

BREXIT AND YOUR WORKFORCE

The UK's departure from the EU is likely to impact your current workforce as well as your future employees. This paper draws together critical information for retailers regarding the EU Settlement Scheme and how a no deal scenario could impact the retail workforce.

EU SETTLEMENT SCHEME

Under the scheme, EEA citizens resident in the UK, and their families, will be able to continue to live in the UK indefinitely, have access to benefits, education and healthcare and go on to apply for British citizenship if they want to.

- The scheme will formally open on 30 March 2019 and will be free to apply. Those who apply during the beta phases will have any fees paid refunded automatically.
- Settled Status - a new digital immigration status for EEA citizens and their families who have been living continuously and lawfully in the UK for 5 years by 31 December 2020.
- Pre-Settled Status - a new digital immigration status for EEA citizens and their families who have been living continuously and lawfully in the UK for less than 5 years by 31 December 2020.
- 'Continuously' means being in the UK without a break of six months or more in any 12-month period.
- 'Lawfully' means that the EEA citizen must be and continue to be a worker, a self-employed person, a student or a self-sufficient person.
- Applicants will have to prove residence in the UK, verify their identity and under go a security check to apply. The default will be an online process, with an app to verify identity. There are 50 locations across the UK to support individuals make their applications digitally. A postal option will be also be available where required.
- In the event of a deal applications for settled status or pre-settled status must be submitted by 30 June 2021.
- In the event of no deal applications must be submitted by 31 December 2020.
- Settled status will replace EU permanent residence and those who already have a permanent residence document will be able to apply to exchange this for settled status before 30 June 2021, subject to criminality and security checks.
- In the event of a deal, those arriving between 30 March 2019 and 31 December 2020 and intending to remain in the UK will be required to register to be able to stay in the UK for more than 3 months. Should they wish to apply for pre-settled status they must do so by June 2021.
- There will be no change to Right to Work checks until the new immigration system comes into force from 1 January 2021. EEA citizens will continue to evidence their Right to Work using a valid passport or national identify card.



NO DEAL SCENARIOS

In the event of a no deal the government have set out technical notices regarding individuals arriving from the EU before and after the UK formally leaves the EU (29 March 2019).

Those arriving before 29 March 2019

The existing EU Settlement Scheme will continue to operate as planned, however the period for applications will shorten.

- The scheme, currently in a public beta phase, will formally open on 30 March 2019.
- EU citizens and their family members resident in the UK by 29 March 2019 will be able to apply under the scheme to secure their status and continue to be able to work, study, and access benefits and services in the UK on the same basis as they currently do.
- In a no deal scenario there would be no agreed implementation period, and EU citizens must apply to the Settlement Scheme by 31 December 2020.
- The new immigration system would come into place as planned from 1 January 2021.

Those arriving after 30 March 2019

A transition period will come into effect until the UK's new immigration system is introduced in 2021.

- EEA citizens arriving in the UK and planning to stay for longer than 3 months will need to make an application for European Temporary Leave to Remain. They must apply for this permission within the initial 3 months they are in the UK.
- It is expected there will be a fee for this application, however the government have not yet confirmed the level of that fee.
- Subject to identity, criminality and security checks, permission to stay in the UK (European temporary leave to remain) will be granted for 36 months

- This permission to stay for 36 months is temporary and cannot be extended. Those who wish to stay for longer will need to apply and qualify under the new immigration system which will be in place from 1 January 2021. There is no guarantee they will be granted leave to remain under the terms of the new system.
- EEA citizens arriving in the UK for a visit for up to three months will not see any changes. They will not require a visa and may continue to enter the UK using a valid passport or identity card.
- During this period there will be not changes to Right to Work checks on EEA citizens. Employers do not have to differentiate between those who are resident in the UK before 29 March 2019 and those who arrive afterwards.
- Until the 1 January 2021 and the new immigration system is introduced, EEA citizens will be able to evidence their right to work in the UK by using a passport or national identity card, as now.

WHAT RETAILERS SHOULD BE CONSIDERING DOING NOW:

- Raise awareness of the EU Settlement Scheme across your workforce. **Find Home Office tools here.**
- Encourage EEA citizens to sign up receive updates directly from the government about their status (**click here**).
- Start thinking about future labour and skills needs and the potential impact of the future immigration on your business.
- For retailers operating across the EU and moving UK citizens across borders, start thinking about future implications for that cohort, including a no deal scenario.

