

THE WITHDRAWAL AGREEMENT

5) What's Not Covered

This is the fifth article (of a total of 6 articles) in British in Europe's January 2020 information campaign about the Withdrawal Agreement and how it affects you as a British citizen living in an EU country.

In this article we take a look at what is not covered by the Withdrawal Agreement.

The last article in the series will cover

- Frequently asked questions.

The **first article** in the series covered what the Withdrawal Agreement is (and what it isn't), what it does, how it's different from the no deal legislation that your host country will have produced, and who it covers. [You can read it here.](#)

The **second article** covered residence rights and procedures. [You can read it here.](#)

The **third article** covered health care, pensions and social security. [You can read it here.](#)

The **fourth article** covered working rights, professional qualifications and future family reunification. [You can read it here.](#)

Important note: this explanation is designed to help UK citizens in the EU by giving them a general overview of the Withdrawal Agreement and our understanding of its provisions. Anyone who wants advice on the Withdrawal Agreement on which they intend to rely should consult a practising lawyer. We are a campaigning group and not in a position to give legal advice. British in Europe is unable to accept liability for any loss or damage sustained directly or indirectly as a consequence of any statement or omission in this explanation.

What doesn't the Withdrawal Agreement cover?

Continuing free movement

Continuing freedom of movement – which includes the ability to move, reside and work in EU27 countries other than your country of residence/frontier working, as well as other rights such as automatic visa-free travel. Our current rights of free movement end at the end of the transition period.

Any future rights to move within the EU would be determined by the future relationship negotiations between UK and EU. As things stand at present, you would be able to spend no more than 90 days in every 180 days outside your host country and within the Schengen area, without applying for a visa or residence.

Providing cross-border services

Currently, if you have a registered business providing services (for example, as an architect or tour guide) in your host country, you have the right to offer those services in another EU country without setting up a company or branch there. However, the loss of free movement rights will also mean that you don't have an automatic right to work cross-border or offer these cross-border services in other EU countries that you have currently, unless you meet the conditions as a frontier worker. The basis on which you might be able to do this in future will depend on what services you are offering, whether you have to provide them physically in the other EU country, as well generally on national rules in your host state and the countries where you wish to provide services. This is a complicated area and you will need to research and obtain advice on your individual case.

Some professional qualifications

If you are currently registered as an EU lawyer *practising under your home title* (England and Wales, Scotland or Northern Ireland), your continuing right to do this will not be covered by the WA, unless the local bar in your host country decides otherwise.

If, on the other hand, you are *registered as a host country lawyer in your host country*, having obtained recognition of your qualifications and the right to practise as a host country lawyer there before the end of the transition period, your registration, membership and practice rights are covered by the WA and you'll be able to continue practising in your host country.

If you're currently practising under your home title, you should consider applying to become registered in your host country as a host country lawyer before the end of the transition period as soon as possible.

The recognition of EU-wide licences and certificates is not covered by the WA.

Future spouses

The right to be joined by a future spouse or partner – ie one that you weren't already in a relationship

with at the end of the transition period. Any future spouse or partner who is not themselves an EU citizen would have to apply for residence under national immigration rules as a third country national, and would not acquire rights under the WA.

Returning to the UK with a non-British spouse or family member

The right to return to the UK under the much more favourable EU law regime - you may know this as Surinder Singh rights - is not covered by the WA. This means that British nationals wanting to return to the UK with a non-British spouse or close family member will face and have to comply with UK national immigration law.

The new immigration rules on returning UK citizens that were published by the UK on 9 September 2019 provide a grace period during which Surinder Singh rights will still apply:

- UK citizens can return to the UK with their non-British spouse, civil partner or durable partner *where these relationships were formed before Brexit day*, as long as they do so before 29 March 2022.
- UK citizens can return with their non-British spouse or civil partner *where their relationships were formed after Brexit day*, as long as they do so before 11 pm on 31 December 2020.
- UK citizens can return with their non-British durable partner where their relationship was formed after Brexit day, as long as they do so before 11 pm on 31 December 2020.
- UK citizens can return with their non-British child or dependent parent, or the non-British child or dependent parent of their spouse or civil partner, as long as they do so before 11 pm on 29 March 2022. If the British citizen married or entered into a civil partnership after Brexit day and they want to return with the non-British child or dependent parent of the spouse or civil partner, then the return date changes to 11 pm on 31 December 2020.
- UK citizens can return with a non-British dependent relative other than a parent, so long as that family relationship and the dependency existed before their return to the UK. Their return to the UK must occur before 11 pm on 31 December 2020.

Voting and political rights

The WA doesn't cover the right to vote in municipal elections in your host country, to stand as a local councillor, to vote in European elections or to participate in European Citizens' Initiatives. These rights end at the moment of Brexit, on 31 January 2020, and unlike the rest of your citizens' rights don't continue during the transition period.

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