



UK exit from the EU: Briefing for local authority services and third sector organisations working with EU migrants

What rights do EU citizens have in the UK post referendum?

1. **EU nationals residing in the UK continue to have the same rights as they had before the referendum**, as the UK is still part of the EU ‘for as long as it takes to negotiate the exit deal’¹.
2. EU nationals continue to have the right to work, study and claim benefits in the UK as per existing rules. They can also travel freely within the EU until new laws are passed that replace the existing EU laws². This is not expected to happen sooner than two years from the date the UK activates Article 50 of the Treaty of Lisbon³. This has not yet been done and it is not expected to be done until a new prime minister is in place (in the autumn).

Do EU nationals have to do anything to maintain their rights?

3. Not at this stage. The Prime Minister has said there will be no ‘immediate changes’⁴ to the rights of EU nationals living in the UK or UK nationals living in other EU countries.
4. **The rights of EU nationals who are residing in the UK and exercising their rights as a ‘qualified person’ will not change until the UK government negotiates a withdrawal deal with the EU.** Someone exercising their rights as a ‘qualified person’ means they are:
 - working, studying, self-employed, self-sufficient or looking for work;
 - have a ‘family member’ (spouse or civil partner, dependent child or grandchild, dependent parent or grandparent⁵) who is a qualified person; or

¹ BBC (June, 2016) Reality check: ‘Do I need a new passport?’ and other Brexit questions

<http://www.bbc.co.uk/news/uk-politics-eu-referendum-36619817>

² Citizens Advice Bureau Brexit – how it affects you? <https://www.citizensadvice.org.uk/law-and-rights/brexit/brexit/>

³ HM Government (February, 2016) The project for withdrawal from the European Union

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504216/The_process_for_withdrawing_from_the_EU_print_ready.pdf

⁴ BBC (June, 2016) *PM condemns ‘despicable’ post-EU referendum hate crimes*

<http://www.bbc.co.uk/news/uk-politics-eu-referendum-36643213>

⁵ Home Office (March, 2016) Apply for an EEA family permit <https://www.gov.uk/family-permit/eligibility>

- have a retained right of residence⁶ (applicable to family members of a qualifying EU national when that EU national is no longer part of the family – for example when they die, leave the UK or end the relationship)⁷.

5. **It is unclear how the withdrawal agreement and other future deals will affect the rights and entitlements of EU nationals living in the UK.** To formally confirm their current rights in the UK, EU nationals may wish to apply for a registration certificate confirming their right to reside in the UK or, for those who have been residing in the UK for over 5 years, a card confirming their permanent residence. More details about how to apply, how much it costs and what form to use is available on Home Office websites <https://www.gov.uk/eea-registration-certificate> and <https://www.gov.uk/apply-for-a-uk-residence-card/permanent-residence-card>.
6. There are a number of third sector organisations and legal services offering free immigration advice and help with completing forms, such as the Citizens Advice Bureau. **Immigration advice must be provided by a regulated immigration advice provider.** To find one in your area visit www.gov.uk/find-an-immigrationadviser/search-for-an-adviser. Please be aware that some providers might charge a fee.
7. **Note that it is currently not necessary for EU national to have a registration certificate or a card confirming permanent residence to prove their right to reside in the UK** and the application for any of the above will incur a cost to the applicant.

Hate crime and racial abuse

8. After the referendum, the media has reported an increase in a number of hate and racially motivated incidents directed at EU nationals and other ethnic minorities.
Police and the government officials have condemned this ‘despicable’ behaviour⁸ and called for the attacks to stop.

Welsh Government

The First Minister, Carwyn Jones, made a statement on 27 June;

⁶ Home Office (October, 2015) Prove your rights to live in the UK as an EU citizen <https://www.gov.uk/eea-registration-certificate>

⁷ Home Office (April, 2015) Family members of European Economic Area (EEA) nationals who have retained the right of residence https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488451/Retained_Rights_v2_0

⁸BBC (June, 2016) *PM condemns ‘despicable’ post-EU referendum hate crimes* <http://www.bbc.co.uk/news/uk-politics-eu-referendum-36643213>

Absolutely nothing has changed in the status of foreign nationals living and working in Wales. They remain welcome as they always have been - before devolution, before the EU. Wales has always been a welcoming country and we must not lose sight of that. It is incumbent on all of us, no matter how we voted last week, to stand up to anybody who thinks they now have licence to abuse people of different races or nationalities. They have no such licence and should anyone suffer from this sort of abuse, they should report it to the police immediately. I am today writing to the four Welsh Police and Crime Commissioners, asking for them to be alive to this changing situation, and to provide appropriate support to any affected communities.

The full statement is at

<http://gov.wales/newsroom/firstminister/2016/160627cabinetstatement/?lang=en>

Letter from Carl Sargeant, Cabinet Secretary for Communities and Children, Welsh Government-letter dated 5/7/16



C_Sargeant_LETTER_English_JULY.pdf



C_Sargeant_letter_Welsh_JULY.pdf

9. Those who experience or witness hate crime or racial abuse are encouraged to report it to the police on 101 (999 if someone is in immediate danger), online on http://report-it.org.uk/your_police_force or by contacting the Stop Hate UK helpline 0800 138 1625.

OR report to the following organisations:

<http://www.reporthate.victimsupport.org.uk/> Victim Support Cymru National Hate Crime Report and Support Centre, Tel: 03003031982

<http://www.sewrec.wales/> SEWREC (South East Wales Regional Equality Council Newport, Tel: 01633 250 006

<http://www.refweb.org.uk/> Race Equality First, Cardiff
Tel: 02920 486 207

<http://www.sbrec.org.uk/> Swansea Bay Regional Equality Council, Swansea
Tel: 01792 457 035

<http://www.nwren.org> North Wales Regional Equality Network, Conwy
Tel: 01492 622 233

<http://tellmamauk.org/>

This leaflet is produced by Migration Yorkshire, with additional Wales-specific information and resources/links by the WSMP. For further information, please contact anne.hubbard@wlga.gov.uk

Tell MAMA supports victims of anti-Muslim hate and is a public service which also measures and monitors anti-Muslim incidents. It is not meant to be a replacement for the Police Service. In an emergency, please call 999

0800 456 1226, E-mail: info@tellmamauk.org, Twitter: @tellmamauk, SMS: 0115 707 0007, WhatsApp: [0734 184 6086](https://www.whatsapp.com/business/profile/07341846086)

Further resources/links

AIRE CENTRE- *The AIRE Centre is a specialist legal charity.*

Information note on the UK referendum decision and its potential implications
<http://airecentre.org/data/files/resources/40/Information-Note-on-BREXIT-The-AIRE-Centre-01.07.16.pdf>