



## Global Employer Services Immigration

### **Brexit: What do the negotiating directives and mandate mean for immigration?**

On 29 January 2018, the European Commission received its mandate to begin negotiations with the United Kingdom on transitional arrangements.

#### Background

In December 2017, the European Commission and the European Parliament recommended to the European Council that sufficient progress had been made on citizen rights, Ireland and the financial settlement, allowing discussions on the next phase of the withdrawal to begin.

#### New negotiating directives

New negotiating directives have been concluded by the Council, with details on possible transitional arrangements:

- The UK continues to fully participate in the Single Market (with its four freedoms) and the Customs Union
- During the transition, the European Union acquis will remain fully applicable
- All existing supervisory, regulatory, judiciary and enforcement instruments remain applicable, including the competence of the Court of Justice of the European Union (CJEU)

- As of 30 March 2019, the UK will be a third party and will no longer be represented in EU institutions and bodies (although the EU acquis will remain applicable)
- The transitional period should be precisely limited in time and not last beyond 31 December 2020

## What this means

European law and changes to it, including CJEU case law, remains applicable.

This means that, although the United Kingdom would no longer be a Member State during the transitional period, the free movement of persons will continue as if it was still a Member State. Nothing would then change for EU and UK citizens until the end of the transitional period. This would possibly extend free movement from 29 March 2019 (Brexit date) to 31 December 2020 (end of transitional period). Citizens will also continue to enjoy the benefits of European social security coordination such as aggregation of social insurance periods, health care reimbursement, pension rights build-up or paid out pension in another State.

New case law on citizen's rights remains applicable during this period, which might be important as the [Coman case](#) illustrates.

The cut-off date of acquired rights would then also move from 29 March 2019 to 31 December 2020. This possibly increases the amount of people benefiting from the "settled status/permanent residence status", which is obtained after legal residence for a continuous five year period.

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## Contacts

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