



Department  
for Exiting the  
European Union

# Citizens' rights

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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 October 2019.*

*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, **EEA EFTA** and Swiss citizens living in the UK; and secure an **implementation period** to give businesses certainty.*

The **Withdrawal Agreement** protects the rights of more than three million EU citizens living in the UK and around one million UK nationals living in the EU. It ensures that they can continue contributing to their communities and living their lives broadly as they do now.

Those protected by the **Withdrawal Agreement** will be able to continue to live, work, study and access public services and benefits in the countries in which they currently reside.



## HOW WILL EU CITIZENS' RIGHTS BE PROTECTED AFTER EXIT DAY?

The EU (Withdrawal Agreement) Bill gives effect to the **Withdrawal Agreement** in domestic law. This will ensure that individuals can rely directly on these rights in the UK courts, and will implement the rights to equal treatment and non-discrimination for EU citizens living or working in the UK. Protection of UK nationals living or working in the EU will be provided for by Member States.

The Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) will ensure that the citizens' rights part of the **Withdrawal Agreement** is fully implemented and the rights of EU citizens are protected.

The IMA will also monitor compliance with the **EEA EFTA Separation Agreement**. Further detail on the IMA can be found in the *Independent Monitoring Authority for the Citizens' Rights Agreements factsheet*.

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

### **PRE-EXIT DAY**

EU citizens 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** EU citizens will have the same rights in the UK as they did before the UK left the EU



### **GRACE PERIOD**

EU citizens will be able to apply to the EU Settlement Scheme for six months after 31 December 2020

EU citizens will be able to rely on their rights under the **Withdrawal Agreement** during the grace period, or until their application is complete



### **POST-GRACE PERIOD**

EU citizens will have secured their rights under the **Withdrawal Agreement** and can continue living their lives broadly as they do now

## EU SETTLEMENT SCHEME

The **Withdrawal Agreement** provides EU citizens 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.

EU citizens 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 open since 30 March 2019 and is designed to give effect to the UK's commitments under the **Withdrawal Agreement**. Further information on the EU Settlement Scheme, including its operation in a no-deal scenario, can be found on gov.uk.

## RETENTION OF EXISTING CRIMINALITY THRESHOLDS

The **Bill** will provide for the continuation of current EU public policy and public security thresholds for EU citizens in relation to conduct taking place until 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 EU citizens. This means that EU citizens will have the right of appeal against various citizens' rights decisions, including 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 EU citizens who are not living in the UK, but are currently working here.

Under the **Common Travel Area (CTA)**, UK and Irish citizens will have the right to move freely and work across the Irish border, and so will not need to rely on these **frontier worker** rights.

## RECOGNITION OF PROFESSIONAL QUALIFICATIONS

The **Bill** will protect EU professionals living or working in the UK who have a qualification recognised, or are in the process of being recognised by the UK, before the end of the **implementation period**.

If an EU citizen has made an application for recognition of a qualification but has not received a final decision before the end of the **implementation period**, their application can still be processed and they will be able to rely upon the decisions made.

## **SOCIAL SECURITY COORDINATION**

The **Bill** will ensure that citizens who have moved between the UK and the EU, or those who have interacted with the social security system of the UK and a Member State, 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. This includes protection for UK nationals who have interacted with social security systems in other Member States

Under the **Withdrawal 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 **Withdrawal Agreement** do not lose out. The **Bill** will allow us to make sure that our domestic legislation works alongside these EU rules.

## **DEVOLUTION**

Some aspects of citizens' rights, such as some benefits and recognition of professional qualifications where the regulation of the profession is devolved, are devolved to 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.

## **CITIZENS' RIGHTS FOR EEA EFTA AND SWISS NATIONALS**

The **Bill** also protects the rights of **EEA EFTA** and Swiss nationals. More information can be found in the *EEA EFTA Separation Agreement fact sheet* and *Swiss Citizens' Rights Agreement factsheet*.

## **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.

### **COMMON TRAVEL AREA**

The Common Travel Area (CTA) is comprised of the UK, the Channel Islands and the Isle of Man, and Ireland. The CTA arose to facilitate the principle of free movement for British and Irish citizens between the UK, Ireland and the Islands and the reciprocal enjoyment of rights and entitlements to public services of citizens when in the UK and Ireland.

### **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').

### **EEA EFTA**

The EFTA states who are party to the EEA Agreement - Norway, Iceland and Liechtenstein.

### **EEA EFTA SEPARATION AGREEMENT**

An international treaty between the UK and **EEA EFTA** countries (Norway, Iceland and Liechtenstein) that sets out the respective rights and obligations of all parties following the UK's withdrawal from the EEA.

## **EUROPEAN COMMISSION**

The Commission is the main executive body of the EU. It has general executive and management functions. It can negotiate international agreements on behalf of the EU and represents the EU in international organisations. The Commission oversees and enforces the application of Union law, in particular by initiating infraction proceedings where it considers that a Member State has not complied with its EU obligations.

## **FRONTIER WORKER**

A person who lives in one state but works in another. For example, someone who lives in France 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 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.

## **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.

## **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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