



# Department for Exiting the European Union

## **Citizens' Rights - UK nationals in the EU** Policy Paper

## Summary

1. The Withdrawal Agreement, finalised by the UK and the EU is a deal, grounded in reciprocity, which secures the rights of over three million EU citizens in the UK and around one million UK nationals in the EU, so they can carry on living their lives as before. It provides citizens with the certainty they need about their rights going forward. The final Withdrawal Agreement is intended to ensure our smooth and orderly departure from the EU.
2. However, it is our duty as a responsible Government to prepare for all eventualities, including the event the UK leaves the EU without a deal. In December, the Government published a policy paper setting out the details of the UK's offer to EU citizens in the UK and the steps the Government is taking to protect the rights of UK nationals in the EU in the event of a no deal scenario. The Government has since called upon the EU and Member States to take the same steps to reassure UK nationals in the EU that they can stay and have their rights protected in the country where they have chosen to make their lives. We welcome the number of Member States who have made public reassurances that they will protect the rights of UK nationals in the EU in a no deal scenario.
3. We have engaged extensively with UK nationals in the EU and recognise that many continue to have a number of questions over their rights. Therefore, this paper sets out the actions the UK will take in order to ensure UK nationals can have certainty in their rights going forward. These include proposals which will only stand in a no deal scenario, for example, UK's reciprocal proposal for protecting social security coordination, including reciprocal healthcare, and proposals which will stand in any scenario, either supplementing the rights as agreed under the Withdrawal Agreement, or providing rights in a no deal scenario. These proposals relate mainly to unilateral actions the UK can take to provide additional clarity to UK nationals living in the EU and those UK nationals who may be considering returning from the EU. The UK will continue to provide updates to UK nationals in the EU on [gov.uk](https://www.gov.uk) and through its network of Embassies, Consulates and High Commissions.

### **Reciprocal arrangements for social security coordination, including reciprocal healthcare, in a no deal scenario**

4. We understand that UK nationals in the EU are concerned about their social security coordination rights, which includes healthcare cover in the event of a no deal, whether that is for ongoing treatment or in response to an emergency. Aspects of the social security coordination section of the Withdrawal Agreement ,

which also covers reciprocal healthcare, require reciprocity from the EU or Member States and cannot be protected unilaterally. The UK is therefore seeking to protect the social security coordination and reciprocal healthcare rights of UK nationals in the EU by reaching reciprocal arrangements with the EU or Member States to maintain existing rights for a transitional period until 31 December 2020 in a no deal scenario.

5. We have already said that in a no deal scenario, we are seeking arrangements with Member States on the continuation of healthcare arrangements for UK nationals after exit day. However, reciprocal healthcare is part of the wider EU social security coordination framework and therefore, to secure the fullest package of rights for UK nationals in the EU, the UK is seeking reciprocal arrangements with the EU or Member States on social security coordination as a whole. This approach would protect the rights of UK nationals in the EU in the same way as the UK is currently unilaterally protecting the rights of EU citizens in the UK. We would seek to cover citizens who move between the UK and the EU before 31 December 2020.
6. This approach builds on measures the EU is working to introduce, which will protect a narrower set of social security coordination rights and do not include reciprocal healthcare cover. The EU's approach will apply to all Member States, but is less extensive than the unilateral protections the UK and some Member States are currently putting in place. As such, we continue to believe that the reciprocal arrangements we are seeking with the EU or Member States are the best way to protect the social security coordination and reciprocal healthcare rights of UK nationals in the EU in a no deal scenario.

### **Access to benefits and services**

7. Access to benefits and services is also an area of interest for UK nationals in the EU, including those who may be considering returning to the UK. We have already announced that eligible UK nationals living in the EU will continue to receive an uprated UK State Pension for the financial year 2019/20 and have set out our intention to continue to do so thereafter, subject to reciprocal arrangements being put in place with the EU or Member States.
8. UK nationals in the EU also will continue to receive their benefits, including child benefit and disability benefit, where the recipient is exporting these benefits from the UK to their EU country of residence. UK nationals in the EU who are already in receipt of a UK benefit, including the State Pension, will also continue to receive these benefits should they choose to return to the UK.

9. UK nationals returning to live in the UK who meet the ordinary residence test will be able to use NHS services. This means that UK nationals who have returned to the UK permanently in a no deal scenario would have access to NHS-funded healthcare on the same basis as UK nationals already living here.
10. UK nationals considering returning to the UK and planning to make new applications for benefits and services should check eligibility requirements for the relevant benefits and services on gov.uk. The usual entitlement conditions, which exist for both resident and returning UK nationals, will apply and we expect most returning UK nationals will be able to satisfy the necessary eligibility requirements. Certain benefits and services, such as non-contributory benefits, include satisfying residence criteria and individual Decision Makers will carefully consider each application to ensure that UK nationals receive the benefits and services that they are entitled to.

### **Family reunification**

11. We understand that UK nationals are concerned about their right to return from the EU with their EU or non-EU national family members after exit. Having listened to these concerns, we will ensure that UK nationals, their children and other existing close family members can return to the UK under current rules, until 29 March 2022. This means that existing close family members, such as children, spouses, partners, parents and grandparents, where the relationship existed on exit day (or where a child was born overseas after this date) and continues to exist when they seek to return will be able to apply to and qualify for the EU Settlement Scheme. After 29 March 2022, such family members will be able to return to the UK by applying through the applicable UK Immigration Rules.
12. Until 31 December 2020, UK nationals currently living in the EU who return to the UK after exit will be able to be joined in the UK by future spouses and partners (where the relationship was established after exit) and other dependent relatives, if they previously lived in the EU with that family member. From 2021, the UK Immigration Rules will apply to such family reunion.
13. These arrangements will apply in both a deal and no deal scenario providing UK nationals in the EU with sufficient continuity after exit to allow families to plan with confidence, while also bringing family reunion rights for all UK nationals in the UK and abroad into alignment from 29 March 2022.

## **Access to Higher Education, Further Education 19+ and Apprenticeship Funding in the UK**

14. UK nationals, previously resident in England, who are living in the EEA or Switzerland, who wish to study in England, will continue to be eligible for home fee status and student support from Student Finance England for a seven year transition period. They will also have access to Further Education 19+ courses and apprenticeships in England for that period. In a no deal scenario, the seven year transition period will commence on exit day, in a deal scenario, the seven year transition period will commence at the end of the Implementation Period.
15. The seven year transition period will ensure that eligible UK nationals, whose normal place of residence is in the EEA or Switzerland wishing to study in Further Education 19+ or Higher Education, or undertake an apprenticeship in England will still be able to access student support, or apply for apprenticeships in England, immediately on their return to the UK during this transition period.
16. UK nationals studying at Higher Education institutions in Member States, should speak to their Higher Education provider about arrangements to complete courses there.
17. Education and apprenticeships are devolved in Wales, Scotland and Northern Ireland and the eligibility criteria. Support and terms of any transitional period may vary across the UK. Further guidance will be made available in due course.

### **Further information**

18. The measures outlined above are without prejudice to the rights and privileges accorded, by virtue of the Common Travel Area, to Irish and UK nationals when in each other's state.
19. The UK will continue to provide information regarding the rights of UK nationals and access to services in the EU on its gov.uk websites and through its network of Embassies, High Commissions and Consulates. We recommend that UK nationals monitor the [UK nationals in the EU page](#), [Living in Guides](#) and [Travel Advice](#) on gov.uk where we will publish information on areas such as residency and employment rights, healthcare and benefits and services for UK nationals in individual Member States, as it becomes available. Our Embassies, High Commissions and Consulates across the EU

will also continue to hold outreach events for UK nationals in the EU and provide information via their social media channels. For information on when the next event in your country is, please contact your nearest British Embassy, Consulate or High Commission.

20. We will update our [Living in Guides](#) with the most up to date information including specific actions that UK nationals may need to take in order to secure their rights and access to services in the EU and details about the citizens' rights agreements we have secured with the EEA EFTA states and Switzerland.

21. Our consular network will continue to provide professional, tailored assistance to vulnerable UK nationals overseas.

## Directions to further information

### UK nationals in the EU

- Information for UK nationals living in the EU can be accessed at [gov.uk](https://www.gov.uk):
  - [UK nationals in the EU page](#)
  - [Living in Guides](#)
  - [Travel Advice](#)

### Health and Social Care

- Questions about health and social care should be directed to the [Department of Health and Social Care](#).

### Benefits

- Questions about benefits should be directed to the appropriate government department: [Department for Work and Pensions](#) or [HM Revenue and Customs](#).
- Further information on benefits can be accessed on the benefits webpages at [gov.uk](https://www.gov.uk).
- The Scottish Government publishes details of benefits that they administer on the [mygov.scot](https://mygov.scot) website.

### Housing

- Applications for social housing and homelessness assistance in England are managed by local authorities. Information on how to contact your local authority about housing can be accessed at the [gov.uk](https://www.gov.uk) housing pages.
- Further information on social housing in Northern Ireland can be accessed at [nidirect.gov](https://nidirect.gov), in Scotland at [mygov.scot](https://mygov.scot), and in Wales from your local authority or [gov.wales](https://www.gov.wales).

### Education

- Information on applying for school places is published on [gov.uk](https://www.gov.uk). Applications are managed by local authorities.
- Information on applying for [early education and childcare](#) and [apprenticeships](#) is published on [gov.uk](https://www.gov.uk) or your local authority website.
- Information on applying for further and higher education is published by [UCAS](#). Universities and colleges also provide information on their own websites.
- Details of student finance for courses in England can be accessed at the [Student Loans Company](#) website, for Northern Ireland at [Student Finance Northern Ireland](#), for Scotland at [Student Awards Agency Scotland](#), and for Wales at [Student Finance Wales](#).