



The [European Children's Rights Unit](#), School of Law and Social Justice, University of Liverpool.

Did You Know...?

- 1.2 million UK citizens live in other EU countries (2% of all British citizens). [800,000 of them are workers and have children.](#)
- 3.3 million non-UK EU citizens live in the UK (0.65% of all EU citizens) and [contribute £20bn in taxes.](#)
- Less than 1% of EU Migrants in the UK [currently claim benefits for children living abroad.](#)

Brexit would not only limit the rights of EU migrant children in the UK, but equally the rights of children of UK citizens residing in other EU Member States.

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The Impact of Brexit on the Rights of EU Migrant Children



Who are EU migrant children?

EU migrant children in the UK are the children of EU citizens who move to the UK from other Member States. Under EU law EU citizens and their family members can move to and reside in any EU Member State other than their own.

What rights do they have?

Children of EU citizen migrants can access public and private education at all levels on the same basis as nationals. They have the right to free language classes both of their mother tongue and of the host language. Under certain rules, they and their families can also access other services such as transport, healthcare, employment and housing on the same terms as nationals.

What about benefits for EU migrants' children who don't live in the UK?

Under previous UK rules, EU migrants in the UK could claim child benefits and child tax credits for their children living in other EU countries. The country of residence of the largest number of overseas children in receipt of UK child benefit and child tax credit was Poland.

However, according to the newest [CJEU Ruling](#), the European Court of Justice backed both the UK's request to withhold family benefits (such as child benefits and child tax credits) for EU migrants who do not reside in the UK.

What will happen if the UK stays in the EU?

Even if the UK remains in the EU the Government has negotiated a new EU framework to change these rules so that the financial amount to which EU migrant parents are entitled in the UK will be indexed in relation to the standard of living in the country where the child is based. The government has also negotiated an 'emergency brake' which could limit access to in-work benefits (including child benefits) and social housing for new EU migrants until they have worked and paid taxes for four years.

And if the UK leaves the EU?

If the UK were to leave the EU, migrant children from other EU countries and UK born children living in other EU countries may be subject to (less favourable) domestic immigration laws governing third country nationals. They would no longer benefit from automatic rights of entry and residence. They would not necessarily have equal access to employment and equal pay as they enter adolescence, and their parents may not be able to claim benefits for them.