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Brexit: What now for EU nationals?

Theresa May has come under criticism from fellow Conservative MPs for refusing to guarantee the rights of EU nationals living in the UK. The issue is of great concern to the many EU nationals who currently live and work here. It is also a concern for their employers.

While there is no indication that the rights of EU nationals will be affected in the short-term, the longer-term picture remains unclear. So, what can employers be doing now?

- **EU audit:** Many employers are conducting an audit of the number of EU nationals currently working for the organisation, and the parts of the business in which they are working, to help identify the scale of the issue should the rights of EU citizens be altered in the future. Such an audit will be helpful for future resourcing and budgeting.
- **Providing reassurance:** Some employers are sending all-staff communications offering reassurance, while others are having individual conversations with affected staff. Employers must be careful not to offer any guarantees, when so much remains uncertain, but there is scope for some reassurance that nothing is changing in the short-term and that support would be provided if things did change in the longer-term. Employers may wish to consider what that support might look like.
- **Providing information:** Employers may wish to keep track of Brexit-related news and provide periodic updates to staff. Employers may also wish to encourage EU nationals working for them to consider applying for proof of their residency rights. EU nationals can currently apply to the Home Office for proof of their right to live and work in the UK, including permanent residency rights for those who have lived in the UK for at least 5 years. While such proof is currently unnecessary for most EU nationals, it may provide helpful evidence in future if the immigration rules do change. Those who have obtained proof of their permanent residency rights may also be eligible to apply for British citizenship, which would provide security.

The position of EU nationals in the UK may not be clear until negotiations on Britain's exit from the EU have been resolved, which could be some time away. Many employers will therefore want to take steps to calm nervousness in the meantime.

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Our Employment team covers the full spectrum of employment and business immigration issues. Business immigration is a core part of our offering and we regularly partner with our employer clients on work visas and sponsorship issues. We would be more than happy to assist with any queries regarding EU workers or visa and immigration issues more generally at this uncertain time and going forwards as the new regime takes shape – please speak to your usual contact or email employment@traverssmith.com.

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