

Brexit: EEA nationals

This factsheet explains the rights of EEA nationals and their family members in the UK after Brexit.

EEA: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, plus Iceland, Norway, Liechtenstein and Switzerland.

With the UK leaving the EU, the future rules around entitlement to homelessness assistance, social housing and benefits will change. For now, **EEA nationals and their family members** (irrespective of nationality) can still rely on rights under EU law, which will be retained in the UK until the end of implementation period. It means that until at least 31 December 2020, EU law will continue to apply in the UK. In addition, EEA nationals and their family members can rely on status granted under the EU Settlement Scheme, which is part of domestic UK law.

Rights under EU law: free movement

Under EU law, EEA nationals are eligible if they have a qualifying right to reside, for example:

- are economically active as workers or self-employed
- have a permanent right to reside (PRTR) – usually acquired automatically after 5 years of exercising rights under EU law.

An EEA national who used to be economically active may continue to be eligible even if they are not working at the time they apply for help, for example, because they are sick, pregnant, in vocational training or they have lost their job but have registered with a job centre and are looking for another one.

Family members of eligible EEA nationals are eligible and, in certain circumstances, may retain their rights and continue to be eligible even if the EEA person dies or leaves the UK. Some family members, for example unmarried partners, need documents from the Home Office confirming their status. Others, for example children and spouses, don't need them. Family members can have their own PRTR, for example if they have lived in the UK as a family member of an EEA national for 5 years.

Some family members have a derivative right to reside which doesn't count towards the 5 years' PRTR. These are mainly:

- primary carers of any nationality of children in education in the UK, where the other parent was an EEA worker at some point when the child was resident in the UK, and
- non-EEA primary carers of British children or vulnerable British adults.

Only the former are eligible for help from the housing department; the other group should be assisted by social services.

EU law rules can be complicated and it may be necessary to seek further advice.

Rights under UK law: EU Settlement Scheme

EEA nationals and their family members (including those with a derivative right to reside) who wish to continue living in the UK after 30 June 2021 should apply to the [EU Settlement Scheme](#) before that date. The Scheme grants status based on the length of residence in the UK either as an EEA national or a family member, including those with derivative or retained rights.

The Scheme grants two types of status:

- **settled status** – usually granted to those who have lived in the UK for 5 years
- **pre-settled status** – granted to those who have lived in the UK for less than 5 years.

Settled status is a form of **indefinite leave to remain**. People with settled status are **eligible** for help when homeless, social housing and benefits. They don't have to exercise EU Treaty rights.

People with pre-settled status aren't eligible, unless they have a qualifying right to reside under EU law (see above). They will be able to apply for settled status after they have lived in the UK for 5 years, even if that date is after 30 June 2021.

EU Settlement Scheme is UK immigration law. Those who are finding it difficult to apply, who have been refused status or granted an incorrect one, should seek advice from a **charity** funded by the government to help with applications under the Scheme or from a **certified immigration adviser**.

The EU Settlement Scheme is digital only. No biometric documents are issued and the Home Office does not stamp passports. The only way to prove status granted under the Scheme is to visit the gov.uk web site: www.gov.uk/view-prove-immigration-status.

After the UK leaves the EU

In order to be allowed to stay in the UK, those who miss the EU Settlement Scheme deadline may have to apply under a new immigration system. We don't know yet what the new rules will be like.

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

*Calls are free from UK landlines and main mobile networks.



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Registered charity in England and Wales (263710) and in Scotland (SC002327).

Note

Information contained in this factsheet is correct at the time of publication. Please check details before use.