

Immigration

Brexit - EU Workers

Many of our clients employ a number of EU workers, and regardless of whether you employ 2 or 200, it is important that both you and your employees are aware of their continuing rights in the UK after Brexit in March 2019. EU citizens who are currently working for you may be quite concerned about their future status and they may feel there is not much certainty. This can have negative effects on a business, not only in terms of reduced morale and therefore productivity, but also if it leads to concerned employees feeling that they need to leave the UK in order to have a more stable future.

We therefore recommend our clients to take a proactive stance in addressing any potential concerns by these employees, and seek to reassure them that they can continue to have a happy and successful career in your business. To support our clients in this, we are pleased to be able to offer workshops and advice, including attending your premises to hold general advice sessions for groups of EU workers to explain the current options open to them and what the future holds as far as the government is able to confirm so far.

The good news is that, in summary, the government has declared that there will be no change to EU workers' rights in the UK until the end of December 2020. Despite the fact that the UK leaves the EU in March next year, EU citizens are still able to come to the UK to work on the same basis of freedom of movement as currently exists, until the end of December 2020. Any EU citizen coming to the UK before that time, will have the right to stay and work in the UK for 5 years, after which time they will (subject to criminality checks, etc.) be eligible for permanent residence/settled status in the UK.

EU citizens who are currently here are also able to apply for permanent residence ("settled") status in the UK after they have been working in the UK for 5 years. Again, the March 2019 Brexit date is irrelevant for this purpose - it does not matter whether they already have 5 years' residence before that time or after that time.



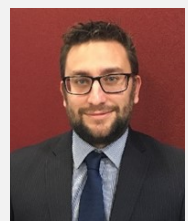
Our recommendations for action to take now are:

1. If your EU workers have not yet been in the UK for 5 years, apply for a Registration Certificate (or after March 2019, what will be known as "pre-settled status"). This acts as evidence that as at the date of issue, the migrant is "exercising treaty rights" - i.e. they are entitled to be here as an EU worker. Having this document may mean that a later application for permanent residence can be approved quicker by the Home Office, on the basis that they will already have evidence of eligibility.
2. If the EU worker already has 5 years' residence in the UK, apply for Permanent Residency (or after March 2019, what will be known as "settled status"). This will give the EU worker, and you as the employer, the confidence and reassurance that their status in the UK is permanent and that regardless of Brexit or any government deal (or no deal!) with the EU, that status will not change.

Although neither of the above are currently technically required, the government will be introducing a registration scheme for UK residence status for migrants that will be compulsory after December 2020. Even the above Permanent Residence documents will need to be changed to the new scheme at that time. However, by applying for a Permanent Residence document now, no further evidence will be needed and it will simply be an application to "switch" the existing document for the new compulsory scheme. This could avoid lengthy delays during a time at which demand for the new documents is expected to be very high!

If you require further assistance on this matter please contact our 3HR team.

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