

No-Deal Brexit Summary

With a no-deal Brexit looking more likely, here is a summary of the Government's current (as at 8th October 2019*) no-deal proposals on benefits for EEA nationals in the UK:

The current* position is that the 'free movement framework' would remain until repealed by primary legislation. This would mean that an EEA national would be able to continue to meet the residence rules in means-tested benefits based on established EU law. In effect, there would be no changes to the current rules until new legislation is passed but Government statements about its intentions to make such changes have varied considerably over recent months.

If the UK leaves with no-deal, applications can be made to the [EU Settlement Scheme](#)¹ by those who began residing in the UK before Brexit day. The deadline for these applications would be 31.12.20. Claimants with settled status would be able to meet the right to reside requirement and claim means tested benefits based on this status.

EEA nationals who arrive in the UK after Brexit would automatically get three months leave to enter and within that time could apply for a new status called European Temporary Leave to Remain ([EuroTLR](#))². Applications would need to be made by 31.12.20 and would last for three years. There would then need to be a further application under a new immigration system. The government's current position is that the new EuroTLR would allow access to benefits for new arrivals post-Brexit although most commentators consider this unlikely.

In summary, if there is a no-deal Brexit, current policy suggests that the status quo would continue for those in the UK before Brexit and that there will be some continuity for those arriving after Brexit. It goes without saying that this is subject to change and that the detail of new legislation will be critical.

DISCLAIMER: Advising on settled or pre-settled status and the proposed European Temporary Leave to Remain is immigration advice and it is a **criminal offence** to provide this if you are not registered. Immigration advice is regulated by the Office of the Immigration Services Commissioner (OISC), which looks at three different levels of advice. Solicitors with a current practicing certificate who are regulated by the Solicitors' Regulation Authority do not need to apply to the OISC, whilst those working for Citizens Advice can provide immigration advice without applying individually to the OISC, but up to Level 1 only (Level 1 does not allow advice on retained rights of residence for example, or derivative rights). The OISC has introduced another form of level 1 registration to cover the EU settlement scheme (if you do not need to provide any other immigration advice), but it still requires an application. If you are not registered, you should refer clients immediately if they require immigration advice. Benefits advice can be provided with the proviso that you cannot give advice in connection with immigration (for example, what someone's status is, whether someone needs to apply to change it, how to do so, or whether someone will be successful).

Link to EU Settlement Scheme¹: <https://www.gov.uk/settled-status-eu-citizens-families>

Link to EuroTLR²: <https://commonslibrary.parliament.uk/home-affairs/immigration/post-brexit-eu-immigration-policy-in-the-event-of-a-no-deal/>