



# GMS Flash Alert

Immigration Edition

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## European Union - Visa-Free Travel to Schengen Area Post-Brexit

With the current undetermined Brexit situation, many U.K. citizens are considering what will happen after Brexit in terms of their current right to travel freely throughout the Schengen-area member states.<sup>1</sup>

The EU Parliament and the EU Council have therefore amended Regulation (EU) 2018/1806<sup>2</sup>, removing U.K. nationals from the list with third-country nationals that require a visa to cross the external borders between the U.K. and the European Union after Brexit will come into force.

In this *GMS Flash Alert*, we provide further details about the amended Regulation that oversees the requirement to enter the Schengen area as a third-country national, which will apply as soon as the U.K. has officially left the EU. The Regulation, as amended, is currently pending to be signed by the presidents of the European Council and Parliament.

### WHY THIS MATTERS

After Brexit, U.K. citizens are no longer EU citizens. Since they will become third-country nationals and will no longer be subject to the EU Treaty, they can no longer claim residence in an EU or European Economic Area (EEA) member state based on the EU Treaty. The European Parliament and the Council have now cleared Britons from the list of nationals that require a visa when visiting the Schengen area for a short stay visit (90 days within a 180 days time-span), this visa exception will apply under the amended Regulation.

### Council Adopts Regulation

On 4 April 2019, the European Parliament and the Council announced in their regulation amending Regulation 2018/1806 to prepare for Brexit<sup>3</sup> that U.K. citizens will be exempted from the need of a visa to enter the Schengen area for short stays after Brexit comes into force. U.K. nationals will therefore be listed on the visa-exempt list equally along with nationals of, for example, Australia, Japan, the USA, South Korea, Canada, and New Zealand. This means that U.K. nationals will be permitted to travel to the Schengen area for purposes of tourism and business for 90 days every 180 days without the need of a visa.

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The visa exemption is based on the assumption that the U.K. will honor all EU nationals similarly with a similar visa exemption for their short-stay travel to the United Kingdom. In the event that the U.K. introduces a visa requirement for nationals of even one EU member state, the reciprocity mechanism would apply and the EU would then undertake actions to alter the visa exemption for U.K. nationals.

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## KPMG NOTE

Although the Regulation has been amended and U.K. nationals will remain free to travel to the Schengen-area member states on short-stay visits after Brexit, different rules and laws will apply for entering the Schengen area after Brexit for stays exceeding 90 days. Given the indeterminate outcome of Brexit and a potential “no deal” scenario, everything will remain fluid until further notice.

It is important to note that the visa exception is limited to the “right to visit” only and does not cover the “right to work” in the Schengen area.

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## FOOTNOTES:

- 1 To learn more about the Schengen area and travel in the Schengen area, click [here](#).
- 2 See [Regulation \(EU\) 2018/1806](#) .
- 3 See [Regulation of the European Parliament and of the Council amending Regulation \(EU\) 2018/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the Union.](#)

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## Contact us

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