

## **EEA AND SWISS NATIONALS' ACCESS TO PUBLIC FUNDS - NO DEAL**

1. In the event the UK leaves the EU in a no deal scenario, the UK will not be bound by the implementation period arrangements agreed with the EU and set out in the draft Withdrawal Agreement.
2. All provisions outlined in this policy paper are subject to parliamentary approval of the necessary legislation, where relevant.

### **Resident EU citizens**

3. As has previously been made clear, in the event of no deal, EU citizens and their family members already resident in the UK before the UK exits the EU will be welcome to stay and we want them to do so. They are part of our community, and part of our country and we welcome the contribution that they make. If there is no deal, they will have until 31 December 2020 to apply to the EU Settlement Scheme to protect their status.
4. There will be no change to resident EU citizens' entitlements to access public funds where they continue to meet all relevant eligibility criteria, other than where those changes also apply to resident British nationals. The information below is concerned with those EU citizens who arrive in the UK after exit, not those residing here before the UK withdraws from the EU.

### **Ending free movement**

5. Once free movement has ended<sup>1</sup>, EU citizens and their family members newly arriving in the UK will be admitted under UK Immigration Rules and will require permission (leave to enter or

remain). Unlike EU free movement, this will not be a rights-based system and the UK will not be required to provide the same access to public funds as currently applies under free movement arrangements.

6. The White Paper on the UK's future skills-based immigration system, published on 19 December 2018, set out the Government's intention that, in the future, full access to public funds will only be available after settled status is granted under the Immigration Rules, usually after five years. However, it will take some time to implement the UK's future border and immigration system, and for EU citizens already resident in the UK before exit to obtain their status under the EU Settlement Scheme. Therefore, temporary transitional arrangements will apply to those entering the UK after EU exit until 31 December 2020.
7. Details of the immigration arrangements that apply in this transitional period are set out in the in a [policy paper published on 28 January 2019](#).

### **Eligibility to access public funds**

8. Once the UK leaves the EU and free movement ends, EU citizens arriving in the UK from that point on will be granted three months' leave to enter. Those who wish to stay in the UK longer than three months will need to apply to the Home Office for leave to remain within three months of arrival. Subject to identity, criminality and security checks, leave to remain will be granted for 36 months which will include permission to work and study. This will be non-extendable temporary leave.

9. Eligibility to apply to access public funds for people holding this temporary leave to remain will not change from the current arrangements (other than where changes would also apply to British nationals) for as long as the leave remains valid, or in some cases the duration of the benefit or service. A person who does not hold valid permission to enter or remain in the UK may be liable to enforcement action by the Home Office.
10. If a person wishes to remain in the UK after the 36 months' temporary leave expires, they will need to apply for further leave through the future borders and immigration system. An individual who is granted leave to remain under the future immigration system (or who otherwise moves into a different immigration route) may see changes in their eligibility to access public funds which could mean entitlements being withdrawn.
11. Further advice will be published as it becomes available.

## **Compliance**

12. Until all resident EU citizens and their family members who are eligible for the EU Settlement Scheme have had a reasonable opportunity to apply for status, which will be by the end of December 2020, we will not ask employers or other third parties, such as landlords, to start distinguishing between EU citizens who were resident before exit and post-exit arrivals.
13. Once the new border and immigration system is introduced from 2021, employers and other third parties, such as landlords, will need to check EU citizens' status using the Home Office's Digital Status Checker<sup>2</sup>, but not retrospectively.

14. Until 2021, EU citizens will continue to be able to evidence their rights to access public funds in the same way as now, and non-EU family members will use a biometric residence document. If it is found that an individual has previously accessed a benefit or service to which they were not entitled, appropriate action may be taken to recover funds paid.

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

15. EU citizens who arrive in the UK after EU exit and once free movement has ended may be accompanied by their EU citizen family members using the arrangements described above. They may also be accompanied or joined by close family members (spouse, partner, dependent child under 18) who are third country nationals. Third country national family members who wish to accompany an EU citizen under these arrangements will need to apply for a family permit in advance of their arrival in the UK. Eligibility to access public funds will be in line with the EU national on whom they are dependent.

### **Irish citizens**

16. Irish citizens will continue to have the same eligibility rights to access public funds as now, under domestic Common Travel Area arrangements.

### **EFTA citizens**

17. The arrangements described here will also apply to citizens of EFTA states (Switzerland, Norway, Iceland and Liechtenstein)

arriving in the UK after EU exit and once free movement has ended.

1. The Immigration and Social Security Co-ordination (EU Withdrawal) Bill currently before Parliament includes provisions to end free movement of EEA and Swiss nationals. ↩
2. A simple online means by which an individual can share, for example, their current right to rent or right to work status with their landlord or employer. ↩