



Brexit and the workforce - The year ahead for HR

Paul Quain

Darren Isaacs

21st February 2020

[LinkedIn](#)

[Twitter](#)

[Email](#)

[Print](#)

By Paul Quain and Darren Isaacs - 21 February 2020

HR professionals should expect to start seeing the effects of Brexit on business travel and immigration starting in 2020. GQ Littler attorneys offer advice on the most pressing issues HR needs to prepare for during the year.

In the wake of "Brexit day," many human resources professionals are now turning their minds to the impact on the workplace beginning Jan. 1, 2021—specifically, what will happen to the U.K.'s HR laws, and what will happen to immigration between the U.K. and the EU.

The U.K. finally left the European Union at 11pm U.K. time (midnight Brussels time) on Jan. 31. However, despite the fanfare from some, things are likely to be "business as usual" for the rest of 2020. Though the U.K. has now formally left the EU, there is a

transitional period until the end of the year.

At the outset, it is worth remembering that Brexit only directly impacts the immigration and travel rules applicable to U.K. and EU citizens. Citizens of third countries (such as Australia, South Africa, and the United States) are not directly impacted because they have always been subject to separate immigration arrangements in any case.

For the time being, nothing dramatic is expected to change. The UK's laws pre-Brexit will largely remain the same post-Brexit. No significant changes to the U.K.'s HR laws are planned for the foreseeable future.

Over time, we expect to see some gradual change to the U.K.'s HR laws as it drifts away from Europe—but mostly these will be incremental, rather than sudden and fundamental, changes.

Business Travel

So, what is the impact on EU citizens traveling to the U.K. for business, and U.K. citizens traveling into the EU for business?

To begin with, the transition period is key—until Dec. 31, U.K. citizens and EU citizens will continue to enjoy the freedom to travel around the U.K. and the EU without any visa restrictions.

After the transition period, things will begin to change. It is possible that the U.K. and EU will execute a trade deal that will provide for relaxed arrangements in relation to travel between the U.K. and EU, but in the absence of such a deal the following will apply:

U.K. citizens will need a visa (or a visa waiver) to travel to an EU country for work or leisure, as citizens from third countries do now; and

EU citizens traveling to the U.K. will also need an appropriate visa/visa waiver.

On a related point, the EU is implementing a new electronic travel authorization system, similar to the system in place in the U.S. The new visa will be called an ETIAS and will be available to citizens from 60 countries (including the U.K.) and will cover the “Schengen” zone (which is most of the EU plus Norway, Switzerland, Iceland, and Lichtenstein).

Immigration Into the U.K. From the EU

Again, during the transition period the situation will be “business as usual,” allowing EU citizens to live and work in the U.K. (and U.K. citizens to live and work in the EU).

In the longer term, EU citizens who are resident in the U.K. before the end of the transition period can apply for either “pre-settled” or “settled” status.

“Pre-settled” status is for those who have less than five years of U.K. residency. An EU citizen who has “pre-settled” status will be entitled to remain in the U.K. for five years after which they can then apply for “settled” status.

“Settled” status is for those who have at least five years of U.K. residency. An EU citizen who has “settled” status is entitled to: (1) remain in the U.K. indefinitely provided they do not relocate overseas for more than five years (four years for Swiss citizens); and (2) apply for British citizenship after living in the U.K. for 12 months after gaining “settled” status.

For those who do not have “pre-settled” status after the transition period ends, new immigration rules will apply (though very little information on these new rules has been published to date).

Assisting EU employees in the U.K. to regularize their immigration status is the most pressing housekeeping task for HR coming out of Brexit.

After the transition period, each EU country will need to implement its own visa requirements for U.K. citizens seeking to live and work in the relevant country. At the time of writing, very little information has been published by individual EU countries setting out their plans.

Read the article online [here](#).