



8 December 2017

Brexit: Some clarity for EU nationals

Today, Prime Minister Theresa May has struck a deal with the EU which provides welcome clarity for employers on the rights of EU citizens currently working in the UK. While the deal comes with the caveat that "nothing is agreed until everything is agreed", it confirms that EU nationals living and working in the UK prior to Brexit will have their status protected.

What has been agreed?

EU citizens legally living and working in the UK as at the date the UK leaves the EU (ie 29 March 2019) will have their rights to live and work protected. This is good news for employers, as it means existing EU employees will be able to stay in the UK and continue working beyond Brexit.

The same protections would also apply to UK nationals living and working in the EU as at the date the UK leaves the union.

What next for EU nationals?

The UK Government proposes that all EU nationals living in the UK would be required to apply for residence documentation on Brexit confirming their status – "settled status" for those with at least five years' residence or "temporary status" for those with less than five years. Today's deal endorses this approach and confirms that EU nationals will be given a grace period of two years from Brexit to apply for such documentation.

The deal also confirms that anyone who obtains a permanent residence document under the current rules prior to Brexit will be able to switch this into a "settled status" document free of charge. EU nationals who are eligible but who have not yet applied for a permanent residence document should, therefore, consider doing so.

Today's deal represents an agreement "in principle" – with nothing set in stone until the conclusion of the second phase of Brexit talks – but provides some welcome clarity for employers.

If you have any queries about the impact of the deal on your business, please speak to one of the Employment Partners or our immigration specialist, Moji Oyediran.

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