

How will 'Brexit' effect Immigration?

The outcome of the EU referendum is likely to impact the immigration status of thousands of people in the UK and the EU. The removal of the UK from the EU will begin with the UK government triggering Article 50 of the Treaty on the Functioning of the European Union (TFEU). This will commence a two year process at the end of which, the UK will withdraw from the EU. This will include the repealing of the European Communities Act 1972 which incorporates EU law into the UK's legal system including rights of free movement.

Sookias & Sookias realise that these are uncertain time for both EU and non-EU nationals. Robert Sookias and Attieh Fard specialise in immigration law and are able to assist you in protecting your interests.



EU citizens in the UK and their family members

The current rights of residence and entry allowed to EU citizens by virtue of the TFEU are likely to change. Currently EU citizens who have lived in the UK for five years may apply for naturalisation; this **may** change after leaving the EU. For example, German nationals may have to obtain the consent of the German authorities in order to acquire British nationality when the UK is no longer a member of the EU. Those who have lived in the UK for less than five years may not be able to retain their right to remain in the UK or equally their rights may be altered drastically. EU-nationals may find that they will have to leave the UK and thereafter apply for an appropriate visa. However, it should be stressed here that until negotiations are started the effect of 'Brexit' on the free-movement and the status of EU-citizens in the UK is unclear.

We urge you to take the necessary steps required to obtain proof of residence/permanent residence from the Home Office in order to protect your future interests and/or that you apply for naturalisation if you are eligible to do so under the current Immigration Rules and policies.

EU citizens and their family members wishing to come to the UK after the UK leaves the EU

If in future negotiations with the EU, the UK government does not support freedom of movement within the EU then EU citizens who want to live, visit or work in the UK following 'Brexit' **may** find they have to apply for a suitable visa. Again, this is dependent on the outcome of the UK's negotiations with the EU.

Family members of UK citizens residing in the EU

Currently under the UK Immigration Rules, which are stricter than EU Immigration Rules, UK citizens who exercise treaty rights in EU countries and have non-EEA family members can currently return to the UK with their family members under the EU law without the need to apply for Entry Clearance (visa to enter the UK) for their family members. However, after the UK leaves the EU non-EEA family members **may** have to apply for Entry Clearance depending on UK negotiations with the EU. Should British citizens wish to remain in EU countries, they may have to regularise their residence in EU countries under the relevant national laws depending on the outcome of the UK's negotiations with the EU.

Non-EU immigrants in the UK who are not yet settled in the UK

Many migrants have relied on the Human Rights Act in order to stay in the UK. The Human Rights Act gives legal force to the European Convention on Human Rights. The ECHR and European Court of Human Rights are separate from the European Union and will, therefore, not be affected by 'Brexit'. It will only cease to have effect in the UK if the Human Rights Act 1998 is repealed by Parliament. However, it is noted that the UK Government are considering repealing the Human Rights Act 1998 and introducing a new Bill of Rights.

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