



# EU Immigration

---

EU Immigration: MW 429

---

- Under free movement rules, European Union (EU) citizens possess the right to enter and reside in the UK without the need to obtain leave.
- EU citizens do not need to show proof of the right to legally reside here in order to apply for jobs or use public services such as the NHS.
- However, **free movement arrangements will come to an end in the wake of Brexit.**
- Irish citizens' rights will be unaffected by new arrangements. They will be able to continue to come to the UK to live and work as now.
- More than one million EU citizens have already been granted *settled or pre-settled status*, which enables them to remain here permanently.
- Those eligible have until at least 31 December 2020 to apply.
- Close, current family members of EU citizens granted permission to stay will be able to join them here in the UK.
- For a transitional period after Brexit on 31 October 2019 until 31 December 2020, law abiding EU citizens and their family members will be able to move to the UK and live, study, work and access benefits and services as they do now.
- However, those arriving after Brexit who wish to stay beyond 2020 will be required to apply for permission to remain.
- Post-Brexit immigration arrangements for the longer-term are not finalised yet and are not expected to come fully into force until 2021.
- Britons will need pre-clearance to travel to Schengen states from 2021.
- To work in the EU after Brexit, British nationals would need to apply for a visa under local immigration rules or for an EU Blue Card.

1. Under the free movement rules of the European Union, EU citizens possess the right to enter and reside in the UK without the need to obtain a visa (and British citizens currently have the right to move to other EU states in a similar manner). EU citizens do not need to show proof of the right to legally reside here in order to apply for jobs or use the NHS.

# Free movement of people between the EU and the UK

2. There are currently more than 3.5 million EU nationals living in the UK (and one million British nationals living elsewhere in the UK). Many have been living in the UK for a long period.
3. Between 1975 and 2003, net migration from the EU was only about 8,000 per year. However, since 2004, when the EU was expanded to include eight East European nations, EU net migration has averaged about **136,000 per year**.
4. The Labour government of the time decided not to impose transitional controls on new workers while most other countries did so (only Ireland and Sweden opened up their labour markets as the UK did).
5. A significant rise in the number of arrivals from newer EU member states of Eastern Europe after 2004 meant net migration from the EU8 countries reached a high of 137,000 in 2007. Net EU8 migration has declined to **-7,000** in the year to March 2019 (*Figures adjusted to reflect the undercount in EU8 migration during 2004-8 that was identified by the 2011 Census*).
6. In 2007, Romania and Bulgaria (the EU2) joined the EU. Since transitional controls on movement to the UK were lifted in 2014, an average of **46,000** net migrants have arrived from these two countries alone each year, about the level predicted by Migration Watch UK. (See here for our 2013 estimate of future migration from Romania and Bulgaria.) However, net migration from the EU2 in the year to March 2019 was 32,000.
7. Meanwhile, the financial crisis which engulfed the Eurozone in 2008 resulted in very high levels of unemployment across Southern Europe and significant additional movement to the UK from countries such as Greece, Spain, Italy and France.
8. This helped lead to a rise in the level of net migration from the EU14, which hit 84,000 in the year to June 2016. The level has since declined to **32,000** in the year to March 2019.

## Britain's impending departure from the EU

9. On 23rd June 2016, the UK held a referendum in which over half, 52%, of the electorate opted to leave the EU.
10. The previous Prime Minister, Theresa May, formally signalled Britain's intention to leave the EU on 29 March 2017. This triggered a 'two-year' period, during which the terms of withdrawal and the future relationship were to be negotiated.
11. However, in April 2019 the Article 50 period was extended until 31 October 2019. In early September 2019, Parliament passed a law which requires the government to formally request another extension on October 19 if a new deal has not been agreed by that point. ***In such a circumstance, the Brexit deadline would be extended until 31 January 2020.***

## Who are the UK's EU residents?

12. Of the UK's 3.6 million EU born residents, 1.7 million are from Western European nations plus Greece, and the rest are mainly from East Europe. 2.4 million are in employment, while the remaining million or so

are either students, retired or, perhaps, working in the home.

13. The large majority of EU migrants have come to the UK for work and, of those who arrived in the ten years since 2006, about 80% have gone into lower-skilled jobs (for more, read our paper: [‘A limit on work permits for skilled EU migrants after Brexit’](#)).

14. The economic profile of EU migrants varies depending on their area of origin. Workers from largely Western European nations plus Greece (the EU14) perform better than their UK born counterparts in terms of their employment rate, earnings and their rates of benefit claim.

15. Meanwhile those from the new accession countries of Eastern Europe (including Poland, Hungary and the Czech Republic) are more likely to be in work than the UK born but fare worse in terms of their earnings and their rate of benefit claims. (See [here](#)).

16. Using methodology similar to University College London in 2016, Migration Watch UK [found](#) the **fiscal impact** of recent EEA migrants to be broadly neutral in 2014/15.

## Has there been a ‘Brexodus’?

17. Some businesses and industries have raised alarm about what they allege to be an ‘exodus’ of EU workers. Such claims have been exaggerated. Indeed, the number of EU-born people in the UK labour market has **increased** by more than 100,000 since the Referendum, from 2.3 million in Spring 2016 to 2.4 million in Spring 2019 (see the latest [ONS statistics on employment by country of birth](#)). Net migration from the EU is still running at about 60,000 per year.

## What will happen to EU citizens residing in the UK after Brexit?

18. As of 15 August, more than one million people had already been granted settled or pre-settled status under the EU Settlement Scheme. As of the end of June, not a single person had been refused (see Home Office [factsheet](#)). Those eligible have until at least 31 December 2020 to apply. See official guidance on application process [here](#).

19. For those who haven’t applied when free movement ends, they will still have the same entitlements to work, benefits and services and will be able to prove these in the same way as they do now.

20. EU nationals who live in the UK currently have the right to bring in relatives without restriction under EU law while British citizens have to meet an income requirement to bring in a spouse or fiancé(e).

21. After Brexit, however, these arrangements will change. EU citizens granted the right to stay would be able to be joined in the UK by current, close family members (spouses, siblings, parents) as well as future children who are currently living in other countries.

22. On the face of statements and documents published by both the UK and the EU, settled and pre-settled EU citizens would **not** have the right to be joined by future grandchildren or by extended family (siblings, aunts, uncles, nieces and nephews). Rights in relation to future family members would also fall away.

23. The latest information suggests that, **in a no deal situation**, the right of EU citizens in the UK to be joined by the above classes of family members would be subject to a cut-off date of **March 2022**. After

March 2022, those concerned would be required to observe UK immigration rules.

24. Arrangements for family members as part of any new withdrawal deal would depend on the specific terms of that agreement.

## Post-Brexit travel

25. In November 2018 the EU [announced](#) that it would grant visa-free status to UK nationals in the event of a no deal Brexit on the condition that the British government would do for visitors from the EU. The UK government had already said it would do this. Therefore, British travellers to the Schengen area after Brexit will not be required to obtain a Schengen visitor visa.

26. However, British visitors to the Schengen area will, from 2021, have to seek advance permission to travel there. This is likely to cost £6 and be valid for three years. Additionally, from 2020, instead of stamping passports, the EU will also take a fingerprint or photograph from all visitors.

## EU citizens moving to the UK immediately after Brexit

27. The government [confirmed](#) in September 2019 that free movement as it currently stands under EU law will end on 31 October 2019 (in the event that Brexit goes ahead on that date).

28. However, Parliament has provided that much of the free movement framework will remain in place under the EU (Withdrawal) Act 2018 until Parliament passes primary legislation to repeal it. **This means that, for the time being, border crossing arrangements will remain unchanged, and EU citizens will be able to enter using their passport or identity card.** Some specific changes will come into effect immediately however. The government says it will:

- *'Keep out and deport more EU citizens who commit crimes by applying tougher UK criminality thresholds at the border and also when crimes are committed in the UK'*
- *'Remove the blue EU customs channel, requiring all travellers to make a customs declaration by choosing either the green or red channel'*
- *'Remove the rights for post-exit arrivals to acquire permanent residence under retained EU law, and the rights for UK nationals who move to the EU after exit to return with their family members without meeting UK family immigration rules'*
- *'Introduce blue UK passports starting from the end of the year as a symbol of our new, sovereign identity'*

**29. For a transitional period after Brexit on 31 October 2019 until 31 December 2020, law abiding EU citizens and their family members will be able to move to the UK and live, study, work and access benefits and services as they do now.**

30. EU citizens and their close family members who move to the UK after Brexit and wish to stay beyond 2020 will need to apply for a UK immigration status - **European Temporary Leave to Remain (European TLR)**. Successful applicants will be granted a period of 36 months' leave to remain in the UK, running from the date the leave is granted. **For example, this would allow EU nationals who arrive before the end of**

## **2020 to stay until December 2023.**

31. EU citizens may choose to use the evidence of this European TLR – which the government says will take the form of a ‘secure digital status’ – to establish entitlement to work and rent property during the transitional period until 31 December 2020.

32. The Home Office’s digital status checking service ‘*will enable them to share their digital status securely with an employer or other third party who needs to see it*’. However, during this period, they will also be able to evidence those rights using their passport or national identity card. ***This means that employers and landlords will not have to distinguish between previous residents and new arrivals in checking right to work or rent for a transition period after Brexit.***

33. EU citizens who move to the UK after 31 October 2019 may be accompanied by their non-EU citizen family members including direct family members (such as a spouse, civil partner or child), and extended family members (durable partners and dependent relatives), as now.

34. According to the government, ‘*they will need to be in possession of a valid national passport and an EEA family permit and will be able to stay in the UK until the end of 2020*’.

35. Close family members (spouses/partners and dependent children under 18) may apply for European TLR once their EU citizen sponsor has applied under the scheme.

## **British citizens moving to the EU after Brexit**

36. Meanwhile, the right of British nationals to travel to EU countries under free movement rules would end immediately after Brexit in a no deal scenario. British nationals wishing to enter EU countries would be subject to the immigration rules of the respective country.

37. Those wishing to work in Germany or a few other EU countries would be able to apply for an EU Blue Card while those wishing to work in other countries would need to apply for work permits under the rules of that particular country (for more see paper: ‘[Arrangements for skilled Britons seeking to work in the European Union after Brexit](#)’).

## **Longer-term UK immigration arrangements for EU citizens**

38. The UK’s departure from the EU will allow the government exercise a greater degree of sovereignty over UK immigration law than it currently can as a member of the EU.

39. The previous government set out detailed proposals for longer-term post-Brexit immigration arrangements in their December 2018 [White Paper](#). These are not envisaged to come fully into effect until early 2021.

40. The new Home Secretary, Priti Patel, has indicated that she would like the White Paper to form the basis of post-Brexit arrangements (although she has [asked](#) the Migration Advisory Committee to look into what aspects of the Australian Points-Based System might be usefully applied to the UK).

41. We summarise below a number of the White Paper proposals as they relate to EU citizens:

## For workers

42. As well as being eligible for a less-stringent Tier 2 visa, the government suggests in the White Paper that EU nationals wishing to come to the UK after Brexit are likely to be able to apply for entry under the following arrangements:

a) **Temporary, transitional workers route** - Workers from the EU of **any skill level** will be able to apply for a new visa that lasts up to 12 months in order to come to the UK to look for work. These workers will not need sponsorship from employers. This route is to be reviewed by 2025 (see p. 16 of [White Paper](#)). Since workers would be here for a year or less, they would not be counted in the long-term net migration statistics.

b) **Mobility framework** - As part of what it calls a proposed 'Mobility Framework', the government previously said that it expects to negotiate arrangements (similar to 'Mode 4' commitments that form part of standard bilateral free trade agreements) providing for **admission of self-employed professionals** where they are coming to supply a service to a UK client under a contract. Entry is limited to six months. Such commitments are limited to specific sectors (for more, see p. 60 of [White Paper](#)).

c) **Youth mobility scheme** - Another component of the planned 'Mobility Framework' is the planned extension of the current **Youth Mobility Scheme**. This scheme, which is currently capped at 30,000 a year and only involves nationals of eight non-EU countries, would be extended on a reciprocal basis to EU nationals between the ages of 18 and 30. The stated aim is '*to ensure that young people can continue to enjoy the social, cultural and educational benefits of living in the EU and the UK*'. Those concerned would be free to work at any skill level. There is no mention of a future cap. It is noteworthy that most arrivals from the EU over the past decade have been aged under 30 (pp. 54-55 of the [White Paper](#)).

## For study

43. EU students are to be subject to the same arrangements as students from the rest of the world, meaning that they will be required to apply for a Tier 4 (Student) visa in order to remain in the UK for the purpose of study (see p. 62 of [White Paper](#)).

## For family reasons

44. Family members of EU nationals who do not fall within the prescribed categories (see above) would need to abide by the current rules on non-EEA family migration after December 2020, including the spousal visa threshold and language requirements.

## Criticisms

45. We have been strongly critical of some of the proposals in the White Paper, including plans to...

- Remove the current limit on the number of Tier 2 (skilled) work permits for overseas recruits that can be issued annually.
- Dilute the current skills threshold requiring migrant workers to have a graduate-level qualification.

- Abolish the ‘Resident Labour Market Test’ which requires businesses to check that there is no British recruit available for a job before hiring a migrant worker. (For a summary of the government’s skilled worker proposals, see p. 127 of [White Paper](#)).

46. For more on this, see our papers, [‘Assessment of the White Paper on Immigration after Brexit’](#) and [‘Estimate of post-Brexit migration levels under the White Paper proposals’](#).

10 September, 2019