



Brexit: UK nationals in the EU and EU nationals in the UK

A practical immigration guide

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Introduction

The European Union (EU)¹ has rules allowing the free movement of nationals of the European Economic Area (EEA)² and Switzerland³. These rules allow EEA nationals to move between EEA countries with their family members and live, work, study or start businesses in these countries.

This guide has been written prior to any definitive statement from the UK Government on the implications of Brexit on nationals in the UK and UK nationals in the EU/EEA.

The UK Government has indicated that it will not permit free movement in its current form after the UK leaves the EU. This means that there will be some form of restrictions on the free movement of EEA nationals to the UK post Brexit and they may have no free movement rights at all. The freedoms UK nationals enjoy in other EEA states may also be restricted on the basis of reciprocal treatment. It is expected, however, that EEA and Swiss nationals in the UK and UK nationals in other EEA states who are already exercising these rights will be protected. The exact nature of the protection and the cut-off date from which it will apply will only become clear as the exit agreement between the UK and EU is negotiated.

As EEA nationals have historically been able to exercise the right to free movement in the UK without necessarily obtaining any documentation, KPMG's current view is that people affected will need to make some kind of application to prove they exercised free movement rights before the relevant cut-off date. The nature of that application and the value that it will provide an individual and their dependants will depend on the final terms of Brexit.

Some EU nationals in the UK will already have rights which they can evidence now. The free movement rules include a right to permanent residence after five years in a host country i.e. where the individual permanently resides. People who qualify for this can apply to their host country for a document certifying permanent residence. In addition, each individual EU country has its own rules about obtaining citizenship.

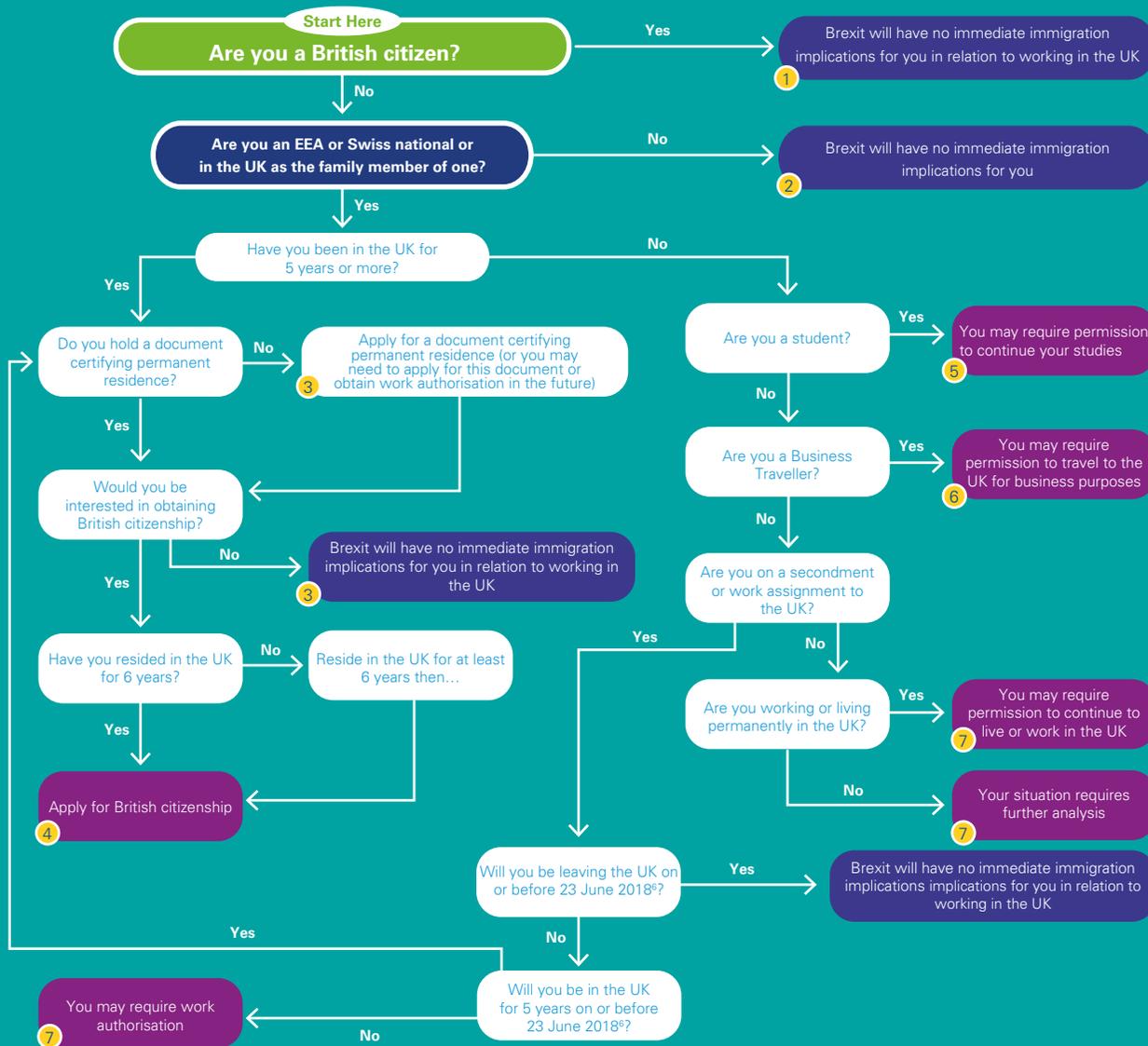
An individual's immigration position can be complicated. One consideration in whether to apply for citizenship of a country is whether the individual's home country (most often their country of birth) will allow dual citizenship.

Our guide provides some initial information on each of the 30 EEA member states and the UK on their current position on dual citizenship. It is important to note that we provide confirmation of whether dual citizenship is allowed; obtaining dual citizenship may have an impact on other matters such as tax status. Therefore, this is a guide only and individual advice on the wider implications of dual citizenship should be sought.

This document contains one flowchart to help EEA and Swiss nationals and their family members⁴ assess their rights in the UK and another to help UK nationals and their family members assess their rights in their host EEA state. It also outlines the headline requirements for citizenship of the countries in the EEA.

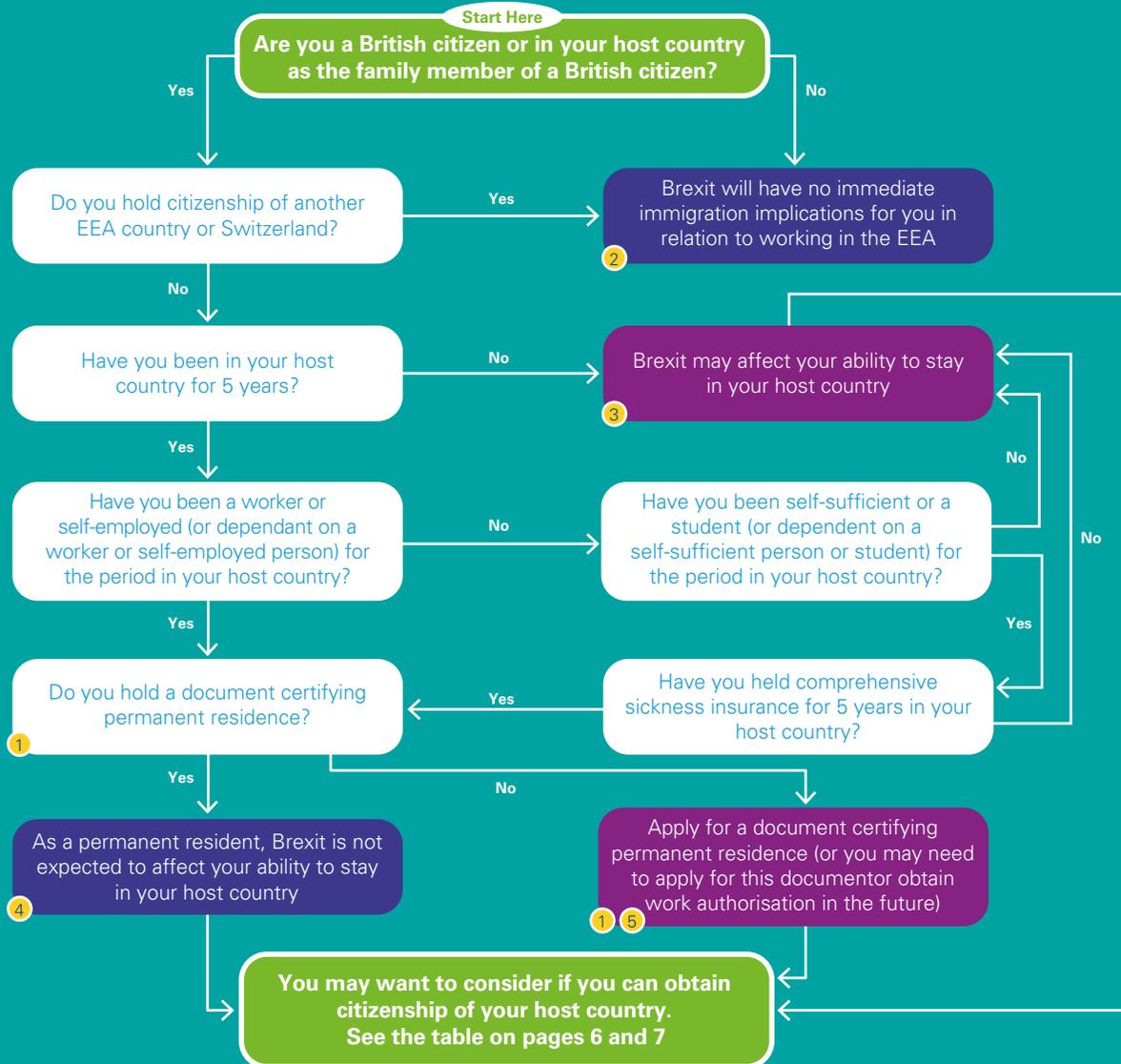


EEA and Swiss nationals in the UK



- 1 As a British citizen, Brexit will have no immigration implications for you in relation to working in the UK. However, the immigration implications for a British citizen working in the EEA or Switzerland will change. See UK nationals in EEA flowchart
- 2 As you are not in the UK under EU law, Brexit will have no immigration implications for you. The standard immigration rules governing non-EU, non-EEA or non-Swiss nationals will continue to apply
- 3 EEA nationals who have lived in the UK for five years under EU law can get a document certifying permanent residence. Note that students and self-sufficient people also need to have had comprehensive sickness insurance during the five year period. People holding these documents are expected to be able to remain in the UK after Brexit
- 4 You may be eligible to become a British citizen. You will need an assessment to determine whether you and/or your dependant(s) meet all the necessary criteria before filing the application(s). The residency requirements will differ if you are the spouse of a British citizen. It is important to assess whether the country of which you are presently a citizen permits dual citizenship as you may be required to relinquish your existing citizenship
- 5 If you are currently a student, you may be required to obtain permission to continue your studies in the UK
- 6 The terms on which EEA and Swiss nationals will be able to visit the UK on business post-Brexit are currently uncertain
- 7 You may be required to obtain a visa or work permission depending on the nature and purpose of your stay in the UK. Please contact KPMG to assess your circumstances including options based on family connections, activities in the UK and immigration sponsorship

UK nationals in the EEA



1 Permanent residence is automatically obtained in various circumstances. Once obtained it allows the right-holder to obtain a document certifying permanent residence. Such a document can be used as evidence to authorities and employers of the holder's right to remain in their host country permanently

2 As you are not relying on British nationals having rights under EU law to stay in your host EEA member country, Brexit will have no implications for your ability to continue to live and work in your host country. If you wish to live in the UK in future and are an EEA or Swiss national, Brexit may affect this

3 You do not yet have a right of permanent residence under EU law in your host country. The exact impact of Brexit on your ability to remain in your host country will depend on the details of the agreement between the UK and EU as part of the Brexit negotiations

4 As you hold a document certifying permanent residence, Brexit is not expected to remove your right to reside in your host country

5 You have lived in your host country carrying out suitable activities long enough to have obtained a right to permanent residence there. In order to prove this you should apply to the authorities of your host country for a document certifying permanent residence. It is expected that Brexit will not remove the right of holders of these documents to reside in their host country

EEA citizenship requirements

This chart is a general guide designed to help assess if a citizenship application might be possible in different EEA countries. The rules relating to citizenship contain many details that mean any application must be assessed on an individual's circumstances.

Additionally, most countries have requirements in addition to the residency requirements shown below, such as good character, language and financial means. This information is correct as at 1 December 2016.

Country	Residence period for UK adult to obtain citizenship	Special routes to citizenship for UK national children of UK nationals born in EU/EEA state	Is dual citizenship allowed for British nationals?
Austria	10 years legal and continuous residence, of which 5 years were spent with a residence permit	No	No (except for persons born with two citizenships)
Belgium	10 years legal residency and main residency in Belgium, having obtained a residency right for an unlimited duration, reduced to 5 years in some circumstances	A child can obtain Belgian citizenship at the same time as parent or after residing in Belgium for 10 years with a parent who has unlimited right of residence	Yes
Bulgaria	10 years (8 in some circumstances), 5 of which should be spent with permanent/long-term status	A child up to 14 years old can obtain Bulgarian citizenship if both parents do	Yes ⁵
Croatia	8 consecutive years with registered permanent residence in Croatia	A child can obtain Croatian citizenship when one parent obtains Croatian citizenship and the child has residence in Croatia	No (with exceptions)
Cyprus	7 years unless there are family connections to Cyprus	Citizenship may be obtained by a child born in Cyprus to British parents in some circumstances	Yes
Czech Republic	Czech permanent residence holder for 3 years; uninterrupted residence is requested (interruptions shorter than 2 months are not considered)	No	Yes
Denmark	5 years or more in some circumstances	No	Yes
Estonia	8 years residence of which the last 5 years must have had permanent residence	A child of up to 15 years old can obtain Estonian citizenship when their parent does	No
Finland	Most recent 5 years without interruption or a total of 7 years after applicant has reached the age of 15 (the past 2 years without interruption)	No	Yes
France	5 years with reductions in certain circumstances such as having studied at a French university or being married to a French national	Yes but depending on age the requirements and the steps to take are different	Yes
Germany	8 years residence, reduced due to some qualifications or family connections	If child is born after 1 January 2000 and at least one parent has a permanent residence permit and has been residing in Germany for at least 8 years. After child reaches age of 23, they must take affirmative measures or their right to citizenship will expire	Yes ⁵
Greece	7 years legal residence with residence permit	Children born in Greece may obtain citizenship under certain circumstances	Yes
Hungary	8 years as "plastic address card" holder	A child can apply for citizenship after 5 years as a registration card holder	Yes ⁵

Iceland	7 years residence (with some exceptions)	Will receive Icelandic citizenship after age of 18	Yes
Ireland	1 year continuous residence immediately prior to application and a total of 4 years residence over an 8 year period prior to that	If child born in Ireland before 1 January 2005, or after 1 January 2005 to British parents, child has a right to Irish citizenship	Yes
Italy	4 years of continuous residence	A child born in Italy is eligible to apply for Italian citizenship when child reaches 18 years and has previous continuous residence in Italy	Yes
Latvia	5 years with permanent residence permit of which an interruption of 1 year in total is permitted but which cannot be during the last year before submitting the application	A child of up to 15 years old can obtain Latvian citizenship when their parent does if their permanent place or residence is Latvia	Yes
Liechtenstein	30 years residence, at least 5 of which must have been spent as a permanent ordinary resident	No but special rules apply for children who are long term residents	No (with some exceptions)
Lithuania	10 years legal residence	No	No
Luxembourg	7 consecutive years residence	One parent is also born in Luxembourg	Yes
Malta	1 year continuous residence immediately prior to application and a total of 4 years residence over a 6 year period prior to that. Longer residence can be required at the discretion of the authorities	One parent is a Maltese national or the child is a descendant of a Maltese national	Yes
Netherlands	5 years with no more than 6 months of absences	Children up to 16 years old may be included in a parent's naturalisation request. Children aged 16 or 17 may file an independent naturalisation request after 3 years of lawful residence in Netherlands	No (except for children under 18 and through marriage)
Norway	7 years legal residence in last 10 years (subject to exception for people married to Norwegian nationals)	No	No
Poland	Permanent residence for 3 years	No	Yes
Portugal	6 years legal residence or 3 years legal residence if married to a Portuguese citizen	At least one parent is born in Portugal and resides there, irrespective of title at the time of birth; or child born in Portugal to foreign parents and declares they want to be Portuguese and foreign parent has resided in Portugal for at least 5 years at time of child's birth	Yes
Romania	4 years of residence (for EU nationals)	Children can apply with parents	Yes
Slovakia	8 continuous years of permanent residence	In some circumstances through continuous residence	Yes
Slovenia	10 years. Last 5 years must be on continuous and applicant must hold a Residence certificate. Shorter periods apply in some circumstances	In some circumstances when parents obtain Slovenian citizenship	Yes ⁵
Spain	10 years with shorter qualifying periods in some circumstances	A child born in Spain can apply for Spanish citizenship if they have been a legal resident in Spain for a continuous period of one year immediately prior to the application	Sometimes
Sweden	5 years (or 3 years if married to Swedish citizen)	No	Yes



Notes

1. The EU includes the following countries: 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 and the UK
2. The EEA includes all EU member states plus Iceland, Liechtenstein and Norway
3. Swiss nationals are able to travel and work freely in the rest of the EEA but Switzerland imposes work restrictions on non-Swiss EEA nationals in Switzerland. As a result, this document does not provide guidance to UK nationals in Switzerland. Please contact KPMG for assistance with these situations
4. Family members of an EEA national who automatically gain rights under EU free movement rules are:
 - Spouse
 - Registered partner (e.g. civil partner) if the host member states treats registered partnerships as equivalent to marriage
 - Direct descendants who are under 21 and dependant direct relatives in the ascending line of the EEA national or his/her spouse or registered partner

Unmarried partners in a durable relationship and other family members who are dependants or members of the household of the EEA national can also gain rights as family members. They must first be recognised in their host country as having the required relationship by making an application for suitable documentation. People who care for EEA nationals in another EEA country can also gain rights but these are not within the scope of the information in this document. If you have questions about the rights of family members please contact KPMG.
5. These countries only allow dual citizenship with other EU countries. Brexit may mean UK nationals do not qualify for these exemptions in future.
6. 23 June 2018 is two years after the EU referendum and therefore the earliest date that people reasonably expected the UK to have left the EU. For this reason it is not expected for restrictions on free movement of EEA nationals in the UK to apply before this date.



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