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## Brexit and immigration – what's the deal?

**With Brexit set to take place on 31 October 2019, the Government has announced that it plans to end free movement immediately if the UK leaves without a deal. Just a third of the three million EU nationals in the UK have secured their UK residence status under the EU Settlement Scheme, with significant numbers still yet to apply. So, what does the announcement mean for employers and their EU employees?**

### Existing employees

The recent announcement does not change the position for existing EU employees. All EU nationals in the UK as at the date of Brexit will need to apply for the right to remain under the EU Settlement Scheme, as has been the case for some time. The Government has confirmed that, even if free movement ends on 31 December 2019 with no deal, EU nationals would still have until 31 December 2020 to apply under the EU Settlement Scheme. Nevertheless, many employers are encouraging staff to apply sooner rather than later, before 31 October 2019 if possible, to avoid any issues in future.

### Recruitment post-Brexit

The Government's announcement on free movement will primarily impact recruitment post-Brexit. Theresa May's Government had said that, in a no-deal scenario, there would be a transition period until 31 December 2020 during which EU nationals would be able to come to the UK without a visa for up to three months at a time. They would then be able to apply to stay longer than three months under a temporary visa. However, Prime Minister Boris Johnson has said his Government is now reviewing those arrangements and will announce a new approach at a "later stage". The announcement creates considerable uncertainty for employers recruiting EU nationals to start on or after 1 November 2019. Employers in this position should consider bringing forward start dates to before 31 October 2019 where this is possible or ensure that any offer is conditional on appropriate immigration clearance.

It is possible that the Government may simply tweak the post-Brexit arrangements previously announced but employers should keep a close eye on further developments in this area.

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## Business travel to the EU post-Brexit

UK nationals travelling to the EU on business following a no-deal Brexit will be treated as third country nationals (i.e. as non-EU nationals) and will generally be subject to the same entry requirements applicable to other non-EU nationals. However, it will still be possible for UK nationals to travel to EU countries without a visa for short business trips to attend meetings and to negotiate and sign deals. Any work beyond this would generally require a visa under the laws of the individual member state being visited. As a practical point, UK nationals travelling to the EU for short business trips post-Brexit without a visa would need to have at least six months left on their passports. They will also need to track their trips as they will not be permitted to spend more than 90 days in each rolling 180-day period in the EU.

We have been assisting clients in a number of ways with Brexit contingency planning. We have also produced a more detailed briefing note on Brexit and immigration. If you would like a copy of the note, or if you would like to discuss the impact of Brexit on your business, please speak to your usual Employment Department contact or get in touch with any of the contacts below.

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