*such as when the decision is based on imperative grounds of public security*) remove rejected applicants even before a final judgment has been handed down. If they do so, they must not prevent EU citizens from submitting their defence in person except in exceptional circumstances when their presence in the UK may cause serious troubles to public policy or public security.

- Late applications

### **7.23. I missed the application deadline. Do I now reside unlawfully in the host State?**

Those who had lawfully resided in the UK before the end of the transition period had until the end of the grace period to apply for the new UK residence status. UK domestic laws set this application deadline to 30 June 2021.

If you have not met the application deadline, you need to take action as you will not have a right to reside in the UK under the Withdrawal Agreement until you have made a successful late application.





### **7.24. I realized that I missed the application deadline. Does this mean I will never be able to get pre-settled status or settled status?**

If you have not met the application deadline, you are still able to submit an application for a new residence status after the deadline. However, the UK authorities have discretion to decide whether to grant your late application, depending on whether there are reasonable grounds for submitting your application late. In addition, you had to reside in the UK before the end of the transition period (the transition period ended on 31 December 2020 at 11pm GMT).

When you make a late application, the UK authorities must consider your reasons for missing the deadline and if they accept there is a good reason why you did not make your application by the deadline, you can still be granted settled status or pre-settled status.

To help understand what a good reason for missing the deadline might be the UK authorities have published [guidance](#) for those applying late. If the UK authorities accept that you had a good reason for missing the deadline they will go on to consider whether you meet the residence conditions to be granted settled and pre-settled status as applicable for applications made in time.

It is important to make your application as soon as you realise that you missed the deadline.

### **7.25. National authorities alerted me that I missed the application deadline. What should I do now?**

If you have not met the application deadline, you can submit an application for a new residence status after the deadline. However, you will have to demonstrate that there are reasonable grounds for submitting your application late.

You are able to submit a late application even if it is the national authorities who notify you that you did not apply by the deadline. You may be instructed to submit your application within an additional reasonable period of time. If you fail to make an application after being notified by the authorities you also risk being removed from the UK.

Even if you have left the UK or been removed, you can still apply after the deadline from abroad.

### **7.26. Are there any safeguards for those who miss the deadline?**

In case of a late application, national authorities must assess all the circumstances and reasons for not respecting the deadline. This safeguard ensures that late applications are treated in a proportionate manner.



The reasons why someone may have missed the deadline to apply can vary and therefore the UK authorities' [guidance](#) cannot list every possible good reason. Just because your reason for applying late is not included in the guidance does not mean it is not a good reason and you should still make an application explaining as best you can the reasons why you did not apply by the application deadline.

If your reason for applying late is covered by the examples in the guidance there is a strong chance the UK authorities will accept your late application. Examples in the guidance include:

- Children (including children in care and care leavers) who have not had an application made for on their behalf.
- Physical or mental capacity and/or care or support needs preventing an application
- Serious medical condition or significant medical treatment preventing an application
- Being a victim of modern slavery
- Being a victim of an abusive or controlling relationship or situation
- Other compelling practical or compassionate reasons such as lack of awareness of the need to apply for residence status
- Ceasing to be exempt from immigration control
- Already having existing limited or indefinite leave to enter or remain
- Already having a document or status under the EEA Regulations

### **7.27. I was not aware that we needed to apply for our children. Is it too late?**

Children also need to apply for a new residence status unless they are born British. Children born British can apply to HM Passport Office for proof of their nationality. It is important to hold a British passport as evidence of nationality particularly when travelling to and from the UK. You can find more [here](#).

You should make an application for a new residence status on behalf of your children and explain the grounds for submitting your application late. According to the UK authorities [guidance](#) for those applying late, such late applications should be accepted and processed as if they were made in time.

Children born in the UK after 30 June 2021 who are not born British also must apply for the residence status. They have three months from their date of birth to apply. If an application is not made within three months they can still apply by making a late application explaining the reasons why the application is being made late.

### **7.28. How do I apply and which documents do I need?**

You can apply late using the same online application form that was used to apply before the deadline.



If you do not have a passport or national identity card and cannot get a new one issued quickly, you can apply using a paper application form, which is sent out by the [EU Settlement Resolution Centre](#): +44 (0)300 123 7379. When you call the EU Settlement Resolution Centre you must explain why you cannot provide a passport or national identity card. You will need to provide an alternative acceptable proof of identity with your paper application.

The online application form and the paper application form has a section for you to explain the reasons for missing the deadline when you apply.

If you have evidence that supports the reason(s) that you missed the deadline, you should include this in your application. If you do not provide enough information when you apply, the UK authorities should contact you to request additional information or evidence. It is very important that you respond to any such requests from the UK authorities as soon as you can.

### **7.29.I applied only after the deadline and have not received my status yet, does that mean I am not protected as the deadline has passed?**

Once you have made the application after the deadline, the UK authorities will issue you with a certificate of application and if they accept that you had good reasons to apply after the deadline, they should proceed with consideration of your application on substance, as if it were lodged in time.

From the moment when you are issued with a certificate of application and until your application is decided, your rights are protected, such as the right to live, work, rent, study in the UK, as well as free access to the NHS.

### **7.30.I missed the application deadline, but my late application has been granted. What does it mean for me?**

Your rights under the EU Settlement Scheme are the same as the rights of those who applied in time and had their applications granted.

### **7.31.I missed the application deadline, but my late application has been rejected because my reasons for applying late were not considered good enough. What does this mean for me?**

If the reasons you give for making a late application are not accepted by the UK authorities, your application will be refused.

A letter explaining why your reasons have not been accepted will be sent to you, usually by email. You can challenge a refusal decision by making an administrative review or making an appeal to an independent UK court to look into the rejection to accept your out-of-time application. If you make an administrative review that is not successful, you can still appeal to



the UK court to look at the refusal. In some limited cases you may be able to make another application. If you are refused and you want to challenge this decision, it is a good idea to speak to a regulated UK immigration adviser to understand the best way to proceed.

### **7.32. I was not living in the UK by the end of the transition period but entered with a Family Permit after 30 June 2021, do I have a deadline to apply?**

Family members who have come to the UK to join their EU sponsor after 30 June 2021 have three months from when they enter the UK using a Family Permit to make their residence application to the UK authorities. If the family member does not apply within three months, they can make a late application in the same way described above explaining why they missed the deadline to apply. The late application reasons will be considered by the UK authorities and if the reasons for missing the deadline are accepted as reasonable, the application will be granted if the other qualifying conditions are met.

If you are a family member who applied for settled status or pre-settled status outside the UK and have entered the UK after you were granted status, you do not need to apply within three months of arriving in the UK as you have already been granted the status you need to reside in the UK.

### **7.33. Where can I find additional information?**

If you need information about Brexit, the EU Settlement Scheme, your rights or entitlements, you can find more information about your rights [here](#).



## **8. Professional qualifications**

- *Professional qualifications under current EU law*

### **8.1. What are professional qualifications?**

Professional qualifications are specific qualification requirements that a person needs to possess by law in order to access or pursue a regulated profession or to engage in regulated activities in a given country.

Qualification requirements vary between professions. They may also vary for the same profession or activities between countries.

Professional qualifications may be particular studies, trainings and/or professional experience. They may be evidenced through, for instance, relevant diplomas, certificates as well as attestations of competence and/or professional experience.

### **8.2. What happens to qualifications recognised in one Member State if you settle in another Member State?**

EU citizens have the right to pursue a regulated profession, on an employed or self-employed basis, in a Member State other than the one in which they obtained their qualification.

Professionals (*for example, physiotherapists*), who have been trained and obtained their qualifications in one Member State and who decide to move and work in another Member State which regulates access to and pursuit of this profession would have to obtain in that second Member State the recognition of their qualifications before being able to work there.

Under the EU regime Member States regulating particular professions are obliged to consider, under strict conditions, the qualifications obtained in other Member States with a view to granting recognition and allowing access to their profession.

In a few professions (*doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects*) there is an automatic recognition system based on common minimum training conditions. In addition, a number of professions mainly in the craft, industry and trade sectors may benefit from automatic recognition based on experience, if certain conditions are met.

For other professions, the receiving Member State may impose compensation measures on the incoming professional, on condition that there are objectively substantial differences between the professional's qualifications and the qualifications required in the receiving Member State.



The Member State where recognition is sought must issue a relevant decision within strict deadlines. Such decisions are subject to appeal under national law, they cannot be arbitrary and have to be fully compliant with EU law.

Finally, some specific rules may be applicable to professions, such as lawyers.

This EU regime does not apply to recognition applications made by non-EU nationals, unless specific arrangements provide for such assimilation, e.g. arrangements applicable to EEA and Swiss nationals.

Qualifications acquired by EU citizens in non-EU countries are only covered by the EU regime if they are assimilated to EU qualifications. This is done after three years of exercise in the Member State which first recognised them.

### **8.3. What happens today to qualifications recognised in one Member State if you provide a service temporarily or occasionally in another Member State?**

For most professions, EU law only allows the Member State where the service is to be provided to request a prior declaration by the professionals concerned. The declaration may be submitted once a year (*or once every 18 months in the case of the European professional card*) and could be accompanied by a limited number of certificates.

No prior check of qualifications by the Member State where the service is to be provided is permitted, with the notable exception of professions involving risks of serious damage to the health or safety of the recipient of the services. Any such check should not go beyond what is necessary for this specific purpose.

In addition, for professions such as doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects etc., which are covered by the automatic recognition system, no prior check of qualifications may be imposed. Only a prior annual declaration can be required.

- *Professional qualifications under the Withdrawal Agreement*

### **8.4. How has the UK's withdrawal from the EU affected this situation?**

After the end of the transition period, the EU legal regime explained above no longer applies in the UK.

All issues linked to the recognition of the qualifications of EU citizens in the UK and the possibility to provide professional services there are to be dealt with under national rules and conditions without the benefit of the rights provided by EU law.



## **8.5. What does the Withdrawal Agreement do?**

The main purpose of the Withdrawal Agreement is for EU citizens and UK nationals lawfully residing in a host State at the end of the transition period and having previously obtained the recognition of their qualifications in that State under a specific list of EU instruments not to be affected by Brexit as regards the validity of the recognition of their qualifications and their licence to practice there.

The same would be necessary for professionals who, at the end of the transition period, are frontier workers and may have obtained recognition of their qualifications and a licence to practice in the State in which they are frontier workers.

The Withdrawal Agreement also covers pending applications for recognition made by those persons.

The Withdrawal Agreement does not guarantee EU professionals with UK qualifications and established in the UK the right to rely on EU law in order to obtain recognition of their qualifications after the end of the transition period in any EU Member State, or to provide temporary or occasional services in any of them.

The Withdrawal Agreement does not protect the validity in the rest of the EU of licences delivered by UK authorities in some sectors, in particular the transport sector, which have pan-European value within the internal market, or the validity in the UK of such types of licences delivered by authorities of the EU Member States.

## **8.6. I am an Estonian architect living and working in the UK. Can I continue to practise my profession?**

Yes. If you have had a professional qualification recognised in the UK and you comply with all practice requirements in the UK, you can continue to rely on this recognition decision for the purpose of carrying out your professional activities there.

## **8.7. I am a Belgian physiotherapist living in Ireland and working as physiotherapist in the UK where I have my qualifications recognised. Can I continue providing my services as a frontier worker in the UK?**

Yes. If you have had a professional qualification recognised in the UK, you can continue to rely on the recognition decision there for the purpose of carrying out your professional activities.

## **8.8. I am a Finnish citizen and I reside in Finland. I am currently following a course in a local institution which has a franchise agreement with a UK university. Upon completion of my studies**



**I will obtain a UK diploma. What will be the status of my qualifications if my diploma is obtained after the end of the transition period?**

To the extent that your diploma will be issued by a UK institution (*a UK university or a UK professional institute*), your qualification will be a non-EU qualification and will not benefit from the EU recognition regime.

The conditions for accessing a profession in the UK will depend on UK law and policy on immigration, accessing specific provisions and on the treatment of foreigners with UK diplomas delivered under franchise education arrangements.





## **9. Social security**

### **9.1. I am Spanish, I work in the United Kingdom and have status under the EU Settlement Scheme. What happens to my social security cover?**

When it comes to social security rules, the objective of the Withdrawal Agreement is to ensure that everything is as before. The EU rules continue to apply to persons protected by the Withdrawal Agreement. This means, for example, that:

- the United Kingdom continue to be competent for your **social security benefits** – you pay contributions in the UK and are entitled to UK benefits without any discrimination;
- you have **access to healthcare in the UK** under the same conditions as United Kingdom nationals;
- **if you go on holidays in the European Union**, you can use your British European Health Insurance Card (*though you will have to apply for a new EHIC card – see <https://www.nhs.uk/using-the-nhs/healthcare-abroad/apply-for-a-free-ehic-european-health-insurance-card/>*);
- **if your children reside in Spain** and you are entitled to UK family benefits, you continue to receive them without any reduction, as if the children resided with you in the United Kingdom (*see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en> for more details*);
- **if you have children after the end of the transition period** and you are entitled to family benefits under the United Kingdom legislation, you receive the benefits even if the children reside in, for instance, Spain (*for more details see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en>*);
- **if you become unemployed**, you are entitled to UK unemployment benefits and you are able to export these benefits for the period of time permitted, to search for a job in an EU Member State (*see <http://ec.europa.eu/social/main.jsp?catId=862&langId=en> for more details*);
- **when you retire**, you are entitled to a UK pension under the conditions provided in national legislation:
  - if you do not have enough periods of insurance in order to be entitled to a UK pension, the United Kingdom will take into consideration the periods you completed in EU Member States to the extent necessary;
  - if you decide to go back to Spain:



- you will continue to receive the UK pension without any reduction;
- your UK pension will continue to be uprated;
- the responsibility for paying for your healthcare cover will be determined depending on any other pensions you receive and your residence;

For more details, see <http://ec.europa.eu/social/main.jsp?catId=860&langId=en>;

- **if your survivors are entitled to UK survivors' benefits**, they are able to ask and receive these benefits without any reduction even if they reside in Spain.

## **9.2. For how long can the Withdrawal Agreement protect me?**

You are protected for as long as you remain without interruption in a situation which is linked to the United Kingdom and any Member State.

For example: as a Polish citizen, residing in the United Kingdom and working there for a British employer at the end of the transition period, you continue to be covered by the Withdrawal Agreement if a 'cross-border link' still exists.

This 'cross-border link' between the UK and an EU Member State exists for as long as you continue residing in the United Kingdom and working there for a British employer.

It can also continue to exist when your situation changes – you are protected provided that you continue to have a 'cross-border link' with the United Kingdom. So, you are still covered if, for example:

- you continue working for the British employer in the United Kingdom and take an additional job in Ireland;
- you continue working for the British employer in the United Kingdom, but move your residence to Ireland;
- you cease to work for the British employer and start to work in Ireland, while continuing to reside in the United Kingdom;
- your employment contract ends and you conclude another one with an Irish employer – but the work continues to be performed in the United Kingdom;
- you become unemployed without receiving unemployment benefits and continue to reside in the United Kingdom;
- you become unemployed, receive unemployment benefits and export these benefits to Poland trying to search for a job there for the period of time permitted (see <http://ec.europa.eu/social/main.jsp?catId=862&langId=en> for details);



- after having searched unsuccessfully for work in Poland for the permitted period, you immediately come back to the United Kingdom and continue to search for a job there;
- when your employment contract ends and you become inactive while waiting to reach the retirement age and continuing to reside in the United Kingdom;
- you retire in the United Kingdom;

However, you will no longer be covered by the full social security coordination rules if your employment contract ends and you change your residence to Poland (*or any other Member State*). In that case, the Withdrawal Agreement makes sure that your past periods of insurance are not lost. When you fulfil the conditions under national legislation (for instance, you reach the retirement age), you will be able to claim the benefits based on these periods in the United Kingdom.

Please note that if you have acquired a permanent right of residence in the United Kingdom before moving back to Poland (or any other Member State) and you return to the United Kingdom before that right is lost, you will, nevertheless, still benefit there from the full social security protection provided by the Withdrawal Agreement.

### **9.3. I am a French citizen, residing in France and working in the United Kingdom. Am I still covered by the social security coordination rules?**

Yes, for as long as you continue to be in a situation linked to the United Kingdom (*for more details see the answer to question 9.1. on social security*).

As long as you continue working in the United Kingdom, it continues to be competent for your social security cover, meaning for example:

- you have to pay UK **social security** contributions and you are entitled to UK benefits without any discrimination;
- you have **access to healthcare cover** in France, where you reside, at the expense of the United Kingdom;
- **if you go on holidays in the European Union**, you can use your British European Health Insurance Card (*but you will need to have applied for a new-style EHIC card*);
- **if your children reside in France** and you are entitled to family benefits, you continue to receive them without any reduction, as if the children resided with you in the United Kingdom (*see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en> for more details*);



- **if you have children after the end of the transition period**, and you are entitled to family benefits under the United Kingdom legislation, you receive them even if the children reside in France; for more details on the rules applicable (see <http://ec.europa.eu/social/main.jsp?catId=863&langId=en> for more details);
- **if you become unemployed**, you are protected by the social security coordination rules (for more details see <http://ec.europa.eu/social/main.jsp?catId=862&langId=en>);
- **when you retire**, you will be entitled to a United Kingdom pension under the conditions provided in UK national legislation:
  - if you do not have enough periods of insurance in order to be entitled to a pension in the United Kingdom, the United Kingdom will take into consideration the periods you completed in EU Member States to the extent necessary;
  - you will receive the UK pension without any reduction even if you reside in France;
  - your UK pension will continue to be updated;
  - the responsibility for paying for your healthcare cover will be determined depending on any other pensions you receive and your residence;

For details, see <http://ec.europa.eu/social/main.jsp?catId=860&langId=en>;

- **if your survivors are entitled to UK survivors' benefits**, they can receive these benefits without any reduction even if they reside in France.

#### **9.4. I am a Bulgarian citizen, residing in Bulgaria and working both in Bulgaria and in the United Kingdom. Am I still covered by the social security coordination rules?**

Yes, for as long as you continue to be in a situation linked to the United Kingdom (*for more details see the answer to question 9.1. on social security*).

You continue to be subject to only one social security legislation at a time. This legislation is determined depending on the work you perform and your residence (*for more details see <http://ec.europa.eu/social/main.jsp?catId=851&langId=en>*).

#### **9.5. I am an Italian citizen, working as an Italian civil servant in the United Kingdom. Am I still covered by the social security coordination rules?**

Yes, for as long as you continue to be in a situation linked to the United Kingdom (*for more details see the answer to question 9.1. on social security*).



Italy continues to be competent for your social security cover (see <http://ec.europa.eu/social/main.jsp?catId=851&langId=en> for more details).

**9.6. I am a Czech citizen, working and residing in the Czech Republic. I am on holidays in the United Kingdom at the end of the transition period. Am I still covered by the European Health Insurance Card?**

Yes, for your whole holiday period. You may use your European Health Insurance Card in the United Kingdom both if you already receive the healthcare cover necessary during your holiday before the end of the transition period and in the need for healthcare appears after the end of the transition period.

**9.7. I am a Maltese citizen, working and residing in Malta. I plan to go on holidays in the United Kingdom. Can I use my European Health Insurance Card?**

No. The Withdrawal Agreement does not provide for the use of the European Health Insurance Card for future holidays in the United Kingdom.

**9.8. I am an Italian citizen, studying in the United Kingdom since 2019. Can I use my European Health Insurance Card even if my period of studies goes beyond the end of the transition period?**

Yes, you can use your European Health Insurance Card for as long as your stay in the United Kingdom is not interrupted. Temporary visits to Italy (such as holidays) do not interrupt your stay as a student in the United Kingdom.

**9.9. I am a Croatian citizen, working and residing in Croatia. I began a course of special healthcare treatment in the United Kingdom before the end of the transition period. Can I continue receiving my treatment after the end of the transition period?**

Yes. The Withdrawal Agreement ensures that persons who already requested authorisation to receive planned healthcare treatment in the United Kingdom before the end of the transition period can continue to follow the treatment.



**9.10. I am Spanish and I work in the UK. I will soon reach my retirement age. What will happen with my UK and Spanish pension rights?**

Nothing will happen to your UK and Spanish pension and everything will be as now. You will be entitled to your pension under the conditions provided in national legislation, taking into account periods completed in EU Member States to the extent necessary. The amount will be calculated according to the same rules and, depending on the situation and the applicable EU rules, you can even have your pension exported and uprated should you decide to settle in Spain or any other EU Member State.

**9.11. I have retired and now receive a pension from both the UK and Slovenia, where I used to work before. What happens to my pension?**

Nothing will happen to your pension. You will continue receiving a pension both from the UK and Slovenia as you were before. Your UK pension will continue to be uprated as before.

**9.12. In the past, I worked for 12 years in the UK. I have moved and now work in Austria. Once I retire (around 2035), what will happen with the periods of work – and insurance – in the UK and Austria?**

Your periods of work will still count and once you retire, you will receive your UK pension (*or, rather, its part corresponding to the 12 years of employment*) and your Austrian pension (*the part corresponding to the number of years you have worked in Austria*) under the same conditions that apply currently in the EU.

**9.13. I worked all my life in the UK and have now retired in France. I am worried that my UK pension will no longer be uprated.**

The Withdrawal Agreement makes it clear that social security benefits, such as old age pension, will continue to be uprated in accordance with national rules, even if the pensioner resides in an EU Member State and not in the UK.

**9.14. Should I decide to leave the UK in the future, will I be able to take my social security benefits with me?**

If you are protected by the Withdrawal Agreement, all relevant social security benefits will continue to be exportable both to EU states and the UK, under the same conditions as under the EU rules.



**9.15. After working all my life in Belgium, I have retired to live in the UK. Before the end of the transition period, I was able to get healthcare in a local hospital without any hassle. Has this changed?**

There is no change after the end of the transition period. Belgium will continue to reimburse the costs of your future healthcare in the UK, as it did in the past.

**9.16. I am a Finnish citizen, working and residing in Finland. However, my spouse and children reside in the United Kingdom. As my family members, they were entitled to healthcare at the expense of Finland and I received Finnish family benefits before the end of the transition period. Has this changed?**

Provided that these entitlements already existed at the end of the transition period, there is no change. Your family members will continue to receive healthcare in the United Kingdom at the expense of Finland and you will continue to receive Finnish family benefits despite the fact that your children reside in the United Kingdom.

**9.17. I am a German worker and my German employer posted me to the UK in 2019. I am still insured in Germany and my Portable Document A1 does not expire until September 2021. Does this mean it continues to be valid in 2021?**

The Withdrawal Agreement does not cover the posting of workers in the framework of provision of services. Without prejudice to a future agreement with the UK concerning social security coordination, this means that as of 1 January 2021 there is no longer a legal basis for such postings between the Member States and the UK and your Portable Document A1 is no longer valid.

This only applies to Portable Documents A1 which were issued in the context of postings for the provision of a service. Portable Documents A1 which are issued for other reasons, for example to someone on a training course in the UK or for persons who work in the UK and in a Member State at the same time continue to be valid after 1 January 2021.



**9.18. I am self-employed and I work both in the UK and in France. I live in France but I am insured in the UK. I have a Portable Document A1 issued by the UK as well as a Portable Document S1 which I use to access healthcare in France at the expense of the UK. Will these documents remain valid and can I renew them once they expire?**

As you are in a cross-border situation involving the UK and a Member State, you are protected by the Withdrawal Agreement. EU rules on social security coordination therefore continue to apply to you and these documents remain valid after 31 December 2020. This includes your Portable Document A1 as it has not been issued in the context of a posting for the provision of a service. As long as you remain in this cross-border situation, your documents can be renewed under the same rules which were applicable before 1 January 2021.

**9.19. My parents are Dutch citizens who moved to the UK in 1990 and now have a new residence status under the EU Settlement Scheme. I was born in the UK 19 years ago (so I am a Dutch/British dual national from birth) and have lived in the UK all my life. I started a job two years ago. My parents are thinking of moving back to the Netherlands in the future. If I move to the Netherlands too, will I be able to take my social security benefits with me?**

Although you have dual nationality, you have spent your whole life living in the UK and have not exercised your free movement rights before 1 January 2021. Therefore, you are not protected by the Withdrawal Agreement. This means that if you move to the Netherlands, you will not be able to take your acquired social security rights with you on the basis of the Withdrawal Agreement. This is without prejudice to a future agreement with the UK concerning social security coordination.





## **10. Useful links**

### ***Withdrawal Agreement***

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02020W/TXT-20200613>

### ***EU Treaties***

[https://eur-lex.europa.eu/eli/treaty/tfeu\\_2012/oj](https://eur-lex.europa.eu/eli/treaty/tfeu_2012/oj)

### ***EU guidance note on citizens' rights part of the Withdrawal Agreement***

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0520\(05\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0520(05))

### ***Advice about rights in the UK***

[https://europa.eu/youreurope/citizens/residence/brexit-residence-rights/eu-nationals-living-in-uk/index\\_en.htm](https://europa.eu/youreurope/citizens/residence/brexit-residence-rights/eu-nationals-living-in-uk/index_en.htm)

Leaflet on [What you need to know as an EU citizen living in the UK](#)

Leaflet on [What you need to know as a senior EU citizen living in the UK](#)

Leaflet on [What you need to know as a non-EU citizen living in the UK if you have, or had, a family connection to an EU citizen](#)

<https://www.gov.uk/government/publications/social-security-arrangements-between-the-uk-and-the-eu-from-1-january-2021-staff-guide>

### ***Current EU rules on residence formalities for EU citizens and their family members***

[https://europa.eu/youreurope/citizens/residence/documents-formalities/eu-family-members-registration/index\\_en.htm](https://europa.eu/youreurope/citizens/residence/documents-formalities/eu-family-members-registration/index_en.htm)

[https://europa.eu/youreurope/citizens/residence/documents-formalities/non-eu-family-members-residence-card/index\\_en.htm](https://europa.eu/youreurope/citizens/residence/documents-formalities/non-eu-family-members-residence-card/index_en.htm)

*Directive 2004/38/EC ('the Free Movement Directive')*

<https://eur-lex.europa.eu/eli/dir/2004/38/>

*Regulation (EU) No 492/2011*

<https://eur-lex.europa.eu/eli/reg/2011/492/>

### ***Current EU rules on freedom of movement for professionals***

[https://europa.eu/youreurope/citizens/work/professional-qualifications/index\\_en.htm](https://europa.eu/youreurope/citizens/work/professional-qualifications/index_en.htm)

[https://ec.europa.eu/growth/single-market/services/free-movement-professionals\\_en](https://ec.europa.eu/growth/single-market/services/free-movement-professionals_en)

*Directive 2005/36/EC ('the Professional Qualifications Directive')*

<https://eur-lex.europa.eu/eli/dir/2005/36/>

### ***Current EU rules on co-ordination of social security schemes***

<https://europa.eu/youreurope/citizens/health>



<https://europa.eu/youreurope/citizens/work>

<http://ec.europa.eu/social/main.jsp?langId=en&catId=849>

*Regulation (EC) No 883/2004*

<https://eur-lex.europa.eu/eli/reg/2004/883/>

*Regulation (EC) No 987/2009*

<http://data.europa.eu/eli/reg/2009/987/2018-01-01>