



2 January 2020

Dear Sir/ Madam

We are writing to you about the services to which EU, EEA and Swiss nationals<sup>1</sup> living in Wales are entitled up until 1 January 2021. The intention is to provide an update on areas that we can be certain on, whether we leave the EU with or without a deal.

The Welsh Government values the contribution that EU, EEA or Swiss nationals make to Wales. We recognise that current circumstances and uncertainty around Brexit must be very unsettling and difficult at this time. We want to reassure EU, EEA and Swiss nationals living in Wales that it is important to the Welsh Government that their rights and status are protected.

We hope you find the following points helpful in considering how your systems and practices enable you to comply with your obligations to EU, EEA and Swiss nationals. The issue of such entitlements is a complex area about which you will wish to obtain your own advice.

### **EU Citizens that arrive in the UK before 1 January 2021**

Currently, all EU, EEA or Swiss nationals lawfully resident in Wales (and their qualifying family members) have the same rights to live and work and access services as UK nationals. That will remain the case for any that arrive before 1 January 2021. Citizens from the Republic of Ireland, which is within the Common Travel Area, also continue to have the same rights as UK citizens.

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<sup>1</sup> EU nationals in this letter refer to the EU less the UK. This comprises Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden. The EEA comprises Iceland, Liechtenstein and Norway. Switzerland is not part of the EEA but is a member of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

EU nationals lawfully resident in the UK **before exit day** and their qualifying family members will be entitled to remain in the UK indefinitely, provided they have applied for the EU Settlement Scheme (EUSS). The current deadline for applying to the EU Settlement Scheme is 31 December 2020, in the event of no deal, or 30 June 2021 in the event of a deal.

EU citizens who arrive **after exit day** but before 1 January 2021 and wish to remain in the UK beyond 31 December 2020 will need to apply for Euro Temporary Leave to Remain.

EU citizens' entitlement to public services for qualifying EU, EEA or Swiss nationals will therefore remain broadly the same as they are now and it will not be necessary, for example, for employers, landlords or other service providers to distinguish between different groups of EU Citizens<sup>2</sup>. Evidencing residency requirements should also continue in the same way as now. Where you are required to carry out a statutory check<sup>3</sup> it will be sufficient for EU citizens to demonstrate their entitlement to services by producing a:

- passport or national identity card<sup>4</sup> if they're an EU, EEA or Swiss citizen
- biometric residence card if they're a qualifying non-EU, EEA or Swiss citizen family member of an EU, EEA or Swiss citizen
- proof of their status under the EU Settlement Scheme or Euro Temporary Leave to remain Scheme using the Home Office's online right to work checking service

Employers and other service providers continue to have a duty not to discriminate against EU, EEA or Swiss citizens.

## School places

Any child living in the UK can apply for and access a school place in Wales irrespective of immigration status. This will continue after our exit from the EU.

In Wales, school admissions processes do not take into account either immigration status or nationality and so schools must not deny a child a place on the basis of their nationality or migration status. Guidance on admissions processes are set out in the statutory School Admissions Code. EU, EEA and Swiss nationals currently have access to a school-based education in Wales.

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<sup>2</sup> Please note that in order for an individual with pre-settled status under the EU Settlement Scheme to access many types of benefit and tax credits, as well as housing assistance as an allocation of housing accommodation or housing assistance, they require an additional EU right to reside in the UK, in addition to the limited leave to remain they would obtain under pre-settled status.

<sup>3</sup> The statutory checks applicable in Wales include right to work check by an employers, DWP and HMRC checks, NHS checks, DVLA checks etc.

<sup>4</sup> <https://www.gov.uk/government/publications/no-deal-immigration-arrangements-for-eu-citizens-moving-to-the-uk-after-brexite/no-deal-immigration-arrangements-for-eu-citizens-arriving-after-brexite#fnref:3:1>

Applications for a school place can be made from overseas by those with a right of residence in the UK, but admission authorities and local authorities may require an applicant to provide proof of residence in the UK so that schools can apply their admission arrangements. UK nationals returning from the EU should be considered for admission to a school on the same basis as people living in the UK.

### **EU Citizens that arrive from 1 January 2021**

From 1 January 2021, EU citizens who wish to come to the UK to live, work or study will need to meet the new requirements under the UK's new immigration system. Details of this system are being developed by the UK Government. Those from the Republic of Ireland, as part of the Common Travel Area, will, however, continue to have the same rights as UK citizens.

### **Advice on applying for the EU Settlement Scheme**

The Welsh Government is funding support for EU citizens who are applying for the Settlement Scheme and need legal advice. Information on free and impartial advice providers in Wales can be found on the EUSS Website (<http://www.eusswales.com/en/index.html>).

For employers, the Home Office has developed a supporting toolkit, available at <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>. The Welsh Government will also be continuing to provide further support to employers and will be hosting events focussed on the EU Settlement Scheme. Information on registering interest for these events will be available on <https://gov.wales/preparing-wales-brexit/business-and-economy> and <https://businesswales.gov.wales/brexit/>.

We hope this letter has been helpful. A copy is available, alongside other useful resources, on the Welsh Government's Preparing Wales website, <https://gov.wales/preparing-wales>.

Yours sincerely



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