

Since the result of the EU referendum, the UK Government (with numerous changes of personnel) has been attempting to agree the terms of our departure from the EU. As things stand, the UK is scheduled to leave the EU on 31 October and the Prime Minister has made it clear that he would be prepared for the UK to leave the EU without a deal.



Robert Botkai and Kezia Daley consider the potential ramifications of a “No Deal” Brexit for those currently living in the UK and for those who wish to come to the UK after Brexit, in the latest of a series of exclusive from Winckworth Sherwood for PHU.



‘NO DEAL’ BREXIT AND MANAGING YOUR EU STAFF

Since the UK joined what is now the EU, there has been Freedom of Movement for EU nationals, who are considered by many to be integral to the UK economy. Indeed, some industries rely predominantly on EU workers. The uncertainty surrounding Brexit has resulted in fewer EU nationals coming to the UK and more deciding to leave. In fact, the Polish Embassy recently wrote to Polish nationals living in the UK urging them to seriously consider leaving the UK. Particular concern has been raised over EU nationals not being aware of the need to apply to the EU Settlement Scheme, discussed below.

EU citizens already living in the UK

In the event of a No Deal, EU Citizens have until at least 31 December 2020 to apply under the EU Settlement Scheme. The Scheme has been set up to protect the rights of EU citizens and their family members who are already resident in the UK. All EU nationals living in the UK are encouraged to apply to the EU Settlement Scheme as this will remove any ambiguity about their rights to re-enter the UK after travel.

Whilst the process is meant to be

straightforward, there have been relatively low numbers reported using the Scheme, and some EU nationals using the Scheme have been asked to provide detailed records (which they may or may not have) dating back several years. For this reason, we recommend that EU nationals apply now so that any issues can be promptly dealt with, and professional advice sought where needed.

EU citizens moving to the UK after Brexit

For a transitional period after Brexit until 31 December 2020, EU citizens and their family members will still be able to move to the UK and live, study, work here as they do now. However, they will not be eligible to remain in the UK under the EU Settlement Scheme. Instead, they will have to apply to the European Temporary Leave to Remain (Euro TLR) Scheme which is a system specifically for EU citizens moving to the UK after Brexit.

Successful applications to the Euro TLR scheme will be granted permission to live in the UK for a period of three years. After this period, the UK Government proposes to introduce a new immigration system.

Future immigration system for both EU and Non EU nationals

The UK Government will introduce a new points-based immigration system from January 2021 which is currently under consultation. The intention behind the new system is to create a new, fairer immigration system that prioritises skills and what people can contribute to the UK, rather than where they come from.

Employers in the hand car wash, retail and restaurant sectors may be concerned about staffing post Brexit, given that the current Tier 2 Work Permit scheme only caters for “high skilled” workers. However, the new system is expected to specifically address the demand for lower skilled roles that are excluded from the existing system. The new immigration rules will be fundamental to businesses post Brexit and are eagerly anticipated.

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Robert Botkai is a Partner and head of Commercial Real Estate and Licensing and Kezia Daley is a Senior Associate in the Immigration team at Winckworth Sherwood. Both can be reached through the firm’s website - www.wslaw.co.uk



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