

Your Rights as an EU National and Brexit

The Connection
of St Martin-in-the-Fields

English

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of St Martin-in-the-Fields

The Connection at St Martin-in-the-Fields
12 Adelaide Street, London, WC2N 4HW
www.connection-at-stmartins.org.uk
Email: appeals@cstm.org.uk
Telephone: 020 7766 5555
Registered Charity Number 1078201
Company Registration Number 3852519

Am I an EU national?

You are an EU national if you are a citizen of one of the countries below.

EU 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 United Kingdom until 29 March 2019).

Can I rent a room?

Yes.

UK nationals and other EU nationals always have the right to work and rent. You just need to show your ID card or Passport. The rights of EU nationals are likely to stay the same until 31 December 2020.

What do I need to do to prepare for Brexit?

All EU nationals will need to make an application to confirm their right to stay in the UK from 30 March 2019 and before 30 June 2021, but the earlier the better.

You will need a valid ID, a photograph and proof of your residence in the UK (do not throw away documents as they could be helpful to prove your residence). You will also need to tell them about any criminal convictions.

If you lived in the UK for 5 years or more, you could apply for settled status, which is similar to Permanent residence. If you came before 31 December 2020, but you have been here for less than 5 years, you can apply for pre-settled status. This will give you limited leave to remain until you get to 5 years residence in the UK.

Get updates on:

www.gov.uk/settled-status-eu-citizens-families

Can I get financial help from the UK Government?

Not all EU nationals have a right to UK benefits. This will depend on your particular circumstances.

*Please note this will not cover all circumstances and you might want to ask for specialist advice on your case.

Below is a simplified explanation of what your rights to UK benefits might be:

1. If you have been in the UK for **less than 3 months** and you are not working/self-employed or have no other right to reside (see more info on right to reside on page 2), **you are not entitled to any benefits**
2. If you have **Permanent Right to Reside (PRR)** (see more info on permanent right to reside on page 2), **you have the same rights to benefits as a UK national, including Housing Benefits.**
3. If you have been in the UK for **more than 3 months, but have no PRR:**
 - a. You have never worked/ have not worked recently/ or your work was not genuine and effective (see more info on genuine and effective work on page 2) and you do not have any other right to reside, **you could be eligible for Jobseekers Allowance (JSA) for 3 months(91 days) if you are looking for work BUT you will not be entitled to Universal Credit or Housing Benefit.**
 - b. If you are working or self-employed (please note that your work has to be genuine and effective) or have another right to reside, **you can apply for UK benefits, including Housing Benefits like a UK national.**
 - c. If you have worked or been self-employed (genuine and effective work) recently and you:
 - i. Became sick, you can apply for UK Benefits or Universal Credit until you become well enough to work.
 - ii. Became involuntarily unemployed but are looking for work again, you can apply for unemployment benefit (JSA) and Housing Benefits or Universal Credit - generally for a maximum of 6 months.

Right to Reside

What is a right to reside?

Having a right to reside or being someone 'exercising treaty rights' are similar things. As an EUEA national you need to be doing/have done certain things (eg. working, studying etc.) that have been defined in legislation. If you can evidence that you have done/are doing those things you will automatically have a right to reside.

Who has a right to reside?

- **Someone who is working or self-employed.**

The work needs to be considered 'genuine and effective'

- **What does genuine and effective work mean?** Unfortunately, there is not a clear definition for this. As guidance, if you were earning more than £155 per week in the last 3 months, you should automatically be accepted as a worker. Otherwise, you might need to prove that the activity you are performing is real, that the hours of work are not too few hours to be considered marginal and that an employer is paying you to do the work. Casual, intermittent, part-time and low-paid jobs could also be considered sufficient to give you the EU law status of worker.
- If you are self-employed, you need to prove that you are engaged in the business. To prove self-employment you could for example show your application to the tax office to register as self-employed or your records of the activities you are performing for the business.

- **Someone who has retained worker/self-employed status while involuntarily unemployed or temporarily unable to work**

- Who can retain worker/self-employed status?

You can retain your worker/self-employed status if you were a worker or self-employed person, as explained above, and then had to stop working temporarily because:

- you became sick or had a work-related accident
- you lost your job involuntarily (eg. your contract finished or you were laid off) and you are looking for a new job (it is important to register with the Job Centre immediately)
- you start vocational training
- you are pregnant and cannot work before or after giving birth because of physical health issues

- Someone who is self-sufficient and has sickness insurance
- Someone who is a student and has sickness insurance
- Someone who is registered as a jobseeker
- Someone who is the family member of an EEA national who has a right to reside
- Someone who has PRR. Someone can automatically obtain PRR if they have lived at least 5 years in the UK and during this time met one or more of the situations listed above (so you add a period as worker with a period as student with sickness insurance to get to your 5 years). Those permanently incapacitated and some pensioners can get PRR sooner.



Where you can find support

If you want to get legal advice on your rights under European law:

Westminster CAB: EU nationals helpline
0300 330 9011

Public Interest Law Unit: For Advice call
07856 539582 Monday - Friday 10am-4pm

The Aire Centre: 020 7831 4276
www.airecentre.org

East European Resource Centre
020 8741 1288 / 0800 121 4426 /
www.eerc.org.uk

For more information on Brexit and your rights in the UK see:

<https://www.lawcentres.org.uk/lcn-s-work/living-rights-project>
<https://www.the3million.org.uk/checklist>

If you are sleeping on the streets and you need an outreach team to find you:

Contact: Streetlink on 0300 500 0914
www.streetlink.org.uk

If you feel your rights at work have not been respected:

Citizens Advice Bureau: 0300 330 1191 /
www.westminstercab.org.uk

Work Rights Centre: www.workrightscentre.org
Saturdays from 10am - 2pm at
Wembley Library HA9 0FJ

If you feel you have been forced to work/trafficked, you could contact:

Modern Slavery Helpline: 0800 0121 700 (24/7)

If you or someone you know is in an immediate danger call 999

The Pavement has a list of homelessness services in your local area:

www.thepavement.org.uk