

**Brexit Information prepared for BRA members by Mavis Barrett, Information and Support Coordinator on 11 February 2019 for February Group Newsletters (page 1 of 3)**

**BREXIT UPDATE - Clarification on Maltese Government outline of their contingency plans in the event of a Hard Brexit on 29 March 2019**

Many of you will have become aware of the information given out in a press conference by Dr Muscat and covered in the English language papers in late January. We realise, however, that some members may have misinterpreted some of the statements and for this reason I am going to include in these notes fuller details, as published now by the Government of Malta in a Factsheet. **It is very important to know that the details outlined need to be embodied in an agreement with the UK Government and, once that is ratified; they come into effect only if there is a Hard Brexit on the 29<sup>th</sup> March 2019.** Members will be aware that other EU countries are also working towards coming to agreements with the UK on contingency plans in event of a Hard Brexit in order to safeguard the presence of their own citizens in the UK and UK citizens in their countries. In this respect the Maltese proposals for the treatment of UK citizens in terms of residency status **following a Hard Brexit** are generous and are warmly welcomed. Whilst other documentation changes and procedural details for other issues in the Factsheet are yet to be announced, I hope members will be relieved to note that, in the event of the Hard Brexit, current UK citizens resident in Malta will not be required to go through re-registration until a change is needed in their existing document and that there is will be no charge for any change.

The full Government of Malta Factsheet on **no-deal Hard Brexit amplifies** situations relating to both UK and Maltese citizens and, given the diversity of our membership, I have included in the extracts below the items on Social Security and Other benefits. **Other subjects dealt with on the Fact Sheet are** listed separately and can be accessed on [www.gov.mt/en/Pages/brexitfactsheet.aspx](http://www.gov.mt/en/Pages/brexitfactsheet.aspx). **Please note also that Maltese Government has opened a no-charge help line for people with questions about the consequences of Brexit and, we understand, welcomes contact and feedback. Dial 153.**

**Extracts from the Maltese Government's plans Factsheet in the event of a No-deal Brexit:-**

**UK Nationals in Malta:**

The Government has decided that in so far as the immigration position of UK citizens who are or will be exercising their freedom of movement rights in Malta as EU nationals until 29<sup>th</sup> March 2019

- a. The residence document they currently hold as EU nationals will continue to be valid until a new document is used reflecting their new immigration position.
- b. A new document will be issued in the format specified by Regulation 1030/2002 (the uniform EU document laying down the standard specifications for third country nationals), as suggested by the European Commission.
- c. The application for a new residence document and the issue of the document will be free of charge.
- d. The new and special immigration status of such UK nationals shall be valid for a 10 year period.

The document shall be renewed when it expires, providing the criteria continues to be met. Identity Malta will be facilitating matters to ensure a smooth and streamlined process for those in possession of a residence document as EU nationals and can prove that they were residing in Malta on the withdrawal date. UK Nationals will have full access to the labour market for a 10 year period and are exempt from the need for an employment licence.

The Government of Malta has also decided to give UK nationals moving to Malta after 29 March 2019 residence documents valid for 10 years as long as they satisfy established criteria. Fees currently applicable to third country nationals will apply.

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**Continued application of the Health Care Convention with the UK:** The Health Care Convention, catering for reciprocal coverage of health care (Malta/UK) dating back to 1975 and applied in practice on a daily basis remains applicable.

**Elections:** Amendments will be proposed to the European Parliament Elections Act to remove UK nationals from the European Parliament electoral register. They will still be able to vote in local council elections.

**Border Control:** Although the UK is not a Schengen country and UK citizens already go through non-Schengen border points, minimal checks are usually carried on arriving UK citizens. This will cease and UK citizens will go through the same checks third country nationals go through at our airport and seaport.

**Driving licences:** Driving licences from third countries may be used in Malta for up to a year. EU acquis allows for the conversion of non-EU licences to EU ones.

**Social security:** Contributions paid in the UK after 29 March 2019 shall no longer be considered for assessing Maltese pension entitlement. On the other hand, contributions paid in the UK prior to 29 March 2019 will still be taken into account for pension purposes, even for future pensions claims. Contributions paid in other EU member states besides Malta and the UK shall be aggregated as well. This provision shall apply independently from the country of residence of the person concerned (whether in the UK, Malta or any other country). Malta will continue to pay its pensioners (Old-Age, Survivors, Invalidity) resident in the UK, despite the fact that it will be a third country. On the other hand, export by the UK of Survivors and Invalidity Pension is limited to the EEA/CH and third countries that have social security bilateral agreements with the UK. Malta would initiate contacts to confirm that the UK will honour the provisions of the bilateral agreement in this regard.

**Other benefits:** Benefits, which are currently covered by the EU Social Security coordination rules, shall no longer apply in the case of UK nationals who are in a cross-border situation between the UK and Malta. This applies for family benefits, maternity benefits, sickness and unemployment benefits. These cases are very limited in number.

**Other items also covered in the Fact Sheet but not shown in detail here include:-**

Medical training, Erasmus, Status of UK students in Malta, Maltese students in the UK and tuition fees, EU funds, VAT, Customs, Aviation (which includes discontinuation of EU passport for UK pets coming to Malta), Gaming, Malta Financial Services Authority, Maltese in the UK, Registry of companies, Intellectual Property and Patents, Recognition of professional qualifications, Internal Security, Data protection, Climate change, Maritime, Posting of workers.

Members will thus be able to appreciate the complexity of issues for both Malta and the UK in the event of a Hard Brexit in order to protect both countries interests and those of their citizens and have workable solutions in place.

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**Travel to EU countries if there is a Hard Brexit –update on notes issued by the IS Coordinator in the January 2019 edition of the Council News**

**Revised Hard Brexit possibilities just issued by the UK Government:-**

UK Government a few days ago put on line an advisory alerting travellers to any EU countries after a **Hard Brexit on 29<sup>th</sup> March 2019** that the EU Commission is proposing that in that situation, if you are a British Citizen holding a Full British Passport, you would not need a visa for short stays in the Schengen area or in other countries in the EU for periods not exceeding 90 days in any 180-day period. Free roaming between EU countries not appear any longer to be possible.

If, however, you are intending to visit Schengen area countries within the previous 180 days before your date of travel to other EU countries, such visits within the previous 180 days before your date of travel will count against the 90-day limit. If you are intending to stay in the Schengen area for longer than 90 days or your stay would take you over the 90 days in the 180-day limit, you may need to get a visa before you travel.

On arrival in the Schengen Area you may be asked to confirm that you have sufficient funds available for the duration of your stay. As non-EEA nationals, different border control checks will apply and you may also be asked to show a return or onward ticket. UK nationals would not have an ongoing right to use the separate lanes provided for EU, EEA and Swiss nationals.

The 90-day visa-free period does not entitle you to work in the Schengen area. If your reason to travel is to take up employment, most countries anywhere require a visa and work permit.

Travel to EU countries currently outside the Schengen area (Romania, Croatia, Bulgaria and Cyprus) would not count towards the 90-day total mentioned above.

Any further details, once confirmed, will be sent to members but recent enhanced information is available on [www.gov.uk/foreign-travel-advice](http://www.gov.uk/foreign-travel-advice).

**Whatever scenario comes to pass in the exit of the UK from the EU, it is always advisable to check with the relevant consular authorities the current situation on entry requirements to wherever in the world you may be thinking of visiting. Also ensure your passport has at least six month's validity remaining. Revised computation rules on validity were covered in the January BRA Council News.**

And finally a note of comfort - This current UK Government advisory outlined does contain the comforting words that "If the UK leaves the EU with a deal, travel to the EU will remain the same as now until at least 31<sup>st</sup> December 2020. You will not need to apply for a visa to travel or work in the EU during this time."

**General Note on any Brexit issue - - we will, of course, continue to work with the BHC to alert you, where appropriate, to any matters that could affect you and to confirm to you, when known, outlines of any necessary agreements that are ratified in whatever path for Brexit is agreed on.**

**Mavis Barrett**