

After the EU Referendum: Some Answers to Some Practical Questions

Labour MPs led a debate on this issue on 6 July 2016 in the House of Commons which decided by 245 votes to 2 to call on the government to commit with urgency to confirm that EU nationals currently living in the UK will keep their rights to remain. Although this vote is not binding, it will in practice be almost impossible for the government to ignore it. You can read the debate here <https://hansard.parliament.uk/commons/2016-07-06/debates/16070648000001/EUNationalsInTheUK>

Q. I am an EU citizen living in the UK. How has my legal status changed after the referendum?

A. It has not. There is no change in anyone's legal status just because of the referendum. All EU laws remain in force until the UK and the EU negotiate and agree to change them. David Cameron confirmed this in his statement outside Downing Street on 24 June: "I would also reassure Brits living in European countries, and European citizens living here, that there will be no immediate changes in your circumstances. There will be no initial change in the way our people can travel, in the way our goods can move or the way our services can be sold." Your rights to live and work here remain unchanged for the time being.

Q. When will things change?

A. Probably not for some time. The legal process of the UK leaving the EU (called Article 50) provides for a two years period of negotiation and any changes negotiated would not come into force immediately. The negotiations would have to include both arrangements for other EU nationals living in the UK, and UK nationals living in other EU countries, to retain their rights there. I hope you are reassured by the fact that changes in UK law do not normally have retrospective effect – that means that any changes are likely only to apply to decisions made in the future, not taking away rights that people have gained in the past.

Q. What can I do to safeguard my position?

A. EU law gives people rights, whether or not they have any formal document to confirm this. Thus EU nationals and their immediate families (husband or wife, children under 21, parents) have the right to move between EU countries to work or be self-employed or run a business (known as 'exercising Treaty rights'). After five years, they gain the right of permanent residence. People can apply to the Home Office to confirm these rights and they will then have a document to explain their status to anyone who has the right to know. This has not changed because of the referendum.

Q. How do I apply to confirm my rights?

A. You can get application forms from the government website. Form EEA(QP) (Qualified Person) is the one to use if you have been in the UK for fewer than five years; it is at <https://www.gov.uk/government/publications/apply-for-a-registration-certificate-as-a-qualified-person-form-eea-qp>. If you are a family member of an EU national, you use Form EEA(FM) (Family Member), at <https://www.gov.uk/government/publications/apply-for-a-registration-certificate-or-residence-card-for-a-family-member-form-eea-fm>. Form EEA(PR) (Permanent Residence) is the one to use if you have been here for more than five years and have been 'exercising Treaty rights' for five years. It is at: <https://www.gov.uk/government/publications/apply-for-a-document-certifying-permanent-residence-or-permanent-residence-card-form-eea-pr>

It is important to provide evidence to the Home Office of all the information you put on the form. The fee for the application is £65 per person. It can take several months to get a reply – and may take even longer now as the Home Office will be particularly busy!

Q. What about my family members who are not EU nationals?

A. The non-EU national wife, husband, child under 21, or parents of an EU national who is 'exercising Treaty rights' have the same rights as their EU national family member. They can apply to confirm their status in the same way, also using the application form EEA(FM) (family member), at <https://www.gov.uk/government/publications/apply-for-a->

[registration-certificate-or-residence-card-for-a-family-member-form-eea-fm](#) providing proof of their identity and their relationship to the EU national, and proof of what the EU national is doing.

Q. Can I become a British citizen? I have already lived in the UK for more than five years.

A. You may be eligible to apply for naturalisation but this is a complicated and very expensive process. You would first have to get your EU permanent residence status confirmed by the Home Office (see above). One year after your permanent residence is confirmed you could apply for naturalisation, on Home Office form AN (adult naturalisation) and the current fee is £1236. You need to show that you have lived here for over five years, with permanent residence for at least one year, you cannot be out of the UK for more than 90 days in the year before you apply, you have to have passed a Home Office-approved English language test at B1 level, and the Home Office test of Knowledge of Language and Life in the UK, and you have to be 'of good character' as the Home Office defines this. If the application is refused, you do not get the fee back. The application form and information are at <https://www.gov.uk/government/publications/application-to-naturalise-as-a-british-citizen-form-an>

Q. Where can I find out more?

A. There are general briefings from the House of Commons Library on many aspects of leaving the EU, at <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7632#fullreport> and the government published proposals on how it would deal with a Leave vote before the referendum, at <https://www.gov.uk/government/publications/the-process-for-withdrawing-from-the-european-union>

In Slough, you can get specialist legal advice and information about your situation from the Slough Immigration Aid Unit, 01753 246730, info.siau@gmail.com or contact my staff on fiona.mactaggart@gmail.com

If you are experiencing any hostility or abuse because you are an EU national, this is wrong, you should tell any community group you trust, or the Slough Advice Bureau/Shelter at 27 Church Street, SL1 1PL, phone 0344 515 3880, email slough@shelter.org.uk or the police if you have been threatened and scared, phone 101 or go on <https://reportonline.thamesvalley.police.uk>.

Rt. Hon. Fiona Mactaggart MP
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