

## Brexit Update | No-Deal Brexit Measures for UK Nationals in the EU | 11 April 2019

If the United Kingdom leaves the European Union without a ratified Withdrawal Agreement, then UK nationals will become third-country (non-EU) nationals immediately.

Please also see our broader [examination](#) of the possible Brexit outcomes for both UK and EU citizens.

**Here we examine the latest measures established or proposed to manage UK nationals in the EU in the case of a no-deal Brexit.**

### General Measures

If the UK leaves the EU without a withdrawal agreement, the following situation is expected:

- UK nationals wishing to visit the EU for **up to 90 days** will likely be able to do so without a visa, provided that the UK reciprocates for EU nationals (subject to the necessary legislation).
- Falling under the visa-free regime means UK nationals will need to apply for [ETIAS travel authorisation](#) prior to a trip to the EU, after 1 January 2021.
- UK nationals wishing to enter an EU member state for stays of **more than 90 days** will require a visa.
- UK nationals wishing to enter an EU member state **for work** will need to apply for work authorisation, like other third-country nationals. They may qualify for short-term work permit exemptions where available.
- UK nationals **already resident** in an EU member state by Brexit day will likely be able to stay and continue to work if they register in time, although this will depend on unilateral arrangements made by individual member states, which in turn may depend on a reciprocal offer by the UK.
- UK nationals travelling to the Schengen area (not Ireland, Bulgaria, Croatia, Cyprus or Romania) will have to have at least six months left on their passports from the date of arrival. This applies to adult and child passports.
- Any extra months over ten years on a passport (if it was renewed before expiry) may not count towards the six months that should be remaining for travel to Schengen countries.

## National Measures

Individual EU member states are in the process of establishing special arrangements for British citizens in the case of a no-deal Brexit, often with the proviso that a reciprocal offer by the UK is confirmed.

The following are details of measures already announced by member states - details will be updated as plans are clarified.

<b>Austria</b>	The lower house of the Austrian parliament has approved a law ( <a href="#">Brexit-Begleitgesetz</a> ), which grants documented UK nationals and their non-EU family members living in Austria six months from the date of a no-deal Brexit to apply for a residence permit with free access to the labour market under simplified conditions. Applicants will continue to be legally resident until a decision has been made on their application. More information is available <a href="#">here</a> .
<b>Belgium</b>	<p>The Belgian government is preparing a draft bill and has approved a draft royal decree which, in the event of a no-deal Brexit, would introduce a transitional period from 30 March 2019 to 31 December 2020 in which UK citizens already resident in Belgium can continue to live in Belgium, and apply for long-term residence as third country nationals.</p> <p>Family members arriving after Brexit day would be able to join these British citizens, but new UK national arrivals would be treated as third-country nationals. More information is available <a href="#">here</a>.</p>
<b>Bulgaria</b>	<p>The government has drafted legislative <a href="#">amendments</a> which allow UK nationals and their family members living in Bulgaria to remain in the country until 31 December 2020, under the same conditions.</p> <p>If they wish to stay longer, they will have to apply for re-registration and will receive new residence permits maintaining their existing residence rights.</p> <p>Issuance of the residence permit will take up to one month, and applicants will be given a temporary permit for that period.</p>

<p><b>Croatia</b></p>	<p>Amendments to a draft bill on EEA nationals and their family members have been proposed to allow UK nationals and their family members already resident in Croatia to maintain their existing residence status and right to work without obtaining additional authorisation.</p> <p>Existing residence documents will be recognised for up to one year after the Act enters in force, or until expiry if sooner. Within a year from entry into force of the Act, new residence documents must be issued.</p>
<p><b>Cyprus</b></p>	<p>The government has <a href="#">stated</a> that, in the case of a no-deal Brexit, the rights of UK nationals and their family members currently residing in Cyprus will be protected.</p> <p>Residence documents under the directive 2004/38/EC will continue to be valid, until replaced.</p> <p>Legislation is being drafted to unilaterally implement the terms of the Withdrawal Agreement, and new applications will be examined when this legislation is set into force.</p>
<p><b>Czech Republic</b></p>	<p>The Czech parliament has passed a Brexit Act ("Lex Brexit") which provides for a 21-month transition period (until the end of 2020) to allow UK nationals and their family members who have already applied for registration or residence in the Czech Republic by Brexit day to legally stay and work. During this transitional period, those with a certificate of temporary residence must apply for a long-term or permanent residence permit for third-country nationals. Those who already hold a permanent residence permit need to upgrade to a new biometric residence card.</p>
<p><b>Denmark</b></p>	<p>The Danish government has published <a href="#">details</a> of a planned temporary transitional scheme extending, for an undetermined period, the rights of UK nationals and their family members already resident in Denmark on Brexit day, in the event of a no-deal Brexit.</p>
<p><b>Estonia</b></p>	<p>On 21 February 2019, the Estonian parliament passed a Brexit Act, covering both deal and no-deal scenarios.</p>

	<p>In case of no deal, UK nationals and their family members already resident in Estonia will be able to continue to reside there and to obtain a residence permit.</p> <p>Existing ID cards will continue to be valid until expiry. From 1 April 2020, UK nationals will be issued new residence cards.</p> <p>All UK citizens who wish to settle in Estonia after the withdrawal of the UK from the EU will have to apply for a residence permit like all other citizens of third countries.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Finland</b>	<p>The Finnish government has <a href="#">proposed</a> a special act extending the rights of UK nationals and their family members in Finland for the eventuality of the UK leaving the EU without an agreement.</p> <p>Under this special act, UK nationals and their family members who are living in Finland and who have registered their EU right of residence by Brexit day can continue to stay and work in Finland without any separate measures at least until the end of 2020.</p> <p>The special act would only apply to those who have been registered. If the registration has not been made, in case of a no-deal Brexit, unregistered UK citizens in Finland will be third-country nationals, and they will not have the right to reside in the country as of 30 March, unless the EU and the United Kingdom agree on visa-free travel.</p> <p>In this case, they could reside legally in the country for a further 90 days.</p> <p>All UK citizens (who have not done so already) are therefore urged to register their residence <a href="#">here</a> as soon as possible, and no later than Brexit day.</p>

<b>France</b>	<p>The French parliament has passed legislation enabling the government to rapidly issue decrees in response to a no-deal Brexit situation. These decrees include one protecting the rights of UK nationals and their family members resident there by Brexit day.</p> <p>On 7 February 2019, the first <a href="#">order</a> on the residence and employment of British nationals in France in the case of a no-deal Brexit was published in the official journal.</p> <p>On 2 April 2019, another <a href="#">order</a> was published in the official journal. According to this order, UK nationals resident in France before Brexit will be able to remain in France for one year from a no-deal Brexit day without having to obtain residence authorisation.</p> <p>According to this order, UK nationals resident in France before Brexit will be able to remain in France for one year from a no-deal Brexit day without having to obtain residence authorisation. If they wish to stay in France beyond this grace period, they will have to apply for the relevant residence permit within six months of Brexit day.</p> <p>Holders of a permanent residence card will be able to exchange it for a new residence card for free, by presenting their permanent residence card and a valid passport. First-time residence permit applicants, on the other hand, will have to pay 100 euros and will have to present a valid passport, an up-to-date passport photo, evidence of their date of arrival in France and evidence they meet the standard conditions for a residence permit (depending on the category).</p>
<b>Germany</b>	<p>National residence and/or work permits will be required for UK nationals and their family members who wish to continue to reside and/or work in Germany after a no-deal Brexit, as they would be considered third-country nationals.</p> <p>However, UK nationals and their family members will not need to leave Germany by this date, but will have a <a href="#">three-month grace period</a> in which to submit an application for a work and/or residence permit with the relevant local immigration office.</p>

	<p>If they have not already done so, they will also need to register with the registration authority at their place of residence. They will then be able to continue to live and work in Germany (along with their family members) until their application has been decided.</p> <p>The authorities in Berlin have introduced <a href="#">an online registration</a> system for UK national residents, who will have until 30 June 2019 to register in the event of a no deal Brexit.</p>
<b>Greece</b>	<p>According to the Greek government's <a href="#">Brexit website</a>, in case of no deal, UK nationals permanently living in Greece before Brexit day, already in possession of a registration certificate or a temporary or permanent residence document on the grounds of professional activity, study or vocational training, sufficient resources and/or health insurance, and their family members, will be asked to proceed, after 1 January 2020, to the municipal authorities and submit the relevant paperwork to exchange their certificates for new biometric resident cards.</p> <p>UK nationals living in Greece before Brexit day but not yet registered with the police authorities, may need to apply for a registration certificate before they can apply for a resident card.</p> <p>A draft bill is currently being prepared on British citizens' rights in Greece.</p>
<b>Hungary</b>	<p>After Brexit, UK nationals will be granted preferential treatment based on a valid residence permit or registration document at the time of Brexit (see more <a href="#">here</a>). New legislation is being developed.</p>
<b>Ireland</b>	<p>The rights of UK nationals in Ireland (and vice-versa) are covered under the 1949 Ireland Act, which will continue to apply if the UK leaves the EU with or without a deal. A no deal Brexit will have no implications for UK nationals' right to reside in Ireland.</p>
<b>Italy</b>	<p>Italy's no-deal Brexit law (Decree No.22 of 25 March 2019) creates a transition period until 31 December 2020 during which UK nationals registered as residents at their local registry office by Brexit day can apply for a residence permit.</p>

<p><b>Latvia</b></p>	<p>A new law passed on 21 March 2019 provides for a transitional period until 31 December 2020 for UK nationals and their family members already resident in Latvia on the withdrawal date to re-register their residence rights.</p> <p>During this period, registration and permanent residence certificates issued before Brexit day will be recognised as temporary national residence permits (unless they expire during this period). After they have obtained a new residence document, they will continue to reside in Latvia in accordance with the rules for residence of EU citizens. The same conditions will also apply to their family members who join them after Brexit day.</p> <p>After Brexit day, each UK national holding a residence document will be sent a letter explaining the procedure for obtaining a new document - they will need to submit an application in a free format, with a copy of their valid travel document, by post, electronically (secure electronic signature is required), or personally in any regional office of the OCMA.</p> <p>Citizens of the United Kingdom and their family who do not have a Latvian residence document must personally submit an application for a new residence document, attaching documents that prove their employment, study or self-employment activities in Latvia for at least six months.</p> <p>For more information see <a href="#">here</a>.</p>
<p><b>Lithuania</b></p>	<p>Under <a href="#">draft amendments</a> to the Law on the Legal Status of Aliens, a transition/grace period of nine months will allow issuance of residence permits to UK nationals and their families resident in Lithuania before Brexit day.</p>
<p><b>Luxembourg</b></p>	<p>In a no-deal scenario, after Brexit day, British nationals living <a href="#">in Luxembourg</a> will need to apply for a residence permit as a third country national.</p> <p>Those British nationals already living in Luxembourg on Brexit day will be able to continue using their existing residence card as proof of residence until 30 March 2020. After this date, they will need to have a third-country residence permit and will need to apply for one before 31 December 2019.</p>

	<p>British nationals, who wish to begin residing in Luxembourg after Brexit day, will need to follow the existing third country national registration procedure.</p> <p>They are required to apply for a residence permit before entering Luxembourg, and can only reside in Luxembourg once their application has been approved.</p>
<b>Malta</b>	<p>The Maltese government has stated that it intends to offer UK nationals resident in Malta on the withdrawal date continued residence in Malta, with open access to the labour market without an employment permit.</p> <p>Dependent family members will also be able to reside in Malta together with the family member, provided that relationship existed on the withdrawal date.</p> <p>A new residence document reflecting this status will be issued, valid for ten years and issued free of charge.</p>
<b>Netherlands</b>	<p>If no withdrawal agreement is reached, the Netherlands <u>will introduce</u> a transition period from Brexit day until 1 July 2020. Before Brexit day, the Dutch Immigration Service (IND) will send all UK citizens and their non-EU family members living in the Netherlands a letter which will serve as their temporary residence permit during this transition period.</p> <p>After this transition period, UK nationals and their family members who wish to stay, work, study in the Netherlands will require a residence permit, which they can obtain if they meet the same residence requirements that apply to EU citizens.</p> <p>The IND will send invitation letters to apply for a residence permit no later than 1 April 2020.</p> <p>More information available <u><a href="#">here</a></u>.</p>
<b>Poland</b>	<p>On 11 January 2019, the Polish government announced <u>draft legislation</u> including a one-year transition period to allow UK nationals and their family members to legally stay and work in Poland in a no-deal situation.</p>

	<p>They will be able to secure their residence status by applying for a temporary residence permits valid for three years under the same conditions as for all third-country nationals.</p> <p>Also, fingerprints of all applicants will have to be submitted. Those who, on the day of submission, have already been in Poland for the last five years, will be able to apply for a permanent residence permit.</p>
<b>Portugal</b>	<p>Portugal intends to approve legislation granting a transition period until 31 December 2020 for UK nationals and their family members who are already <u>in Portugal</u> by Brexit day.</p> <p>During this period, they will be able to convert their registration or residence document into a residence permit.</p> <p>Those who have not previously registered but can prove residence before Brexit may also request this residence permit. If they have held a registration certificate for five years, they can apply for a permanent residence card.</p>
<b>Romania</b>	<p>UK nationals, and their family members, who have a registration certificate issued prior to Brexit day will receive a letter that will act as a temporary national residence permit, valid until 31 December 2019.</p> <p>UK nationals, and their family members, who will have entered Romania before Brexit day but do not yet have a registration certificate will have until 30 June 2019 to register.</p> <p>Those who have submitted a registration form by 30 June 2019 will also receive a letter that will act as a temporary national residence permit, valid until 31 December 2019.</p> <p>UK nationals residing in Romania (with a right to stay) will have to apply for a new status, transitioning to the regime for third-country nationals, under specific conditions.</p> <p>The application period will be open from 30 March 2019 until 31 December 2019.</p>

	For UK nationals, and their family members, with a long-term right to stay, it is intended to convert, under simplified procedures, documents attesting the right of permanent stay (under Directive 2004/38/EC) into long-term residence permits (under Directive 2003/109/EC).
<b>Slovakia</b>	<p>The Slovak government has <a href="#">stated</a> that it is working on all necessary legislative changes to ensure that as of Brexit day, the status of UK nationals and their family members living in Slovakia will be preserved even in the case of the UK leaving the EU without an agreement. These measures will only be put into place on the basis of a reciprocal offer from the UK to Slovakian nationals.</p> <p>Those who have resided continuously for at least five years will be entitled to a long-term residence, while those who have been resident for less than five years will be entitled to permanent residence.</p> <p>In both cases, residence documents issued by Brexit day will be valid until 31 December 2020, and the holder will be required to apply for a new residence document by that date.</p>
<b>Slovenia</b>	Planned legislative amendments are under consideration.
<b>Spain</b>	<p>The Spanish government has approved contingency plans to allow UK nationals already resident in Spain by Brexit day, in the case of a no-deal Brexit, to maintain their rights. These UK nationals will have 21 months from Brexit day to obtain a new identity card indicating a new residence status. More information is available <a href="#">here</a>.</p> <p>UK nationals resident in Spain prior to Brexit day, and their non-EEA family members, who do not hold an EU registration certificate by Brexit day, will first need to apply for a temporary work and residence permit, before applying for their new identity card.</p>

<p><b>Sweden</b></p>	<p>The government has issued <a href="#">a memorandum</a> proposing that UK nationals and their family members who lose their right to live and work in Sweden as a consequence of the UK’s withdrawal from the EU without an exit deal will be exempt from the work and residence permit requirements during a one-year transitional period, effective 30 March 2019.</p> <p>Proposed legislative amendments, which would be effective from 1 July 2019, aim to facilitate work and residence permit applications for UK nationals and their family members.</p>
<p><b>Switzerland</b></p>	<p>The <a href="#">agreement</a> reached by the Swiss and UK government protecting the rights of Swiss nationals currently residing in the UK and the reciprocal rights of UK nationals currently residing in Switzerland, after the UK leaves the EU, also covers a no-deal scenario.</p> <p>The agreement, signed on 25 February 2019, enters into force on 1 January 2021 in a deal scenario (after the transition period), or on 30 March 2019 in a no-deal scenario.</p> <p>The Swiss Federal Council has also decided that, in the event of the UK’s disorderly exit from the EU (i.e., without a ratified Withdrawal Agreement), a separate quota of work permits will be made available from 30 March 2019 to British citizens who wish to enter Switzerland to work.</p>
<p><b>EEA EFTA States</b></p>	<p>The <a href="#">separation agreement</a> reached between the UK, Iceland, Liechtenstein and Norway, protecting citizen's rights after Brexit, does not cover a no-deal scenario, but the governments have also reached an <a href="#">EEA EFTA No Deal Citizens’ Rights Agreement</a> to protect the rights of UK nationals living in the EEA EFTA states and EEA EFTA nationals in the UK, in a no deal scenario.</p>

## Social Security

On 26 February 2019, the Employment and Social Affairs Committee of the European Parliament adopted measures aiming to safeguard entitlements to social security benefits based on insurance, employment or residence acquired before UK’s withdrawal from the EU.

These contingency measures would apply to EU citizens living in the UK and UK citizens living in one of the 27 member states who have acquired social entitlements due to the free movement of people, and guarantee they do not lose those entitlements in the event of a no-deal Brexit.

The measures will be adopted unilaterally by the EU if confirmed by a vote in the 11-14 March plenary session of the EU Parliament. Once the legislation is published, it will enter into force only if the UK leaves the EU with no withdrawal agreement in place.

## Our Advice

- To avoid problems in a no-deal Brexit scenario, ensure all UK employees residing in an EU member state, and EU citizens resident in the UK, and their family members, have submitted registration applications (where applicable) by Brexit day
- Affected employees should begin gathering documents in support of possible future immigration applications. These documents may include copies of passport data pages, marriage and birth certificates for accompanying family members, employment contracts or assignment letters, CV/resume, current job description, educational certificates, police clearance certificates, rental contract, proof of health insurance and payslips
- If possible, bring forward any planned movements of UK nationals to the EU and EU citizens to the UK
- Be prepared for possible lengthy immigration application requirements in any eventual no-deal outcome

Employers who may be affected are encouraged to contact their Newland Chase immigration specialist for case-specific advice.

\* \* \* \* \*

### *Warning to Reader*

*This publication is not intended as a substitute for legal advice. Readers are reminded that immigration laws are subject to change. We are not responsible for any loss arising from reliance on this publication. Please contact Newland Chase should you require any additional clarification or case specific advice.*