

A photograph of a modern airport terminal interior. The space is characterized by a high ceiling with a grid of wooden slats and large glass windows that offer a view of the tarmac. The structural beams supporting the windows are painted a vibrant red. People with luggage are seen walking along a corridor on the left side of the frame. The lighting is warm, suggesting late afternoon or early morning.

FRAGOMEN
WORLDWIDE

How can businesses in the EU prepare for Brexit: Deal or no Deal?

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WITH YOU TODAY



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Where are we now?



The EU and the UK reached an informal deal on the Withdrawal Agreement mid-November



The Withdrawal Agreement (and political declaration on Future EU-UK relationship) has been formally approved by the EU27 at an Extraordinary European Council held on 24-25 November



The UK Parliament must approve the Agreement (December 11) and the EU Parliament must give its consent, so that the Withdrawal Agreement can enter into force on 30 March 2019

What is currently happening in the EU?



EU negotiators remain committed to a deal, but preparations are ongoing for both scenarios
(A) Preparedness for Soft Brexit
(B) Contingency planning for Hard Brexit



(A) Preparedness for Soft Brexit:

- EU level: seminars on critical areas, including citizens' rights
- Manual for implementation of the Withdrawal Agreement being prepared – coordinated approach?
- National level – countries start preparing, ex: Netherlands, Belgium



(B) Contingency planning for Hard Brexit

- Coordinated approach?
- Member States urged to protect residence rights of UK nationals (what about work rights?)
- Countries also preparing: France draft “no deal” legislation
- EU urges all stakeholders to prepare for Hard Brexit

ORDERLY EXIT: Withdrawal Agreement

- The UK and EU have agreed on a reasonable deal for UK/EU nationals living in the EU/UK
- **Who will be protected?**
UK/EU citizens who have exercised their right to stay in the EU/UK **in accordance with EU law** before the end of the transition period and continue to reside there thereafter



Worker



Student



Self Employed



Self Sufficient



Jobseeker

+ family members, frontier workers

NOTE: UK nationals moving to an EU country after the transition period => new immigration provisions

ORDERLY EXIT: Withdrawal Agreement



Which rights will be protected?

Acquired rights, rights in the process of being acquired and future rights

- Residence rights
- Social rights
- Right to access the labour market
- Recognition of diplomas, certificates and other professional qualifications



Where?

Only in the EU country of residence (and in some cases work) on Brexit day.



Until when?

For the lifetime of those concerned.

Cliff Edge: No Deal



No plan for a transition period in the EU if Hard Brexit

- UK nationals would be third country nationals on 30 March 2019
- Freedom of Movement into and across the EU would end for all UK nationals -> no longer work permit exempt

Who would be impacted?

- UK nationals already living and/or working in the EU – local hires or assignments (especially those with multi-country roles)
- UK nationals who are frontier workers
- UK business travels to the EU countries
- Third country nationals who work with a UK work permit in the UK and provide services in the EU, etc.

Revert to EU and national immigration schemes

- UK nationals already in the EU: residence rights could be protected, but work permits could be needed
- UK nationals arriving in the EU post-Brexit: work permit will be needed

Status Quo: Third Country Nationals



UK nationals arriving after 29 March 2019 (if there is no deal) or after the transition period (if there is a deal) could be subject to work permit applications. A more preferential treatment is possible if agreed to in future trade deal.

Otherwise, we revert to schemes that are already in place for third country nationals:

- Visa Code – confirmation from the EU Commission that UK nationals would be visa exempt for short stays in the Schengen Area (less than 90 days in any 180-day period) in both Hard and Soft Brexit Scenarios
- WTO (GATS Mode 4)
- EU migration instruments
- Domestic immigration schemes in the EU-27

Summary

	Scenario 1: Deal	Scenario 2: Hard Brexit
	Free movement continues until 1 January 2021. Future relationship: to be determined, similar or more favourable than TCNs	Free movement ends on 30 March 2019. UK/EU citizens already living in the EU/UK likely to be able to stay. Possibly no transition period. Future relationship to be determined – initially fall back on TCN rules
UK/EU nationals already in the EU/UK		
Those entering the EU/UK between 30 March 2019 – 31 December 2020		
Those entering from 1 January 2021 onwards		

EU-UK Future Arrangements

Political Declaration setting out Future EU-UK relationship



Confirmation of short-term visa-exempt travel for EU nationals travelling to the UK, and vice versa;



Commitments on temporary entry and stay for business purposes in defined areas;



Possible facilitated border crossings for legitimate travel;



Possible rules on social security coordination for future movement of persons; and



Possible discussions about the conditions of entry and stay of researchers, students, trainees and youth participating in exchanges.

Language of the declaration indicates standard visa waiver arrangements and a free trade agreement with limited migration provisions

How to prepare for Brexit?

Hard Brexit

- Prevent work authorization gaps
- Be ready to file applications
- Recruitment and social security planning

Soft Brexit

- Understand what the Withdrawal Agreement means for your company and employees
- Assist employees transition to post-Brexit status
- Already plan for the post-transition phase (similar planning to the Hard Brexit scenario)

Future arrangements

- What is in store for January 2021?

How can Fragomen help?



Communication with employees: webinars, FAQs, Email strategies, one-to-one consultations on immigration and social security rights



Assess overall eligibility for work permits or exemptions for your employees



Assist with registration, permanent residence or nationality applications in all EU27 countries



Identify gaps and risks: assess the risks for your company based on the collected data and help with immigration and social security planning



Assist with post-Brexit document 'applications': residence and/or work permits



Recruitment planning: training for recruiters, screen candidates for work permit eligibility



Data collection for future planning: questionnaires and/or advice for data collection



Government strategies: engage with decision makers to influence post-Brexit policy design

QUESTIONS?

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