

End of Brexit FAQs (updated 4.11.2022)

- 1. What is the immigration position of EEA nationals living in the UK after 31 December 2020, when the UK left the EU?*

The free movement rights of EEA nationals and their family members came to an end at 11pm on 31 December 2020. This means that since that date, EEA nationals have been subject to UK immigration control and require leave to enter or remain in the UK just as other non-EEA nationals do.

Between 31 December 2020 and 30 June 2021, the Citizens; Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations (known as the “Grace Period Regulations”) were in force. The Grace Period Regulations allowed some EEA nationals and their family members to make an application under the EU Settlement Scheme up to the deadline of 30 June 2021. The Grace Period Regulations did not apply to all EEA nationals and their family members: whether or not they did so was dependent on whether each applicant was protected by the Immigration (EEA) Regulations 2016 immediately prior to 31 December 2020. In broad terms, this means that people who were lawfully resident in the UK before 31 December 2020 were protected, together with any family members who had applied for (and/or been granted) an EEA residence card prior to that date.

- 2. Are there any circumstances in which I can apply for pre-settled status even though I did not live in the UK prior to 31 December 2020?*

If you are an EEA national and you are a close family member (spouse, durable partner, child under 21 or dependent child over the age of 21) of an EEA national who is living in the UK with settled or pre-settled status in the UK, you may be eligible to apply from outside the UK for pre-settled status so that you can join your family member in the UK. Your relationship with your EEA national family member living in the UK must have existed prior to 31 December 2020.

If you are a spouse or a child under the age of 21, this means you must have been so before 31 December 2020

If you are a durable partner, this means (as a general rule) that you must have lived together for at least 2 years before 31 December 2020 and your relationship must be continuing.

If you are a dependent child over the age of 21, you must have been financially dependent on your EEA national parent (at least in part) before 31 December 2020 and you must have been continuously dependent on them since then until the date on which you apply.

There are separate rules which relate to non-EEA close family members of EEA nationals living in the UK. If this applies to you, you will need to apply for an EUSS Family Permit before you can travel to the UK to join your EEA National family member instead of applying directly for pre-settled status. You may then be eligible to apply for pre-settled status if you do so within 3 months of arriving in the UK with a Family Permit.

- 3. Do I need a visa to enter the UK now?*

No. EEA nationals who have not been granted settled or pre-settled status under the EU Settlement Scheme (or who did not previously hold indefinite leave to remain) can still enter the UK using their EEA national passports as visitors without applying for a visa in advance.

Entering the UK as a visitor will mean that you can stay in the UK for up to 6 months. You will not be entitled to work while you are in the UK. It is important that it is your intention to leave the UK at the end of the permitted 6 month period. If Border Control officials believe that your purpose when you enter the UK is not stay for up to 6 months as a visitor, or that you do not intend to leave at the end of your stay, you will be refused entry.

In all other circumstances, if you are intending to work, study or stay for a longer period in the UK you must apply for a visa under the relevant provisions of the Immigration Rules before travelling to the UK.