

BREXIT: THE FUTURE FOR UK EXPATS IN LUXEMBOURG

Whether there is an agreement or no-deal, the outcome will affect the rights of more than four-and-a-half thousand UK citizens, including lawyers registered with the country's bar

There are currently around 4,600 United Kingdom citizens living in Luxembourg who will be impacted by the UK's withdrawal from the EU (Brexit). Most recently, the European Council and the UK agreed to extend the deadline until 31 October 2019, due to the UK Parliament's several refusals to approve the Withdrawal Agreement negotiated between the EU and the UK (i.e. the version published on 11 April 2019).

In a law dated 8 April 2019, the Luxembourg Parliament (Chamber of Deputies) amended the Luxembourg immigration law in order to (i) implement that part of the Withdrawal Agreement related to UK citizens' rights under Luxembourg law, and (ii) provide for the rules that will apply to them in the event of a "hard Brexit", namely a no-agreement withdrawal.

Brexit under the Withdrawal Agreement

The Withdrawal Agreement provides for a transition period, from its start date until 31 December 2020, during which time UK citizens will continue to benefit from the same rights and rules as other EU ones.

After that period, UK citizens residing in an EU member state will continue to benefit from their right of residence in that country only.

After the transition period, the condition of residency for UK citizens in Luxembourg will remain similar, unless they intend to stay for more than three months (they will also need to produce a document within three months certifying their status as beneficiaries of the Withdrawal Agreement).

For UK citizens already residing in Luxembourg, the same document must be requested at the end of the transition period.

No agreement

If there is no withdrawal agreement, UK citizens will be considered third-country nationals from the effective Brexit date.

As such, they will have to apply for a residence title as third-country nationals in order to be legally authorised to reside and work in Luxembourg.

UK citizens who are based in Luxembourg on the effective Brexit date will be authorised to continue to live there for one year from that date. However, they must apply for a residence title as third-country nationals – at the latest, three months before the end of this one-year period.

What about lawyers registered with a UK bar and authorised to practise in Luxembourg?

There are currently around 30 UK lawyers registered with List IV of the Luxembourg bar, i.e. EU national (including UK citizens) lawyers having their home bar located in the UK and authorised to practise in Luxembourg under their original professional qualification.

For those lawyers, in addition to the immigration issues which depend on their nationality, the question is whether and how they can continue to practice in Luxembourg.

Under the Withdrawal Agreement, UK List IV lawyers should not have a problem, provided there is recognition of their professional qualifications prior to the end of the transition period.

To cover a hard Brexit situation, a draft bill was recently submitted to the Luxembourg Parliament in order to authorise UK List IV lawyers to continue to be registered with the Luxembourg bar during a transition period of 12 months – provided those registered with the Luxembourg bar practising in the UK under their original professional title are treated the same way.

In any event, UK List IV lawyers will not be able to remain registered on List IV of the Luxembourg bar after any of those transition periods.



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