



June 2017

Brexit – Update on EU nationals

The Government has announced its proposals for protecting the status of EU nationals living in the UK on Brexit. The proposals provide some certainty for employers but also raise questions which are unlikely to be answered until negotiations on the issue have concluded.

The Government has confirmed that EU nationals who have lived in the UK before a designated "cut-off date" will be protected. However, the cut-off date has not been set – it is subject to negotiation and will be anytime between 29 March 2017 (the date Article 50 was triggered) and 29 March 2019 (the date the UK will leave the EU).

The Government proposes that:

- EU nationals who have lived in the UK continuously for five years as at the cut-off date will be able to apply for a new "settled status" which would give them a permanent right to live and work in the UK
- EU nationals who arrived prior to the cut-off date, but who will not have been in the UK for five years on Brexit, will be able to apply to stay until they reach the five years required to apply for settled status
- EU nationals who come to the UK between the cut-off date and Brexit (if these are different) would be allowed to stay for a grace period after Brexit but would then have to apply under a new regime, which will apply to all EU nationals coming to the UK after Brexit. There are no details at this stage of what the new regime will look like.

The proposals are made on the basis that the same rights would apply to UK nationals living and working in other EU countries, on a reciprocal basis.

Under the Government proposals, all EU nationals, regardless of when they came to the UK, will have to apply for a new form of immigration status document. To avoid a bottleneck, the Government proposes there would be a grace period of up to two years from Brexit for such applications to be made, and also proposes to open up the new application process in 2018 for those wishing to apply early.

It is also proposed that EU nationals who have already applied for and obtained proof of their permanent residence status under the current rules would have to re-apply for "settled status". However, it is suggested such applications would be more streamlined.

TRAVERS SMITH

We are currently working with a number of employers to offer various levels of support to their EU staff in preparation for the changes, including:

- presentations and/or surgeries to inform EU staff of developments and provide guidance on available options, and
- providing specific advice and assistance with applications for EU residence documentation under the current rules.

If you would like to discuss the impact of the Government's proposals on your business, please speak to your normal Employment Department contact or our business immigration specialist, Moji Oyediran (moji.oyediran@traverssmith.com).

FOR FURTHER INFORMATION, PLEASE CONTACT

10 Snow Hill
London EC1A 2AL
T: +44 (0)20 7295 3000
F: +44 (0)20 7295 3500
www.traverssmith.com



Tim Gilbert

Partner

E: tim.gilbert@traverssmith.com
T: +44 (0)20 7295 3207



Siân Keall

Partner

E: sian.keall@traverssmith.com
T: +44 (0)20 7295 3357



Ed Mills

Partner

E: ed.mills@traverssmith.com
T: +44 (0)20 7295 3424