

## **Brexit Update | No-Deal Brexit Measures for UK Nationals in the EU | 9 October 2019**

If the United Kingdom leaves the European Union without a ratified Withdrawal Agreement (“no-deal Brexit”), then UK nationals will become third-country (non-EU) nationals immediately.

Please also see our broader [overview](#) 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 authorization](#) 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 authorization, 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.
- After Brexit, a residence status in one member state will not provide work or residence rights in any other member state.

## 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>	<p>The Austrian government 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 labor market under simplified conditions.</p> <p>Those residing in Austria for under five years will have simplified access to a 'Red-White-Red Card Plus', allowing temporary residence and unlimited access to employment. Those who have lived in Austria for more than five years and who meet the criteria of the Austrian Settlement and Residence Act will be able to apply for a national residence permit (Daueraufenthalt-EU). Applicants will continue to be legally resident until a decision has been made on their application.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Belgium</b>	<p>The Belgian government has adopted a law which, in the event of a no-deal Brexit, would introduce a transitional period until 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. Family members arriving after Brexit would be able to join these British citizens, but new UK national arrivals would be treated as third-country nationals.</p> <p>A royal decree has been adopted, allowing UK nationals to access employment until 31 December 2020.</p> <p>More information is available <a href="#">here</a>.</p>

<b>Bulgaria</b>	<p>On 12 April 2019, the National Assembly adopted 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. 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. Qualifying family members will be able to join the UK national until March 2022, provided the relationship existed before Brexit and the UK national has completed re-registration.</p> <p>Children born by the end of 2022 also qualify.</p>
<b>Croatia</b>	<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 authorization.</p> <p>Existing residence documents will be recognized for up to one year after the Act enters into force, or until expiry if sooner. Within a year from entry into force of the Act, new residence documents must be issued.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Cyprus</b>	<p>The government has stated 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 for a grace period up to the end of December 2020.</p> <p>Residence documents under the directive 2004/38/EC will continue to be valid, until replaced. 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>More information is available <a href="#">here</a>.</p>

<b>Czechia</b>	<p>The Czech government and lower house of parliament have approved a draft law ("Lex Brexit") which provides for a 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.</p> <p>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.</p> <p>Those who already hold a permanent residence permit need to upgrade to a new biometric residence card.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Denmark</b>	<p>The Danish government has passed a Brexit Act implementing a temporary transitional scheme extending the rights of UK nationals and their family members already resident in Denmark before a no-deal Brexit for an undetermined period (until replaced by a permanent law).</p> <p>More information is <a href="#">here</a>.</p>
<b>Estonia</b>	<p>On 21 February 2019, the Estonian parliament passed a Brexit Act, covering both deal and no-deal scenarios. 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.</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 parliament has adopted 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. 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. The special act would only apply to those who have been registered.</p> <p>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 Brexit day. 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> <p>The latest information is available <a href="#">here</a>.</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.</p> <p>In February and April 2019, the government published orders allowing British citizens resident in France before a no-deal Brexit to remain in France for twelve months without having to obtain residence authorization. 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.</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> <p>More information is available <a href="#">here</a>.</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, according to a bill awaiting parliamentary approval. However, the German government intends, by ordinance to temporarily exempt those concerned from the need to hold a residence permit or work permit in Germany.</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. The authorities in Berlin have introduced <a href="#">an online registration</a> system for UK national residents.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Greece</b>	<p>In March 2019, the Greek parliament approved a law establishing a grace period until December 2020 during which UK nationals already registered in Greece, and their non-EU family members holding a residence permit, will be able to apply for a national residence permit. New arrivals during this period will also be protected.</p> <p>More information is available <a href="#">here</a>.</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>).</p> <p>Under legislation adopted in March 2019, UK nationals and their family members who are resident on exit day will be entitled to a permanent National Settlement Permit on the basis of three years' prior residence.</p> <p>The application must be made within three years of UK withdrawal, and until then their existing registration and residence documents will remain valid. Within this period other family members may also acquire, under certain conditions, a national permanent residence permit.</p>

	<p>More information is available <a href="#">here</a>.</p>
<b>Ireland</b>	<p>UK nationals are not subject to Irish immigration law. A no deal Brexit will have no implications for UK nationals’ right to reside in Ireland. Under the Common Travel Area (CTA, which covers the UK, Ireland, Isle of Man and Channel Islands), British and Irish citizens can live and work freely in each other’s countries and travel freely between them.</p> <p>In May 2019 the governments of the UK and Ireland signed a Memorandum of Understanding (MoU) guaranteeing that Irish and British citizens retain special rights in each other’s countries in the event of a no-deal Brexit.</p>
<b>Italy</b>	<p>The Italian parliament has adopted legislation that will allow British citizens residing legally in Italy to remain resident in the event of a no-deal Brexit. British citizens registered as residents at their local registry office (‘anagrafe’) at their town hall (‘commune’) by Brexit day will be able to apply for a new long-term resident status until 31 December 2020.</p>
<b>Latvia</b>	<p>In March 2019, the Latvian parliament (<i>Saeima</i>) adopted a bill which provides for a transitional period until 31 December 2020 for UK nationals and their family members to renew their residence rights by obtaining a new residence document.</p> <p>During this period, registration and permanent residence certificates issued before Brexit day will be recognized 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. UK nationals 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>

	For more information see <a href="#">here</a> .
<b>Lithuania</b>	Under <a href="#">amendments</a> to the Law on the Legal Status of Aliens, a transition/grace period of nine months from Brexit day will allow the issuance of residence permits to UK nationals and their families resident in Lithuania before Brexit day.
<b>Luxembourg</b>	<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 for one year after Brexit day. To stay longer, they will need to have a third-country residence permit and will need to apply for one within nine months of Brexit day.</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. 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> <p>More information is available <a href="#">here</a>.</p>
<b>Malta</b>	<p>The Maltese government has stated that UK nationals resident in Malta on the withdrawal date will be eligible for a special ten-year residence permit, issued free of charge, with open access to the labor market without an employment permit. Dependent family members will also be able to reside in Malta together with the family member, provided that the relationship existed on the withdrawal date.</p> <p>UK nationals entering Malta after Brexit would also be eligible for a ten-year permit, but they would have to pay administrative fees and would need a work permit to work in Malta.</p>



	More information is available <a href="#">here</a> .
<b>Netherlands</b>	<p>If no Withdrawal Agreement is reached, the Netherlands <a href="#">will introduce</a> a transition period of 15 months. 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. The IND will send invitation letters to apply for a residence permit. The application must be submitted within 28 days of the invitation. 2020.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Poland</b>	<p>On 15 March 2019, the Sejm (lower house) adopted a bill providing for a grace period, from the day of a no-deal Brexit until 31 December 2020.</p> <p>During this period, UK nationals and their family members legally resident in Poland by the exit date will be able to stay and work in Poland and secure their residence status by applying for a temporary or permanent residence permit.</p> <p>Further information is available <a href="#">here</a>.</p>
<b>Portugal</b>	Portugal enacted legislation granting a transition period until 31 December 2020 for UK nationals and their family members who are already <a href="#">in Portugal</a> by Brexit day.

	<p>During this period, they will be able to convert their registration certificates into residence documents, and current residence documents will remain valid. Those who have not previously registered but can prove residence before Brexit may also request this residence permit.</p> <p>If they have held a registration certificate for five years, they can apply for a permanent residence card.</p>
<b>Romania</b>	<p>The Romanian government has not officially confirmed the following no-deal Brexit plans:</p> <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 for nine months from Brexit day (to be confirmed).</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 three months to register (to be confirmed).</p> <p>Those who have submitted a registration form within three months after Brexit will also receive a letter that will act as a temporary national residence permit, valid for nine months after Brexit (to be confirmed).</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. The application period will be open for nine months from the day after Brexit (to be confirmed).</p> <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).</p>

<b>Slovakia</b>	<p>The Slovak government has approved 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. 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>	<p>On 20 March 2019, the National Assembly passed a fast-track Act to safeguard the rights of UK nationals in Slovenia in the case of a no-deal Brexit.</p> <p>The law enables a transitional period of one year from Brexit day, during which UK nationals and their family members already resident in Slovenia will be able to stay on the basis of their existing EU residence documents.</p> <p>They will be able to exchange these documents for biometric ID cards.</p>
<b>Spain</b>	<p>The Spanish government has approved a royal decree-law containing contingency plans to allow UK nationals already resident in Spain by Brexit day to maintain their rights.</p> <p>These UK nationals will have 21 months from Brexit day to change their status as EU citizens to a legal residency status under Spanish law, and obtain a new identity card.</p> <p>More information is available <a href="#">here</a>.</p>

<b>Sweden</b>	<p>On 7 March 2019, the government adopted a regulation exempting UK nationals and their families resident in Sweden by Brexit day from the work and residence permit requirements during a one-year transitional period.</p> <p>To stay beyond this period, they will have to apply for work and residence permits.</p> <p>More information is available <a href="#">here</a>.</p>
<b>Switzerland</b>	<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 the day after Brexit 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 the day after Brexit to British citizens who wish to enter Switzerland to work.</p>
<b>EEA EFTA States</b>	<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

The [Contingency Regulation on Social Security Coordination](#) of 25 March 2019 aims to safeguard entitlements to social security benefits based on insurance, employment or residence acquired before UK's withdrawal from the EU.

The European Commission has also [proposed](#) a coordinated approach to social security cooperation amongst all EU27 Member States, which goes further than the Regulation.

## Our Advice

- UK nationals and their family members residing in an EU member state without an EU registration certificate (for EU citizens) or an EU residence card (for non-EU national family members), and without a pending application for one of these documents, are encouraged to submit an application for such documentation as soon as possible and, at any rate, before Brexit day, to make it easier for the national immigration authorities to determine their residence status.
- UK nationals in the above situation are advised to gather documents in support of immigration applications, for example: 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 pay slips.
- Employers are advised to identify their UK population in EU member states (including their non-EU family members), to collect relevant supporting documents, and prepare and submit immigration applications in good time.
- Employers should review business trips planned for after Brexit, and have a back-up plan.
- Employers who may be affected are encouraged to contact a Newland Chase immigration specialist for case-specific advice.

For general advice and information on immigration and business travel to any EU member state, please email us at [enquiries@newlandchase.com](mailto:enquiries@newlandchase.com)

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***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.*

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 +44 (0) 20 7001 2121

 [enquiries@newlandchase.com](mailto:enquiries@newlandchase.com)

 [newlandchase.com](http://newlandchase.com)

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