

MAURICE | TURNOR | GARDNER



Immigration

BREXIT MEETS COVID-19

A SECOND WAVE | POTENTIAL UK IMMIGRATION IMPLICATIONS
FOR EU CITIZENS

15th Floor
Milton House
Milton Street
London, EC2Y 9BH
United Kingdom

T +44 (0)20 7786 8710
F +44 (0)20 7786 8720
E info@mtgllp.com
W www.mauriceturnorgardner.com

Maurice Turnor Gardner is authorised and regulated
by the Solicitors Regulation Authority of England and Wales (registered No. 508783)

A second Covid wave: Potential UK immigration implications for EU citizens

Background

As matters stand, at 11pm on 31 December 2020, the transition period between the UK and the EU will end, and EU nationals and their family members will no longer be able to benefit from the principle of free movement in order to move to the UK.

The EU Settlement Scheme sets out the rights for EU citizens from 2021. For EU nationals and their family members who want to obtain settled status in the UK, they must have lived in the UK for a continuous five year period which started before 31 December 2020, and where no supervening event has occurred. Continuous residence means that the individual has been living in the UK for at least 6 months within any 12 month period in the five year period. EU nationals who want to obtain pre-settled status, which provides limited leave to remain for five years but crucially enables them to apply for settled status after five years continuous residence, will need to start living in the UK by 31 December 2020.

Applications for either pre-settled status or settled status must be completed by 30 June 2021.

The context

Coinciding with the end of free movement for EU nationals and their family members, we are in the midst of a global pandemic, something which no-one could have foreseen when the UK officially left the EU in January this year.

Some European countries, including the UK, are said to have entered a second wave of infections, most notably Spain which is reporting close to 11,000 cases a day¹ and France which reported around 12,000 new cases a day on 30 September.² There are therefore concerns that further lockdown restrictions may be imposed.

In an effort to contain the spread of the coronavirus, some countries have closed their borders. For example, Hungary closed its borders to all but its three neighbours earlier this year. Some towns and villages in France were split in half by makeshift barriers closing off the borders to neighbouring countries.

What needs to be considered?

EU nationals who are planning on moving to the UK and applying for pre-settled status in the UK prior to 31 December 2020 should be acutely aware of the constantly fluctuating coronavirus landscape. In order to be eligible to apply for pre-settled status, physical presence in the UK will be required and evidence will need to be supplied.

¹ <https://www.worldometers.info/coronavirus/country/spain/>

² <https://www.worldometers.info/coronavirus/country/france/>

Travel restrictions are changing at a rapid rate in response to the virus with sometimes only days to make arrangements. For example, the UK travel corridor list, exempting travellers from mandatory quarantine on their return, is updated regularly.

What action needs to be taken?

EU nationals intending to make an application under the EU Settlement Scheme must be in the UK before 31 December 2020, so may wish to consider travelling sooner rather than later if they are concerned that lockdowns or travel restrictions might be imposed on them or that borders might be closed.

How can we help?

We have an abundance of experience advising clients on all of the legal and practical aspects of the immigration process, from assessing and completing their applications through to obtaining the relevant permissions for them (and their families) to come to the UK. We have excellent contacts at the Home Office UK Visas and Immigration which has proved invaluable. We also offer a full range of related private client services for those seeking entry to the UK, including residential conveyancing and pre-arrival tax planning.

October 2020

If you would like to receive further updates, please email info@mtgllp.com to be added to our distribution list.

These notes do not contain or constitute legal advice, and no reliance should be placed on them. If you have any questions, please do not hesitate to speak to your usual contact at Maurice Turnor Gardner LLP.