



May 2017

Brexit and immigration: the countdown has begun

Article 50 has been triggered and in March 2019 the UK will formally exit the European Union (EU). The status of EU nationals has been identified as an early priority for negotiations on the UK's exit. It is widely anticipated that controls will be introduced to limit the rights of EU nationals to live and work in the UK post Brexit.

Should employers and EU nationals be doing anything now?

Whilst the status of EU/EEA nationals working in the UK remains unchanged until Brexit, EU/EEA staff who wish to protect their status can either:

- apply for EEA Registration Certificates to evidence their right to live in the UK; or
- if they qualify (e.g. on completing five years of continuous employment), apply to the Home Office for a document certifying their right to permanent residence in the UK.

These documents should be helpful as evidence of an individual's UK status, once the UK formally exits the EU.

What steps can employers take?

Some employers have chosen to undertake audits to ascertain the levels of EU staff to help inform strategic planning.

We have been working with a number of clients to offer various levels of support to their EU/EEA staff, including:

- presentations and/or surgeries to EU/EEA staff members to inform them of the current position and provide guidance on their available options; and
- providing specific advice and assistance in support of applications for EU residence documentation.

TRAVERS SMITH

Introducing Moji Oyediran, business immigration specialist

We are delighted to announce that Moji Oyediran has joined the team as a dedicated immigration specialist to enhance and consolidate our business immigration offering. Moji has a wealth of experience advising corporate clients on all aspects of their immigration needs, including providing strategic and practical advice on the immigration implications of Brexit on EU nationals and employers, as well as right to work and other general issues.

How can we help?

- Right to work issues – advising on the prevention of illegal working obligations in respect of new hires or existing employees as well as in the context of mergers or acquisitions.
- Licenced sponsor employers – audits and reviews of internal processes and policies to ensure compliance under the Points Based System (“PBS”), as well as advice and assistance with obtaining sponsor status (any new, post Brexit immigration regime for EU nationals could well involve some form of sponsorship under the PBS).
- Brexit and EU/EEA national employees - providing advice on strategy to employers with EU/EEA staff as well as providing information & advice sessions and surgeries for EU/EEA staff.

If you have any questions or would like to discuss any of the above, please do speak to your usual contact or email employment@traverssmith.com.

FOR FURTHER INFORMATION, PLEASE CONTACT

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