

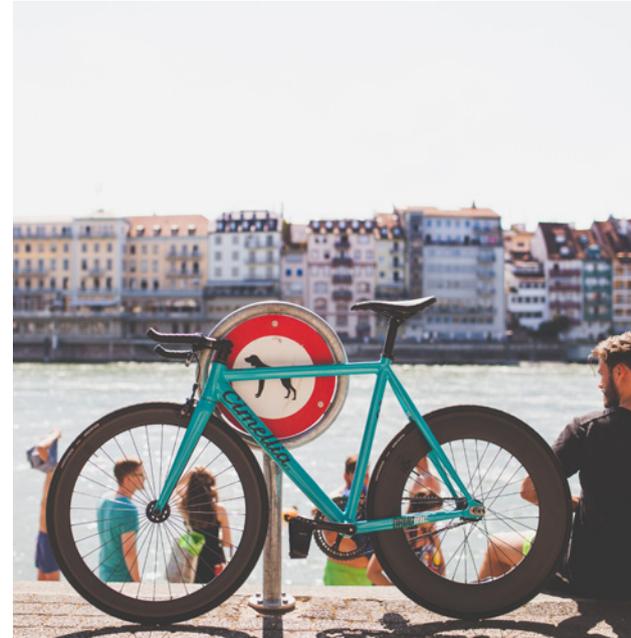


Department
for Exiting the
European Union

Swiss Citizens' Rights Agreement

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EU (Withdrawal Agreement) Bill



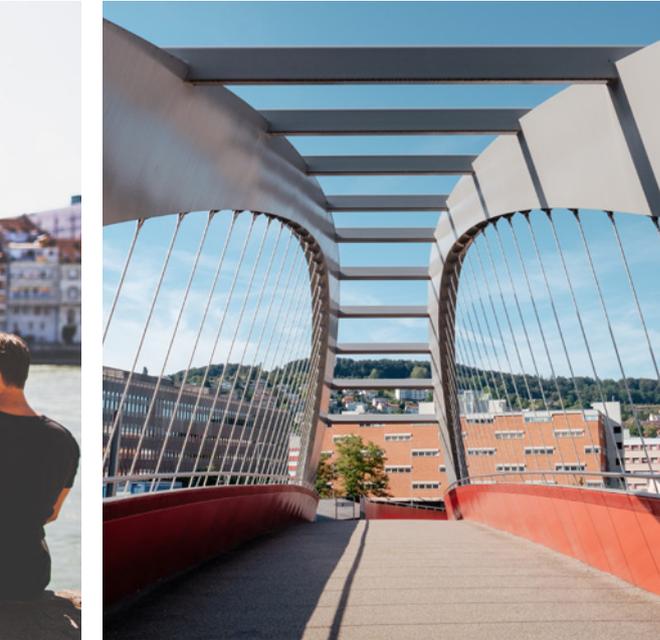
OVERVIEW

The UK has agreed a new Brexit deal with the EU. The EU (Withdrawal Agreement) Bill will implement this new deal in UK law, and deliver Brexit by 31st January 2020.

*The **Bill** will: take back control of our laws by reaffirming the sovereignty of Parliament; end vast annual payments to Brussels; protect the Union by ensuring we leave as one United Kingdom; protect the rights of EU citizens, **EEA EFTA** and Swiss nationals living in the UK; and secure an **implementation period** to give businesses certainty.*

The rights of Swiss nationals in the UK currently stem from the EU-Swiss **Free Movement of Persons Agreement (FMOPA)**. This will no longer apply to the UK from the end of the **implementation period** (31 December 2020), so we have reached an agreement with Switzerland to protect the rights of Swiss nationals living in the UK and UK nationals living in Switzerland from this point. This agreement is called the **Swiss Citizens' Rights Agreement**.

The **Swiss Citizens' Rights Agreement** ensures that Swiss nationals living in the UK and UK nationals living in Switzerland can continue contributing to their communities and living their lives broadly as they do now. Those protected by the **Swiss Citizens' Rights Agreement** will be able to continue to live, study and access public services and benefits in the countries in which they currently reside.



HOW WILL SWISS NATIONALS' RIGHTS BE PROTECTED AFTER EXIT DAY?

The EU (Withdrawal Agreement) Bill gives effect to the **Swiss Citizens' Rights Agreement** in domestic law. It will ensure that individuals can rely directly on these rights in the UK courts and will protect the rights to equal treatment and non-discrimination for Swiss nationals living or working in the UK. Protection of UK nationals living or working in Switzerland will be provided for by Switzerland.

The timeline below sets out how Swiss nationals' rights are currently upheld in the UK and how they will be protected both during and after the **implementation period**:

PRE-EXIT DAY

Swiss nationals have the right to reside in the UK through EU law



EXIT DAY

UK leaves the EU and **implementation period** begins



IMPLEMENTATION PERIOD (UNTIL 31 DECEMBER 2020)

During the time-limited **implementation period** Swiss nationals will have the same rights in the UK as they did before the UK left the EU. These rights will continue to be upheld by the **Free Movement of Persons Agreement**



GRACE PERIOD

Swiss nationals will be able to apply to the EU Settlement Scheme for a minimum of six months after 31 December 2020

Swiss nationals will be able to rely on their rights under the **Swiss Citizens' Rights Agreement** during the grace period, or until their application is complete



POST-GRACE PERIOD

Swiss nationals will have secured their rights under the **Swiss Citizens' Rights Agreement** and can continue living their lives broadly as they do now

EU SETTLEMENT SCHEME

The **Swiss Citizens' Rights Agreement** provides Swiss nationals and their family members living in the UK at the end of the **implementation period** with the right to continue to stay in the UK. Swiss nationals and their family members can already apply for residence status through the EU Settlement Scheme.

The EU Settlement Scheme has been set up via the **Immigration Rules** because they are already the mechanism for granting leave to enter or remain in the UK. The EU Settlement Scheme has been fully opened since 30 March 2019 and is designed to give effect to the UK's commitments under the **Swiss Citizens' Rights Agreement**. Further information on the EU Settlement Scheme, including its operation in a no-deal scenario, can be found at [gov.uk](https://www.gov.uk).

RETENTION OF EXISTING CRIMINALITY THRESHOLD

The **Bill** will provide for the continuation of public policy and public security thresholds for Swiss nationals in relation to conduct taking place before the end of the **implementation period**. The UK threshold of behaviour that is not 'conducive to the public good' will apply to conduct taking place after the end of the **implementation period**.

APPEALS

The **Bill** will allow appeals mechanisms to be set up for Swiss nationals. This means that Swiss nationals will have rights of appeal against refusals to grant pre-settled or settled status under the EU Settlement Scheme, and decisions to refuse entry to **frontier workers**.

RIGHTS FOR FRONTIER WORKERS

The **Bill** will protect the rights of **frontier workers** from the end of the **implementation period**, by retaining their right to enter and work in the country of their employment (including self-employment). This will apply to Swiss nationals who are not living in the UK but are currently working here.

RECOGNITION OF PROFESSIONAL QUALIFICATIONS AND SERVICE PROVISION

The **Bill** will protect Swiss professionals living or working in the UK who have a qualification recognised by the UK before the end of the a four-year grace period from the end of the **implementation period**. This grace period also applies to individuals who are in the process of obtaining a qualification by the end of the **implementation period**.

The **Bill** ensures that Swiss nationals who have started a qualification before the end of the **implementation period** will also be able to start applying for a recognition decision in the UK during the four-year grace period, after the end of the **implementation period**.

Under the Agreement, the current EU-Swiss 90-days service provision arrangements will be continued for five years after the end of the **implementation period** for contracts which are concluded and implemented before the end of the **implementation period**.

SOCIAL SECURITY COORDINATION

The **Bill** will ensure that individuals who have moved between the UK and Switzerland, or those who have interacted with the social security system of the UK and Switzerland, before the end of the **implementation period** are not disadvantaged in their access to pensions, benefits, and other forms of social security, including healthcare cover.

Under the **Swiss Citizens' Rights Agreement** we will continue to follow the social security coordination regulations. Aligning with these rules is essential to the smooth functioning of the system and will ensure that individuals covered by the **Swiss Citizens' Rights Agreement** do not lose out. The **Bill** will allow us to make sure that our domestic legislation works alongside these rules.

DEVOLUTION

Some aspects of citizens' rights, such as some benefits and some recognition of professional qualifications where the regulation of the profession is devolved, are devolved in Scotland, Wales and Northern Ireland. The EU (Withdrawal Agreement) Bill confers on the **devolved administrations** powers to make provision within **devolved competence** (as defined in the **Bill**) in relation to social security coordination, mutual recognition of professional qualifications and equal treatment.

KEY TERMS

ACT OF PARLIAMENT

An Act of Parliament is a law that both Houses of Parliament have agreed to and which has received Royal Assent. It is enforced in all the areas of the UK where it is applicable.

BILL

A proposal for a new law or an amendment to an existing law that has been presented to Parliament for consideration. Once agreed and made into law, it becomes an Act.

DEVOLVED ADMINISTRATIONS

These are the Scottish Government, the Welsh Government and the Northern Ireland Executive.

DEVOLVED COMPETENCE

The areas in which the devolved legislatures are responsible for making laws ('legislative competence') or the devolved administrations are responsible for governing or making secondary legislation ('executive competence').

EUROPEAN ECONOMIC AREA (EEA)

The EEA includes EU countries and also Norway, Iceland and Liechtenstein. It allows them to be part of the EU's single market.

EUROPEAN FREE TRADE ASSOCIATION (EFTA)

EFTA is a regional trade organisation consisting of Switzerland, Norway, Iceland and Liechtenstein.

FREE MOVEMENT OF PERSONS AGREEMENT (FMOPA)

The agreement between the EU and Switzerland which currently governs movement of people between the EU (including the UK) and Switzerland.

FRONTIER WORKER

A person who lives in one state but works in another. For example, a Swiss national who lives in Switzerland yet spends four days per week working in the UK. They would not be resident in the UK and would not be protected by the right to reside.

IMMIGRATION (EUROPEAN ECONOMIC AREA) REGULATIONS 2016

The main piece of secondary legislation that governs the rights of entry and residence in the UK in respect to EU citizens. May be shortened to 'EEA Regulations 2016'.

IMMIGRATION RULES

Derived from the 1971 Immigration Act, this piece of secondary legislation is the mechanism for granting leave to enter or remain in the UK, for those who require it.

IMPLEMENTATION PERIOD

Time-limited period following the point at which the UK leaves the EU. During this period, EU law will continue to apply in the UK subject to the terms set out in the Withdrawal Agreement.

PROFESSIONAL QUALIFICATIONS DIRECTIVE

EU Directive 2005/36/EC enabling the free movement of professionals such as doctors, nurses, midwives, dental practitioners, pharmacists, architects and veterinary surgeons.

SECONDARY LEGISLATION

Legal instruments (including regulations and orders) made under powers delegated to ministers or other office holders in Acts of Parliament. They have the force of law but can be disapplied by a court if they do not comply with the terms of their parent Act. Also called subordinate or delegated legislation.

STATUTE BOOK

The body of legislation that has been enacted by Parliament or one of the devolved legislatures and has effect in the UK.

SWISS CITIZENS' RIGHTS AGREEMENT

The agreement between the UK and Switzerland outlining UK and Swiss citizens' rights in one another's countries following the UK's exit from the EU.

THIRD COUNTRY NATIONALS

Persons who are not UK nationals, EU citizens, EEA EFTA nationals or Swiss nationals.

WITHDRAWAL AGREEMENT

The international agreement between the UK and the EU that sets out the respective rights and obligations of both parties following the UK's withdrawal from the EU.

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